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## **APSA of Illinois Legislative Update**

**April 11, 2017**

**APSA of Illinois PRIORITY LEGISLATION****IL - HB198 EMPLOYMENT-TECH**

Last Action: House Floor Amendment No. 1 Housing Affordability Impact Note Filed as Amended (April 10, 2017)

Primary Sponsor: [Representative Will Guzzardi \(D\)](#)

Summary: [House Amendment 001](#) Replaces everything after the enacting clause. Amends the Minimum Wage Law. Increases the minimum wage as follows: to \$9 per hour from January 1, 2018 to December 31, 2018; to \$10 per hour from January 1, 2019 to December 31, 2019; to \$11.25 from January 1, 2020 to December 31, 2020; to \$13 per hour from January 1, 2021 to December 31, 2021; and to \$15 per hour on and after January 1, 2022. Amends the Illinois Income Tax Act. Creates a credit against the withholding tax liability of employers with 50 or fewer employees, calculated based on the increase in the minimum wage. Effective immediately.

**IL - HB2351 WAGE LIEN ACT**

Last Action: Fiscal Note Filed (March 15, 2017)

Primary Sponsor: [Representative Barbara Flynn Currie \(D\)](#)

Summary: Creates the Wage Lien Act. Provides that a lien exists on an employer's property for the amount of unpaid wages owed to an employee. Defines terms and includes provisions concerning creation of the lien; exemptions; notice; limitations; recording of the lien; enforcement; other claims on the employer's property; successor obligations; and construction. **APSA of Illinois OPPOSE**

**IL - HB2462 EQUAL PAY ACT-WAGE HISTORY**

Last Action: House Floor Amendment No. 1 State Mandates Fiscal Note Requested as Amended by Rep. Tom Demmer (April 7, 2017)

Primary Sponsor: [Representative Anna Moeller \(D\)](#)

Summary: Amends the Equal Pay Act of 2003. Prohibits an employer from: (i) screening job applicants based on their wage or salary history, (ii) requiring that an applicant's prior wages satisfy minimum or maximum criteria, and (iii) requesting or requiring as a condition of being interviewed or as a condition of continuing to be considered for an offer of employment that an applicant disclose prior wages or salary. Prohibits an employer from seeking the salary, including benefits or other compensation or salary history, of a job applicant from any current or former employer. Limits defenses. Provides for penalties and injunctive relief. **APSA of Illinois OPPOSE**

**IL - HB2747 SAFE AUTONOMOUS VEHICLE ACT//IL - SB1432 AUTONOMOUS VEHICLE ACT**

Last Action: HOUSE: Placed on Calendar 2nd Reading - Short Debate (March 29, 2017) SENATE: Placed on Calendar Order of 2nd Reading March 16, 2017 (March 15, 2017)

Primary Sponsor: [Representative Michael J. Zalewski \(D\)](#)// [Senator Martin A. Sandoval \(D\)](#)

Summary: [House Amendment 001](#): Replaces everything after the enacting clause. Creates the Autonomous Vehicle Act. Defines terms. Provides that a fully autonomous vehicle may drive or operate upon the highways of this State, regardless of whether a human operator is physically

present in the vehicle. Provides that when engaged, the automated driving system shall be considered the driver or operator for purposes of assessing conformance to applicable traffic or motor vehicle laws and shall be deemed to satisfy any physical acts required of a driver or operator. Provides that liability for incidents involving a fully autonomous vehicle shall be determined under existing product liability law or common law negligence principles. Preempts home rule powers. Effective immediately.

### [IL - HB2749](#) OVERTIME EXEMPTION THRESHOLD

Last Action: Fiscal Note Filed (March 15, 2017)

Primary Sponsor: [Representative Will Guzzardi \(D\)](#)

Summary: Amends the Minimum Wage Law. Provides that the overtime requirements of the Law do not apply to an employee employed in a bona fide executive, administrative, or professional capacity as defined by or covered by the federal Fair Labor Standards Act of 1938 but compensated at a salary greater than \$47,476 per year (rather than an amount specified by a federal regulation) or the weekly or monthly portion thereof or a greater salary as may be adopted by the U.S. Department of Labor. Provides that the amount shall increase annually by the percentage increase in the Consumer Price Index. Effective immediately. **APSA of Illinois OPPOSE**

### [IL - HB2771](#) HEALTHY WORKPLACE ACT

Last Action: House Committee Amendment No. 1 Fiscal Note Filed as Amended (April 6, 2017)

Primary Sponsor: [Representative Christian L. Mitchell \(D\)](#)

Summary: Creates the Healthy Workplace Act and amends the State Finance Act. Sets forth the purposes for and manner in which the sick days may be used. Contains provisions regarding employer responsibilities, unlawful employer practices, and other matters. Provides that the Department of Labor shall administer the Act. Authorizes the imposition of civil penalties. Authorizes individuals to file civil actions with respect to violations. Creates the Healthy Workplace Fund as a special fund in the State treasury. Effective immediately. [House Amendment 001](#): Provides an exemption for the construction industry. Excludes school districts, park districts, and certain City of Chicago sister agencies. Provides for a minimum of 5 sick days rather than a maximum of 7 sick days per year. Changes the accrual rate and minimum usage. Provides that an employee may earn sick days 180, rather than 120, days after beginning employment. Effective immediately.

### [IL - HB3045](#) VEH CD-SOS-EMAIL NOTIFICATION

Last Action: Placed on Calendar Order of First Reading April 25, 2017 (April 6, 2017)

Primary Sponsor: [Representative David Harris \(R\)](#)

Summary: Amends the Illinois Vehicle Code. Provides that an application for a certificate of title, vehicle registration, and license or instruction permit shall include, if available, a person's email address. Provides that in preparation for selection of random samples for verification of a liability insurance policy, the Secretary of State may send to owners of randomly selected motor vehicles requests for information about their motor vehicles and liability insurance coverage electronically or, if

electronic means are unavailable, via U.S. mail. [House Amendment 001](#): Removes a provision providing that every application for a license or instruction permit shall state, if available, the email address of the applicant.

### IL - SB2 MINIMUM WAGE-WITHHOLDING

Last Action: Placed on Calendar Order of 3rd Reading February 28, 2017 (February 16, 2017)

Primary Sponsor: [Senator Kimberly A. Lightford \(D\)](#)

Summary: Amends the Minimum Wage Law. Increases the minimum wage from \$8.25 to \$9.00 beginning July 1, 2017 and increases it by \$0.50 each July 1 until July 1, 2021, at which point the minimum wage will be \$11.00. Preempts home rule powers, except that the limitation on home rule powers does not apply to specified ordinances adopted by the City Council of City of Chicago or the Cook County Board of Commissioners. Amends the Illinois Income Tax Act. Creates a credit against the withholding tax liability of employers with fewer than 50 employees, calculated based on the increase in the minimum wage. Effective immediately, but this Act does not take effect at all unless Senate Bills 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of the 100th General Assembly become law.

Amendments: **Senate Amendment 2 guts the entire bill—bill has been removed from “Grand Compromise” APSA of Illinois OPPOSE**

### IL - SB12 WORKERS' COMP-VARIOUS

Last Action: Senate Floor Amendment No. 3 Pursuant to Senate Rule 3-8(b-1), this Amendment will remain in the Committee of Assignments. (March 8, 2017)

Primary Sponsor: [Senator Christine Radogno \(R\)](#)

Summary: Deletes provisions of the bill relating to traveling employees and intervening causes of injuries. Adds changes in compensation for temporary total incapacity. Changes the maximum compensation rate from July 1, 2017 through June 30, 2021 from \$755.22 to \$775.18. Provides that restrictions on compensation for loss due to accidental injuries of the spine shall be treated in the same manner as restrictions on compensation for loss due to injuries to body parts that have previously suffered injury resulting in a loss by amputation or partial amputation. Establishes a revised medical fee schedule effective September 1, 2017. In a provision concerning impairment reports, provides, that in determining the level of permanent partial disability, the Commission shall base its determination on specified factors, including the reported level of impairment if such a report exists. Permits waiver of impairment reports and provides that an impairment report is not required for approval of a Settlement Contract Lump Sum Petition. Deletes provisions of the bill limiting the number of chiropractic, occupational therapy, or physical therapy visits for injuries occurring on or after January 1, 2018. Adds provisions imposing conditions on the approval of a custom compound medication. In a provision concerning the circumstances under which an employee may petition for an expedited hearing by an arbitrator, provides that such a petition is also available if the employer has refused or failed to respond to a written request for authorization of medical care and treatment. Provides that an employer may petition for an expedited hearing on whether or not the employee is entitled to authorization of medical care and treatment. Removes changes concerning cases in which

there has been a vexatious delay in the authorization of medical treatment or in the payment of compensation or an intentional underpayment of compensation. Deletes provisions creating the Workers' Compensation Edit, Alignment, and Reform Commission. Changes the contents of the written report that details the status of self-insurance for workers' compensation in Illinois. Creates the Workers' Compensation Transparency Task Force. Provides that the Task Force shall collect and review information and data on the effects of the changes in workers' compensation law enacted by the General Assembly and that the purpose of the collection and review of information is to make as transparent as possible all information relating to the medical treatment and benefits paid to injured workers in this State. Repeals the language concerning the Task Force on January 1, 2022. Makes other changes. Effective immediately, but the Act does not take effect at all unless Senate Bills 1, 3, 4, 5, 6, 7, 8, 9, 10, 13, and 16 of the 100th General Assembly become law.

### [IL - SB675](#) VEH CD-PARTS DEF-LIC FRAUD NR

Last Action: Placed on Calendar Order of 3rd Reading March 15, 2017 (March 14, 2017)

Primary Sponsor: [Senator Steve Stadelman \(D\)](#)

Summary: Amends the Illinois Vehicle Code. Adds to the definition of "essential parts" a bed, front bumper, rear bumper, and, for motorcycles, fairings, fuel tanks, and forks. Removes other items from the definition. Provides that the Secretary of State may cancel any license or permit upon determining that the holder has assisted an out-of-state resident in acquiring an Illinois driver's license or identification card by providing or allowing the out-of-state resident to use his or her Illinois address of residence and is complicit in distributing and forwarding the Illinois driver's license or identification card to the out-of-state resident. Provides that any person, firm, association, partnership, or corporation that operates a driver training school without a license issued by the Secretary of State shall be guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a second and subsequent offense. Effective immediately.

### [IL - SB981](#) EQUAL PAY ACT-WAGE HISTORY

Last Action: Placed on Calendar Order of 2nd Reading March 14, 2017 (March 9, 2017)

Primary Sponsor: [Senator Daniel Biss \(D\)](#)

Summary: Amends the Equal Pay Act of 2003. Prohibits an employer from: (i) screening job applicants based on their wage or salary history, (ii) requiring that an applicant's prior wages satisfy minimum or maximum criteria, and (iii) requesting or requiring as a condition of being interviewed or as a condition of continuing to be considered for an offer of employment that an applicant disclose prior wages or salary. Prohibits an employer from seeking the salary, including benefits or other compensation or salary history, of a job applicant from any current or former employer. Limits defenses. Provides for penalties and injunctive relief. **APSA of Illinois OPPOSE**

### [IL - SB1296](#) HEALTHY WORKPLACE ACT

Last Action: Senate Committee Amendment No. 1 Rule 3-9(a) / Re-referred to Assignments (April 7, 2017)

Primary Sponsor: [Senator Toi W. Hutchinson \(D\)](#)

Summary: Creates the Healthy Workplace Act and amends the State Finance Act. Requires employers to provide specified paid sick days to employees. Sets forth the purposes for and manner in which the sick days may be used. Contains provisions regarding employer responsibilities, unlawful employer practices, and other matters. Provides that the Department of Labor shall administer the Act. Authorizes the imposition of civil penalties. Authorizes individuals to file civil actions with respect to violations. Creates the Healthy Workplace Fund as a special fund in the State treasury. Effective immediately. **APSA of Illinois OPPOSE**

#### **[IL - SB1545](#) VEH CD-INS PAYMENTS-LIENHOLDER**

Last Action: Placed on Calendar Order of 2nd Reading March 28, 2017 (March 16, 2017)

Primary Sponsor: [Senator John G. Mulroe \(D\)](#)

Summary: [Senate Amendment 001](#): Replaces everything after the enacting clause. Amends the Illinois Vehicle Code. Provides that an owner of a vehicle shall maintain comprehensive, collision, or other insurance coverage for the damage or loss of a vehicle if the coverage is required under the terms of a loan agreement between the owner and a lienholder identified on the vehicle's certificate of title. Provides that an insurer paying a claim for the damage or loss of a vehicle shall issue the payment to both the owner of the vehicle and the lienholder, except when the claim is paid under a lienholder's collateral protection insurance policy on a vehicle securing the lienholder's loan when the vehicle owner has failed to satisfy a loan condition to provide insurance coverage for the damage or loss of the vehicle.

#### **[IL - SB1694](#) LABOR&STORAGE LIENS-NOTICES**

Last Action: Placed on Calendar Order of 3rd Reading April 25, 2017 (April 6, 2017)

Primary Sponsor: [Senator David Koehler \(D\)](#)

Summary: Amends the Labor and Storage Lien Act and the Labor and Storage Lien (Small Amount) Act. Provides that a person, firm, or private corporation seeking to impose fees in connection with the furnishing of storage for a vehicle shall provide notice of the fees to the vehicle owner of record as well as to the lienholder of record. Provides that notice shall be given regardless of whether the person seeking to impose fees enforces a lien. Provides that the notification requirements apply in addition to any owner and lienholder notice requirements under the Illinois Vehicle Code relating to the removal or towing of an abandoned, lost, stolen, or unclaimed vehicle. Provides penalties for noncompliance. Provides that notwithstanding any provision to the contrary, a person, firm, or private corporation seeking to impose storage fees for a vehicle in its possession may not foreclose or otherwise enforce its lien unless it first complies with specified notification requirements. Provides that storage fees may be paid by, among other methods, debit card and credit card. Makes corresponding changes in the Illinois Vehicle Code. Further amends the Illinois Vehicle Code. Provides that a towed vehicle must be returned to, among other entities, a lienholder, within 30 minutes if requested during business hours. Effective immediately. [Senate Amendment 001](#): Removes language providing that a person, firm, or private corporation seeking to impose fees in connection with the furnishing of



storage for a vehicle shall provide notice of the fees to the vehicle owner of record as well as to the lienholder of record and makes corresponding changes. Provides that the notice shall be sent return receipt requested and that the entity seeking to impose fees shall furnish a copy of the certified mail receipt to the lienholder upon request. Removes language authorizing the award of attorney's fees. Provides that the date on which the assessment and accrual of storage fees may commence is the date of the impoundment of the vehicle, subject to any applicable limitations set forth by a municipality authorizing the vehicle removal. Provides that if the vehicle that is incurring fees is registered in a state other than Illinois, the assessment and accrual of storage fees may commence on the date that the request for lienholder information is filed by the commercial vehicle relocater or other private towing service with the applicable administrative agency or office in that state if specified conditions are met. Provides that provisions in the Labor and Storage Lien Act and the Labor and Storage Lien (Small Amount) Act do not apply to a municipality with 1,000,000 or more inhabitants that is seeking to impose storage fees for a vehicle in its possession. Makes other changes. Changes the effective date to 90 days after becoming law.

### [IL - SB1720](#) ANTI-WAGE THEFT-STATE CONTRACT

Last Action: Placed on Calendar Order of 2nd Reading March 14, 2017 (March 9, 2017)

Primary Sponsor: [Senator Daniel Biss \(D\)](#)

Summary: Amends the Illinois Procurement Code. Prohibits any person or business that violates the Illinois Wage Payment and Collection Act, the Minimum Wage Law, the Illinois Worker Adjustment and Retraining Notification Act, the Employee Classification Act, the Day and Temporary Labor Services Act, the Fair Labor Standards Act of 1938, or any comparable state statute or regulation of any state which governs the payment of wages to do business with the State or any State agency or enter into a subcontract that is subject to the Code for a period of 5 years. Amends the Illinois Wage Payment and Collection Act. Amends the Illinois Wage Payment and Collection Act. Provides that an employer that is able to pay wages and who refuses to pay is guilty of a Class 4 felony with respect to amounts of \$5,000 or less (rather than a Class B misdemeanor) and of a Class 3 felony with respect to amounts greater than \$5,000 (rather than a Class A misdemeanor). Provides that a subsequent failure to pay within 5 years (rather than 2 years) of a prior conviction is a Class 3 felony (rather than a Class 4 felony). Amendments: [Senate Amendment 001](#): Provides that a person or business that is subject to an adverse civil judgment related to violations of certain laws concerning wage payments may not do business with the State for a period of 5 years. Revises proposed changes in penalties for failure to pay wages, final compensation, or wage supplements. For unpaid amounts of \$5,000 or less increases the penalty to a Class A (currently Class B) misdemeanor instead of increasing the penalty to a Class 4 felony. For unpaid amounts of more than \$5,000 increases the penalty to a Class 4 felony (currently Class A misdemeanor) instead of increasing the penalty to a Class 3 felony. **APSA of Illinois OPPOSE**

### [IL - SB1946](#) VEH CD-SALVAGE CERTIFICATE

Last Action: Placed on Calendar Order of 3rd Reading April 25, 2017 (April 6, 2017)

Primary Sponsor: [Senator John G. Mulroe \(D\)](#)

Summary: Amends the Illinois Vehicle Code. Provides that an insurance company may, after completing a record search for any owner of a vehicle or a lienholder of record, obtain free of any lien a junking certificate in the insurance company's name by submitting an application to the Secretary of State. An insurance company may also obtain free of any lien a salvage certificate for a vehicle of specified 8 model years that has completed an inspection for a rebuilt vehicle under the Code by submitting an application to the Secretary. Defines "model year". Provides that a salvage dealer may, after completing a record search for any owner of a vehicle or a lienholder of record, obtain a junking certificate or a salvage certificate by submitting an application to the Secretary. Defines "salvage dealer". Provides that a vehicle owner or a lienholder may send notice of dispute of title within 30 days after notice of transfer of title is sent by the insurance company or salvage dealer to the owner or lienholder. Provides that no dealer licensed under the Code shall sell a vehicle for which a rebuilt title has been issued from another jurisdiction without first obtaining an Illinois certificate of title with a "REBUILT" notation under the Code. Effective immediately. Amendments: [Senate Amendment 001](#): Replaces everything after the enacting clause. Reinserts the provisions of the introduced bill with the following changes. Amends the Illinois Vehicle Code. Restricts the conditions in which an insurance company or a salvage dealer may obtain free of any lien a junking certificate or a salvage certificate. Provides that, subject to the provided conditions, an insurance company or salvage dealer may obtain free of any lien a salvage certificate for any vehicle (rather than a vehicle of specified 8 model years that has completed an inspection for a rebuilt vehicle) under the insurance company's name by submitting an application to the Secretary of State. Adds penalty provisions. Makes conforming changes. Effective 90 days after becoming law.

#### **APSA of Illinois MONITOR LEGISLATION**

[IL - HB821](#) REVENUE-ELECTRONIC FILING

[IL - HB1813](#) DCEO-SMALL BUSINESS PROGRAM

[IL - HB3172](#) VEH CD-VEH SAFETY TEST

[IL - HB3245](#) USE/OCC TX-MULTISTATE

[IL - HB3802](#) CONSUMER FRD GIFT CERTIFICATE

[IL - SB1283](#) REVENUE-ELECTRONIC FILING

[IL - SB1284](#) SALES AND EXCISE TAX REFUND

[IL - SB1285](#) REVENUE-VARIOUS

[IL - SB1556](#) VEH CD-MISCELLANEOUS

[IL - SB1614](#) VEH CD-LICENSE-SUSPENSION

[IL - SB1943](#) EPA-INDUSTR MATERIALS EXCHANGE

[IL - SB1969](#) EPA-USED-WASTE TIRES

[IL - SB2041](#) VEH CD-VEHICLE IMPOUNDING