
ILLINOIS

REGISTER



TABLE OF CONTENTS

August 30, 2024 Volume 48, Issue 35

PROPOSED RULES

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
Transmitters of Money Act	
38 Ill. Adm. Code 205.....	12933
Uniform Money Transmission Modernization Act	
38 Ill. Adm. Code 207.....	12942
SECRETARY OF STATE, OFFICE OF THE	
Procedures and Standards	
92 Ill. Adm. Code 1001.....	12946

ADOPTED RULES

TRANSPORTATION, DEPARTMENT OF	
School Bus Safety Equipment Test Pilot Program	
92 Ill. Adm. Code 448.....	12955

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	12961

JCAR REVIEW OF EXISTING RULES STATEMENT OF OBJECTIONS

SECRETARY OF STATE, OFFICE OF THE	
School Bus Driver Permit	
92 Ill. Adm. Code 1035.....	12962

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS	
Executive Order to Establish Multi-Sector Plan For Aging	
2024-2.....	12963
PROCLAMATIONS	
Gubernatorial Disaster Proclamation	
2024-224.....	12968

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2024

Issue#	Rules Due Date	Date of Issue
1	December 26, 2023	January 5, 2024
2	January 2, 2024	January 12, 2024
3	January 8, 2024	January 19, 2024
4	January 16, 2024	January 26, 2024
5	January 22, 2024	February 2, 2024
6	January 29, 2024	February 9, 2024
7	February 5, 2024	February 16, 2024
8	February 13, 2024	February 23, 2024
9	February 20, 2024	March 1, 2024
10	February 26, 2024	March 8, 2024
11	March 4, 2024	March 15, 2024
12	March 11, 2024	March 22, 2024
13	March 18, 2024	March 29, 2024
14	March 25, 2024	April 5, 2024
15	April 1, 2024	April 12, 2024
16	April 8, 2024	April 19, 2024
17	April 15, 2024	April 26, 2024
18	April 22, 2024	May 3, 2024
19	April 29, 2024	May 10, 2024
20	May 6, 2024	May 17, 2024
21	May 13, 2024	May 24, 2024

22	May 20, 2024	May 31, 2024
23	May 28, 2024	June 7, 2024
24	June 3, 2024	June 14, 2024
25	June 10, 2024	June 21, 2024
26	June 17, 2024	June 28, 2024
27	June 24, 2024	July 5, 2024
28	July 1, 2024	July 12, 2024
29	July 8, 2024	July 19, 2024
30	July 15, 2024	July 26, 2024
31	July 22, 2024	August 2, 2024
32	July 29, 2024	August 9, 2024
33	August 5, 2024	August 16, 2024
34	August 12, 2024	August 23, 2024
35	August 19, 2024	August 30, 2024
36	August 26, 2024	September 6, 2024
37	September 3, 2024	September 13, 2024
38	September 9, 2024	September 20, 2024
39	September 16, 2024	September 27, 2024
40	September 23, 2024	October 4, 2024
41	September 30, 2024	October 11, 2024
42	October 7, 2024	October 18, 2024
43	October 15, 2024	October 25, 2024
44	October 21, 2024	November 1, 2024
45	October 28, 2024	November 8, 2024
46	November 4, 2024	November 15, 2024
47	November 12, 2024	November 22, 2024
48	November 18, 2024	December 2, 2024
49	November 25, 2024	December 6, 2024
50	December 2, 2024	December 13, 2024
51	December 9, 2024	December 20, 2024
52	December 16, 2024	December 27, 2024

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Transmitters of Money Act
- 2) Code Citation: 38 Ill. Adm. Code 205
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
205.5	New Section
205.10	Amendment
205.20	Amendment
205.30	Amendment
205.35	Amendment
205.40	Amendment
205.50	Amendment
205.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 95 of the Transmitters of Money Act [205 ILCS 657].
- 5) A Complete Description of the Subjects and Issues Involved: Senate Bill 3412 unanimously passed the Illinois General Assembly in May 2024 with the support of the Department of Financial and Professional Regulation. On August 9, 2024, Governor JB Pritzker signed SB 3412 into law as Public Act 103-0991. This legislation contains the Uniform Money Transmission Modernization Act (MTMA), which is a uniform law endorsed by the Conference of State Bank Supervisors. The MTMA modernizes outdated and inconsistent regulatory requirements creating a nationwide network of state payments regulation that protects consumers. A transition period set forth within the MTMA allows for some entities to be governed by the Transmitters of Money Act (TOMA) while others are governed by MTMA. Public Act 103-0991 also expressly adopts the fee structure used for TOMA licensees.

These amendments include technical updates to the rules consistent with the MTMA, such as replacing outdated terminology and clarifying regulatory requirements.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 2nd Floor
Springfield, IL 62786

(217) 785-0813
Fax: (217) 557-4451
Craig.Cellini@illinois.gov

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those licensed under the Act may be affected. Many existing TOMA licensees are small businesses, but the exact number is not known.
- B) Reporting, bookkeeping or other procedures required for compliance: There are bookkeeping requirements for calculating the average daily money transmission.
- C) Types of professional skills necessary for compliance: The types of professional skills necessary for compliance are generally business administration and knowledge of the requirements of the TOMA and other applicable federal and state laws.
- 14) Small Business Impact Analysis:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- A) Types of businesses subject to the proposed rule:
 - 54 Professional, Scientific, and Technical Services

- B) Categories that the agency reasonably believes the rulemaking will impact, including:
 - ii. Regulatory requirements;
 - v. Licensing fees;
 - viii. Record keeping.

The Department has not identified any less intrusive or less costly alternative methods of achieving the purpose of the proposed rules or amendments consistent with the stated objectives of the applicable Act and the proposed rulemaking.

- 15) Regulatory Agenda on which this rulemaking was summarized: July 2024

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 205

TRANSMITTERS OF MONEY ACT

Section

205.5	Definitions
205.10	Average Daily Money Transmission Balance
205.20	Authorized Delegates Sellers
205.30	Examinations
205.35	Fees
205.40	Enforcement Revocation or Suspension of License
205.50	Reports/Documents
205.60	Permissible Investments

AUTHORITY: Implementing and authorized by Section 95 of the Transmitters of Money Act [205 ILCS 657].

SOURCE: Adopted at 20 Ill. Reg. 5811, effective April 8, 1996; amended at 26 Ill. Reg. 14261, effective October 1, 2002; amended at 44 Ill. Reg. 18575, effective November 5, 2020; amended at 46 Ill. Reg. 12577, effective July 8, 2022; amended at 47 Ill. Reg. 795, effective January 5, 2023; amended at 48 Ill. Reg. _____, effective _____.

Section 205.5 Definitions

"Authorized delegate" means a person a licensee designates to engage in money transmission on behalf of the licensee. The term "authorized delegate" includes an authorized seller pursuant to the Transmitters of Money Act.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation, the acting Secretary, or a person authorized by the Secretary.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 205.10 Average Daily ~~Money Transmission~~Balance****

"Average~~The average~~ daily money transmission liability~~balance of payment instruments~~ shall be calculated by taking the amount of the licensee's~~averaging the balance of~~ outstanding money

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

transmission obligations in this State at the end of each day in a given period of time, added together, and divided by the total number of days in the given period of time~~payment instruments as of the last day of each month for the previous 12 months or operational history, whichever is shorter.~~ For purposes of calculating average daily money transmission for any licensee required to do so, the given period of time shall be the quarters ending March 31, June 30, September 30, and December 31.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 205.20 Authorized ~~Delegates~~Sellers

- a) A licensee shall report to the ~~Secretary~~Director, on a quarterly basis, the addition, removal or termination of operations of an authorized ~~delegate~~seller location on forms presented by the ~~Secretary~~Director.
- b) A licensee must provide a copy~~This report must be accompanied by \$10.00 for each authorized seller added during the respective quarter and sample~~ of the written contract entered into between the licensee and authorized ~~delegate to the Department~~seller.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 205.30 Examinations~~a)~~ Examination Reports

- ~~a)~~ The following definitions apply to this Section.
- ~~1)~~A) "Safety and soundness examination" means an examination that includes, but is not limited to, a determination of the financial condition of the licensee based on generally accepted accounting principles.
- ~~2)~~B) "Banking authority of the United States, of this State or of any other state" means the Federal Reserve Board, Federal Deposit Insurance Corporation, Office of Thrift Supervision, Office of the Comptroller of the Currency, National Credit Union Administration or any other supervisory agency of the United States, of this State or of any other state responsible for regulating financial institutions, including, but not limited to, banks, savings associations, saving banks, and credit unions.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

~~b)2)~~ For any licensee subject to a safety and soundness examination performed by a banking authority of the United States, of this State or of any other state, the ~~Secretary~~ Director may, at ~~their~~ his or her discretion, accept the safety and soundness examination report of a banking authority of the United States, of this State or of any other state in lieu of a safety and soundness examination performed by the Department.

~~b)~~ ~~Examination Fee~~

~~The Department shall charge \$400 for each examiner day or part thereof and actual travel costs for any examination of records conducted pursuant to the Act.~~

~~e)~~ ~~Verification Examination~~

~~The Department may conduct an examination for the purpose of verifying that the licensee has taken necessary actions to correct violations of the Act and/or related rules and shall charge the licensee \$550 for each examiner day or portion thereof, when the Director determines the verification examination must be performed on site at any facility of the licensee.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 205.35 Fees

~~Fees shall be assessed~~ ~~a) Pursuant to Section 45(b) of the Transmitters of Money Act [205 ILCS 657] (Act), the fees outlined in Section 45(a) of the Act are amended~~ as follows:

~~a)1)~~ Application Fee. For applying for a license, an application fee of \$2,500 and a license fee of \$0.

~~b)2)~~ Renewal Fee. For renewal of a license, a fee will be calculated based on the total dollar volume of transactions, including transactions by authorized ~~delegates~~ sellers, reported, ~~pursuant to Section 40(4) of the Act~~, by the licensee in its annual renewal application. The renewal fee shall be calculated in the following manner based on the licensee's reported Illinois volume:

Transactions of \$1,000,000 or less	\$1,000 renewal fee
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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Transactions over \$1,000,000 but less than \$10,000,000	\$1,000 plus an additional amount equal to a rate of .0004 for each dollar in volume more than \$1,000,000 but less than \$10,000,000
Transactions over \$10,000,000 but less than \$100,000,000	\$4,600 plus an additional amount equal to a rate of .0002 for each dollar in volume more than \$10,000,000 but less than \$100,000,000
Transactions over \$100,000,000	\$22,600 plus an additional amount equal to a rate of .0001 for each dollar in volume more than \$100,000,000 up to a maximum fee of \$50,000

3) ~~For process or other notice served upon the Director as provided by Section 100 of the Act, a fee of \$10.~~

- c)4) Late Renewal Fee. For an application for renewal of a license received by the Department after December 1, a penalty fee of \$50 per day for each day after December 1, in addition to any other fees required under this Section, unless an extension of time has been applied for and approved prior to December 1.
- d)b) Late Financial Statement Fee. For failure to submit required financial statements ~~required by Section 40 of the Act~~, a penalty fee of \$50 per day for each day after the date the financial statements are required to be submitted to the Department ~~(120 days after the end of the licensee's fiscal year)~~, unless an extension of time has been applied for and approved prior to the date financial statements are due.
- e) Examination Fees. The Department shall charge \$400 for each examiner day or part thereof and actual travel costs for any examination records.
- f) Other Fees. All other fees authorized by applicable law including, but not limited to, the Transmitters of Money Act or Uniform Money Transmission Modernization Act shall be collected in the amount and manner authorized by such applicable law.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- e) ~~Unless otherwise indicated by the Act, these fees shall be nonrefundable. All moneys received by the Department under the Act shall be deposited into the Financial Institution Fund.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 205.40 Enforcement~~Revocation or Suspension of License~~

If it is determined that the ~~Secretary~~Director had the authority to issue the suspension or revocation of a license ~~or a cease and desist order~~pursuant to Section 80 of the Act, the ~~Secretary~~he or she may issue orders as may be reasonably necessary to correct, eliminate or remedy the situation.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 205.50 Reports/Documents

- a) Any reports ~~or~~ documents the ~~Secretary~~Director may require from a licensee ~~under the Act or this Part~~ must be transmitted by mail or electronic format at the option of the ~~Secretary~~Director.
- b) A licensee shall require and its authorized delegates must preserve for at least three years all documents relating to money transmission activities unless the data embodied in those documents has been transmitted for recordation by the licensee.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 205.60 Permissible Investments

Digital currency shall not constitute a permissible investment ~~for purposes of Section 50(a) of the Act~~. For the purposes of this Section, "digital currency" means a digital representation of value that:

- a) is used as a medium of exchange, unit of account, or store of value; and
- b) is not a medium of exchange that is authorized or adopted by the United States or a foreign government as part of its currency and that is customarily used and accepted as a medium of exchange in the country of issuance or a monetary unit

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

of account established by an intergovernmental organization or by agreement between two or more governments ~~“money” as the term is defined in Section 5 of the Act, whether or not denominated in money.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Uniform Money Transmission Modernization Act
- 2) Code Citation: 38 Ill. Adm. Code 207
- 3) Section Number: 207.100 Proposed Action:
New Section
- 4) Statutory Authority: Implementing and authorized by the Uniform Money Transmission Modernization Act [205 ILCS 658].
- 5) A Complete Description of the Subjects and Issues Involved: Senate Bill 3412 unanimously passed the Illinois General Assembly in May 2024 with the support of the Department of Financial and Professional Regulation. On August 9, 2024, Governor JB Pritzker signed SB 3412 into law as Public Act 103-0991. This legislation contains the Uniform Money Transmission Modernization Act (MTMA), which is a uniform law endorsed by the Conference of State Bank Supervisors. The MTMA modernizes outdated and inconsistent regulatory requirements creating a nationwide network of State payments regulation that protects consumers. A transition period set forth within the MTMA allows for some entities to be governed by the Transmitters of Money Act (TOMA) while others are governed by MTMA. Public Act 103-0991 also expressly adopts the fee structure used for TOMA licensees.

This proposed rule clarifies that the rules in 38 Ill. Adm. Code 205 (Transmitters of Money Act) apply to persons and entities subject to the MTMA. This proposed rule simply require persons and entities subject to MTMA to comply with existing Transmitters of Money Act rules set forth in Title 38 Ill. Adm. Code 205. The Department is simultaneously proposing amendments to Transmitters of Money Act rules in a separate rulemaking which include technical updates to the rules consistent with the MTMA, such as replacing outdated terminology and clarifying regulatory requirements.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULE

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 2nd Floor
Springfield, IL 62786

(217) 785-0813
Fax: (217) 557-4451
Craig.Cellini@illinois.gov

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those licensed under the Act, or under the Transmitters of Money Act, may be affected. As of the date of filing, there are not licensees pursuant to the Act. Many existing TOMA licensees are small businesses, but the exact number is not known.
- B) Reporting, bookkeeping or other procedures required for compliance: There are bookkeeping requirements for calculating the average daily money transmission.
- C) Types of professional skills necessary for compliance: The types of professional skills necessary for compliance are generally business administration and knowledge of the requirements of the MTMA and other applicable federal and state laws.
- 14) Small Business Impact Analysis:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULE

- A) Types of businesses subject to the proposed rule:
- 52 Finance and Insurance
- B) Categories that the agency reasonably believes the rulemaking will impact, including:
- ii. Regulatory requirements
 - v. Licensing fees
 - viii. Record keeping

The Department has not identified any less intrusive or less costly alternative methods of achieving the purpose of the proposed rules or amendments consistent with the stated objectives of the applicable Act and the proposed rulemaking.

- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not directly summarized in the Regulatory Agenda because Public Act 103-0991 had not yet been signed into law. However, the related rulemaking for TOMA was summarized in the July 2024 Regulatory Agenda. This summary noted that a new Part would be needed to implement the MTMA if it was signed into law.

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULE

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 207

UNIFORM MONEY TRANSMISSION MODERNIZATION ACT

Section

207.100 Conformity With Transmitters of Money Act Rules

AUTHORITY: Implementing and authorized by the Uniform Money Transmission Modernization Act [205 ILCS 658].

SOURCE: Adopted at 48 Ill. Reg. _____, effective _____.

Section 207.100 Conformity With Transmitters of Money Act Rules

All rules set for in 38 Ill. Adm. Code 205 as amended from time to time shall apply to licensees, authorized delegates, and all persons and entities subject to the Uniform Money Transmission Modernization Act.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3) Section Number: 1001.730 Proposed Action:
Amendment
- 4) Statutory Authority: Authorized by Section 2-104 and 11-501 of the Illinois Vehicle Code, implementing Sections 6-103, 6-205(c), 6-206(c)(3), and 6-208 of the Illinois Vehicle Code [625 ILCS 5], and authorized by Section 22 of the Motor Vehicle Franchise Act [815 ILCS 710] and the Open Meetings Act [5 ILCS 120].
- 5) A Complete Description of the Subjects and Issues Involved: The Secretary of State has added the instructions for persons who wish to make comments on agenda items during the regular meetings of the Motor Vehicle Review Board.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenue.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Pamela Wright
Rules Coordinator
Office of the General Counsel
298 Howlett Building
Springfield, IL 62756

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

(217) 785-3094
pwright@ilsos.gov

Interested persons may present their written comments concerning this rulemaking within 45 days from the publication date of this issue of the *Illinois Register*.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Auto Dealerships
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: There is a positive impact on small businesses who wish to make comments during regular meetings of the Motor Vehicle Review Board.
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2024

The full text of the Proposed Amendment begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1001
PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section	
1001.10	Applicability
1001.20	Definitions
1001.30	Right to Counsel
1001.40	Appearance of Attorney
1001.50	Special Appearance
1001.60	Substitution of Parties
1001.70	Commencement of Actions; Notice of Hearing
1001.80	Motions
1001.90	Form of Papers – Original Documents Required
1001.100	Conduct of Formal Hearings
1001.110	Orders; Notification; Time Limits on Obtaining Relief
1001.120	Record of Hearings
1001.130	Invalidity

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section	
1001.200	Applicability
1001.210	Definitions
1001.220	Hearings: Notice; Location; Procedures; Record
1001.230	Rules of Evidence
1001.240	Scope of Hearings
1001.250	Decisions and Orders
1001.260	Rehearings
1001.270	Judicial Review
1001.280	Invalidity

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS IN
DRIVER'S LICENSE SUSPENSIONS AND REVOCATIONS

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Section

1001.300	Applicability
1001.310	Definitions
1001.320	Right to Representation
1001.330	Record and Reports
1001.340	Location of Hearings
1001.350	Duties and Responsibilities
1001.360	Decisions; Time Limits on Obtaining Relief
1001.370	Invalidity

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section

1001.400	Applicability; Statement of Principle and Purpose
1001.410	Definitions
1001.420	General Provisions Relating to the Issuance of Restricted Driving Permits
1001.430	General Provisions for Reinstatement of Driving Privileges after Revocation
1001.440	Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations
1001.441	Procedures for Breath Alcohol Ignition Interlock Device Conditioned RDPs
1001.442	BAIID Provider Certification Procedures and Responsibilities; Certification of BAIIDs; Inspections; BAIID Installer's Responsibilities; Decertification of a BAIID Provider
1001.443	Breath Alcohol Ignition Interlock Device Multiple Offender – Compliance with Interlock Program
1001.444	Monitoring Device Driving Permit (MDDP) Provisions
1001.450	New Hearings
1001.460	Requests for Modification of Revocations and Suspensions
1001.465	Cancellation of Driving Privileges; Hearing to Contest and Show Cause Hearing
1001.470	Renewal, Correction and Cancellation of RDPs
1001.480	Unsatisfied Judgment Suspensions
1001.485	Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact
1001.490	Invalidity

SUBPART E: FORMAL MEDICAL HEARINGS

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- Section
- 1001.500 Applicability
- 1001.510 Definitions
- 1001.520 Procedure
- 1001.530 Conduct of Medical Formal Hearings
- 1001.540 Subsequent Hearings

SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES;
PERSONS UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT
HEARINGS; RESTRICTED DRIVING PERMITS

- Section
- 1001.600 Applicability
- 1001.610 Definitions
- 1001.620 Burden of Proof
- 1001.630 Implied Consent Hearings; Religious Exception
- 1001.640 Implied Consent Hearings; Medical Exception
- 1001.650 Rebuttable Presumption
- 1001.660 Alcohol and Drug Education and Awareness Program
- 1001.670 Petitions for Restricted Driving Permits
- 1001.680 Form and Location of Hearings
- 1001.690 Invalidity

SUBPART G: MOTOR VEHICLE FRANCHISE ACT

- Section
- 1001.700 Applicability
- 1001.710 Definitions
- 1001.720 Organization of Motor Vehicle Review Board
- 1001.730 Motor Vehicle Review Board Meetings
- 1001.740 Board Fees
- 1001.750 Notice of Protest
- 1001.760 Hearing Procedures
- 1001.770 Conduct of Protest Hearing
- 1001.780 Mandatory Settlement Conference
- 1001.785 Technical Issues
- 1001.790 Hearing Expenses, Fees, and Costs
- 1001.795 Invalidity

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

SUBPART H: MISCELLANEOUS

Section

1001.800 Extension of Hearing Dates

1001.APPENDIX A BAIID Regions and Minimum Installation/Service Center Site Location Guidelines (Repealed)

AUTHORITY: Authorized by Section 2-104 and 11-501 of the Illinois Vehicle Code, implementing Sections 6-103, 6-205(c), 6-206(c)(3), and 6-208 of the Illinois Vehicle Code [625 ILCS 5], and authorized by Section 22 of the Motor Vehicle Franchise Act [815 ILCS 710].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6667, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8328, effective June 12, 1996; emergency amendment at 20 Ill. Reg. 9355, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15773, effective November 28, 1996; amended at 23 Ill. Reg. 692, effective January 15, 1999; amended at 24 Ill. Reg. 19257, effective December 15, 2000; expedited correction at 25 Ill. Reg. 7352, effective December 15, 2000; emergency amendment at 25 Ill. Reg. 13790, effective October 15, 2001, for a maximum of 150 days; emergency expired on March 13, 2002; emergency amendment at 25 Ill. Reg. 14979, effective November 9, 2001, for a maximum of 150 days; emergency expired on April 7, 2002; amended at 26 Ill. Reg. 9380, effective June 13, 2002; amended at 26 Ill. Reg. 13347, effective August 21, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 14706, effective September 20, 2002, for a maximum of 150 days; emergency expired on February 16, 2003; amended at 27 Ill. Reg. 5969, effective March 31, 2003; amended at 27 Ill. Reg. 13577, effective August 1, 2003; amended at 28 Ill. Reg. 12123, effective September 1, 2004; amended at 28 Ill. Reg. 15804, effective November 19, 2004; amended at 31 Ill. Reg. 6185, effective May 1, 2007; amended at 31 Ill. Reg. 14837,

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

effective November 1, 2007; amended at 33 Ill. Reg. 282, effective January 1, 2009; emergency amendment at 35 Ill. Reg. 3848, effective February 15, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 10934, effective June 21, 2011; amended at 36 Ill. Reg. 7300, effective April 30, 2012; amended at 37 Ill. Reg. 5844, effective April 19, 2013; amended at 39 Ill. Reg. 2718, effective February 6, 2015; amended at 40 Ill. Reg. 834, effective December 31, 2015; amended at 40 Ill. Reg. 6158, effective March 23, 2016; amended at 41 Ill. Reg. 473, effective December 28, 2016; amended at 42 Ill. Reg. 16921, effective September 5, 2018; emergency amendment at 44 Ill. Reg. 5824, effective March 17, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6634, effective April 9, 2020, for the remainder of the 150 days; emergency rule effective March 17, 2020, as amended April 9, 2020, repealed at 44 Ill. Reg. 11588, effective June 30, 2020; emergency amendment at 44 Ill. Reg. 11882, effective June 30, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 14243, effective August 19, 2020; amended at 44 Ill. Reg. 18734, effective November 13, 2020; amended at 45 Ill. Reg. 14985, effective November 12, 2021; amended at 46 Ill. Reg. 6772, effective April 13, 2022; amended at 47 Ill. Reg. 10998, effective July 10, 2023; amended at 48 Ill. Reg. _____, effective _____.

SUBPART G: MOTOR VEHICLE FRANCHISE ACT

Section 1001.730 Motor Vehicle Review Board Meetingsa) Annual Meetings

The annual meeting of the Board shall be held at a Secretary of State office or facility in ~~either~~ Chicago or Springfield as determined by the Chairperson. In addition to those responsibilities set forth in the Act, the following shall be accomplished at the annual meeting, but not limited thereto:

- 1) Formally adopt this Subpart G as its regulations for the holding and conducting of hearings concerning all matters within its powers;
- 2) Determine the ~~members~~ duties and responsibilities of the members, if necessary ~~where practical~~;
- 3) Adopt a ~~Set or adopt a previously set~~ tentative schedule of regular meetings for the year;
- 4) Identify issues ~~Set out concerns and or needs~~ to be addressed by the Secretary to help implement the Act, including a review of the current administrative rules ~~adopted~~ and any suggested amendments thereto;

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 5) Determine if there are any suggested legislative changes to the Act for written submission to the Secretary~~Suggest to the Secretary in writing legislative changes to the Act.~~
- b) Regular Meetings
- 1) The Board shall hold ~~at a minimum quarterly~~ meetings throughout the year, at least quarterly, for the following purposes, but not limited thereto:
- A1) Reviewing notices of protest filed and determining the Hearing Officer and Member to be assigned~~deciding how each should be handled;~~
- B2) Reviewing recommendations from hearing officers and; exceptions and briefs filed by~~from~~ the parties, ~~and issuing final orders;~~
- C) Issuance of final orders; and
- D3) Identifying issues that should be addressed at the next~~Addressing any issue that may be discussed at an~~ annual meeting.
- 2e) The regular~~quarterly or sooner~~ meetings may be held in person, by telephone, or by other electronic means at the discretion of the Chairperson and. ~~In either event, the meeting~~ shall originate at an office or a facility of the Secretary in either Chicago or Springfield. Information regarding meeting schedules and agendas can be found here: https://www.ilsos.gov/departments/administrative_hearings/mvrb.html.
- c) Public Comment
- Any person shall be permitted an opportunity to address the Board regarding only the items on the meeting agenda.
- 1) At the start of each meeting, the Board Chairperson shall ask if any person wishes to address the Board during the public comment period. At that time, any person wishing to address the Board subject to the Open Meetings Act [5 ILCS 120/2.06], must state their name and the agenda item they wish to address publicly in a short statement.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 2) The Board Chairperson shall allow each person an amount of time, up to three minutes, to address the Board. Should comments be made relating to topics not on the agenda, those statements shall be stricken from the record and that person shall yield the floor immediately. Should the person utilize more time than allowed, the Board Chairperson may move to strike that person's comments from the record.
- 3) At the discretion of the Board Chairperson, a person may request additional time to address the Board at the conclusion of their allotted time. The Board shall then vote whether to extend the person's allotted time to speak in five-minute increments, or if the Board shall proceed to the existing agenda.
- 4) Without explicit motion from the Board, the public comment period shall not exceed 15 minutes.
- 5) Should no persons indicate a desire to address the Board during the public comment period of the meeting, the Board Chairperson shall declare the public comment period as closed and the Board shall proceed, uninterrupted, to the agenda.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: School Bus Safety Equipment Test Pilot Program
- 2) Code Citation: 92 Ill. Adm. Code 448
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
448.10	New Section
448.20	New Section
448.30	New Section
448.40	New Section
- 4) Statutory Authority: Implementing and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812].
- 5) Effective Date of Rule: August 16, 2024
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the Adopted Rules, including any materials incorporated by reference, is on file at the Department of Transportation at 2300 S. Dirksen Parkway, Springfield, IL 62764 and will be made available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 47 Ill. Reg. 15257: October 27, 2023
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? JCAR did not request any changes to this rulemaking.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Department is granted authority under Chapter 12 of the Illinois Vehicle Code to develop a test pilot program for school bus

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

safety equipment. The proposed rules address the application, review, and approval process for the pilot program.

16) Information and questions regarding these adopted rules shall be directed to:

Gabriella Moretti
Assistant Chief Counsel
69 West Washington, 21st Floor
Chicago, Illinois 60602

PH: 312-814-2773
FAX: 312-793-3933
gabriella.moretti@illinois.gov

The full text of this Adopted Rules begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)PART 448
SCHOOL BUS SAFETY EQUIPMENT TEST PILOT PROGRAM

Section

448.10	Purpose
448.20	Request to Test Pilot
448.30	Test Pilot Period
448.40	Test Pilot Results

AUTHORITY: Implementing and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812].

SOURCE: Adopted at 48 Ill. Reg. 12955, effective August 16, 2024.

Section 448.10 Purpose

The purpose of this Part is to permit school districts to test pilot school bus safety equipment not otherwise prohibited by Department regulations.

Section 448.20 Request to Test Pilot

- a) All requests to test pilot safety equipment shall be submitted to the Department at the following address:

Illinois Department of Transportation
Bureau of Investigations and Compliance
Attn: Bureau Chief
2300 S. Dirksen Parkway
Springfield, Illinois 62764

- b) Only requests submitted by a school district will be considered.
- c) Requests shall:
- 1) Identify, with specificity, the equipment to be tested;

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

- 2) Identify the VIN and manufacturer of the chassis and body of each bus in which the equipment will be installed;
 - 3) Identify the bus routes where the equipment will be tested;
 - 4) Include any known crash tests or safety studies related to the equipment;
 - 5) Include a statement or certification from the manufacturer that the equipment meets or exceeds all applicable federal regulations or safety standards;
 - 6) Identify the method in which data will be collected during the test pilot period; and
 - 7) Include the anticipated start date of the test pilot.
- d) The Department will respond to all requests within 30 days.
- e) Requests will be denied if:
- 1) The application is incomplete;
 - 2) The equipment is prohibited by State or federal laws/regulations;
 - 3) The same or similar equipment is being tested, or has previously been tested, by another school district, unless the Department determines there is a need for testing by additional school districts; or
 - 4) The equipment presents a safety hazard.
- f) Approval
- 1) If a request is not denied under subsection (e), the Department will issue an approval letter.
 - 2) The approval letter will identify the data required to be collected by the school district.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

- 3) The Department may condition the use of the equipment by:
 - A) limiting the road configurations where the equipment may be used;
 - B) limiting the number of buses;
 - C) requiring the disablement or removal of other equipment the Department deems incompatible; and/or
 - D) restricting its use in construction and maintenance zones;
- 4) A copy of the approval letter shall be kept with the school bus and presented to Department personnel or Certified Safety Testers when the bus is presented for inspection.
- 5) The school district is responsible for all costs associated with participating in in a test pilot under this Part. Approval to participate in a test pilot program does not guarantee the Department's final approval of the equipment.

Section 448.30 Test Pilot Period

- a) The Department and school district shall agree to the actual start date of the test pilot.
- b) The initial pilot period shall be 90 days and may be extended by the Department if further testing is warranted. The initial period may also be extended at the written request of the school district for good cause shown.
- c) The school district is responsible for training its drivers in the proper use of the equipment.
- d) The school district is responsible for the installation and maintenance of the equipment and shall assume all liability resulting from its use or misuse.
- e) The school district shall immediately notify the Department in the event a bus is involved in any incident involving personal injury or property damage.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

- f) During the test pilot, the school district shall track the data required under Section 448.20(f)(2) using a method approved by the Department.
- g) Equipment shall not be transferred to other buses without the prior written approval of the Department and for good cause shown.
- h) Records created or maintained by the school district for the purpose of the test pilot program shall be made available for inspection by the Department upon request.
- i) For good cause, the Department may suspend or terminate the test pilot.

Section 448.40 Test Pilot Results

- a) Within 30 days after the conclusion of the test pilot period, the school district shall provide the Department all documents and records created or used during the test pilot.
- b) All records submitted to the Department will be utilized in formulating the Department's policy decision regarding the final implementation of the equipment.
- c) The Department may rely on additional sources in reaching its policy decision (e.g., Opinions of safety engineers, guidance provided by state or federal agencies, public comment, etc.).
- d) The Department will make public its policy decision and amend its regulations as necessary.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received during the period of August 13, 2024 through August 19, 2024. These rulemakings are scheduled for the September 10, 2024 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
9/26/24	<u>Department of Public Health</u> , Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545)	3/22/24 48 Ill. Reg. 4316	9/10/24
9/27/24	<u>Department of Veterans' Affairs</u> , MIA/POW Scholarship (95 Ill. Adm. Code 116)	11/27/23 47 Ill. Reg. 17433	9/10/24
9/27/24	<u>Department of Veterans' Affairs</u> , Rules Governing the Board of Appeals (95 Ill. Adm. Code 113)	11/27/23 47 Ill. Reg. 17429	9/10/24
9/27/24	<u>Department of Veterans' Affairs</u> , Educational Opportunities for Children of Deceased or Disabled Veterans (95 Ill. Adm. Code 101)	11/27/23 47 Ill. Reg. 17418	9/10/24
9/27/24	<u>Department of Public Health</u> , Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)	6/20/24 48 Ill. Reg. 8740	9/10/24
9/28/24	<u>Department of Human Services</u> , Electronic Prescription Monitoring Program (77 Ill. Adm. Code 2080)	3/29/24 48 Ill. Reg. 4540	9/10/24

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

OFFICE OF THE SECRETARY OF STATE

Heading of the Part: School Bus Driver Permit

Code Citation: 92 Ill. Adm. Code 1035

Section Numbers: 1035.15

Date Originally Published in the *Illinois Register*: 4/12/24
48 Ill. Reg. 5663

At its meeting on 8/14/24, the Joint Committee on Administrative Rules object to the Secretary of State rulemaking titled School Bus Permit (92 Ill. Adm. Code 1035; 48 Ill. Reg. 5663) because the rulemaking doesn't comply with the statutory authority for which it is based on, in accordance with 1 Ill. Adm. Code 220.900(a)(1)(B). The Secretary of State should seek statutory clarification within Sections 6-106.1(a)(4) and 6-508(c-1)(2) of the Illinois Vehicle Code. These sections require an applicant pass a written test "administered by the Secretary of State", and the statute does not clearly permit the Secretary of State to waive this requirement for any applicant.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

PROCLAMATIONS

2024-2
EXECUTIVE ORDER TO ESTABLISH
MULTI-SECTOR PLAN FOR AGING

WHEREAS, Illinois has made significant strides to ensure that older adults may age with dignity and independence; and,

WHEREAS, older adults are the fastest-growing proportion of the U.S. population; and,

WHEREAS, in Illinois, there are 2.8 million individuals who are over 60 years old and an estimated 25% of Illinois' population will be 60 years or older by 2030; and,

WHEREAS, older adults have and will continue to contribute to the health and vibrancy of communities across this state; and,

WHEREAS, the aging of the population impacts every region in Illinois; and,

WHEREAS, long-standing systemic inequities shape how individuals reach older adulthood and their quality of life as they age; and,

WHEREAS, given the increasing number of older adults, there is an increasing demand for direct care workers and family caregivers, many of whom are older adults, Black, indigenous, people of color, and individuals who are challenged with balancing work, child-rearing, and older adult caregiving; and,

WHEREAS, access to a broad range of public and private programs, resources, and informal supports significantly promotes healthy, purposeful aging; and,

WHEREAS, coordinated action across sectors in Illinois can help to meet the evolving needs of older Illinoisans and shape policies that promote healthy aging and a healthy Illinois; and,

WHEREAS, a Multi-Sector Plan for Aging ("MPA") is a comprehensive blueprint designed to create a coordinated system of high-quality care and support services for older adults that a state develops based on its unique characteristics, history, and existing aging and disability initiatives;

THEREFORE, I, JB Pritzker, Governor of Illinois, by virtue of the executive authority vested in me by Article V of the Constitution of the State of Illinois, hereby order as follows:

1. An Interagency Task Force on the Multi-Sector Plan for Aging ("MPA Task Force") is established.

PROCLAMATIONS

2. A Multi-Sector Plan for Aging Community Advisory Council ("MPA Community Advisory Council") is established.
3. A Chief Planning Officer ("Chief") is established, to be housed in the Illinois Department on Aging ("IDoA"), reporting to the Director of IDoA. The Chief shall chair the MPA Task Force and co-chair the MPA Community Advisory Council.
4. The Chief shall lead the State's development and implementation of an MPA with clear and measurable objectives to support healthy aging in Illinois communities.
5. IDoA shall identify a research partner with statewide expertise to provide research support to the Chief, the MPA Task Force, and the MPA Community Advisory Council.
6. The Chief shall serve as a policymaker and spokesperson on issues related to the MPA, including coordinating the multi-agency effort through the development of legislation, rules, and budgets.
7. The MPA Task Force and the MPA Community Advisory Council, under the leadership of the Chief, shall meet at least three times a year jointly or separately, as necessary.
8. Informed by the MPA Task Force and MPA Community Advisory Council, the Chief shall develop a State of Illinois MPA, to be delivered to the Governor and General Assembly by December 31, 2025, with an additional status report to be delivered by December 31, 2026. The MPA will be a comprehensive strategic plan that includes measurable outcomes for calendar years 2026 through 2036 with the goal of strengthening Illinois as an aging-friendly state. The plan may recommend actions to:
 - a. Address age-related demographic changes and their impact,
 - b. Strengthen care infrastructure and support caregivers,
 - c. Improve the quality, accessibility, and availability of long-term services and supports to better enable older persons to remain in their homes and communities,
 - d. Protect financial security and prevent fraud and financial exploitation,
 - e. Expand access to technology and bridge the digital divide, and
 - f. Advance health equity in the context of aging.
9. The Chief shall also:

PROCLAMATIONS

- a. Lead and collaborate with those developing and implementing local plans to serve older Illinoisians,
 - b. Convene older adults, stakeholders, and advocates to inform development of the MPA,
 - c. Connect and learn from other states that have established MPAs, and
 - d. Recommend, promote, and facilitate interagency collaboration to unify related efforts, including the State Plan on Aging in coordination with the Illinois Council on Aging, the Illinois Commission on LGBTQ Aging, the Blind Services Planning Council, the Illinois Deaf & Hard of Hearing Commission, and other relevant State boards, commissions, councils, and task forces.
10. The MPA Task Force shall include leaders from State agencies to be appointed by Agency Directors or Secretaries, in consultation with the Chief. It shall include a representative from the:
- a. Department on Aging
 - b. Department of Corrections
 - c. Department of Commerce and Economic Opportunity
 - d. Department of Healthcare and Family Services
 - e. Department of Human Rights
 - f. Department of Human Services
 - g. Department of Insurance
 - h. Department of Labor
 - i. Department of Public Health
 - j. Department of Transportation
 - k. Department of Veterans' Affairs
 - l. Illinois Housing Development Authority
 - m. Illinois Guardianship & Advocacy Commission
 - n. Office to Prevent and End Homelessness
 - o. Office of the State Ombudsman
 - p. At the recommendation of the Chief, members from additional State agencies may be appointed to enhance the work of the Task Force.
11. The MPA Community Advisory Council shall include diverse stakeholders who represent the goals and population described in this Executive Order, to be appointed by the Governor.
12. The MPA Community Advisory Council shall be co-chaired by the Chief and one other member designated by the Governor and will consist of no more than 25

PROCLAMATIONS

people; members should reflect the geographic, racial, cultural, and socioeconomic diversity of the state. Additionally, at the recommendation of the Chief, additional representatives may be appointed to enhance the work of the MPA Community Advisory Council.

13. The MPA Task Force and the MPA Community Advisory Council shall strive to operate by consensus; however, so long as they each have a quorum, they may approve measures and make recommendations based on an affirmative vote of a majority of the members present.
14. At large members of the MPA Community Advisory Council shall serve at the will of the Governor. If there is a vacancy for any cause among gubernatorial appointees, the Governor shall make an appointment to become immediately effective. So long as they continue to qualify for the seat that they occupy, members shall continue to serve until a succeeding appointment, or a re-appointment is made.
15. The MPA Task Force and MPA Community Advisory Council shall sunset on December 31, 2025.
16. In addition to any by-laws, policies, or procedures that they may adopt, all operations of the MPA Task Force and of the MPA Community Advisory Council will be subject to the provisions of the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) and the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*). This shall not be construed to preclude other statutes from applying to the MPA Task Force and to the MPA Community Advisory Council and their respective activities.
17. IDoA shall support the MPA Task Force and the MPA Community Advisory Council. Additional support may be provided by the Illinois Department of Human Services, the Illinois Department of Public Health, the identified research partner, and private philanthropic foundation partners committed to advancing the goals of the MPA.
18. Nothing in this Executive Order shall be construed to contravene any federal or state law or regulation. Unless specifically referenced in this Order, nothing in this Order shall affect or alter the existing statutory powers of any State agency or be construed as a reassignment or reorganization of any State agency.
19. This Executive Order supersedes any contrary provision of any prior Executive Order.

PROCLAMATIONS

20. If any part of this Executive Order is found to be invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.
21. This Executive Order shall take effect immediately upon its filing with the Secretary of State and shall remain in effect until rescinded.

Issued by the Governor: August 13, 2024

Filed with the Secretary of State: August 13, 2024

PROCLAMATION

2024-224**Gubernatorial Disaster Proclamation**

WHEREAS, as of August 31, 2022, the State of Illinois and City of Chicago began receiving, with little to no notice, buses sent by the State of Texas, transporting individuals and families from Central and South America seeking asylum in the United States; and,

WHEREAS, between August 31, 2022, and August 16, 2024, more than forty-six thousand individuals and families seeking asylum have arrived in Chicago and other Illinois cities with little to no notice; and,

WHEREAS, it is expected that individuals and families seeking asylum will continue to be transported to Illinois, including by Texas, and potentially other states, and the State and local partners will need to continue to work together to directly and indirectly fund and/or provide necessary services, including, but not limited to, supporting shelter capacity, resettlement case management, and permanent housing; and,

WHEREAS, Illinois is a welcoming state, which has long been enriched and sustained by a thriving community of immigrants, and has resettled over 125,000 refugees from more than 60 countries since 1975; and,

WHEREAS, State agencies, in close coordination with the City of Chicago and other local governments, are continuing to take action to ensure that the individuals and families arriving in Illinois receive the assistance they need, both to protect their welfare and the overall welfare of the State of Illinois and its residents; and,

WHEREAS, the asylum-seeking families and individuals who have arrived in Illinois require specific and immediate support, including emergency shelter and housing; food; health screenings, medical assessments, and treatment; case management services to assist them in addressing critical needs (including legal services and job readiness support) and benefits (potentially including benefits to Victims of Trafficking, Torture, and Other Serious Crimes (VTTC), under the Violence Against Women Act, and/or the Victims of Crime Act); enrollment in public schools; and longer-term housing and housing assistance; and,

WHEREAS, because these families and individuals are arriving after a very long and difficult journey from their homes, many of them also require medical care, including prenatal care for pregnant women; treatment for malnourishment, dehydration, and asthma in children; foot injury and wound care; vaccinations; and chronic health condition management. Many of the adults, children, and infants arriving in Illinois also are in need of mental health assessments and care to begin to recover from the trauma experienced on their journey; and,

PROCLAMATION

WHEREAS, the State of Illinois and many local governments throughout the State routinely engage in planning to ensure sufficient capacity to meet the needs of vulnerable populations, including families and individuals who are seeking refuge or asylum in the United States; and,

WHEREAS, families and individuals seeking asylum are arriving in Illinois with no advance notice as to when they will arrive and with no coordination with the State of Illinois or the City of Chicago, thereby contributing to the need for this proclamation; and,

WHEREAS, the State of Illinois and local governments have continued to work to meet the needs of the asylum-seeking families and individuals, both directly and by coordinating closely with non-governmental organizations and volunteers; and,

WHEREAS, the normal capacity to provide all necessary services for the health and welfare of these vulnerable families and individuals has been significantly exceeded, and immediate and continuing steps are needed to maintain the increased capacity required to meet the needs of the current asylum-seeking families and individuals; and,

WHEREAS, without urgent and ongoing action, capacity shortfalls will occur in critical services, including short-, intermediate-, and longer-term shelter and housing for the asylum-seeking families and individuals; wrap-around services such as food, health care, legal advocacy, and job readiness support; case management staff to assist in accessing other necessary services; and operational staffing required at all levels to provide these services; and,

WHEREAS, as the number of new individuals and families seeking asylum arrive in Illinois, to continue to meet the significantly increased needs for emergency shelter and housing capacity, as well as staffing and services, and to continue to prevent a threat to the health, safety, and welfare of the asylum-seeking families and individuals and communities, the State must urgently procure and maintain contracted assistance, requiring the use of the Governor's emergency powers; and,

WHEREAS, emergency steps are necessary to continue staffing the interagency and intergovernmental effort required to handle this evolving situation while ensuring that critical services for existing Illinois residents are not interrupted; and,

WHEREAS, the circumstances of the present situation give rise to a threat to the health, safety, and welfare of these vulnerable families and individuals and to the State, require immediate action, and constitute a disaster as provided in Section 4 of the Illinois Emergency Management Agency Act requiring emergency action by the State; and,

WHEREAS, due to the threat to health, safety, and welfare caused by these circumstances, I have declared all counties in the State of Illinois as a disaster area every month since September 2022; and,

PROCLAMATION

WHEREAS, it is the policy of the State of Illinois that the State will be prepared to address any disasters and, therefore, it is necessary and appropriate to make additional State resources available to ensure public health, safety, and welfare; and,

WHEREAS, these conditions provide legal justification under Section 7 of the Illinois Emergency Management Agency Act for the issuance of a proclamation of disaster; and,

WHEREAS, the Illinois Constitution, in Article V, Section 8, provides that "[t]he Governor shall have the supreme executive power, and shall be responsible for the faithful execution of the laws[,]" and states, in the Preamble, that a central purpose of the Illinois Constitution is "provide for the health, safety and welfare of the people";

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health, safety, and welfare, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and declare all counties in the state as a disaster area. The proclamation authorizes the exercise of all the emergency powers provided in Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, including but not limited to those specific emergency powers set forth below.

Section 2. With the Illinois Department of Human Services serving as the lead agency, State agencies, including but not limited to those listed below, are directed to continue cooperating with the Governor, as well as with other State agencies, local authorities, and the Illinois State Board of Education, and to continue coordinating with each other with respect to the development and implementation of strategies and plans to respond to the impacts of the present situation, including meeting the needs of the asylum seekers coming to Illinois: the Illinois Department of Human Services (which houses the Bureau of Refugee and Immigrant Services, the Office of Hispanic and Latino Affairs, Welcoming Centers, and employs the State Refugee Coordinator and State Chief Homelessness Officer); the Illinois Department of Public Health (which employs the State Refugee Health Coordinator); the Illinois Emergency Management Agency and Office of Homeland Security; the Illinois Department of Central Management Services; the Illinois Department of Labor; and the Illinois Department of Healthcare and Family Services.

Section 3. The Illinois Emergency Management Agency and Office of Homeland Security is directed to continue the activation of the State Emergency Operations Plan and coordination of State resources to support State agencies and local governments in disaster response and recovery operations.

PROCLAMATION

Section 4. To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code and the Illinois Governmental Joint Purchasing Act that would in any way prevent, hinder, or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law. To aid with emergency grant-making necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Grant Accountability and Transparency Act and of the Illinois Administrative Code effectuating the same, which require State agencies to publish a notice of funding opportunity (NOFO) and to conduct a merit based application review and that would in any way prevent, hinder, or delay necessary action in coping with the disaster, are suspended to the extent they are not required by federal law. The remaining provisions of the Grant Accountability and Transparency Act remain in effect. If necessary, and in accordance with Section 7(1) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1), the Governor may take appropriate executive action to suspend additional statutes, orders, rules, and regulations.

Section 5. Pursuant to Section 7(3) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(3), this proclamation activates the Governor's authority, as necessary, to transfer the direction, personnel, or functions of State departments and agencies or units thereof for the purpose of performing or facilitating emergency response programs.

Section 6. Pursuant to Section 7(10) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(10), this proclamation activates the Governor's authority, as necessary, to make provision for the availability and use of temporary emergency housing.

Section 7. This proclamation can facilitate a request for federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 8. This proclamation shall be effective immediately and remain in effect for 30 days.

Date: August 16, 2024

Filed: August 16, 2024

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 48, Issue 35 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

38 - 205	12933
38 - 207	12942
92 - 1001	12946

ADOPTED RULES

92 - 448	8/16/2024	12955
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JCAR REVIEW OF EXISTING RULES

STATEMENT OF OBJECTIONS

92 - 1035	12962
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EXECUTIVE ORDERS AND

PROCLAMATIONS

24 - 2	8/13/2024	12963
24 - 224	8/16/2024	12968