

# THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY  
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

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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.

## Adopted Rules

### • DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to Issuance of Licenses (92 IAC 1030; proposed at 48 Ill Reg 5082) effective 7/1/24 at 48 Ill Reg 9021, implementing Public Act 103-210. The PA and this rulemaking abolish the Temporary Visitor's Driver's License (TVDL) and allow current holders of visa status TVDLs (foreign nationals granted temporary U.S. residence) or non-visa status TVDLs (persons ineligible for Social Security Numbers (SSNs) and unable to document legal U.S. residence, who have resided in Illinois for at least one year) to obtain regular driver's licenses and identification cards. If an applicant for a driver's license or ID card is ineligible to receive an SSN, that person must present either documentation from the U.S. Department of Homeland Security authorizing their presence in the U.S., or proof of Illinois residence of at least 1 year plus a passport or consular

document from their country of citizenship. However, applicants for commercial driver's licenses (CDLs) must have an SSN and proof of citizenship or legal residency. Limited term Real ID compliant licenses that are currently issued to persons who are not U.S. citizens or permanent residents may now be issued to

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No Proposed Rules This Week**

persons who do not have an approved asylum application or did not enter the U.S. in refugee status. The rulemaking also clarifies that 16- and 17-year-old Illinois license applicants who hold valid driver's licenses from another state must submit proof of having passed an approved driver education course in Illinois or in their previous state. Other provisions extend the term of commercial learner's permits from 180 days to 12 months; expand the definition of "other state" for CDL application

purposes to include the District of Columbia and all Canadian provinces; and expand the Cooperative Driver Testing Program, which currently allows high school driver education instructors to administer road tests to students with a grade of A or B in the school's driver education course, to include teen-accredited commercial driver training schools. Students who pass a commercial driver's training school course with an overall score of 80% or higher may have their road tests administered by a school instructor instead of at an SOS facility. CDL applicants and CDL training schools are affected.

### • VEHICLE TITLES

SOS also adopted an amendment to Certificates of Title, Registration of Vehicles (92 IAC 1010; proposed at 48 Ill Reg 4333) effective 6/17/24 at 48 Ill Reg 9008, implementing PA 102-

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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.

# Adopted Rules

(cont. from page 1)

431, which establishes an Electronic Lien and Title (ELT) program allowing paperless processing of vehicle titles and liens. SOS will contract with one or more contractors to establish the system and will also approve ELT service providers. Lienholders (e.g., banks, credit unions) may participate in the system using software from any approved ELT service provider. A contractor cannot also be an ELT service provider, and its contract with SOS must include provisions protecting all proprietary information and prohibiting use of vehicle title information for marketing or solicitation purposes. ELT providers may charge fees to lienholders, but these fees must not be passed on to the vehicle purchaser/borrower. The ELT system will permit records of liens, and records of satisfied (paid off) liens and release of titles, to be transmitted and recorded electronically. A lien may also be removed from SOS records if the lien is more than 7 years old, the vehicle is more than 10 years old, or the lienholder has gone out of business. Since 1<sup>st</sup> Notice, SOS has clarified the extent of its audit authority and other aspects of this rule. Those affected by this rulemaking include vehicle dealers, financial institutions, and other entities that provide vehicle loans.

*Questions/requests for copies of the 2 SOS rulemakings: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, 217-785-3094, [pwright@ilsos.gov](mailto:pwright@ilsos.gov)*

## ▪ BIRTH CENTERS

The HEALTH FACILITIES AND SERVICES REVIEW BOARD adopted amendments to Narrative and Planning Policies (77 IAC 1100; proposed at 47 Ill Reg 17619) and Processing, Classification Policies and Review Criteria (77 IAC 1110; proposed at 47 Ill Reg 17650), both effective 6/13/24 at 48 Ill Reg 8914 and 8945, that establish a Certificate of Need process for freestanding birth centers licensed by the Department of Public Health. The Part 1100 rulemaking adds relevant definitions and establishes the birth center category of service, with a limit of 10 beds and a recommendation that birth centers operate at or above an annual minimum occupancy rate of 60%. Amendments to Part 1110 repeal the review criteria for birth centers as a demonstration program under the Alternative Health Care Delivery Act and replace them with review criteria established under the Birth Center Licensing Act. Birth centers in existence as of 9/1/23 must become licensed under 77 IAC 264 by 9/1/25. Birth centers located in medically underserved areas will receive priority in the Certificate of Need process. Proposed new birth centers and expansions or modernizations of existing birth centers must be approved by HFSRB. Applicants must demonstrate that the proposed new or expanded birth center will meet a demonstrable need and will not unnecessarily duplicate services already available in the geographic service area. The rulemaking also lists information that must be provided to HFSRB regarding the birth center's staffing, services, admission policies, transfer agreements with hospitals, and data reporting. Changes since 1<sup>st</sup> Notice clarify various aspects of the application process and remove definitions that are not used elsewhere in HFSRB rules.

Freestanding birth centers are affected by this rulemaking.

*Questions/requests for copies: Donald Jones, HFSRB, 525 W. Jefferson St., 2<sup>nd</sup> Floor, Springfield IL 62761, [dph.hfsrb.rules@illinois.gov](mailto:dph.hfsrb.rules@illinois.gov)*

## ▪ WATER TREATMENT

The ILLINOIS EMERGENCY MANAGEMENT AGENCY AND OFFICE OF HOMELAND SECURITY adopted a new Part titled Handling and Disposal of Water Treatment Residuals (32 IAC 622; proposed at 47 Ill Reg 8291) effective 6/12/24 at 48 Ill Reg 8967, that implements revised requirements for entities in possession of water treatment residuals that contain radium. Formerly, IEMA's requirements for possession of water treatment residuals were located in 32 IAC 330.40(d) as an exemption to radioactive material licensing. This new Part will replace the licensing exemption with revised requirements that reflect a greater need for worker protection, including warning signs, and worker training (since IEMA has determined, via collection of data from water treatment facilities, that these residuals have higher levels of radioactivity than previously believed). As in the former rule, a radioactive material license will not be required if certain possession and worker safety requirements are met. Since 1<sup>st</sup> Notice, IEMA has made numerous edits for clarification and consistency. Municipalities that operate water treatment facilities may be affected by this rulemaking.

*Questions/requests for copies: Traci Burton, IEMA-OHS, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9860, [Traci.Burton@illinois.gov](mailto:Traci.Burton@illinois.gov)*

## Second Notices

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The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the July 16, 2024 meeting 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](mailto:jcar@ilga.gov).

### DEPT OF AGRICULTURE

Cannabis Regulation and Tax Act (8 IAC 1300; 48 Ill Reg 5844) proposed 4/19/24

### DEPT OF HUMAN SERVICES

Medicaid Community Mental Health Services Program (59 IAC 132; 48 Ill Reg 5381) proposed 4/12/24

Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 48 Ill Reg 5588) proposed 4/12/24

### ILLINOIS STUDENT ASSISTANCE COMMISSION

General Provisions (23 IAC 2700; 48 Ill Reg 5891) proposed 4/19/24

Nursing Education Scholarships (23 IAC 2749; 48 Ill Reg 5913) proposed 4/19/24

Illinois Graduate and Retain Our Workforce (iGROW) Tech Scholarship Program (23 IAC 2750; 48 Ill Reg 5949) proposed 4/19/24

Community Behavioral Health Care Professional Loan Repayment (23 IAC 2753; 48 Ill Reg 5956) proposed 4/19/24

### **Next JCAR Meeting: Tuesday, July 16, 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  
700 Stratton Office Building, Springfield IL 62706  
217-785-2254 ■ [jcar@ilga.gov](mailto:jcar@ilga.gov)