

# SB1440



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1440

Introduced 1/31/2025, by Sen. Robert Peters

### SYNOPSIS AS INTRODUCED:

820 ILCS 219/85

Amends the Occupational Safety and Health Act. Provides that a public employer that willfully (rather than intentionally) violates the Act, the Safety Inspection and Education Act, or the Health and Safety Act, or any standard, rule, regulation, or order under any of those Acts, or who demonstrates plain indifference to any provision of any of those Acts or any such standard, rule, regulation, or order, may be assessed a civil penalty of not more than \$70,000 per violation (rather than \$10,000 per violation).

LRB104 06347 SPS 16383 b

A BILL FOR

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 Occupational Safety and Health Act is  
5 amended by changing Section 85 as follows:

6 (820 ILCS 219/85)

7 Sec. 85. Civil penalties.

8 (a) After an inspection of a workplace under this Act, if  
9 the Director issues a citation, he or she shall, within 5 days  
10 after issuing the citation, notify the employer by certified  
11 mail, or by email to an email address previously designated by  
12 the employer for purposes of receiving notice under this Act,  
13 of any civil penalty proposed to be assessed for the violation  
14 set forth in the citation.

15 (b) If the Director has reason to believe that an employer  
16 has failed to correct a violation for which a citation has been  
17 issued within the period permitted for its correction, the  
18 Director shall notify the employer by certified mail, or by  
19 email to an email address previously designated by the  
20 employer for purposes of receiving notice under this Act, of  
21 that failure and of the civil penalty proposed to be assessed  
22 for that failure.

23 (c) Civil penalties authorized under this Section are as

1 follows:

2 (1) A public employer that repeatedly violates this  
3 Act, the Safety Inspection and Education Act, or the  
4 Health and Safety Act, or any combination of those Acts,  
5 or any standard, rule, regulation, or order under any of  
6 those Acts, may be assessed a civil penalty of not more  
7 than \$10,000 per violation.

8 (2) A public employer that willfully ~~intentionally~~  
9 violates this Act, the Safety Inspection and Education  
10 Act, or the Health and Safety Act, or any standard, rule,  
11 regulation, or order under any of those Acts, or who  
12 demonstrates plain indifference to any provision of any of  
13 those Acts or any such standard, rule, regulation, or  
14 order, may be assessed a civil penalty of not more than  
15 \$70,000 ~~\$10,000~~ per violation.

16 (3) A public employer that has received a citation for  
17 a serious violation of this Act, the Safety Inspection and  
18 Education Act, or the Health and Safety Act, or any  
19 standard, rule, regulation, or order under any of those  
20 Acts, may be assessed a civil penalty up to \$1,000 for each  
21 such violation.

22 (4) A public employer that has received a citation for  
23 a violation of this Act, the Safety Inspection and  
24 Education Act, or the Health and Safety Act, or any  
25 standard, rule, regulation, or order under any of those  
26 Acts, which is not a serious violation, may be assessed a

1 civil penalty of up to \$1,000 for each such violation.

2 (5) A public employer that violates a posting  
3 requirement is subject to the following citations and  
4 proposed penalty structure:

5 (A) Job Safety and Health Poster: an other than  
6 serious citation and a proposed penalty of \$1,000.

7 (B) Annual Summary of Work-Related Injuries and  
8 Illnesses (OSHA Form 300A): an other than serious  
9 citation and a proposed penalty of \$1,000, even if  
10 there are no recordable injuries or illnesses.

11 (C) Citation: an other than serious citation and a  
12 proposed penalty of \$1,000.

13 (6) A public employer that fails to correct a  
14 violation for which a citation has been issued within the  
15 time period permitted may be assessed a civil penalty of  
16 up to \$1,000 for each day the violation continues.

17 (d) For purposes of this Section, a "serious violation"  
18 shall be deemed to exist in a workplace if there is a  
19 substantial probability that death or serious physical harm  
20 could result from (i) a condition which exists or (ii) one or  
21 more practices, means, methods, operations, or processes which  
22 have been adopted or are in use in the workplace, unless the  
23 employer did not know and could not, with the exercise of  
24 reasonable diligence, have known of the presence of the  
25 violation.

26 (e) The Director may assess civil penalties as provided in

1 this Section, giving due consideration to the appropriateness  
2 of the penalty. A penalty may be reduced by the Director or the  
3 Director's authorized representative based on the public  
4 employer's good faith, size of business, and history of  
5 previous violations.

6 (f) The Attorney General may bring an action in the  
7 circuit court to enforce the collection of any civil penalty  
8 assessed under this Act.

9 (g) All civil penalties collected under this Act shall be  
10 deposited into the General Revenue Fund of the State of  
11 Illinois.

12 (Source: P.A. 102-705, eff. 1-1-23.)