**Section 955.285 Livescan Vendor Authorization**

a) Any livescan vendor authorized to provide livescan non-criminal fingerprinting services pursuant to a standardized livescan vendor authorization contract issued by the Department shall determine a fee for collecting fingerprints and shall determine an area of the State in which to provide service.

b) Any livescan vendor that *has two or more years of experience transmitting fingerprints electronically to the Illinois State Police* (ISP) and that meets the requirements of the Department's standardized livescan *vendor authorization* contract may individually enter into a livescan *vendor authorization* contract with the Department. A livescan vendor authorized to provide livescan non-criminal fingerprinting services pursuant to a standardized livescan *vendor* *authorization* contract shall meet the following requirements, which shall be included in the terms and conditions of the standardized livescan *vendor authorization* contract. Equipment failure or lack of availability do not excuse a livescan vendor from compliance with these requirements:

1) The livescan vendor shall use only *equipment* that *has been certified by ISP to collect inkless fingerprints* and software that is up to date and meets the requirements of ISP for the electronic submission of fingerprints. (Section 15 of the Act)

A) The livescan vendor shall maintain backup equipment to provide scheduled fingerprinting in case of livescan equipment failure.

B) If a livescan vendor agrees to provide service to an individual, the livescan vendor shall collect the individual's fingerprints within 10 days after agreeing to provide service.

2) For any individual to whom the livescan vendor agrees to provide service, the livescan vendor shall provide fingerprinting within 10 working days after a request. Fingerprinting shall be performed at a location within the county of the individual's residence for counties with a population more than 100,000 and for small counties either within the county of the individual's residence or within 35 miles of the facility providing the Livescan Request Form. For any facility to which the livescan vendor agrees to provide service, the vendor will make available special on-site fingerprinting sessions for groups of 20 or more. The livescan vendor shall provide a reasonable amount of weekend and after 5:00 p.m. hours.

3) The livescan vendor shall *electronically transmit the fingerprints and required data to ISP* through a secure network within one business day after the fingerprints are collected. The fingerprint image and demographic data shall comply with all Electronic Fingerprint Submission Specifications (EFSS) of ISP and all Electronic Fingerprint Transmission Specifications standards of the Federal Bureau of Investigation. (Section 15 of the Act)

4) The livescan vendor shall collect demographic data from the individual and *electronically transmit a daily* file of required data to the Department in a manner prescribed by the Department within one business day after the fingerprints are collected. (Section 15 of the Act) All data records from one business day shall be transmitted in one data file to the Department in the prescribed format.

A) The daily file shall contain demographic data, including, but not limited to, name, address, social security number, transaction control number (TCN), state and city.

B) The livescan vendor shall provide the Department with access to the electronic file transmitted to ISP.

C) The livescan vendor shall be responsible for all costs of fingerprint collection equipment, processing, transmission, and data storage. The Department is under no obligation to change any of its processes to coordinate with the vendor's equipment. The livescan vendor shall conform to the Department's requirements for receiving data.

5) The livescan vendor shall archive (store, back up, retrieve, etc.) the fingerprints transmitted to ISP and the daily files transmitted to the Department in a secure manner for the contract period so that the Department, an individual, educational entity, staffing agency, workforce intermediary, organization that provides pro bono legal services, or health care employer can verify at a later date that a specific print or daily file was submitted or can resubmit the print or daily file. If requested by the Department, the livescan vendor shall provide the stored data to the Department in the format requested by the Department upon expiration or termination of the contract.

6) The livescan vendor shall respond to any follow-up inquiries and provide any reports required by the Department.

7) The livescan vendor shall *effectively demonstrate*, through a verification provided by ISP, *that the* livescan vendor's business entity *has 2 or more years of* successful *experience transmitting fingerprints electronically to ISP*. (Section 15 of the Act)

8) Only livescan technicians who have had a fingerprint-based criminal history records check and no disqualifying convictions as listed in Section 25 of the Act and Section 955.160 of this Part shall collect fingerprints and transmit the data files electronically to ISP.

9) The livescan vendor shall provide a means for users (i.e., individuals, educational entities, staffing agencies, workforce intermediaries, organizations that provide pro bono legal services, or health care employers) to pay the livescan vendor the amount due to ISP for livescan fingerprints submitted for criminal history records checks.

A) The livescan vendor shall act as designee for the user in paying fees into the State Police Services Fund. The livescan vendor shall maintain or provide a means of prepayment. Charges for the vendor's livescan services and the amount due to ISP shall be charged against this prepaid account. The livescan vendor shall provide either an on-line or a paper record of account transactions to a user at least monthly. The livescan vendor shall determine the amount of prepaid balance to be kept in the account by the user, based upon the frequency of the user's charges against the account.

B) The livescan vendor may charge an additional amount to compensate for maintaining the accounts. The livescan vendor may refrain from transmitting any prints to ISP if the user's account does not have funds to pay for the prints being submitted. The livescan vendor shall notify ISP, the Department, and the user when a fingerprint transmission is retained because of lack of funds in the user's account.

C) The livescan vendor may deny a prepaid account to any user that is unable to maintain the account with fewer than 60 days past due until the user pays the balance due in the account. If the user becomes more than 60 days past due on a second occasion, the livescan vendor is not required to offer the service of providing a prepaid account to the user.

D) The livescan vendor shall promptly transmit funds due to ISP.

E) All costs associated with the fingerprint-based criminal history records check, including fees charged by ISP, shall be paid by the user.

10) The livescan vendor shall require the individual to present current, valid government-issued photo identification or other valid identification. The livescan vendor shall screen all individuals at the time of fingerprinting to ensure that the individual is being fingerprinted for the purpose intended. Only individuals presenting a Livescan Request Form generated from the Health Care Worker Registry's web application shall be allowed to be fingerprinted under the process of initiating fingerprint-based criminal history records checks required by the Act and this Part. The livescan vendor shall complete the bottom portion of the Livescan Request Form and return it to the individual to confirm that the individual was successfully fingerprinted. The livescan vendor may charge an amount in addition to the rate of the livescan services to compensate for credit card fees.

11) Fingerprints shall be collected directly from the individual's hand, consisting of 10 rolled impressions and 10 slap impressions in a format consistent with the requirements of ISP for submission. The livescan vendor shall collect only livescan fingerprints, not card scan fingerprints.

12) If an individual's fingerprints are rejected by ISP, the livescan vendor shall collect a second set of fingerprints. The livescan vendor shall not charge for collecting the second set of fingerprints.

13) If a livescan vendor has a rejection rate from ISP of 2% or greater during any 12-month period, the Department may terminate the vendor authorization contract. The rejection rate shall be calculated by dividing the number of fingerprints submitted electronically to ISP that were of such poor quality that the fingerprints could not be processed by the total number of fingerprints submitted by the livescan vendor electronically to ISP. Upon termination of the vendor authorization contract, the livescan vendor shall not continue to collect fingerprints required by the Act and this Part.

14) If a livescan vendor has a rejection rate from the Department of 5% or greater during any 12-month period, the Department may terminate the vendor authorization contract. Upon termination of the vendor authorization contract, the livescan vendor shall not continue to collect fingerprints required by the Act and this Part.

15) The livescan vendor shall provide a single point of contact for users to schedule fingerprinting (such as a toll free number, website, etc.).

(Source: Amended at 48 Ill. Reg. 3367, effective February 20, 2024)