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Joint Committee on Administrative Rules
Illinois General Assembly

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Issue 6

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

■ DRIVERS' LICENSES

The SECRETARY OF STATE adopted an amendment to Issuance of Licenses (92 IAC 1030; 41 Ill Reg 11889) effective 1/24/18 implementing Public Act 100-223, which allows SOS to waive written exams for issuance of a commercial driver's license if the applicant is a current or recently discharged (within the past 12 months) member of the U.S. military with experience or formal training in the operation of a military vehicle similar to the commercial vehicle the applicant expects to operate. The applicant must also submit a document signed by his or her commanding officer certifying the experience or training needed to qualify for the waiver. Businesses that operate commercial vehicles may be affected by this rulemaking.

Questions/requests for copies: Jennifer Egizii, SOS Driver Services, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/557-4462.

COMMUNITY COLLEGES

The ILLINOIS COMMUNITY COLLEGE BOARD adopted amendments to Administration of the Illinois Public Community College Act (23 IAC 1501; 41 Ill

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Reg 7712) effective 1/24/18 that address the application and approval process for private business and vocational school programs to become eligible for credit transfer to a community college. Only programs outlined in Sec. 10 of the Career and Workforce Transition Act are eligible for credit transfer; community colleges may accept

Proposed Rulemakings

■ ACCESSIBILITY RULES

The CAPITAL DEVELOPMENT BOARD proposed repeal of the Part titled Illinois Accessibility Code (71 IAC 400; 42 Ill Reg 2278) and proposed a new Part with the same name, Title and Part number (71 IAC 400; 42 Ill Reg 2448), setting forth rules for accessibility to persons with disabilities in Illinois public buildings, streets, etc. The new Part incorporates the 2010 Federal ADA Standards for Accessible Design as required by the Environmental Barriers Act, and retains certain standards from the current Illinois Accessibility Code that are more stringent than the federal standards. The new Part also includes updated federal accessibility guidelines for sidewalks and streets, including crosswalks, curb ramps,

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

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up to 30 credit hours from one of these programs. The rulemaking also outlines other criteria for an eligible program such as curriculum, accreditation, evaluation, and appeals process. Since 1st Notice, ICCB has removed a proposed definition of "residency". This rulemaking may affect high school counselors, community colleges and other colleges/universities.

Questions/requests for copies: Matt Berry, ICCB, 401 East Capitol Avenue, Springfield IL 62701-1711, 217/785-7411, Fax: 217/524-4981.

■ HUNTING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting (17 IAC 550; 41 Ill Reg 13203) and Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter Beaver, Bobcat and Woodchuck (Groundhog) Trapping (17 IAC 570; 41 Ill Reg 13207), effective 1/24/18, implementing Public Act 100-524, which allows DNR to close the bobcat season early if it appears that Statewide bobcat hunting and trapping limits will be exceeded. Bobcat hunting and trapping permit holders will be notified by letter or e-mail in the event of an early season closure and their permits will

become invalid as of the official closing date or after they receive notification, whichever is earlier.

DNR also adopted amendments to Crossbow and Standing Vehicle Hunting Authorizations (17 IAC 760; 41 Ill Reg 13291), effective 1/24/18, implementing Public Act 100-489, which eliminates required permits and other restrictions on crossbow hunting. All references to crossbow hunting permits have been removed from the Part, which now addresses only standing vehicle authorizations (allowing disabled persons to hunt from standing vehicles) and crossbow equipment requirements.

Questions/requests for copies of the 3 DNR rulemakings: Ronald Fuhr (Parts 550 and 570) or John Heidinger (Part 760), DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

■ SALES TAX

The DEPARTMENT OF REVENUE adopted amendments to Retailers' Occupation Tax (86 IAC 130; 41 Ill Reg 7107, 7448 and 8239), effective 1/26/18, combining three separately proposed rulemakings and implementing various Public Acts. Implementing PA 99-217, the rulemaking provides that, effective 7/31/15, retailers are relieved of sales tax liability for customer purchases that have been written off as bad debts in

accordance with generally accepted accounting principles and claimed as federal income tax deductions. For unpaid purchases made through private-label credit cards (charge cards that can be used only at a particular retailer or retail chain), the amount of the purchase may be claimed as a deduction if it was written off as bad debt on or after 1/1/16. Provisions implementing PA 97-335 and 98-974 provide that, effective 1/1/12, persons who sell tangible personal property through vending machines and add new machines must contact DOR to request sub-certificates of registration for the new machines. With each request, the person must report the number of sub-certificates requested along with the total number of vending machines from which sales are made. Beginning 1/1/15, DOR must notify a taxpayer who is delinquent in paying the ROT or any other State, county or municipal tax 60 days (formerly 120 days) prior to the expiration of the taxpayer's ROT certificate of registration that the certificate will not be automatically renewed until these obligations are met. The notification shall include amounts of penalty, interest and tax due. The rulemaking also lists various sales tax exemptions that are not subject to sunset provisions because the exemption existed prior to the establishment of sunset provisions under the Retailer's Occupation Tax Act. Other

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Proposed Rulemakings

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pedestrian signals, parking and other features. Those affected by these rulemakings include businesses, municipalities and non-profits that are constructing, adding to or renovating commercial and residential buildings or issuing building permits.

Questions/requests for copies/ comments on the 2 CDB rulemakings through 3/26/18: Lisa Mattingly, CDB, 401 S. Spring St., Stratton Bldg. 3rd Fl., Springfield IL 62706, 217/524-6408, fax 217/5 2 4 - 4 2 0 8 , lisa.mattingly@illinois.gov

■ SCHOLARSHIPS

The ILLINOIS STUDENT ASSISTANCE COMMISSION proposed a new Part titled Police Training Academy Job Training Scholarship Program (23 IAC 2744; 42 Ill Reg 2787) implementing Public Act 100-331, which establishes scholarships to pay tuition and mandatory fees at Illinois public colleges and universities for persons who have successfully completed police training academy job training programs (established pursuant to PA 100-331 via partnerships between high school districts and local police departments/training academies). The rulemaking establishes qualifications for applicants, the procedure for applying for the initial scholarship and for renewing the scholarship for up to 4 years of

■ COMMUNITY CARE

The DEPARTMENT ON AGING will hold a public hearing on proposed amendments to Community Care Program (89 IAC 240; 42 Ill Reg 314) **Friday, Feb. 23, from 10 to 11:30 a.m.** at the Michael J. Howlett Bldg. Auditorium, Springfield. The hearings concern a proposed rulemaking published in the 1/12/18 *Illinois Register* that updates various definitions and references, along with payment rates, financial and other eligibility criteria, and certain

requirements for the application process. New Sections have been added outlining the person-centered planning process, which will include a review of the participant's condition and services at least every 12 months. Agencies providing CCP services are affected by this rulemaking.

Questions concerning the hearing or the rulemaking: Tracey Trigillo, DonA, One Natural Resources Way, #100, Springfield IL 62702-1271, 217/785-3346, Tracey.Trigillo@illinois.gov

full-time enrollment, and the procedures to be used by the institution the awardee attends for processing payments and including the scholarship in the student's financial aid package. ISAC also proposed amendments to Illinois Veteran Grant (IVG) Program (23 IAC 2733; 42 Ill Reg 2781) clarifying its scheduling of priority claim dates (when institutions report to ISAC the number of credit hours for which payment is being requested) for the fall, spring and summer terms. Finally, ISAC proposed amendments to Minority Teachers of Illinois (MTI) Scholarship Program (23 IAC 2763; 42 Ill Reg 2794), Golden Apple Scholars of Illinois Program (23 IAC 2764; 42 Ill Reg 2802) and Illinois Special Education Teacher Tuition Waiver (SETTW) Program (23 IAC 2765;

42 Ill Reg 2810) replacing references to teacher "certification" with "licensure" in accordance with current State Board of Education terminology. The Part 2763 rulemaking also clarifies grade point average requirements for the MTI scholarship program. Applicants for the affected scholarship programs will be impacted by these rulemakings.

Questions/requests for copies/ comments on the 5 ISAC rulemakings through 3/26/18: Lynn Hynes, ISAC, 1755 Lake Cook Rd., Deerfield IL 60015, 847/948-8500, ext. 18032, lynn.hynes@illinois.gov

New Rules

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provisions remove exemptions that have expired; add statutory language mirroring the exemption of food/medicines/devices when purchased for a person receiving medical assistance in a long term care facility; more accurately reflect the exemption for materials, parts, equipment, etc., incorporated into or upon an aircraft as part of a modification or refurbishment; and add a new statutory sales tax exemption for menstrual pads, tampons and menstrual cups. Retailers will be affected by this rulemaking.

Questions/requests for copies: Debra Boggess, DOR Legal Services, 101 W. Jefferson St,

Springfield IL 62794, 217/ 782-2844.

■ HAZARDOUS MATERIALS

The DEPARTMENT OF TRANSPORTATION, effective 1/24/18, adopted amendments to Hazardous Materials Transportation: General Information, Regulations and Definitions (92 IAC 171; 41 Ill Reg 12964), Hazardous Materials Table and Hazardous Materials Communications (92 IAC 172; 41 Ill Reg 12974), Shippers General Requirements for Shipments and Packagings (92 IAC 173; 41 Ill Reg 12979), Carriage by Public Highway (92 IAC 177; 41 Ill Reg 12986), Specifications for Tank Cars (92 IAC 179; 41 Ill Reg 13088) and Continuing

Qualification and Maintenance of Packaging (92 IAC 180; 41 Ill Reg 13093). DOT also repealed Specifications for Packagings (92 IAC 178; 41 Ill Reg 12990) and adopted a new Part with the same name, Title and Part number (92 IAC 178; 41 Ill Reg 13084) effective 1/24/18. These rulemakings incorporate the 10/1/16 edition of USDOT transportation regulations as well as a USDOT rulemaking published 3/30/17. The new Part 178 replaces individual rule citations with incorporations of applicable federal regulations.

Questions/requests for copies: Greg Stucka, DOT, 2300 S. Dirksen Pkwy., Rm. 317, Springfield IL 62764.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the Committee's March 13, 2018 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT ON AGING

Adult Protection and Advocacy Services (89 IAC 270; 41 Ill Reg 12932) proposed 10/20/17

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Illinois Athlete Agents Act (Repealer) (68 IAC 1155; 41 Ill Reg 14989) proposed 12/15/17

DEPT OF TRANSPORTATION

Aviation Safety (92 IAC 14; 41 Ill Reg 15050) proposed 12/15/17

OFFICE OF THE COMPTROLLER

Office of the Comptroller Standard Procurement (44 IAC 1120; 41 Ill Reg 13930) proposed 11/17/17