**Section 100.335 Automatic Repeal of Rules**

a) An agency may provide for the automatic repeal of a rule by specifying in the text the date (including month, day and year) of the automatic repeal.

1) Such Automatic repeal shall not be used to repeal or amend existing Sections on file in the Index Department, but shall be used only for new Sections or in a new Part.

2) Each Section of a Part which is to be automatically repealed must specify the repeal date in the text.

b) Pursuant to Section 5-55 of the IAPA, *not less than 30 nor more than 60 days prior to the effective date of the repeal*, the agency shall publish notice of the repeal in the Illinois Register. Such notice shall meet the requirements for Illinois Register publication specified in Section 100.220 and 100.Appendix B, Illustration E: and

1) for rules adopted through the general rulemaking process, as specified in Section 5-40 of the Act, 100.Appendix B, Illustration E; or

2) for rules adopted through the peremptory rulemaking process as specified in Section 5-50 of the Act, 100.Appendix D, Illustration D.

c) The notice specified in subsection (b) above shall contain the full text of the affected Sections, the complete table of contents for the Part indicating which Sections are being automatically repealed by adding the word "(Repealed)" immediately after the affected Section headings, the authority note, and the main source note for the Part including a citation to the Notice of Automatic Repeal. Each affected Section must also contain the appropriate Section source note for the citation to the Notice of Automatic Repeal.

d) At the same time the agency submits the notice and text required by subsection (b) above, it shall also submit one (1) original and two (2) copies of the complete table of contents for the Part including the authority and main source notes and the necessary replacement pages for the Sections being automatically repealed. The replacement pages shall include the Code headings at the top of each page, the Section number and heading followed by the word "(Repealed)" and a Section source note to the citation for the automatic repeal.

e) Should the agency fail to submit the notice of the repeal in the time frame specified in subsection (b) and the Act, the automatic repeal date as specified in the rule(s) is void and the agency will have to go through the general rulemaking process in order to repeal the rulemaking. The 30 to 60 day period in which the notice is to be published in the Illinois Register requires the rule to appear in a published Register during that time period.

(Source: Amended at 18 Ill. Reg. 13067, effective August 11, 1994)