

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.

Proposed Rulemakings

MOBILE DRIVER'S LICENSES

The SECRETARY OF STATE proposed amendments to Issuance of Licenses (92 IAC 1030; 49 Ill Reg 5916) implementing Public Act 103-824, which allows SOS to issue mobile drivers licenses and State identification cards, collectively known as "mobile credentials", that can be displayed and accessed on a smartphone, smart watch or other mobile communication device. Persons who currently hold valid Illinois driver's licenses or IDs in card form (physical credentials) may apply for mobile versions by downloading an approved digital wallet from a participating provider and following its directions, which may include taking a selfie photo and pictures of the front and back of the current driver's license. These photos will be electronically encrypted and transmitted to SOS and compared to the photo and license/ID currently on file with SOS. If SOS determines that

the photo and license/ID data match, the mobile credential will be approved and added to the digital wallet. SOS may deny a mobile credential if the photos taken are blurry or do not include the entire front and back of the physical credential, or if the physical credential appears to be damaged or tampered with. An

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applicant may resubmit their photo and license/ID pictures after a denial. An applicant whose address has changed must receive a new physical credential with the updated address before applying for a mobile credential. Holders of a mobile credential must continue to carry their physical credentials when required by law and may access the mobile credential on no more than one phone and one smart watch. The mobile credential may only be accessed via biometric means (fingerprints, facial

identification) or by a Personal Identification Number (PIN) and can be deleted from the digital wallet at any time without SOS approval or any effect on the validity of the physical credential. The rulemaking also allows third party testing entities for commercial driver's licenses to provide training to non-Illinois residents.

▪ VEHICLE TITLES & REGISTRATION

SOS also proposed amendments to Certificates of Title, Registration of Vehicles (92 IAC 1010; 49 Ill Reg 5899) clarifying the process of obtaining vanity and personalized license plates and various aspects of the Electronic Lien and Title (ELT) Program.

Vanity/Personalized Plates

A new Section establishes criteria and procedures for obtaining vanity and

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Temporary rules adopted for no more than 150 days. **PROPOSED RULEMAKINGS:** Rules proposed by agencies this week, commencing a First Notice public comment period of at least 45 days. **PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

- - Designates rules of special interest to small businesses, small municipalities and/or non-profit organizations. Agencies must consider comments from these groups and attempt to minimize regulatory burdens on them.

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

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

Proposed Rulemakings

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personalized plates. Applicants may, at the Secretary's discretion, be required to explain the meaning of the proposed registration number for which they are applying. An application may be denied, and a previously issued vanity plate may be revoked, if the proposed or current number duplicates another registration number or if in the opinion of the Secretary the number would substantially interfere with plate identification by law enforcement, would be misleading, or would "create a connotation offensive to good taste and decency". Offensive vanity plates include those with vulgar, profane or obscene connotations; that make derogatory references to groups based on age, race, nationality, ethnicity, gender, sexual orientation, or religion; that express contempt or ridicule for any class of persons; refer to or connote criminal activity, illegal substances, sexual acts, or intimate body parts; or use reverse or inverted numbers and letters, words in a foreign language, or other means to evade these prohibitions. SOS shall inform any applicant whose request is denied or plate holder whose vanity plate is revoked, in writing, of the reason for the decision, and the applicant or plate holder will have 30 days to either appeal the decision or request a different registration number. If a plate is revoked, the holder may obtain a new plate with an approved number and registration stickers at no charge for the same period of registration. Reviews of vanity plate applications will be conducted first by the SOS Vehicle Services Department; if there is uncertainty as to whether a plate should be denied or revoked, further review will be undertaken by a

Post-Staff Review Group. A separate Appeals Group will consider appeals from persons whose applications are denied or whose plates are revoked.

Electronic Liens and Titling

The rulemaking also clarifies that lien removal via the ELT applies only to vehicles and cannot be used to remove liens from manufactured homes and also allows SOS to require lienholders to participate in ELT (except for those not normally engaged in the business or practice of financing vehicles) at the Secretary of State's discretion. Businesses that finance or hold liens on vehicles are affected.

Questions/requests for copies/comments on the 2 SOS rulemakings through 6/16/25: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, 217-785-3094, pwright@ilsos.gov

REAL ESTATE TRANSFERS

The DEPARTMENT OF REVENUE proposed an amendment to Real Estate Transfer Tax Law (86 IAC 120; 49 Ill Reg 5889) that provides for the use of electronic signatures affixed to electronically transmitted transfer declarations. This rulemaking states that electronic signatures are as legally binding as handwritten signatures and allows county recorders of deeds to use an approved interface to electronically transfer declarations and order transfer stamps from DOR. It also removes outdated provisions for transfers that occurred prior to 6/1/04. Paper transfer forms will be available at DOR's website (currently, these must be provided by the recorder of deeds or registrar of titles in each county). County assessment offices utilizing the Department's electronic transfer declaration system must provide a file layout to both validate the information transmitted and for any

other purpose as determined by the Department. In the event that a transfer qualifies for an exemption under both Section 31-45(e) of the Property Tax Code (actual consideration is less than \$100) and 31-45(b) of the Code (transfers to or from a governmental body, between government bodies, or to a corporation or other entity exclusively for charitable, religious or educational purposes), then the Section 31-45(e) exemption shall be selected, and no transfer declaration or supplemental information shall be required. In such cases, a notation of exempt status must appear on the face of the deed, the document transferring a controlling interest in real property, or the trust document. Businesses and other entities carrying out real estate transfers are affected.

Questions/requests for copies/comments through 6/16/25: Laurence Mraz, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-524-4821, REV.GCO@illinois.gov

NURSING HOMES

The DEPARTMENT OF PUBLIC HEALTH proposed an amendment to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 49 Ill Reg 5872) that permits required diet manuals and individual diet orders to be in either printed or electronic form. The diet manuals must be available to the food and nutrition services department and to the nursing department for use by physicians or dietitians writing diet orders. (Current rule requires one printed copy to be kept in the kitchen and other copies at each nurses' station.)

Questions/requests for copies/comments through 6/16/25: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

Adopted Rule

▪ CAPITOL COMPLEX

The SECRETARY OF STATE adopted amendments to the Part titled Public Use of the Capitol Complex and Springfield Facilities (71 IAC 2005; proposed at 48 Ill Reg 17322) effective 4/15/25 at 49 Ill Reg 5978, replacing emergency rules that were effective 11/18/24. The rulemaking requires all members and employees of the General Assembly, employees of SOS, and employees of other State agencies to wear government-issued photo IDs where they can be easily seen at all

times when entering and within the Capitol Complex. Those who do not have such IDs must undergo security screening before entering the complex. Since 1st Notices, SOS has modified the definition of a government-issued photo ID to include, through 6/30/26, only IDs issued by the Illinois General Assembly, an employee identification card issued by an Illinois State agency, or an employee identification card issued by SOS. Effective 7/1/26, this definition will also include employee IDs issued by any State, local or federal

agency and IDs issued by SOS to lobbyists, vendors, and employees of State agencies that do not issue their own photo IDs. Those affected by this rulemaking include lobbyists, news media personnel, and others conducting business at the Capitol Complex.

Questions/requests for copies: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, 217-785-3094, pwright@ilsos.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 be considered at the May 13, 2025 meeting in Springfield. Other items not listed in the *Illinois Register* or Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR at jcar@ilga.gov.

DEPT OF CORRECTIONS

Records of Offenders (20 IAC 107; 49 Ill Reg 2387) proposed 3/7/25

DEPT OF HUMAN SERVICES

Recipient Rights (59 IAC 111; 49 Ill Reg 1744) proposed 2/14/25

Temporary Assistance for Needy Families (89 IAC 112; 49 Ill Reg 1758) proposed 2/14/25

DEPT OF INSURANCE

Credit Life and Credit Accident and Health Insurance (50 IAC 1051; 48 Ill Reg 14484) proposed 10/11/24

Standard Drug Formulary Template (50 IAC 2030; 48 Ill Reg 17942) proposed 12/20/24

DEPT OF NATURAL RESOURCES

Incidental Taking of Endangered or Threatened Species (17 IAC 1080; 49 Ill Reg 1392) proposed 2/7/25

DEPT OF PUBLIC HEALTH

Health Maintenance Organization Code (77 IAC 240; 49 Ill Reg 2895) proposed 3/14/25

Hospital Licensing Requirements (77 IAC 250; 49 Ill Reg 2901) proposed 3/14/25

Birth Center Licensing Code (77 IAC 264; 49 Ill Reg 2918) proposed 3/14/25

Health Care Worker Background Check Code (77 IAC 955; 49 Ill Reg 3028) proposed 3/14/25

PURCHASED CARE REVIEW BOARD

Illinois Purchased Care Review Board (89 IAC 900; 49 Ill Reg 2329) proposed 2/28/25

STATE BOARD OF EDUCATION

Educator Licensure (23 IAC 25; 49 Ill Reg 964) proposed 1/24/25

Next JCAR Meeting: Tuesday, May 13, 10:30 a.m.

Room C-1, Stratton Bldg., 401 S. Spring St., Springfield
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 Sally Turner

Representative Ryan Spain, Co-Chair
Representative Eva-Dina Delgado
Representative Jackie Haas
Representative Steven Reick
Representative Curtis Tarver, II
Representative Dave Vella

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