



Rep. Marcus C. Evans, Jr.

**Filed: 3/27/2019**

10100HB2480ham001

LRB101 08701 JLS 58675 a

1 AMENDMENT TO HOUSE BILL 2480

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2480 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Workers' Compensation Act is amended by  
5 changing Section 6 as follows:

6 (820 ILCS 305/6) (from Ch. 48, par. 138.6)

7 Sec. 6. (a) Every employer within the provisions of this  
8 Act, shall, under the rules and regulations prescribed by the  
9 Commission, post printed notices in their respective places of  
10 employment in such number and at such places as may be  
11 determined by the Commission, containing such information  
12 relative to this Act as in the judgment of the Commission may  
13 be necessary to aid employees to safeguard their rights under  
14 this Act in event of injury.

15 In addition thereto, the employer shall post in a  
16 conspicuous place on the place of the employment a printed or

1 typewritten notice stating whether he is insured or whether he  
2 has qualified and is operating as a self-insured employer. In  
3 the event the employer is insured, the notice shall state the  
4 name and address of his insurance carrier, the number of the  
5 insurance policy, its effective date and the date of  
6 termination. In the event of the termination of the policy for  
7 any reason prior to the termination date stated, the posted  
8 notice shall promptly be corrected accordingly. In the event  
9 the employer is operating as a self-insured employer the notice  
10 shall state the name and address of the company, if any,  
11 servicing the compensation payments of the employer, and the  
12 name and address of the person in charge of making compensation  
13 payments.

14 (b) Every employer subject to this Act shall maintain  
15 accurate records of work-related deaths, injuries and illness  
16 other than minor injuries requiring only first aid treatment  
17 and which do not involve medical treatment, loss of  
18 consciousness, restriction of work or motion, or transfer to  
19 another job and file with the Commission, in writing, a report  
20 of all accidental deaths, injuries and illnesses arising out of  
21 and in the course of the employment resulting in the loss of  
22 more than 3 scheduled work days. In the case of death such  
23 report shall be made no later than 2 working days following the  
24 accidental death. In all other cases such report shall be made  
25 between the 15th and 25th of each month unless required to be  
26 made sooner by rule of the Commission. In case the injury

1 results in permanent disability, a further report shall be made  
2 as soon as it is determined that such permanent disability has  
3 resulted or will result from the injury. All reports shall  
4 state the date of the injury, including the time of day or  
5 night, the nature of the employer's business, the name,  
6 address, age, sex, conjugal condition of the injured person,  
7 the specific occupation of the injured person, the direct cause  
8 of the injury and the nature of the accident, the character of  
9 the injury, the length of disability, and in case of death the  
10 length of disability before death, the wages of the injured  
11 person, whether compensation has been paid to the injured  
12 person, or to his or her legal representative or his heirs or  
13 next of kin, the amount of compensation paid, the amount paid  
14 for physicians', surgeons' and hospital bills, and by whom  
15 paid, and the amount paid for funeral or burial expenses if  
16 known. The reports shall be made on forms and in the manner as  
17 prescribed by the Commission and shall contain such further  
18 information as the Commission shall deem necessary and require.  
19 The making of these reports releases the employer from making  
20 such reports to any other officer of the State and shall  
21 satisfy the reporting provisions as contained in the Safety  
22 Inspection and Education Act, the Health and Safety Act, and  
23 the Occupational Safety and Health Act. The reports filed with  
24 the Commission pursuant to this Section shall be made available  
25 by the Commission to the Director of Labor or his  
26 representatives and to all other departments of the State of

1 Illinois which shall require such information for the proper  
2 discharge of their official duties. Failure to file with the  
3 Commission any of the reports required in this Section is a  
4 petty offense.

5 Except as provided in this paragraph, all reports filed  
6 hereunder shall be confidential and any person having access to  
7 such records filed with the Illinois Workers' Compensation  
8 Commission as herein required, who shall release any  
9 information therein contained including the names or otherwise  
10 identify any persons sustaining injuries or disabilities, or  
11 give access to such information to any unauthorized person,  
12 shall be subject to discipline or discharge, and in addition  
13 shall be guilty of a Class B misdemeanor. The Commission shall  
14 compile and distribute to interested persons aggregate  
15 statistics, taken from the reports filed hereunder. The  
16 aggregate statistics shall not give the names or otherwise  
17 identify persons sustaining injuries or disabilities or the  
18 employer of any injured person or person with a disability.

19 (c) Notice of the accident shall be given to the employer  
20 as soon as practicable, but not later than 45 days after the  
21 accident. Provided:

22 (1) In case of the legal disability of the employee or  
23 any dependent of a deceased employee who may be entitled to  
24 compensation under the provisions of this Act, the  
25 limitations of time by this Act provided do not begin to  
26 run against such person under legal disability until a

1 guardian has been appointed.

2 (2) In cases of injuries sustained by exposure to  
3 radiological materials or equipment, notice shall be given  
4 to the employer within 90 days subsequent to the time that  
5 the employee knows or suspects that he has received an  
6 excessive dose of radiation.

7 No defect or inaccuracy of such notice shall be a bar to  
8 the maintenance of proceedings on arbitration or otherwise by  
9 the employee unless the employer proves that he is unduly  
10 prejudiced in such proceedings by such defect or inaccuracy.

11 Notice of the accident shall give the approximate date and  
12 place of the accident, if known, and may be given orally or in  
13 writing.

14 (d) Every employer shall notify each injured employee who  
15 has been granted compensation under the provisions of Section 8  
16 of this Act of his rights to rehabilitation services and advise  
17 him of the locations of available public rehabilitation centers  
18 and any other such services of which the employer has  
19 knowledge.

20 In any case, other than one where the injury was caused by  
21 exposure to radiological materials or equipment or asbestos  
22 unless the application for compensation is filed with the  
23 Commission within 3 years after the date of the accident, where  
24 no compensation has been paid, or within 2 years after the date  
25 of the last payment of compensation, where any has been paid,  
26 whichever shall be later, the right to file such application

1 shall be barred.

2 In any case of injury caused by exposure to radiological  
3 materials or equipment or asbestos, unless application for  
4 compensation is filed with the Commission within 25 years after  
5 the last day that the employee was employed in an environment  
6 of hazardous radiological activity or asbestos, the right to  
7 file such application shall be barred.

8 If in any case except one where the injury was caused by  
9 exposure to radiological materials or equipment or asbestos,  
10 the accidental injury results in death application for  
11 compensation for death may be filed with the Commission within  
12 3 years after the date of death where no compensation has been  
13 paid or within 2 years after the date of the last payment of  
14 compensation where any has been paid, whichever shall be later,  
15 but not thereafter.

16 If an accidental injury caused by exposure to radiological  
17 material or equipment or asbestos results in death within 25  
18 years after the last day that the employee was so exposed  
19 application for compensation for death may be filed with the  
20 Commission within 3 years after the date of death, where no  
21 compensation has been paid, or within 2 years after the date of  
22 the last payment of compensation where any has been paid,  
23 whichever shall be later, but not thereafter.

24 (e) Any contract or agreement made by any employer or his  
25 agent or attorney with any employee or any other beneficiary of  
26 any claim under the provisions of this Act within 7 days after

1 the injury shall be presumed to be fraudulent.

2 (f) Any condition or impairment of health of an employee  
3 employed as a firefighter, emergency medical technician (EMT),  
4 emergency medical technician-intermediate (EMT-I), advanced  
5 emergency medical technician (A-EMT), or paramedic which  
6 results directly or indirectly from any bloodborne pathogen,  
7 contagious staph infection, including Methicillin-resistant  
8 Staphylococcus aureus (MRSA), lung or respiratory disease or  
9 condition, heart or vascular disease or condition,  
10 hypertension, tuberculosis, or cancer resulting in any  
11 disability (temporary, permanent, total, or partial) to the  
12 employee shall be rebuttably presumed to arise out of and in  
13 the course of the employee's firefighting, EMT, or paramedic  
14 employment and, further, shall be rebuttably presumed to be  
15 causally connected to the hazards or exposures of the  
16 employment. This presumption shall also apply to any hernia or  
17 hearing loss suffered by an employee employed as a firefighter,  
18 EMT, EMT-I, A-EMT, or paramedic. However, this presumption  
19 shall not apply to any employee who has been employed as a  
20 firefighter, EMT, or paramedic for less than 5 years at the  
21 time he or she files an Application for Adjustment of Claim  
22 concerning this condition or impairment with the Illinois  
23 Workers' Compensation Commission. The rebuttable presumption  
24 established under this subsection, however, does not apply to  
25 an emergency medical technician (EMT), emergency medical  
26 technician-intermediate (EMT-I), advanced emergency medical

1 technician (A-EMT), or paramedic employed by a private employer  
2 if the employee spends the preponderance of his or her work  
3 time for that employer engaged in medical transfers between  
4 medical care facilities or non-emergency medical transfers to  
5 or from medical care facilities. The changes made to this  
6 subsection by Public Act 98-291 shall be narrowly construed.  
7 The Finding and Decision of the Illinois Workers' Compensation  
8 Commission under only the rebuttable presumption provision of  
9 this subsection shall not be admissible or be deemed res  
10 judicata in any disability claim under the Illinois Pension  
11 Code arising out of the same medical condition; however, this  
12 sentence makes no change to the law set forth in Krohe v. City  
13 of Bloomington, 204 Ill.2d 392.

14 (Source: P.A. 98-291, eff. 1-1-14; 98-874, eff. 1-1-15; 98-973,  
15 eff. 8-15-14; 99-78, eff. 7-20-15; 99-143, eff. 7-27-15.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law."