

Library Nonresident Library Card Guidance

The Illinois General Assembly recently enacted [Public Act 102-0843](#) (effective May 13, 2022) to amend both the Local Library Act and the Library District Act to authorize libraries to adopt regulations waiving nonresident library card fees for persons under 18 years old in certain circumstances. The Illinois State Library (ISL) is expected to issue guidance on this new law later this summer and, in the interim, has referred to the ISL's FAQ addressing current state laws and administrative regulations on nonresident library card requirements which can be accessed here: [FAQ](#). In the interim, the following is some interim guidance to assist RAILS' members in understanding this new law.

How does Public Act 102-0843 change existing library laws?

The Public Act amends section 4-7(12) of the Local Library Act (75 ILCS 5/4-7(12)) and Section 30-55.60 of the Library District Act (75 ILCS 16/30-55.60) to authorize library boards of trustees to adopt regulations that waive nonresident fees for persons under the age of 18 years old ("*minors*").

Does the new law require libraries to waive nonresident fees for minors?

No, there is no requirement that a library waive nonresident fees for minors. The new law leaves the choice to each library.

It is important to remember that state law requires each library board of trustees to make an annual determination as to whether it wants to issue nonresident library cards during the following 12 months. *See* 23 Ad. Code 3050.20(a). However, state law does not require a library to participate in the non-resident library card program. 23 Ad. Code 3050.20(e).

And, even if a library chooses to participate in a nonresident library card program, the library is not required (but may choose) to adopt regulations to waive nonresident fees for minors.

If a library chooses to waive nonresident fees for minors, does the library board of trustees have to annually renew those regulations (as is the case with the library's participation in the nonresident card program)?

The new law does not address this issue and the state has not yet adopted any formal guidance or administrative rules on this question. Practically, since a library is required to make an annual determination on whether to participate in a general nonresident library card program, it might make sense for the library board to make a determination at the same time whether or not the library wants to waive fees for minors at that same time.

Does the new law include specific regulations a library must or can adopt if it chooses to waive nonresident fees for minors?

No. However, because the new law is limited to waiving nonresident fees for *minors*, a library may consider adopting reasonable regulations to require applicants to provide documentation to verify a person's eligibility for a waiver.

In addition, a library that chooses to waive fees for nonresident minors should consult the ISL's FAQ for regulations pertaining to nonresidents as it is likely the ISL's forthcoming guidance will refer to this FAQ for guidance on the nonresident eligibility component of the new law.

Are there administrative rules interpreting the new law? Has the ISL issued guidance interpreting the new law?

The answer to both questions is no. The ISL has not issued formal guidance concerning the new law and no administrative regulations have yet been adopted concerning the new law.

Does the new law impose any economic eligibility limits for potential recipients of nonresident waivers?

No. Unlike the "Cards for Kids" program (which does impose express economic eligibility restrictions), this new law does not impose any economic restrictions on the waiver of nonresident fees for minors.

Should libraries await ISL guidance and the issuance of administrative rules before adopting regulations waiving nonresident fees for minors?

That is a matter of policy for each library.

If a library adopts regulations waiving nonresident fees for minors, can the minor's family members that are either (1) under 18 years old or (2) 18 or older use that person's card?

Since the new law authorizes the waiver of nonresident fees for *persons under 18 years of age*, a library card issued to a minor would not be appropriately used by adult family members who do not meet the statutory age eligibility requirement. Instead, those persons older than 18 years old will need to pay the established nonresident library card fee in accordance with state law.

Other family members who meet the eligibility requirements (nonresident and a minor) can apply for their own library card under this new law (assuming the library board has chosen to participate).