



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2066

Introduced 2/15/2019, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

215 ILCS 5/Art. V.875 heading new
215 ILCS 5/107b.01 new
215 ILCS 5/107b.02 new

Amends the Illinois Insurance Code. Provides that an employer who is a member of a recognized religious sect or division of a recognized religious sect and who is adherent of established tenets or teachings of that sect or division by reason of which the employer is conscientiously opposed to benefits to employers and employees from any public or private insurance that makes payment in the event of death, disability, impairment, old age, or retirement or makes payments toward the cost of, or provides services in connection with the payment for medical services, including the benefits from any insurance system established by the Social Security Act may apply to the Director to be exempted from the payment of premiums and other charges assessed under this Code, with respect to, or if the employer is a self-insuring employer, from payment of direct compensation and benefits to and assessments required by this Code on account of, an individual employee who meets the requirements of this Code. Provides the requirements for completing the application process. Makes other changes. Effective immediately.

LRB101 11003 RAB 56196 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Insurance Code is amended by adding
5 Article V 7/8 as follows:

6 (215 ILCS 5/Art. V.875 heading new)

7 ARTICLE V 7/8. Amish Group Workers'
8 Compensation Pools

9 (215 ILCS 5/107b.01 new)

10 Sec. 107b.01. Short title. This Article may be cited as the
11 Amish Workers' Compensation Pool Law.

12 (215 ILCS 5/107b.02 new)

13 Sec. 107b.02. Recognized religious sect employer may apply
14 for exemption.

15 (a) An employer who is a member of a recognized religious
16 sect or division of a recognized religious sect and who is an
17 adherent of established tenets or teachings of that sect or
18 division by reason of which the employer is conscientiously
19 opposed to benefits to employers and employees from any public
20 or private insurance that makes payment in the event of death,
21 disability, impairment, old age, or retirement or makes

1 payments toward the cost of, or provides services in connection
2 with the payment for, medical services, including the benefits
3 from any insurance system established by the Social Security
4 Act may apply to the Director to be exempt from payment of
5 premiums and other charges assessed under this Code with
6 respect to, or if the employer is a self-insuring employer,
7 from payment of direct compensation and benefits to and
8 assessments required by this Code on account of, an individual
9 employee who meets the requirements of this Section. The
10 employer shall make an application on forms provided by the
11 Director for which forms may be those used by or similar to
12 those used by the United States Internal Revenue Service for
13 the purpose of granting an exemption from payment of social
14 security taxes under 26 U.S.C.A. 1402(g) of the Internal
15 Revenue Code, and shall include a written waiver signed by the
16 individual employee to be excepted from all the benefits and
17 compensation provided in this Code.

18 The application also shall include affidavits signed by the
19 employer and the individual employee that the employer and the
20 individual employee are members of a recognized religious sect
21 or division of a recognized religious sect and are adherents of
22 established tenets or teaching of that sect or division by
23 reason of which the employer and the individual employee are
24 conscientiously opposed to benefits to employers and employees
25 received from any public or private insurance that makes
26 payments in the event of death, disability, impairment, old

1 age, or retirement or makes payments toward the cost of, or
2 provides services in connection with the payment for, medical
3 services, including the benefits from any insurance system
4 established by the Social Security Act. If the individual is a
5 minor, the guardian of the minor shall complete the waiver and
6 affidavit required by this division.

7 (b) The Director shall grant the waiver and exception to
8 the employer for a particular individual employee if the
9 Director finds that the employer and the individual employee
10 are members of a sect or division having the established tenets
11 or teachings described in subsection (a), that it is the
12 practice, and has been for a substantial number of years, for
13 members of the sect or division of the sect to make provision
14 for their dependent members which, in the Director's judgment,
15 is reasonable in view of their general level of hiring, and
16 that the sect or division of the sect has been in existence at
17 all times since December 31, 1950.

18 (c) A waiver and exception under subsection (b) is
19 effective on the date the Director grants the waiver and
20 exception. An employer who complies with this Section and the
21 employer's other employees, with respect to an individual
22 employee for whom the Director grants the waiver and exception,
23 are entitled, as to that individual employee and as to all
24 injuries and occupational diseases of the individual employee
25 that occurred prior to the effective date of the waiver and
26 exception, to the protections of this Code. On and after the

1 effective date of the waiver and exception, the employer is not
2 liable for the payment of any premiums or other charges
3 assessed under this Code, or if the individual is a
4 self-insuring employer, the employer is not liable for the
5 payment of any compensation or benefits directly or other
6 charges assessed under this Code in regard to that individual
7 employee, and is considered a complying employer under this
8 Code and the employer and the employer's other employees are
9 entitled to the protections of this Code, as to that individual
10 employee, and as to injuries and occupational diseases of that
11 individual employee that occur on and after the effective date
12 of the waiver and exception.

13 (d) A waiver and exception granted in regard to a specific
14 employer and individual employee are valid for all future years
15 unless the Director determines that the employer, individual
16 employee, or sect or division ceases to meet the requirements
17 of this Section. If the Director makes this determination, the
18 employer is liable for the payment of premiums and other
19 charges assessed under this Code, or if the employer is a
20 self-insuring employer, the employer is liable for the payment
21 of compensation and benefits directly and other charges
22 assessed under this Code, in regard to the individual employee
23 for all injuries and occupational diseases of that individual
24 that occur on and after the date of the Director's
25 determination, and the individual employee is entitled to all
26 of the benefits and compensation provided in this Code for an

1 injury or occupational disease that occurs on or after the date
2 of the Director's determination.

3 (e) Nothing in this Section exempts an employer who is a
4 member of a recognized religious sect or division of a
5 recognized religious sect from providing workers' compensation
6 benefits to a non-Amish employee under this Code and the
7 Workers' Compensation Act.

8 (f) The Department may make such rules as it deems
9 necessary to implement this Section.

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