**Section 386.1020 Service**

a) General

All documents must be served upon the party or the party's designated agent for service of process. (See 49 CFR 386.6(a).)

b) Type of Service

The Department will serve documents by personal (hand) delivery utilizing governmental or commercial entities, U.S. mail, commercial mail delivery, and, upon prior written consent of the parties, facsimile. Written consent for facsimile service must specify the facsimile number where service will be accepted. When service is made by facsimile, a copy will also be served by any other method permitted by this Section. Facsimile service occurs when transmission is complete. (See 49 CFR 386.6(b).)

c) Certificate of Service

A certificate of service will accompany all documents served in a proceeding under this Part, including an out-of-service order, as prescribed in 92 Ill. Adm. Code 385. The certificate must show the date and manner of service; must be signed by the person making service; and must list the persons being served. (See 49 CFR 386.6(c).)

d) Date of Service

A document will be considered served on the date of personal delivery. If the document is mailed, it will be considered served on the mailing date shown on the certificate of service; or on the date shown on the postmark if there is no certificate of service; or on the mailing date shown by other evidence if there is no certificate of service or postmark. (See 49 CFR 386.6(d).)

e) Valid Service

A properly addressed document, sent in accordance with this Section, that was returned, unclaimed, or refused, is deemed to have been served in accordance with this Section. The service will be considered valid as of the date and the time the document was mailed, or the date personal delivery of the document was refused. Service by delivery after 5 p.m. is deemed to have been made on the next day that is not a Saturday, Sunday, or legal holiday. (See 49 CFR 386.6(e).)

f) Presumption of Service

There shall be a presumption of service if the document is served where a party or a person customarily receives mail or at the address designated in the entry of appearance. (49 CFR 386.6(f))

(Source: Amended at 32 Ill. Reg. 10382, effective June 25, 2008)