



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0147

Introduced 1/29/2019, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

820 ILCS 205/12.5 new

Amends the Child Labor Law. Provides that, before a child may be issued a permit to work as a child performer, a trust account must be established providing, at a minimum, that: at least 15% (or a greater percentage as determined by rule) of the gross earnings of the child performer shall be deposited into the account; the funds in the account shall be available only to the child performer; the funds shall be held by a bank, corporate fiduciary, or trust company, as those terms are defined in the Corporate Fiduciary Act; and the funds in the account shall become available to the child performer upon the child performer attaining the age of 16 years. Provides that the new provisions do not apply to an employer of a child performer employed to perform services as an extra, services as a background performer, or services in a similar capacity. Provides that the Department of Labor shall adopt rules to implement the provisions.

LRB101 04848 TAE 49857 b

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Child Labor Law is amended by adding Section
5 12.5 as follows:

6 (820 ILCS 205/12.5 new)

7 Sec. 12.5. Child performers; trust fund.

8 (a) In this Section:

9 "Artistic or creative services" includes, but is not
10 limited to, services as: an actor, actress, dancer, musician,
11 comedian, singer, stunt person, voice-over artist, runway or
12 print model, other performer or entertainer, songwriter,
13 musical producer, arranger, writer, director, producer,
14 production executive, choreographer, composer, conductor, or
15 designer.

16 "Child performer" means an unemancipated person under the
17 age of 16 who is employed in this State and who agrees to
18 render artistic or creative services.

19 (b) In addition to the requirements of Section 12, the
20 person authorized to issue employment certificates must
21 determine that a trust account, established by the child
22 performer's parent or guardian, that meets the requirements of
23 subsection (c) has been established designating the minor as

1 the beneficiary of the trust account before an employment
2 certificate for work as a child performer may be issued for a
3 minor under the age of 16 years. The Department of Labor shall,
4 however, authorize the issuance of a temporary employment
5 certificate having a duration of not more than 15 days without
6 the establishment of a trust fund to permit a minor to provide
7 artistic or creative services.

8 (c) A trust account subject to this Section must provide,
9 at a minimum, the following:

10 (1) that at least 15%, or greater amount as determined
11 by rule, of the gross earnings of the child performer shall
12 be deposited into the account;

13 (2) that the funds in the account shall be available
14 only to the child performer;

15 (3) that the account shall be held by a bank, corporate
16 fiduciary, or trust company, as those terms are defined in
17 the Corporate Fiduciary Act;

18 (4) that the funds in the account shall become
19 available to the child performer upon the child performer
20 attaining the age of 16 years.

21 (d) The parent or guardian of the child performer shall
22 provide the employer with the information necessary to transfer
23 moneys into the trust account. Once the child performer's
24 employer deposits the money into the trust account, the child
25 performer's employer shall have no further obligation or duty
26 to monitor or account for the money. The trustee or trustees of

1 the trust shall be the only individual, individuals, entity, or
2 entities with the obligation or duty to monitor and account for
3 money once it has been deposited by the child performer's
4 employer.

5 (e) This Section does not apply to an employer of a child
6 performer employed to perform services as an extra, services as
7 a background performer, or services in a similar capacity.

8 (f) The Department of Labor shall adopt rules to implement
9 this Section. The rules may specify that a percentage greater
10 than 15% of the child performer's gross earnings must be placed
11 into the trust account.