

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

VOLUME 48

ISSUE 35

August 30, 2024

The Flinn Report is a weekly summary of regulatory actions of State agencies published in the *Illinois Register* and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR). The Flinn Report honors founding JCAR member Representative Monroe Flinn, and is designed to inform and involve the public in changes taking place in agency administration.

Proposed Rulemakings

▪ MONEY TRANSMISSION

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed a new Part titled Uniform Money Transmission Modernization Act (38 IAC 207; 48 Ill Reg 12942) and proposed amendments to the Part titled Transmitters of Money Act (38 IAC 205; 48 Ill Reg 12933) implementing Public Act 103-991. The PA and these rulemakings implement the Uniform Money Transmission Modernization Act (MTMA), which aligns Illinois with nationwide standards for regulation of such transactions. The new Part 207 simply states that the Part 205 rules and future amendments will apply to all licensees, authorized delegates, persons and entities subject to the MTMA. Amendments to Part 205 define an authorized delegate as any person, including an authorized seller under the Transmitters of Money Act

(TOMA), whom a licensee designates to engage in money transactions on behalf of the licensee. The term "average daily balance" is replaced with "average daily money transmission liability" and the method of calculating this liability is changed to the total of each day's outstanding money transmission obligations for an

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entire calendar quarter (ending on March 31, June 30, Sept. 30 or Dec. 31) divided by the number of days in that quarter. (Currently, the average daily balance is calculated on an annual basis from the amount of outstanding obligations at the end of each month.) The definition of digital currency (which is not a permissible investment for money transmitters) is also updated. Fees currently charged for license application, license renewal,

and records examinations remain in effect but a \$550 per day fee for verification examinations (to determine if a licensee has corrected violations of the Act or rules) is being removed. Licensees and authorized delegates must keep documents related to money transmissions for at least 3 years, unless data contained in these documents has been electronically transmitted and recorded. Businesses subject to TOMA or the MTMA are affected.

Questions/requests for copies/comments on the 2 DFPR rulemakings through 10/15/24: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217-785-0813, fax 217-557-4451, Craig.Cellini@illinois.gov

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Temporary rules adopted for no more than 150 days.

PROPOSED RULEMAKINGS: Rules proposed by agencies this week, commencing a First Notice public comment period of at least 45 days.

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/or non-profit organizations. Agencies must consider comments from these groups and attempt to minimize regulatory burdens on them.

QUESTIONS/COMMENTS: Submit mail, e-mail or phone calls to the agency personnel listed below each summary.

RULE TEXT: First Notice proposed text, emergency rule and peremptory rule text is available at the Secretary of State website (<https://www.ilsos.gov/departments/index/register/home.html>) or at the Illinois General Assembly website (<http://www.ilga.gov>) under "Illinois Register". Second Notice text for proposed rulemakings (original version with any changes made by the agency during First Notice included) is available at the JCAR website.

Proposed Rulemakings

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SOS PROCEEDINGS

The SECRETARY OF STATE proposed amendments to Procedures and Standards (92 IAC 1001; 48 Ill Reg 12946) that allow public comments at the quarterly meetings of the Motor Vehicle Review Board (MVRB). Commenters must identify themselves by name and by the agenda item they wish to address, and will be allowed up to 3 minutes to address the Board. Additional 5-minute increments of time to speak may be granted to the commenter at the Board's discretion. Comment periods will be limited to 15 minutes unless extended by Board motion, and will be immediately closed if there are no commenters.

Questions/requests for copies/comments through 10/15/24: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, 217-785-3094, pwright@ilsos.gov

Adopted Rule

▪ SCHOOL BUSES

The DEPARTMENT OF TRANSPORTATION adopted a new Part titled School Bus Safety Equipment Test Pilot Program (92 IAC 448; proposed at 47 Ill Reg 15257) effective 8/16/24 at 48 Ill Reg 12955, implementing Section 12-182 of the Illinois Vehicle Code, which authorizes IDOT to develop a program allowing school districts to test pilot newly introduced school bus safety equipment by installing it in certain school buses for a minimum of 90 days and gathering data on its performance. School districts must request permission from DOT to test equipment and must specify, in their requests, the equipment to be tested; the VIN and manufacturer of the chassis and body of each bus in which the tested equipment will be installed; the bus routes where the equipment will be tested; the testing method to be used; the start date of the test; any known crash tests or safety studies related to the equipment; and certification from the manufacturer that the equipment meets or exceeds all federal safety standards. Requests will be denied if State or federal regulations prohibit use of the equipment, or if another school district has already received permission to test pilot the equipment, unless DOT determines a need for testing by additional school districts. DOT may also place limits on the number of buses to be used in the test pilot, the routes to be used, and other factors. School districts are responsible for installing and maintaining the equipment being tested and ensuring that drivers are trained to properly operate it. Data from and results of these programs will be used by DOT to formulate rules governing general use of the tested equipment. School districts are affected by this rulemaking.

Questions/requests for copies: Gabriella Moretti, DOT, 69 West Washington, 21st Floor, Chicago IL 60602, 312-814-2773, fax 312-793-3933, DOT.AdminRules@illinois.gov

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The first 7 rulemakings will be considered at the September 10, 2024 meeting in Chicago, while the HFS and DPH rulemakings will be considered at the October 8, 2024 meeting, also in Chicago. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR at jcar@ilga.gov.

DEPT OF AGRICULTURE

Weights and Measures Act (8 IAC 600; 48 Ill Reg 1) proposed 1/5/24

DEPT OF HUMAN SERVICES

Child Care (89 IAC 50; 48 Ill Reg 9217) proposed 7/5/24

DEPT OF LABOR

Health and Safety (56 IAC 350; 48 Ill Reg 8418) proposed 6/14/24

STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 48 Ill Reg 6715) proposed 5/10/24

IL EMERGENCY MGMT AGENCY & OFFICE OF HOMELAND SECURITY

State Not-For-Profit Security Grant Program (29 IAC 120; 48 Ill Reg 4525) proposed 3/29/24

IL HOUSING DEVELOPMENT AUTHORITY

Homeowner Mortgage Revenue Bond Program (47 IAC 260; 48 Ill Reg 6726) proposed 5/10/24

DEPT OF HEALTHCARE AND FAMILY SERVICES

Hospital Services (89 IAC 148; 48 Ill Reg 9183) proposed 7/5/24

Homeownership Mortgage Loan Program (47 IAC 300; 48 Ill Reg 6737) proposed 5/10/24

DEPT OF PUBLIC HEALTH

Control of Notifiable Diseases and Conditions Code (77 IAC 690; 48 Ill Reg 9515) proposed 7/5/24

Next JCAR Meeting: Tuesday, Sept. 10, 11 a.m.

Room C-600, Bilandic Building, 160 N. LaSalle St., Chicago

Meeting will be live streamed on the JCAR website

Joint Committee on Administrative Rules

Senator Bill Cunningham, Co-Chair

Senator Cristina Castro

Senator Donald DeWitte

Senator Dale Fowler

Senator Napoleon Harris, III

Senator Sue Rezin

Representative Ryan Spain, Co-Chair

Representative Eva-Dina Delgado

Representative Jackie Haas

Representative Steven Reick

Representative Curtis Tarver, II

Representative Dave Vella

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director

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