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APSA of Illinois Legislative Update

February 8, 2019

IL - HB15 CRIMINAL CODE-CIVIL RIGHTS VIOLATION

Last Action: Assigned to Judiciary - Criminal Committee (January 29, 2019)

Primary Sponsor: [Representative Mary E. Flowers \(D\)](#)

Scheduled Hearing: Judiciary - Criminal (House) Date: February 13, 2019 Time: 2:00pm (CST)

Location: Room C-1 Stratton Building Springfield, IL

Summary: Amends the Criminal Code of 2012. Creates the offense of violation of civil rights. Provides that a person commits violation of civil rights when he or she knowingly: (1) denies to another the full and equal enjoyment of the facilities and services of a place of public accommodation because of unlawful discrimination; (2) as the operator of a place of public accommodation, directly or indirectly, publishes, circulates, displays, mails, or emails a written or electronic communication, except a private communication sent in response to a specific inquiry, which he or she knows is to the effect that a facility of the place of public accommodation will be denied to a person because of unlawful discrimination or that the patronage of a person is unwelcome, objectionable, or unacceptable for the purpose of unlawful discrimination; (3) as a public official, refuses to employ, or discriminates in the employment of another for a public contract or public works project because of unlawful discrimination; or (4) as a public official, denies or refuses to a person the full and equal enjoyment of the accommodations, advantages, facilities, or privileges of his or her office or services or of property under his or her care because of unlawful discrimination. Prohibits various private employment practices. Defines "unlawful discrimination". Provides that nothing in this provision shall be construed to impose criminal liability for actions that are exempt from civil liability under the Illinois Human Rights Act. Provides that a violation is a Class B misdemeanor. Effective immediately.

IL - HB20 MINIMUM WAGE-\$15 PER HOUR

Last Action: Assigned to Labor & Commerce Committee (January 29, 2019)

Primary Sponsor: [Representative Mary E. Flowers \(D\)](#)

Scheduled Hearing: Labor & Commerce (House) Date: February 13, 2019 Time: 2:00pm (CST)

Location: Room 114 Capitol Building Springfield, IL

Summary: Amends the Minimum Wage Law. Increases the minimum wage to \$15 per hour on October 1, 2019. Effective immediately.

IL - HB252 HUMAN RIGHTS-EMPLOYER-DEFINITION

Last Action: Assigned to Labor & Commerce Committee (January 29, 2019)

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

Scheduled Hearing: Labor & Commerce (House) Date: February 13, 2019 Time: 2:00pm (CST)

Location: Room 114 Capitol Building Springfield, IL

Summary: Amends the Illinois Human Rights Act. Provides that "employer" includes any person employing one (instead of 15) or more employees within Illinois during 20 or more calendar weeks within the calendar year of or preceding the alleged violation. Provides that "employer" does not

include any place of worship with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by the place of worship of its activities.

IL - HB270 LOCAL ROT-SOURCING-COLLECTION

Last Action: To Sales, Amusement & Other Taxes Subcommittee (February 7, 2019)

Primary Sponsor: [Representative Mike Murphy \(R\)](#)

Committees: [Sales, Amusement & Other Taxes \(House\) -Subcommittee](#)

Scheduled Hearing: [Revenue & Finance \(House\)](#) Date: February 14, 2019 Time: 9:30am (CST)

Location: Room 122B Capitol Building Springfield, IL

Summary: Amends the Retailers' Occupation Tax Act. Provides that if a purchaser makes payment over the phone, in writing, or via the Internet, and the property is delivered to a location in this State, then the sale shall be sourced to the location where the property is delivered. Provides that the sale shall be deemed to have occurred at the customer's address if the property is delivered and the delivery location is unknown. Amends the Counties Code, the Illinois Municipal Code, the Flood Prevention District Act, the Local Mass Transit District Act, and the Regional Transportation Authority Act. Provides that a unit of local government may require a retailer to collect and remit certain use and occupation taxes if the retailer qualifies as a "retailer maintaining a place of business in this State" under certain provisions of the Use Tax Act.

IL - HB834 EQUAL PAY ACT-WAGE HISTORY

Last Action: Assigned to Labor & Commerce Committee (February 5, 2019)

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

Scheduled Hearing: [Labor & Commerce \(House\)](#) Date: February 13, 2019 Time: 2:00pm (CST)

Location: Room 114 Capitol Building Springfield, IL

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, with some exceptions. Limits defenses. Provides for penalties and injunctive relief.

IL - HB1653 ANTI-WAGE THEFT-STATE CONTRACT

Last Action: Referred to Rules Committee (February 4, 2019)

Primary Sponsor: [Representative Elizabeth Hernandez \(D\)](#)

Committee: [Rules \(House\)](#)

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. 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).

IL - HB2080 VEHICLE CODE-INSPECTION STATIONS

Last Action: Referred to Rules Committee (February 5, 2019)

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

Committee: [Rules \(House\)](#)

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 - SB1 MINIMUM WAGE/INCOME TAX CREDIT

Last Action: Assigned to Labor & Commerce Committee (February 7, 2019)

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

Scheduled Hearing: [Labor & Commerce \(House\)](#) Date: February 13, 2019 Time: 2:00pm (CST)

Location: Room 114 Capitol Building Springfield, IL

Summary: [Senate Amendment 001](#): Replaces everything after the enacting clause. Amends the Illinois Income Tax Act and the Minimum Wage Law. Provides for an increase in the minimum wage and for a credit against withholding payments in relation to the increase. Increases the minimum wage to \$9.25 per hour beginning January 1, 2020. Provides for annual increases in the minimum wage culminating in a minimum wage of \$15 per hour beginning on January 1, 2025. Provides to employers with 50 or fewer full-time equivalent employees a credit against tax withheld beginning January 1, 2020. Reduces the credit beginning January 1, 2021. Provides employers may claim the credit amount in effect on January 1, 2025 until December 31, 2026 and that employers with no more than 5 employees may claim that credit until December 31, 2027. Authorizes the Department of Labor to perform random audits of employer to ascertain compliance with the Minimum Wage Law. Authorizes a penalty of \$100 per employee for failure to maintain required records. Effective immediately.

IL - SB73 EQUAL PAY ACT-WAGE HISTORY

Last Action: Referred to Assignments (January 23, 2019)

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

Committee: [Assignments \(Senate\)](#)

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, with some exceptions. Limits defenses. Provides for penalties and injunctive relief. Effective 60 days after becoming law.

IL - SB87 VEHICLE CODE-TINTED LIGHTS

Last Action: Assigned to Transportation (January 30, 2019)

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

Committees: [Transportation \(Senate\)](#)

Summary: Amends the Illinois Vehicle Code. Provides that no person shall drive or move any motor vehicle or equipment upon any highway with any lighting or combination of lighting with a smoked or tinted lens or cover.

IL - SB163 ANTI-WAGE THEFT-STATE CONTRACT

Last Action: Referred to Assignments (January 30, 2019)

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

Committee: [Assignments \(Senate\)](#)

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 statute or regulation of any state that 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. Provides that every offer submitted to the State, every contract and subcontract executed by the State, and every submission to a vendor portal shall contain a certification that the certifying party is not barred from being awarded a contract or subcontract, and acknowledgment that the chief procurement officer may declare void the bid, offer, or contract on the basis that any of the certifications are false. Provides that any employee not timely paid wages, final compensation, or wage supplements by his or her employer shall be entitled to recover treble the amount of any such underpayments plus damages of 2% of the amount of any such underpayments

for each month following the date of payment during which such underpayments remain unpaid.
Provides that a subsequent failure to pay within 5 years (rather than 2 years) of a prior conviction is a Class 4 felony.