



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2480

by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

820 ILCS 305/6	from Ch. 48, par. 138.6
820 ILCS 310/1	from Ch. 48, par. 172.36
820 ILCS 310/7	from Ch. 48, par. 172.42

Amends the Workers' Compensation Act and the Workers' Occupational Diseases Act. Includes Methicillin-resistant Staphylococcus aureus (MRSA) in the list of ailments giving rise to a rebuttable presumption that the ailment arose out of employment of firefighters, emergency medical technicians, and paramedics. Provides that the presumption is intended to shift the burden of proof and requires clear and convincing evidence to overcome the presumption. Contains applicability provisions. Excludes firefighters, emergency medical technicians, and paramedics from certain limitations on recovery for hearing loss. Effective immediately.

LRB101 08701 JLS 53786 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 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
17 typewritten notice stating whether he is insured or whether he
18 has qualified and is operating as a self-insured employer. In
19 the event the employer is insured, the notice shall state the
20 name and address of his insurance carrier, the number of the
21 insurance policy, its effective date and the date of
22 termination. In the event of the termination of the policy for
23 any reason prior to the termination date stated, the posted

1 notice shall promptly be corrected accordingly. In the event
2 the employer is operating as a self-insured employer the notice
3 shall state the name and address of the company, if any,
4 servicing the compensation payments of the employer, and the
5 name and address of the person in charge of making compensation
6 payments.

7 (b) Every employer subject to this Act shall maintain
8 accurate records of work-related deaths, injuries and illness
9 other than minor injuries requiring only first aid treatment
10 and which do not involve medical treatment, loss of
11 consciousness, restriction of work or motion, or transfer to
12 another job and file with the Commission, in writing, a report
13 of all accidental deaths, injuries and illnesses arising out of
14 and in the course of the employment resulting in the loss of
15 more than 3 scheduled work days. In the case of death such
16 report shall be made no later than 2 working days following the
17 accidental death. In all other cases such report shall be made
18 between the 15th and 25th of each month unless required to be
19 made sooner by rule of the Commission. In case the injury
20 results in permanent disability, a further report shall be made
21 as soon as it is determined that such permanent disability has
22 resulted or will result from the injury. All reports shall
23 state the date of the injury, including the time of day or
24 night, the nature of the employer's business, the name,
25 address, age, sex, conjugal condition of the injured person,
26 the specific occupation of the injured person, the direct cause

1 of the injury and the nature of the accident, the character of
2 the injury, the length of disability, and in case of death the
3 length of disability before death, the wages of the injured
4 person, whether compensation has been paid to the injured
5 person, or to his or her legal representative or his heirs or
6 next of kin, the amount of compensation paid, the amount paid
7 for physicians', surgeons' and hospital bills, and by whom
8 paid, and the amount paid for funeral or burial expenses if
9 known. The reports shall be made on forms and in the manner as
10 prescribed by the Commission and shall contain such further
11 information as the Commission shall deem necessary and require.
12 The making of these reports releases the employer from making
13 such reports to any other officer of the State and shall
14 satisfy the reporting provisions as contained in the Safety
15 Inspection and Education Act, the Health and Safety Act, and
16 the Occupational Safety and Health Act. The reports filed with
17 the Commission pursuant to this Section shall be made available
18 by the Commission to the Director of Labor or his
19 representatives and to all other departments of the State of
20 Illinois which shall require such information for the proper
21 discharge of their official duties. Failure to file with the
22 Commission any of the reports required in this Section is a
23 petty offense.

24 Except as provided in this paragraph, all reports filed
25 hereunder shall be confidential and any person having access to
26 such records filed with the Illinois Workers' Compensation

1 Commission as herein required, who shall release any
2 information therein contained including the names or otherwise
3 identify any persons sustaining injuries or disabilities, or
4 give access to such information to any unauthorized person,
5 shall be subject to discipline or discharge, and in addition
6 shall be guilty of a Class B misdemeanor. The Commission shall
7 compile and distribute to interested persons aggregate
8 statistics, taken from the reports filed hereunder. The
9 aggregate statistics shall not give the names or otherwise
10 identify persons sustaining injuries or disabilities or the
11 employer of any injured person or person with a disability.

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

15 (1) In case of the legal disability of the employee or
16 any dependent of a deceased employee who may be entitled to
17 compensation under the provisions of this Act, the
18 limitations of time by this Act provided do not begin to
19 run against such person under legal disability until a
20 guardian has been appointed.

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

26 No defect or inaccuracy of such notice shall be a bar to

1 the maintenance of proceedings on arbitration or otherwise by
2 the employee unless the employer proves that he is unduly
3 prejudiced in such proceedings by such defect or inaccuracy.

4 Notice of the accident shall give the approximate date and
5 place of the accident, if known, and may be given orally or in
6 writing.

7 (d) Every employer shall notify each injured employee who
8 has been granted compensation under the provisions of Section 8
9 of this Act of his rights to rehabilitation services and advise
10 him of the locations of available public rehabilitation centers
11 and any other such services of which the employer has
12 knowledge.

13 In any case, other than one where the injury was caused by
14 exposure to radiological materials or equipment or asbestos
15 unless the application for compensation is filed with the
16 Commission within 3 years after the date of the accident, where
17 no compensation has been paid, or within 2 years after the date
18 of the last payment of compensation, where any has been paid,
19 whichever shall be later, the right to file such application
20 shall be barred.

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

1 If in any case except one where the injury was caused by
2 exposure to radiological materials or equipment or asbestos,
3 the accidental injury results in death application for
4 compensation for death may be filed with the Commission within
5 3 years after the date of death where no compensation has been
6 paid or within 2 years after the date of the last payment of
7 compensation where any has been paid, whichever shall be later,
8 but not thereafter.

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

17 (e) Any contract or agreement made by any employer or his
18 agent or attorney with any employee or any other beneficiary of
19 any claim under the provisions of this Act within 7 days after
20 the injury shall be presumed to be fraudulent.

21 (f) Any condition or impairment of health of an employee
22 employed as a firefighter, emergency medical technician (EMT),
23 emergency medical technician-intermediate (EMT-I), advanced
24 emergency medical technician (A-EMT), or paramedic which
25 results directly or indirectly from any bloodborne pathogen,
26 lung or respiratory disease or condition, heart or vascular

1 disease or condition, hypertension, tuberculosis,
2 Methicillin-resistant Staphylococcus aureus (MRSA), or cancer
3 resulting in any disability (temporary, permanent, total, or
4 partial) to the employee shall be rebuttably presumed to arise
5 out of and in the course of the employee's firefighting, EMT,
6 or paramedic employment and, further, shall be rebuttably
7 presumed to be causally connected to the hazards or exposures
8 of the employment. This presumption shall also apply to any
9 hernia or hearing loss suffered by an employee employed as a
10 firefighter, EMT, EMT-I, A-EMT, or paramedic. However, this
11 presumption shall not apply to any employee who has been
12 employed as a firefighter, EMT, or paramedic for less than 5
13 years at the time he or she files an Application for Adjustment
14 of Claim concerning this condition or impairment with the
15 Illinois Workers' Compensation Commission. The rebuttable
16 presumption established under this subsection is intended to be
17 a strong presumption supported by compelling policy
18 considerations to compensate the victims who succumb to the
19 conditions and disabilities covered in this subsection and
20 their families. This presumption is intended to shift the
21 burden of proof to the employing entity. Any party attacking
22 the presumption must establish by clear and convincing evidence
23 an independent and non-work related cause for the condition or
24 disability covered by this subsection and prove that no aspect
25 of the employment contributed to the condition. Further, the
26 rebuttable presumption relating to hearing loss cannot be

1 overcome with evidence allegedly showing that the injured
2 employee did not meet the exposure thresholds listed in
3 subdivisions (e) and (f) of Section 8. The rebuttable
4 presumption established under this subsection, however, does
5 not apply to an emergency medical technician (EMT), emergency
6 medical technician-intermediate (EMT-I), advanced emergency
7 medical technician (A-EMT), or paramedic employed by a private
8 employer if the employee spends the preponderance of his or her
9 work time for that employer engaged in medical transfers
10 between medical care facilities or non-emergency medical
11 transfers to or from medical care facilities. The changes made
12 to this subsection by Public Act 98-291 shall be narrowly
13 construed. The Finding and Decision of the Illinois Workers'
14 Compensation Commission under only the rebuttable presumption
15 provision of this subsection shall not be admissible or be
16 deemed res judicata in any disability claim under the Illinois
17 Pension Code arising out of the same medical condition;
18 however, this sentence makes no change to the law set forth in
19 Krohe v. City of Bloomington, 204 Ill.2d 392. The changes made
20 by this amendatory Act of the 101st General Assembly are
21 intended to apply to matters arising on and after January 1,
22 2008.

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

25 Section 10. The Workers' Occupational Diseases Act is

1 amended by changing Sections 1 and 7 as follows:

2 (820 ILCS 310/1) (from Ch. 48, par. 172.36)

3 Sec. 1. This Act shall be known and may be cited as the
4 "Workers' Occupational Diseases Act".

5 (a) The term "employer" as used in this Act shall be
6 construed to be:

7 1. The State and each county, city, town, township,
8 incorporated village, school district, body politic, or
9 municipal corporation therein.

10 2. Every person, firm, public or private corporation,
11 including hospitals, public service, eleemosynary,
12 religious or charitable corporations or associations, who
13 has any person in service or under any contract for hire,
14 express or implied, oral or written.

15 3. Where an employer operating under and subject to the
16 provisions of this Act loans an employee to another such
17 employer and such loaned employee sustains a compensable
18 occupational disease in the employment of such borrowing
19 employer and where such borrowing employer does not provide
20 or pay the benefits or payments due such employee, such
21 loaning employer shall be liable to provide or pay all
22 benefits or payments due such employee under this Act and
23 as to such employee the liability of such loaning and
24 borrowing employers shall be joint and several, provided
25 that such loaning employer shall in the absence of

1 agreement to the contrary be entitled to receive from such
2 borrowing employer full reimbursement for all sums paid or
3 incurred pursuant to this paragraph together with
4 reasonable attorneys' fees and expenses in any hearings
5 before the Illinois Workers' Compensation Commission or in
6 any action to secure such reimbursement. Where any benefit
7 is provided or paid by such loaning employer, the employee
8 shall have the duty of rendering reasonable co-operation in
9 any hearings, trials or proceedings in the case, including
10 such proceedings for reimbursement.

11 Where an employee files an Application for Adjustment
12 of Claim with the Illinois Workers' Compensation
13 Commission alleging that his or her claim is covered by the
14 provisions of the preceding paragraph, and joining both the
15 alleged loaning and borrowing employers, they and each of
16 them, upon written demand by the employee and within 7 days
17 after receipt of such demand, shall have the duty of filing
18 with the Illinois Workers' Compensation Commission a
19 written admission or denial of the allegation that the
20 claim is covered by the provisions of the preceding
21 paragraph and in default of such filing or if any such
22 denial be ultimately determined not to have been bona fide
23 then the provisions of Paragraph K of Section 19 of this
24 Act shall apply.

25 An employer whose business or enterprise or a
26 substantial part thereof consists of hiring, procuring or

1 furnishing employees to or for other employers operating
2 under and subject to the provisions of this Act for the
3 performance of the work of such other employers and who
4 pays such employees their salary or wage notwithstanding
5 that they are doing the work of such other employers shall
6 be deemed a loaning employer within the meaning and
7 provisions of this Section.

8 (b) The term "employee" as used in this Act, shall be
9 construed to mean:

10 1. Every person in the service of the State, county,
11 city, town, township, incorporated village or school
12 district, body politic or municipal corporation therein,
13 whether by election, appointment or contract of hire,
14 express or implied, oral or written, including any official
15 of the State, or of any county, city, town, township,
16 incorporated village, school district, body politic or
17 municipal corporation therein and except any duly
18 appointed member of the fire department in any city whose
19 population exceeds 500,000 according to the last Federal or
20 State census, and except any member of a fire insurance
21 patrol maintained by a board of underwriters in this State.
22 One employed by a contractor who has contracted with the
23 State, or a county, city, town, township, incorporated
24 village, school district, body politic or municipal
25 corporation therein, through its representatives, shall
26 not be considered as an employee of the State, county,

1 city, town, township, incorporated village, school
2 district, body politic or municipal corporation which made
3 the contract.

4 2. Every person in the service of another under any
5 contract of hire, express or implied, oral or written, who
6 contracts an occupational disease while working in the
7 State of Illinois, or who contracts an occupational disease
8 while working outside of the State of Illinois but where
9 the contract of hire is made within the State of Illinois,
10 and any person whose employment is principally localized
11 within the State of Illinois, regardless of the place where
12 the disease was contracted or place where the contract of
13 hire was made, including aliens, and minors who, for the
14 purpose of this Act, except Section 3 hereof, shall be
15 considered the same and have the same power to contract,
16 receive payments and give quittances therefor, as adult
17 employees. An employee or his or her dependents under this
18 Act who shall have a cause of action by reason of an
19 occupational disease, disablement or death arising out of
20 and in the course of his or her employment may elect or
21 pursue his or her remedy in the State where the disease was
22 contracted, or in the State where the contract of hire is
23 made, or in the State where the employment is principally
24 localized.

25 (c) "Commission" means the Illinois Workers' Compensation
26 Commission created by the Workers' Compensation Act, approved

1 July 9, 1951, as amended.

2 (d) In this Act the term "Occupational Disease" means a
3 disease arising out of and in the course of the employment or
4 which has become aggravated and rendered disabling as a result
5 of the exposure of the employment. Such aggravation shall arise
6 out of a risk peculiar to or increased by the employment and
7 not common to the general public.

8 A disease shall be deemed to arise out of the employment if
9 there is apparent to the rational mind, upon consideration of
10 all the circumstances, a causal connection between the
11 conditions under which the work is performed and the
12 occupational disease. The disease need not to have been
13 foreseen or expected but after its contraction it must appear
14 to have had its origin or aggravation in a risk connected with
15 the employment and to have flowed from that source as a
16 rational consequence.

17 An employee shall be conclusively deemed to have been
18 exposed to the hazards of an occupational disease when, for any
19 length of time however short, he or she is employed in an
20 occupation or process in which the hazard of the disease
21 exists; provided however, that in a claim of exposure to atomic
22 radiation, the fact of such exposure must be verified by the
23 records of the central registry of radiation exposure
24 maintained by the Department of Public Health or by some other
25 recognized governmental agency maintaining records of such
26 exposures whenever and to the extent that the records are on

1 file with the Department of Public Health or the agency.

2 Any injury to or disease or death of an employee arising
3 from the administration of a vaccine, including without
4 limitation smallpox vaccine, to prepare for, or as a response
5 to, a threatened or potential bioterrorist incident to the
6 employee as part of a voluntary inoculation program in
7 connection with the person's employment or in connection with
8 any governmental program or recommendation for the inoculation
9 of workers in the employee's occupation, geographical area, or
10 other category that includes the employee is deemed to arise
11 out of and in the course of the employment for all purposes
12 under this Act. This paragraph added by Public Act 93-829 is
13 declarative of existing law and is not a new enactment.

14 The employer liable for the compensation in this Act
15 provided shall be the employer in whose employment the employee
16 was last exposed to the hazard of the occupational disease
17 claimed upon regardless of the length of time of such last
18 exposure, except, in cases of silicosis or asbestosis, the only
19 employer liable shall be the last employer in whose employment
20 the employee was last exposed during a period of 60 days or
21 more after the effective date of this Act, to the hazard of
22 such occupational disease, and, in such cases, an exposure
23 during a period of less than 60 days, after the effective date
24 of this Act, shall not be deemed a last exposure. If a miner
25 who is suffering or suffered from pneumoconiosis was employed
26 for 10 years or more in one or more coal mines there shall,

1 effective July 1, 1973 be a rebuttable presumption that his or
2 her pneumoconiosis arose out of such employment.

3 If a deceased miner was employed for 10 years or more in
4 one or more coal mines and died from a respirable disease there
5 shall, effective July 1, 1973, be a rebuttable presumption that
6 his or her death was due to pneumoconiosis.

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

1 with the Illinois Workers' Compensation Commission. The
2 rebuttable presumption established under this subsection is
3 intended to be a strong presumption supported by compelling
4 policy considerations to compensate the victims who succumb to
5 the conditions and disabilities covered in this subsection and
6 their families. This presumption is intended to shift the
7 burden of proof to the employing entity. Any party attacking
8 the presumption must establish by clear and convincing evidence
9 an independent and non-work related cause for the condition or
10 disability covered by this subsection and prove that no aspect
11 of the employment contributed to the condition. Further, the
12 rebuttable presumption relating to hearing loss cannot be
13 overcome with evidence allegedly showing that the injured
14 employee did not meet the exposure thresholds listed in
15 subdivisions (e) and (f) of Section 7. The rebuttable
16 presumption established under this subsection, however, does
17 not apply to an emergency medical technician (EMT), emergency
18 medical technician-intermediate (EMT-I), advanced emergency
19 medical technician (A-EMT), or paramedic employed by a private
20 employer if the employee spends the preponderance of his or her
21 work time for that employer engaged in medical transfers
22 between medical care facilities or non-emergency medical
23 transfers to or from medical care facilities. The changes made
24 to this subsection by this amendatory Act of the 98th General
25 Assembly shall be narrowly construed. The Finding and Decision
26 of the Illinois Workers' Compensation Commission under only the

1 rebuttable presumption provision of this paragraph shall not be
2 admissible or be deemed res judicata in any disability claim
3 under the Illinois Pension Code arising out of the same medical
4 condition; however, this sentence makes no change to the law
5 set forth in Krohe v. City of Bloomington, 204 Ill.2d 392. The
6 changes made by this amendatory Act of the 101st General
7 Assembly are intended to apply to matters arising on and after
8 January 1, 2008.

9 The insurance carrier liable shall be the carrier whose
10 policy was in effect covering the employer liable on the last
11 day of the exposure rendering such employer liable in
12 accordance with the provisions of this Act.

13 (e) "Disablement" means an impairment or partial
14 impairment, temporary or permanent, in the function of the body
15 or any of the members of the body, or the event of becoming
16 disabled from earning full wages at the work in which the
17 employee was engaged when last exposed to the hazards of the
18 occupational disease by the employer from whom he or she claims
19 compensation, or equal wages in other suitable employment; and
20 "disability" means the state of being so incapacitated.

21 (f) No compensation shall be payable for or on account of
22 any occupational disease unless disablement, as herein
23 defined, occurs within two years after the last day of the last
24 exposure to the hazards of the disease, except in cases of
25 occupational disease caused by berylliosis or by the inhalation
26 of silica dust or asbestos dust and, in such cases, within 3

1 years after the last day of the last exposure to the hazards of
2 such disease and except in the case of occupational disease
3 caused by exposure to radiological materials or equipment, and
4 in such case, within 25 years after the last day of last
5 exposure to the hazards of such disease.

6 (Source: P.A. 98-291, eff. 1-1-14; 98-973, eff. 8-15-14.)

7 (820 ILCS 310/7) (from Ch. 48, par. 172.42)

8 Sec. 7. If any employee sustains any disablement,
9 impairment, or disfigurement, or dies and his or her
10 disability, impairment, disfigurement or death is caused by a
11 disease aggravated by an exposure of the employment or by an
12 occupational disease arising out of and in the course of his or
13 her employment, such employee or such employee's dependents, as
14 the case may be, shall be entitled to compensation, medical,
15 surgical, hospital and rehabilitation care, prosthesis, burial
16 costs, and all other benefits, rights and remedies, in the same
17 manner, to the same extent and subject to the same terms,
18 conditions and limitations, except as herein otherwise
19 provided, as are now or may hereafter be provided by the
20 "Workers' Compensation Act" for accidental injuries sustained
21 by employees arising out of and in the course of their
22 employment (except that the amount of compensation which shall
23 be paid for loss of hearing of one ear is 100 weeks) and for
24 this purpose the disablement, disfigurement or death of an
25 employee by reason of an occupational disease, arising out of

1 and in the course of his or her employment, shall be treated as
2 the happening of an accidental injury.

3 (a) Loss of hearing for compensation purposes shall be
4 confined to the frequencies of 1,000, 2,000 and 3,000 cycles
5 per second. Loss of hearing ability for frequency tones above
6 3,000 cycles per second are not to be considered as
7 constituting disability for hearing.

8 (b) The percent of hearing loss, for purposes of the
9 determination of compensation claims for occupational
10 deafness, shall be calculated as the average in decibels for
11 the thresholds of hearing for the frequencies of 1,000, 2,000
12 and 3,000 cycles per second. Pure tone air conduction
13 audiometric instruments, approved by nationally recognized
14 authorities in this field, shall be used for measuring hearing
15 loss. If the losses of hearing average 30 decibels or less in
16 the 3 frequencies, such losses of hearing shall not then
17 constitute any compensable hearing disability. If the losses of
18 hearing average 85 decibels or more in the 3 frequencies, then
19 the same shall constitute and be total or 100 percent
20 compensable hearing loss.

21 (c) In measuring hearing impairment, the lowest measured
22 losses in each of the 3 frequencies shall be added together and
23 divided by 3 to determine the average decibel loss. For every
24 decibel of loss exceeding 30 decibels an allowance of 1.82%
25 shall be made up to the maximum of 100 percent which is reached
26 at 85 decibels.

1 (d) If a hearing loss is established to have existed on
2 July 1, 1975, by audiometric testing the employer shall not be
3 liable for the previous loss so established nor shall he be
4 liable for any loss for which compensation has been paid or
5 awarded.

6 (e) No consideration shall be given to the question of
7 whether or not the ability of an employee to understand speech
8 is improved by the use of a hearing aid.

9 (f) No claim for loss of hearing due to industrial noise
10 shall be brought against an employer or allowed unless the
11 employee has been exposed for a period of time sufficient to
12 cause permanent impairment to noise levels in excess of the
13 following:

14	Sound Level DBA	
15	Slow Response	Hours Per Day
16	90	8
17	92	6
18	95	4
19	97	3
20	100	2
21	102	1-1/2
22	105	1
23	110	1/2
24	115	1/4

25 This subparagraph (f) shall not be applied in cases of hearing
26 loss resulting from trauma or explosion. Further, this

1 subparagraph (f) shall not be applied in cases of hearing loss
2 to firefighters, emergency medical technicians, and
3 paramedics.

4 In addition to discharging the foregoing obligations, the
5 employer shall pay into the Special Fund created under
6 paragraph (f) of Section 7 of the "Workers' Compensation Act",
7 the same amounts and in the same manner as is provided in the
8 same Act in cases of accidental injuries arising out of and in
9 the course of the employment.

10 (Source: P.A. 81-1482.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.