**Section 100.640 Effectiveness**

a) Pursuant to Section 5-45 of the IAPA, *an emergency rule may be in effect for not longer than 150 days. No emergency rule may be adopted more than once in any 24-month period* except as noted in Section 5-45 of the Act.

1) If the agency involved does not adopt, amend, or repeal, the rule through the general rulemaking process during the 150-day period, the rule shall automatically expire at the end of the period.

2) If the agency adopts the rule through the general rulemaking process prior to the expiration of the 150-day period, the permanently adopted rule will automatically replace the emergency rule.

3) If the emergency is due to expire before the expiration of the 150-day period (other than by means of adopting the rule through the general rulemaking process), the date on which the emergency rule is to expire shall be shown on the Notice of Emergency Rules (Amendments, Repealer).

b) In the event an emergency rule expires without being adopted through the general rulemaking process, the Index Department will replace the expired emergency Sections with the original text of the affected Sections in effect prior to the emergency. (See Section 5-45 of the IAPA) The agency shall file a new table of contents page(s) with the Index Department. The new table of contents shall not contain the word "EMERGENCY" under the Section numbers unless another emergency rule is still in effect on that Part. It shall include an updated main source note entry indicating the emergency expiration date immediately following the emergency affected.

c) If the expiration involves a new Section, a new table of contents will be required with "emergency expired)" noted next to the Section heading(s) involved; an entry following the emergency action noting the emergency expiration date in the main source note; and a replacement page for the Section showing the Section heading(s) followed by "(emergency expired)" and the Section source note reflecting the emergency action followed by the emergency expiration date.

d) If the expiration involves a new Part, a replacement page will be required for filing with the proper headings and a source note indicating the emergency action involved and the emergency expiration date.

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