

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.

Adopted Rule

■ VISA WAIVERS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to the Part titled Visa Waiver Program for International Medical Graduates (77 IAC 591; 46 Ill Reg 19435) effective 2/21/23, replacing emergency amendments that expired on 2/15/23. The rulemaking implements a Public Act that expands DPH's J-1 visa waiver program, through which DPH applies to the U.S. State Department for waivers allowing foreign medical school graduates to remain in the U.S. after completing their residencies. (Normally, J-1 visa holders must return to their home countries after completing their residencies.) In return, these visa holders must agree to work in a federally designated Health Professional Shortage Area for at least 3 years. The amendments expand the DPH waiver program to include forensic pathology graduates seeking

residencies in medical examiner offices and also update or clarify waiver program requirements for applicants in other medical fields. Numerous definitions, including those for various medical specialties, are added or clarified. Medical facilities that accept J-1 visa waiver applicants must attest that they will accept all patients regardless of ability to pay, accept Medicare and Medicaid on

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assignment, and charge fees on a sliding income-based scale to uninsured low-income patients. Medical examiner offices and healthcare providers that accept J-1 visa waiver applicants will be affected by this rulemaking.

Questions/requests for copies: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield, IL 62701, 217/782-1159, dph.rules@illinois.gov.

Proposed Rulemakings

CONSUMER LENDERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Parts titled Consumer Installment Loan Act (38 IAC 110; 47 Ill Reg 2881), Sales Finance Agency Act (38 IAC 160; 47 Ill Reg 2934) and Payday Loan Reform Act (38 IAC 210; 47 Ill Reg 2971). Amendments to Part 110 and 160 allow consumer installment lenders (who issue personal loans directly to consumers) and sales finance agencies (who issue loans, charge accounts, or credit cards to consumers on behalf of vehicle dealers or other retailers) to keep records in any format or medium that is accessible to DFPR and accurately reproduces the original documents or papers. The amendments to Parts 110 and 210 each include a schedule of fines

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ADOPTED 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) and General Assembly (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.

Proposed Rulemakings

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that may be imposed on licensees, which range from a maximum of \$1,000 for each Tier 1 violation to a maximum of \$10,000 per Tier 3 violation, and lists factors that DFPR may consider when determining the amount of a fine. The Part 110 rulemaking additionally requires that consumer installment loan licensees maintain a place of business or a website (currently, a place of business) that is accessible to the public and where all payments can be made. References to “simple interest” accounts are changed to “interest bearing” accounts, and receipts must be issued to the borrower for all payments (currently, receipts for payments made by check or money order only have to be issued at the borrower’s request). No interest may be assessed on delinquency or default charges, and such charges cannot be imposed on a loan that is otherwise paid in full but still has unpaid late fees or delinquency charges from previous installments. If a borrower purchases an insurance or debt cancellation product with a loan (ensuring that the loan is repaid or cancelled in the event of the borrower’s death or disability), charges for these products shall be refunded when the loan is paid in full. Title-secured loan lenders may accept electronic as well as paper copies of vehicle titles and issue payments by electronic funds transfer as well as by paper check or money order. The Part 160 rulemaking permits sales finance

agency licensees to keep records and process transactions in electronic format provided they are used in accordance with standard accounting procedures and contain all required information. Records of all transactions that are purchased from or sold to another licensee must be kept in the licensee’s office until examined and released by the examiner. Applications for a license must, in addition to currently required information, include a business plan that, at minimum, specifies the nature, amount, and terms of the retail installment contracts, charge agreements, or motor vehicle retail installment contracts that the licensee will purchase, or loans secured by these contracts/agreements that it will make. Other provisions specify information to be included in the record of any interest-bearing contract and how payments must be recorded. Those affected by these rulemakings include consumer installment and payday lenders and entities that finance vehicle purchases or other consumer purchases.

Questions/requests for copies/ comments on the 3 DFPR rulemakings through 4/17/23: Craig Cellini, DFPR, 320 West Washington, 2nd Floor, Springfield IL 62786, 217/785-0810, fax 217/ 557-4451.

■ NOTARY COMMISSIONS

The SECRETARY OF STATE proposed amendments to the Part titled Notary Public Records (14 IAC 176; 47 Ill Reg 2984)

implementing Public Act 102-160, which authorizes electronic and remote notarizations in Illinois. (This rulemaking replaces an earlier proposed rulemaking that was withdrawn in last week’s *Illinois Register*.) The PA and the rulemaking establish an electronic notarial commission (in addition to the traditional notary commission) and set forth how notaries may remotely or electronically notarize a document. The fee and bond for a traditional notary commission is \$15 plus a \$5,000 bond; for an electronic notary commission, an additional \$25 fee and \$25,000 bond are required. All notaries must keep a journal of notarizations performed for at least 7 years after the last act recorded in the journal. Effective 1/1/24, all notaries must complete a 3-hour course of study (from an SOS-approved provider who can verify that the course is at least 3 hours in length) and examination before initial commissioning and at every renewal. The content of the course and examination, which may be offered online or remotely, and requirements for approved providers are included. Other provisions establish procedures for verifying the identities of persons taking the course of study and verifying that they have completed each section of the course; establish procedures for notary transaction remittance agents; outline prohibited conduct that applies to electronic notarizations; list grounds for SOS to revoke a notary public commission or the approval of a

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Proposed Rulemakings

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course provider; specify information that must be included in an electronic notarial journal; establish an administrative hearing process for complaints and appeals; and allow notaries public who reside in states bordering Illinois to also be commissioned as Illinois notaries if their place of employment or business is in Illinois and their home state allows them to receive this notary commission. Notaries public and their employers or businesses will be affected by this rulemaking.

SOS RULES

SOS also proposed amendments to the Part titled General Rules, Definitions (92 IAC 1000; 47 Ill Reg 3088) updating references to the Illinois Revised Statutes (Ill. Rev. Stat.) to the Illinois Compiled Statutes (ILCS) and updating organizational references within SOS.

Questions/requests for copies/ comments on the 2 SOS rulemakings through 4/17/23: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, pwright@ilsos.gov

DOA Public Hearing

■ INDUSTRIAL HEMP

The DEPARTMENT OF AGRICULTURE will hold a public hearing on proposed amendments to the Part titled Industrial Hemp Act (8 IAC 1200; 46 Ill Reg 19044) **Monday, March 13, at 1 p.m.** at the Department of Agriculture headquarters (John R. Block Building) Auditorium, **Illinois State Fairgrounds**, 801 E. Sangamon Ave., **Springfield**. Registration for hearing participants begins at **12 noon**. Each person presenting oral testimony must register before the hearing begins. Organizations should select one spokesperson. Persons testifying are encouraged to bring written copies of their testimony for submission to DOA, along with copies of any accompanying documents. Individuals in need of interpreters

or other special accommodations must contact the agency contact person at least one week prior to the hearing.

The hearing concerns proposed amendments, published in the 12/2/22 *Illinois Register*, that are intended to align DOA's industrial hemp rules with USDA hemp program regulations. These proposed rules address acceptable THC levels for hemp, academic research projects, licensing applications and fees, procedures for sampling and testing, and other aspects of the hemp research program.

Questions concerning the rulemaking or the public hearing: Pamela Harmon, DOA, State Fairgrounds, P. O. Box 19281, Springfield IL 62794-9281, 217/524-6905, fax 217/785-4505, AGR.Hemp@illinois.gov

INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to the Part titled Destruction of Records (50 IAC 3502; 47 Ill Reg 2977) that change the name of the Part to Disposal and Destruction of Records and align its procedures for companies under the Farm Mutual Insurance Act of 1986 with the provisions for

all other insurance companies in 50 IAC 901.

Questions/requests for copies/ comments through 4/17/23: Laura Kotelman, DOI, 122 S. Michigan Ave., 19th Fl., Chicago IL 60603, 312/814-8214, Laura.Kotelman@illinois.gov, or Susan Anders, DOI, 320 W. Washington St., 4th Fl., Springfield IL 62767, 217/558-0957, Sue.Anders@illinois.gov.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will appear in next week's *Illinois Register* and be considered at the March 21, 2023, meeting in Springfield. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

BOARD OF EXAMINERS

Certificate of Education and Examination Requirements
(23 IAC 1400; 46 Ill Reg 17504) proposed 11/4/22

IL HOUSING DEVELOPMENT AUTHORITY

Homeowner Assistance Fund Programs (47 IAC 302; 47 Ill Reg 58) proposed 1/6/23

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Administrative Procedures for General Professional Regulation Under the Administrative Code
(68 IAC 1130; 46 Ill Reg 20445) proposed 12/30/22

Interior Design Profession Title Act (68 IAC 1255; 46 Ill Reg 20453) proposed 12/30/22

DEPT OF INSURANCE

Network Adequacy and Transparency (50 IAC 4540; 46 Ill Reg 5835) proposed 4/15/22

Joint Committee on Administrative Rules

Senator Cristina Castro

Representative Eva-Dina Delgado

Senator Bill Cunningham, *co-chair*

Representative Jackie Haas

Senator Donald DeWitte

Representative Steven Reick

Senator Dale Fowler

Representative Ryan Spain, *co-chair*

Senator Kimberly Lightford

Representative Curtis Tarver, II

Senator Sue Rezin

Representative Dave Vella

**Kim Schultz
Executive Director**