

*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.*

## New Rules

### ■ CAPITOL COMPLEX

The SECRETARY OF STATE adopted amendments to Public Use of the Capitol Complex and Springfield Facilities (71 IAC 2005; 41 Ill Reg 1), effective 12/19/17, concerning holiday displays, public demonstrations, and other issues. Special event displays in the Capitol Rotunda between Thanksgiving and New Year's Day are limited to no more than 5 at one time, on a first-come, first-served basis. Requests for a display in any calendar year may be made on or after January 2 of that calendar year. Displays must use only LED lights and secure or unbreakable decorations, and must be assembled and disassembled on State business days by the entity placing the display. Demonstrations will be permitted only on the first floor of the Capitol Building; all higher floors are off limits to demonstrators and the

use of whistles, bells, sirens, horns or other noisemaking or amplifying devices is prohibited. Groups conducting demonstrations must have one usher (formerly, "marshal") for every 25 participants. Ushers must identify themselves to Capitol law enforcement personnel upon arrival; if they fail to do so, or do not maintain a peaceful and orderly demonstration, the group may be asked to leave. An individual or group whose past demonstrations resulted in substantial violations of this Part may be denied a permit for a subsequent demonstration. The ban on weapons carrying by the public within the Capitol Complex is extended to include razors and other blade instruments, stun guns and tasers. The Director of the SOS Police will establish weapon restrictions applicable to off-duty law enforcement, military

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## Proposed Rulemakings

### ■ RIVERBOAT GAMBLING

The ILLINOIS GAMING BOARD proposed amendments to Riverboat Gambling (86 IAC 3000; 42 Ill Reg 7) that provide the options of 5- or 10-year placement on IGB's Self-Exclusion List (SEL) for problem/compulsive gamblers, in addition to permanent placement. A person making an initial request to be placed on the SEL may request placement for 5 years, 10 years, or permanently. At the end of a 5-year placement, the person may request to be removed from the list, to remain on the list another 5 years, or to remain on the list permanently. After 10 years on the list, the person must either request removal from the list or remain on the list permanently. Persons seeking removal from the SEL after 5 or 10 years must notify IGB

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**NEW 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.

# New Rules

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or ceremonial personnel. The ban on smoking is extended to include vaping or use of electronic cigarettes. Bicycle riding within the Capitol Complex is permitted only in parking lots, not on sidewalks or pathways, and recreational scooter riding is prohibited. Finally, the rulemaking allows up to 2 food trucks to operate outside the SOS Driver Services headquarters at 2701 Dirksen Parkway, Springfield, between 11 a.m. and 2 p.m. on days for which they have obtained a permit from SOS. Since 1<sup>st</sup> Notice, SOS removed provisions regulating operation of unmanned aircraft systems (drones) within the airspace of the Capitol Complex, since drone operations are regulated by the Federal Aviation Administration. Those affected by this rulemaking include businesses and non-profit groups sponsoring demonstrations, displays or other events in the Capitol Complex.

## ■ SOS PAYMENTS

SOS also adopted amendments to Collection of Fees (92 IAC 1003; 41 Ill Reg 16), Certificates of Title, Registration of Vehicles (92 IAC 1010; 41 Ill Reg 25), Remittance Agents (92 IAC 1019; 41 Ill Reg 36) and Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 41 Ill Reg 47), all effective 12/19/17, updating these Parts to include electronic payments of driver's license, vehicle title, and

other fees and establishing procedures for collecting dishonored electronic payments. The Part 1003 rulemaking replaces the term "check writer" with "payor" and provides that if a fee paid electronically is rejected by the payor's credit card company or financial institution, SOS will send two notices, 30 days apart, to the payor requesting payment of the rejected fee. If the fee is not paid within 30 days of the first notice, the payor's driver's license or registration record will be flagged and the payor will not be permitted to renew the license or registration until the fee is paid. If payment has still not been made within 30 days after the second notice, the payor's driver's license will be cancelled, unless the payor has disputed the charge or the amount owed is \$5 or less. Amendments to Parts 1010, 1019 and 1040 address electronic collection of title and registration fees, fees paid by remittance agents (businesses that provide license and title services), and driver's license fees. The Part 1040 rulemaking also provides that dishonored electronic or credit card payments will be removed from a person's driving record if the driver notifies SOS that the debt will be discharged in a bankruptcy proceeding. Those affected by these rulemakings include license and title service businesses.

Questions/requests for copies of the 5 SOS rulemakings: Amy Williams, SOS, 298 Howlett

Building, Springfield IL 62756, 217/785-3094, [Awilliams3@ilsos.net](mailto:Awilliams3@ilsos.net).

## ■ HIGHER EDUCATION

The BOARD OF HIGHER EDUCATION adopted amendments to the Parts titled Dual Credit Courses (23 IAC 1009; 41 Ill Reg 7259), Program Review (Private Colleges and Universities) (23 IAC 1030; 41 Ill Reg 7266), Approval of New Units of Instruction, Research and Public Service at Public Institutions (23 IAC 1050; 41 Ill Reg 7319) and Private Business and Vocational Schools (23 IAC 1095; 41 Ill Reg 7349) all effective 12/19/17. The amendments to Part 1009 allow exceptions to the normal criteria (e.g., master's degree or 2,000 hours work experience with recognizable credentials) for faculty who have professional experience, equivalent training, or other qualifications to teach dual credit college transfer or career/technical courses. The other rulemakings address increased fee structure, complaint procedures and bad conduct on the part of a college, reciprocity agreement membership, and procedures to be followed when a private college is being shut down or going out of business. Since 1<sup>st</sup> Notice, BHE removed a provision from Part 1050 that would have allowed the Board to seize academic records from an institution that is closing if it appears those records are in

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# Proposed Rulemakings

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at least 1 month, but no more than 1 year, before their current placement expires. Persons currently on the SEL may, for 1 year after this rulemaking takes effect, convert to 5- or 10-year placements. Any violation of a temporary exclusion will result in permanent exclusion. The rulemaking also extends provisions for progressive jackpots (amounts that escalate until there is a winner) on electronic gaming machines to live gaming devices. For both types of devices, the value of the jackpot must be clearly displayed above the device; all devices linked to the jackpot must have the same probability of hitting the winning combination; in the event of a device malfunction, the jackpot may be transferred to another live gaming device with Administrator approval; holders of owner's licenses may cap the amount of the progressive jackpot; and no progressive jackpot can be cancelled or reduced to a lesser amount unless the amount shown on the meter has been paid out, exceeds the cap imposed by the riverboat gaming operation, or must be adjusted due to a device malfunction.

Questions/requests for copies/comments through 2/20/18: Agostino Lorenzini, IGB, 160 N. La Salle St., Chicago Il 60601, fax 3 1 2 / 8 1 4 - 7 2 5 3 , [James.pellum@igb.illinois.gov](mailto:James.pellum@igb.illinois.gov)

## VISION COVERAGE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to Medical Payment (89 IAC 140; 42 Ill Reg 27) implementing Public Act 100-135, which exempts new eyeglasses or lenses required as a result of eye surgery from the normal Medical Assistance limit of one pair of eyeglasses or set of lenses every 24 months for recipients age 21 and older.

Questions/requests for copies/comments through 2/20/18: Mollie Zito, HFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62763-0002, 2 1 7 / 7 8 2 - 1 2 3 3 , [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov)

## HIGHER EDUCATION

The BOARD OF HIGHER EDUCATION proposed a new Part titled Data Repository, Shared Data Agreement and Fees (23 IAC 910; 42 Ill Reg 1) implementing Public Act 100-417, which authorized the Board to collect fees sufficient to cover the costs of processing and handling student data requests under approved data sharing agreements. The rulemaking includes provisions protecting personally identifiable student information, regulating the use and sharing of data, stipulating the conditions of shared data agreements, and setting data request fees of \$2,000 to \$15,000 based on the number of records processed. A 30% surcharge may be added for complex data

requests (e.g., longitudinal analyses).

Questions/requests for copies/comments through 2/20/18: Karen Helland, BHE, 1 N. Old State Capitol Plaza, Suite 333, Springfield IL 62701-1377, 217/557-7358, fax 217/782-8548, e-mail: [helland@ibhe.org](mailto:helland@ibhe.org)

## INSURANCE

The DEPARTMENT OF INSURANCE proposed an amendment to the Part titled Internal Security Standard and Fidelity Bonds (50 IAC 904; 42 Ill Reg 53) aligning its provisions with guidance issued by the National Association of Insurance Commissioners (NAIC) and removing time specifications for surety bonds. Bonds must be written to provide coverage on a discovery basis (currently, the discovery period must be at least 1 year) and provisions that current rules apply to surety bonds with less than a 3-year discovery period are extended to all surety bonds. Also, obsolete criteria for surety bond amounts, deductibles, self-insurance and other provisions are being removed.

Questions/requests for copies/comments through 2/20/18: Robert Planthold, DOI, 122 S. Michigan Ave., 19<sup>th</sup> Fl., Chicago IL 60603, 312/814-5445, fax 312/814-2862, or Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767, 217/558-0957.

## New Rules

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danger of being lost, hidden, destroyed or otherwise made unavailable to the Board. Also, in Part 1095, a definition of “conviction” was added and BHE clarified what factors it may consider when determining the

moral character of a governing board member, owner, or senior administrator of a private business or vocational school. Those affected by these rulemakings include private colleges, vocational schools, and instructors of dual credit high school/college courses.

Questions/requests for copies of the 4 BHE rulemakings: Karen Helland, BHE, 1 N. Old State Capitol Plaza, Suite 333, Springfield IL 62701-1377, 217/557-7358, fax: 217/782-8548, email: [helland@ibhe.org](mailto:helland@ibhe.org).

## Second Notice

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The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will be considered at the Committee’s January 16, 2018 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning this rulemaking should be addressed to JCAR using the contact information on page 1.

### DEPT OF HUMAN SERVICES

Child Care (89 IAC 50; 41 Ill Reg 12759) proposed 10/13/17

## Joint Committee on Administrative Rules

**Senator Pamela Althoff**

**Representative Peter Breen**

**Senator Karen McConnaughay**

**Representative Tom Demmer**

**Senator Don Harmon**

**Representative Greg Harris**

**Senator Tony Muñoz**

**Representative Lou Lang**

**Senator Ira Silverstein**

**Representative André Thapedi**

**Senator Chuck Weaver**

**Representative Keith Wheeler**

**Vicki Thomas  
Executive Director**