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## **APSA of Illinois Legislative Report**

**February 9, 2018**

**IL - HB160 KEEP ILLINOIS BUSINESS ACT**

Last Action: Rule 19(b) / Motion Referred to Rules Committee (September 28, 2017)

Primary Sponsor: [Representative Michael J. Zalewski \(D\)](#)

Summary: [House Amendment 001:](#), [House Amendment 002:](#), [House Amendment 003:](#) Creates the Keep Illinois Business Act to prohibit any recipient business that chooses to move all or part of its business operations and jobs out of State from qualifying for State economic development assistance and will be required to pay to the relevant State granting agency the full amount of any economic development assistance if received. Makes numerous changes to additional tax acts and creates a new Business Occupation Assessment creating a flat \$5,000 tax imposed annually on each corporation (not including Subchapter S corporations).

**IL - HB200 WORKERS COMPENSATION-DEMOCRAT PROPOSAL**

Last Action: Pursuant to Senate Rule 3-9(b) / Referred to Assignments (August 4, 2017)

Primary Sponsor: [Representative Jay Hoffman \(D\)](#)

Summary: [House Amendment 001:](#) Replaces everything after the enacting clause. Amends the Freedom of Information Act. Exempts from public inspection certain information collected by the Illinois Workers' Compensation Commission from self-insureds and papers, documents, reports, or evidence relevant to a workers' compensation fraud investigation conducted by the Department of Insurance. Amends the Employer's Liability Rates Article of the Illinois Insurance Code. Provides that a rate is excessive if it is likely to produce a profit that is unreasonably high for the insurance provided or if expenses are unreasonably high in relation to the services rendered. Repeals provisions regarding presumptions that a competitive market exists, determining whether a competitive market exists, and disapproval of rates under specified circumstances. Makes other changes. Amends the Criminal Code of 2012 regarding workers' compensation fraud penalties. Amends the Workers' Compensation Act. Makes changes concerning: when a traveling employee's accidental injuries are considered to be "arising out of the employment"; compensation awards for injuries to the shoulder and hip; additional compensation in cases where there has been unreasonable or vexatious delay of authorization of medical treatment; a requirement that the Illinois Workers' Compensation Commission (i) investigate all procedures, treatments, and services covered under the Act for ambulatory surgical treatment centers and accredited ambulatory surgical treatment facilities and (ii) establish fee schedule amounts for procedures, treatments, and services for which fee schedule amounts have not been established; the assignment and reassignment of arbitrators to hearing sites; the creation of an evidence based drug formulary; annual reports on the state of self-insurance for workers' compensation in Illinois; and other matters.

**IL - HB2624 HEALTH INSURANCE RATE REVIEW ACT**

Last Action: Alternate Chief Sponsor Changed to Sen. John J. Cullerton (May 25, 2017)

Primary Sponsor: [Representative Laura Fine \(D\)](#)

Summary: Creates the Health Insurance Rate Review Act. Creates the independent quasi-judicial Health Insurance Rate Review Board to ensure insurance rates are reasonable and justified. Sets

forth duties and prohibited activities concerning the Board. Creates the Health Insurance Rate Review Board Nomination Panel to provide a list of nominees to the Governor for appointment to the Health Insurance Rate Review Board. Sets forth the procedures for nomination. Provides requirements and procedures for health carriers to file current and proposed rates and rate schedules with the Health Insurance Rate Review Board. Provides that the Board shall review and approve or disapprove all rates and rate schedules filed or used by a health carrier. Sets forth provisions concerning rate standards, public notice, hearings, and the disapproval and approval of rates and rate schedules.

### **IL - HB2771 HEALTHY WORKPLACE ACT**

Last Action: House Calendar of Concurrence with Senate Amendments (January 24, 2018)

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

Summary: Creates the Healthy Workplace Act and amends the State Finance Act. Requires employers to provide 40 hours of 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. Provides an exemption for the construction industry. Excludes school districts, park districts, and certain City of Chicago sister agencies. Provides that an employee may earn sick days 180 days after beginning employment. Effective immediately.

### **IL - HB2802 TRANSPORTATION BENEFIT PROGRAM**

Last Action: Senate Floor Amendment No. 2 Pursuant to Senate Rule 3-9(b) / Referred to Assignments (August 4, 2017)

Primary Sponsor: [Representative Theresa Mah \(D\)](#)

Summary: Creates the Transportation Benefits Program Act. Requires all covered employers to offer at least one transportation benefit program. Provides that the employer may choose between providing a program consistent with federal law that allows employees to elect to exclude from taxable wages and compensation the employee's commuting costs incurred for the purchase of a transit pass to use public transit or for the purchase of qualified parking, or a program under which the employer supplies a transit pass for the particular qualifying public transit requested by the covered employee or reimburses the covered employee for payments made for the use of qualified parking. Limits the program to the area under the jurisdiction of the Regional Transportation Authority. Provides that the bill applies to employers with 25 full-time employees. Excludes from the scope of the bill areas in which regularly-scheduled transit service does not operate. Removes government entities from the scope of the Act. Effective January 1, 2018.

### **IL - HB4068 WORKERS' COMP-VARIOUS-REPUBLICAN PROPOSAL**

Last Action: Rule 19(a) / Re-referred to Rules Committee (July 6, 2017)

Primary Sponsor: [Representative Jim Durkin \(R\)](#)

Summary: Amends the Freedom of Information Act. Exempts from public inspection certain information collected by the Illinois Workers' Compensation Commission from self-insureds and papers, documents, reports, or evidence relevant to a workers' compensation fraud investigation conducted by the Department of Insurance. Amends the Criminal Code of 2012 regarding workers' compensation fraud penalties. Amends the Workers' Compensation Act. Makes changes concerning: when an accidental injury shall not be considered to be "arising out of and in the course of employment" if the accidental injury or medical condition occurred while the claimant was traveling away from the employer's premises; the maximum compensation rate for a period of temporary total incapacity; compensation awards for injuries to the shoulder and hip; the maximum allowable payment for certain service categories; the assignment and reassignment of arbitrators to hearing sites; the creation of an evidence based drug formulary; annual reports on the state of self-insurance for workers' compensation in Illinois; and other matters. Effective immediately.

### [IL - HB4324 WAGE LIEN ACT](#)

Last Action: Assigned to Labor & Commerce Committee (February 5, 2018)

Primary Sponsor: [Representative Emanuel Chris Welch \(D\)](#)

**Scheduled Hearing: [Labor & Commerce Committee \(House\)](#) Date: February 14, 2018 Time: 8:30am (CST) Location: Room 114 Capitol Building Springfield, IL**

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.

### [IL - HB4389 WORK COMP TRANSPARENCY](#)

Last Action: Referred to Rules Committee (January 30, 2018)

Primary Sponsor: [Representative Thomas M. Bennett \(R\)](#)

Summary: Amends the Workers' Compensation Act. 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, legal representation, and benefits paid to injured workers in this State. Repeals the language creating the Task Force on April 1, 2023. Repeals certain requirements relating to reports and promulgation of rules concerning workers' compensation insurance by the Department of Insurance on April 1, 2023. Effective immediately.

### [IL - HB4391 VEHICLE CODE-INSPECTION STATIONS](#)

Last Action: Referred to Rules Committee (January 30, 2018)

Primary Sponsor: [Representative Michael P. McAuliffe \(R\)](#)

Summary: Amends the Illinois Vehicle Code. Provides that the Environmental Protection Agency may not enter into new contracts or renew any contract previously made with one or more responsible

parties to construct and operate official inspection stations, provide and maintain approved test equipment, administer tests, certify results, issue emission inspection stickers or certificates, maintain records, train personnel, provide information to the public concerning the program, or otherwise. Provides that any facility that performs maintenance or repair work on motor vehicles as a routine part of its business may apply to the Agency for certification as an official inspection station. Provides that the Agency shall authorize as an official inspection station any applicant that meets specific criteria.

### [IL - HB4432](#) WORKERS COMP PROPOSAL-DEMOCRAT PROPOSAL

Last Action: Referred to Rules Committee (January 31, 2018)

Primary Sponsor: [Representative Jay Hoffman \(D\)](#)

Summary: Amends the Employer's Liability Rates Article of the Illinois Insurance Code. Provides that a rate is excessive if it is likely to produce a long run profit that is unreasonably high for the insurance provided or if expenses are unreasonably high in relation to the services rendered. Makes changes regarding competitive markets exists and disapproval of rates under specified circumstances. Amends the Workers' Compensation Act. Provides that accidental injuries sustained while traveling to or from work do not arise out of and in the course of employment. Permits an employer to file with the Illinois Workers' Compensation Commission a workers' compensation safety program or a workers' compensation return to work program implemented by the employer. Provides that (i) injuries to the shoulder shall be considered injuries to part of the arm and (ii) injuries to the hip shall be considered injuries to part of the leg. Contains provisions concerning repetitive and cumulative injuries; permanent partial disability determinations; annual reports by the Commission concerning self-insurance for workers' compensation in Illinois; and duties of the Workers' Compensation Premium Rates Task Force. Makes additional changes to the Workers' Compensation Act. Provides for an evidence-based drug formulary. Requires an annual investigation of procedures covered for ambulatory surgical centers and the establishment of a fee schedule. Changes a waiting period for benefits for certain firefighters, emergency medical technicians, and paramedics. Changes compensation computations for subsequent injuries to the same part of the spine. Effective immediately.

### [IL - HB4561](#) INSURANCE-MOTOR VEHICLE REPAIR

Last Action: Referred to Rules Committee (February 6, 2018)

Primary Sponsor: [Representative Linda Chapa LaVia \(D\)](#)

Summary: Amends the Illinois Insurance Code. Provides certain restrictions on an adjuster, insurer, insurance producer, or other representative of an insurer who issues policies of automobile insurance concerning motor vehicle repairs. Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that certain acts by a repair shop in connection with a repair of damage to a motor vehicle are unlawful practices within the meaning of the Act. Effective immediately.

### [IL - SB1249](#) UPIA-FAILURE TO FILE

Last Action: Rule 19(a) / Re-referred to Rules Committee (May 31, 2017)

Primary Sponsor: [Senator Pamela J. Althoff \(R\)](#)

Summary: Amends the Uniform Penalty and Interest Act. Provides that the penalty for failure to pay the tax shown due or required to be shown due on a return shall be 15% (instead of 20%) of any amount that is paid after the date the Department of Revenue has initiated an audit or investigation of the taxpayer. Provides that the penalty shall be abated if the taxpayer paid to the Department at least 95% of the final liability resulting from an audit or investigation prior to the initiation of the audit or investigation. Effective January 1, 2018.

### [IL - SB1285 REVENUE-VARIOUS](#)

Last Action: Rule 19(a) / Re-referred to Rules Committee (May 31, 2017)

Primary Sponsor: [Senator Pamela J. Althoff \(R\)](#)

Summary: This bill is an initiative of the Illinois Department of Revenue and includes a number of "clean up" provisions along with amendments to various tax Acts to provide that, if a payment provided for under one of those Acts exceeds the taxpayer's liability under that Act, then the taxpayer may credit the excess payment against liability subsequently to be remitted to the Department of Revenue.

### [IL - SB2333 EQUAL PAY DISCLOSE PAY AMOUNT-SENATE REPUBLICAN PROPOSAL](#)

Last Action: Assigned to Labor (January 30, 2018)

Primary Sponsor: [Senator Michael Connelly \(R\)](#)

Summary: Amends the Equal Pay Act of 2003. Provides that it is unlawful for an employer to require an employee to sign a contract or waiver that would prohibit the employee from disclosing or discussing the employee's wage or salary; however, an employer may prohibit a human resources employee, a supervisor, or any other employee whose job responsibilities require or allow access to other employees' wage or salary information from disclosing such information without prior written consent from the employee whose information is sought or requested. Provides that it is unlawful for an employer to seek the wage or salary history of a prospective employee from the prospective employee or a current or former employer or to require that a prospective employee's prior wage or salary history meet certain criteria, with some exceptions. Provides that an employer against whom an action is brought alleging a violation of the Act's prohibition against gender-based wage differentials and who, within the previous 3 years and prior to the commencement of the action, has completed a self-evaluation of the employer's pay practices and can demonstrate that reasonable progress has been made towards eliminating wage differentials based on gender for the same or substantially similar work in accordance with that evaluation shall have an affirmative defense to liability. Provides that an employer who cannot demonstrate that the evaluation was reasonable in detail and scope shall not be entitled to an affirmative defense, but is liable for any civil fine of: (1) up to \$500 per employee affected, if the employer has fewer than 4 employees; or (2) up to \$2,500 per employee affected, if the employer has 4 or more employees.

### [IL - SB2335 WORKERS COMP REPETITIVE INJURY](#)



Last Action: To Subcommittee on Tort Reform (February 7, 2018)

Primary Sponsor: [Senator Laura M. Murphy \(D\)](#)

Summary: Amends the Workers' Compensation Act in relation to repetitive injuries. Provides that an accidental injury that results from repetitive or cumulative trauma and occurs within 6 months after the employee begins employment shall not be considered by a workers' compensation insurer in setting rates. Provides for contribution by prior employers with respect to awards for repetitive or cumulative injuries.

#### **IL - SB2511 VEHICLE CODE-BACKUP LAMP-AMBER LIGHT**

Last Action: Assigned to Transportation (February 7, 2018)

Primary Sponsor: [Senator Karen McConnaughay \(R\)](#)

Summary: Amends the Illinois Vehicle Code. Provides that a back-up lamp equipped on a motor vehicle shall emit a white or amber light without glare. Effective January 1, 2019.

#### **IL - SB2521 CONSUMER FRAUD-STARTER INTERRUPT**

Last Action: Assigned to Judiciary (February 7, 2018)

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

Summary: Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that a dealer or other creditor shall not use electronic tracking technology or starter interrupt technology in connection with the credit sale, loan, or lease of a motor vehicle unless the technology is used solely to verify and maintain the operational status of the tracking technology, to locate the vehicle for repossession, to repossess the vehicle, or to locate the vehicle to service the account or keep the account current. Requires specified conditions to be met and certain written disclosures to be made to the consumer regarding the use of the technology. Contains provisions regarding: use of the technology in a criminal investigation; damages for violations; repossession; privacy, storage, and destruction of data; and other matters. Provides that specified violations are unlawful practices within the meaning of the Act

#### **IL - SB2532 VEHICLE CODE-DISTRIBUTION FEE-REPEAL**

Last Action: Referred to Assignments (February 6, 2018)

Primary Sponsor: [Senator Martin A. Sandoval \(D\)](#)

Summary: Amends the Illinois Vehicle Code. Repeals a provision providing for the collection of an annual commercial distribution fee on vehicles of the second division weighing more than 8,000 pounds. Makes conforming changes. Effective July 1, 2019.

#### **IL - SB2554 VEHICLE CODE-TINTED WINDSHIELD**

Last Action: Referred to Assignments (February 6, 2018)

Primary Sponsor: [Senator Chapin Rose \(R\)](#)

Summary: Amends the Illinois Vehicle Code. Removes the non-medical exceptions to the provision requiring that no window treatment or tinting shall be applied to the windows immediately adjacent to each side of the driver.

**IL - SB2577 USE/OCCUPATION TAX-BUSINESS IN STATE**

Last Action: Referred to Assignments (February 7, 2018)

Primary Sponsor: [Senator Cristina Castro \(D\)](#)

Summary: Amends the Use Tax Act and the Service Use Tax Act. Provides that, if a retailer or serviceman makes a sale to purchaser in Illinois from outside of Illinois, then that retailer or serviceman is considered to be "maintaining a place of business in this State" if (1) the cumulative gross receipts from sales of service to purchasers in Illinois are \$150,000 or more; or (2) the retailer or serviceman enters into 200 or more separate transactions for sales of service to purchasers in Illinois. Provides that the amendatory Act may be referred to as the Marketplace Fairness Act. Effective immediately.