

*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.*

## Proposed Rulemakings

### ■ LEGAL ACTION FUNDING

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed a new Part titled Consumer Legal Funding Act (38 IAC 170; 46 Ill Reg 17173) implementing Public Act 102-987, which created the Consumer Legal Funding Act statute [815 ILCS 121] effective 5/27/22. The Act and the new Part establish a licensing process for companies that provide financing for consumers to pursue legal actions (e.g., class action suits, compensation for injuries) in return for an unvested interest in the potential net proceeds of a settlement or judgment, which the consumer is not obligated to repay if no settlement is received. The proposed rules establish duties and requirements for licensees regarding office records, individual account records, payments, recordkeeping, return of documents and requests for

verification of resolution amounts. Prior approval is required for maintenance of off-site records and servicing of accounts, and 10 days' notice to DFPR is required when funding contracts are transferred. The rulemaking also defines prohibited forms of advertising and requires a financial coaching disclosure in all consumer legal funding contracts.

#### JCAR Meeting Action, Page 3

Other provisions establish procedures and standards for disclosure of confidential supervisory information and establish necessary requirements, including fees, for licensees to receive authorization to conduct other businesses, to relocate or amend the name of the licensed business. Consumer legal funding companies are affected by this rulemaking.

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## Adopted Rules

### HRC PROCEDURES

The HUMAN RIGHTS COMMISSION adopted amendments to Procedural Rules (56 IAC 5300; 46 Ill Reg 11645) effective 10/5/22, implementing PA 100-1066. The rulemaking clarifies the duties and responsibilities of the members of the Commission, clarifies the rights of the parties to file pleadings electronically, and clarifies the rights of parties to request an extension of time in Requests for Reviews. Persons with complaints or cases pending before the HRC are affected.

*Questions/requests for copies: Evelio Mora, HRC, Michael A. Bilandic Building, 160 N. LaSalle St., Suite N-1000, Chicago IL 60601, 312/814-1914.*

**ADOPTED 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](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://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.

## Proposed Rulemakings

(cont. from page 1)

*Questions/requests for copies/ comments through 12/5/22: Craig Cellini, DFPR, 320 W. Washington, 2<sup>nd</sup> Floor, Springfield IL 62786, 217/785-0813, fax 217/ 557-4451.*

### DRIVERS' LICENSES

The SECRETARY OF STATE proposed amendments to Cancellation, Revocation, or Suspension of Licenses or Permits (92 IAC 1040; 46 Ill Reg 17194) updating the list of violations, and the actions that SOS will take in response to these violations, to reflect recent Public Acts. The rulemaking adds a new offense classification for convictions of juvenile drivers under age 15; adds the Cannabis Regulation and Tax Act to the list of State statutes for which violations may be charged, updates descriptions of various violations of the Vehicle Code, Criminal Code of 2012 and other

statutes; updates construction zone and Scott's Law violations (failing to change lanes or reduce speed to avoid parked police or emergency vehicles); and makes punctuation and grammatical changes.

### ■ DRIVER TRAINING SCHOOLS

SOS also proposed amendments to Commercial Driver Training Schools (92 IAC 1060; 46 Ill Reg 17318) that require instructors of students seeking Commercial Drivers' Licenses (CDLs) to have held a CDL in a representative classification for at least 2 years (currently, 3 years). The rulemaking also clarifies when convictions for certain offenses will result in cancellation or denial of an instructor's license; allows instructors to be licensed based on prior teaching and training experience; consolidates theory and behind-the-wheel instructor requirements; updates references to GED or high school equivalency certificates; and corrects or

clarifies other provisions. Commercial driver training schools and their instructors are affected by this rulemaking.

*Questions/requests for copies/ comments on the 2 SOS rulemakings through 12/5/22: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, [pwright@ilsos.gov](mailto:pwright@ilsos.gov)*

### SOS RULE WITHDRAWAL

SOS also has withdrawn proposed amendments to Certificates of Title, Registration of Vehicles (92 IAC 1010; 46 Ill Reg 14039) that were published in the 8/5/22 *Illinois Register*. The withdrawn rulemaking was intended to clarify who must sign disclosure statements for vehicles that were previously titled in flood areas. SOS has since determined that the rule change is not necessary and the concerns which prompted it can be addressed through means already at SOS' disposal.

## Joint Committee on Administrative Rules

**Senator Bill Cunningham, *co-chair***  
**Senator John F. Curran**  
**Senator Donald DeWitte**  
**Senator Kimberly Lightford**  
**Senator Tony Muñoz**  
**Senator Sue Rezin**

**Representative Tom Demmer**  
**Representative Michael Halpin**  
**Representative Frances Ann Hurley**  
**Representative Steven Reick**  
**Representative Curtis Tarver, II**  
**Representative Keith Wheeler, *co-chair***

**Kim Schultz**  
**Executive Director**

## Second Notices

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The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The SOS rulemaking will appear in this week's *Illinois Register* and the DOR rulemakings in next week's *Register*, and all three rulemakings will be considered at the November 15, 2022, meeting in Springfield. Other items not published in the *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 OF REVENUE

Income Tax (86 IAC 100; 46 Ill Reg 14608) proposed 8/26/22

Energy Transition Assistance Charge (86 IAC 518; 46 Ill Reg 14517) proposed 8/19/22

### SECRETARY OF STATE

Department of Personnel (80 IAC 420; 46 Ill Reg 14524) proposed 8/19/22

## JCAR Meeting Action

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At its 10/18/22 meeting, the Joint Committee on Administrative Rules took the following actions:

### OBJECTIONS

JCAR objected to the Department of Public Health's use of emergency rulemaking to adopt rules titled Visa Waiver Program for International Medical Graduates (77 Ill. Adm. Code 591; 46 Ill. Reg. 16533) because this emergency rule does not meet the review criteria specified in 1 Ill. Adm. Code 230.400(a)(1)(B), (C) and (D) for the use of emergency rulemaking. The emergency rulemaking implements Public Act 102-488, effective January 1, 2022, which requires the Department to include medical examiner offices in the J-1 visa waiver program so that international medical school graduates that have completed their residency in the United States may remain and practice in the United States. The Department used emergency rulemaking to enact this change in time for the October 2022 waiver application period. However, the PA became effective 9 months earlier and was signed into law on August 21, 2021, providing DPH sufficient advance notice to have used the regular rulemaking process. DPH also stated in its notice of emergency rulemaking that the rule was intended to implement PA 102-488 and address a shortage of forensic pathologists. However, the Department included other provisions in the emergency rule that do not apply to, or are not clearly necessary to address,

forensic pathology graduates applying for the visa waiver program. The Department has not explained clearly and completely, in writing, its reasons for finding that an emergency situation existed with regard to these additional provisions and has not demonstrated that the emergency situation arose through no fault of the agency, nor has it limited the emergency rule to matters required to address the emergency situation.

JCAR objected to the Department of Human Services rulemaking titled Provider Requirements, Type Services, and Rates of Payment (89 IAC 686; 46 Ill Reg 11367) because the Electronic Visit Verification system for Home Services Program customers enacted in this rulemaking was mandated by Public Act 97-689, also known as the SMART Act, effective June 14, 2012. Section 1-70 of the Illinois Administrative Procedure Act requires policies of general applicability to be promulgated through rule. Policies affecting the private rights and procedures of entities outside the agency should not take effect 10 years after the effective date of the Public Act.

### POSTPONEMENT

JCAR postponed action on the State Board of Education rulemaking titled Culturally Responsive Teaching and Leading Standards for All Illinois Educators (23 IAC 24; 46 Ill Reg 9173) until the November 15 meeting.