

SB0660



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0660

Introduced 2/24/2021, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-45.8 new
820 ILCS 305/8.1 new

Amends the Workers' Compensation Act in relation to repetitive injuries. Provides that an accidental injury that results from repetitive or cumulative trauma and occurs within 6 months after the employee begins employment shall not be considered by a workers' compensation insurer in setting rates. Provides for contribution by prior employers with respect to awards for repetitive or cumulative injuries. Amends the Illinois Administrative Procedure Act to authorize emergency rulemaking.

LRB102 11445 JLS 16778 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 1. The Illinois Administrative Procedure Act is
5 amended by adding Section 5-45.8 as follows:

6 (5 ILCS 100/5-45.8 new)

7 Sec. 5-45.8. Emergency rulemaking; Section 8.1 of the
8 Workers' Compensation Act. To provide for the expeditious and
9 timely implementation of Section 8.1 of the Workers'
10 Compensation Act, emergency rules implementing that Section
11 may be adopted in accordance with Section 5-45 by the Illinois
12 Workers' Compensation Commission. The adoption of emergency
13 rules authorized by Section 5-45 and this Section is deemed to
14 be necessary for the public interest, safety, and welfare.

15 This Section is repealed on January 1, 2027.

16 Section 5. The Workers' Compensation Act is amended by
17 adding Section 8.1 as follows:

18 (820 ILCS 305/8.1 new)

19 Sec. 8.1. Repetitive and cumulative injuries; right of
20 contribution.

21 (a) Any accidental injury which results from repetitive or

1 cumulative trauma and occurs within 6 months after the
2 employee begins his or her employment shall not be considered
3 by a workers' compensation insurer in setting the premium rate
4 for the employer.

5 (b) If an award is made for benefits in connection with
6 repetitive or cumulative injury resulting from employment with
7 more than one employer, the employer liable for award or its
8 insurer is entitled to contributions or reimbursement from
9 each of the employee's prior employers which are subject to
10 this Act or their insurers for the prior employer's pro rata
11 share of responsibility as determined by the Commission. The
12 right to contribution or reimbursement under this Section
13 shall not delay, diminish, restrict, or alter in any way the
14 benefits to which the employee or his or her dependents are
15 entitled under this Act. At any time within one year after the
16 Commission or the Arbitrator has made an award for benefits in
17 connection with repetitive or cumulative injury, the employer
18 liable under the award or its insurer may institute
19 proceedings before the Commission for the purpose of
20 determining the right of contribution or reimbursement. The
21 proceeding shall not delay, diminish, restrict, or alter in
22 any way the benefits to which the employee or his or her
23 dependents are entitled under this Act, but shall be limited
24 to a determination of the respective contribution or
25 reimbursement rights and the responsibilities of all the
26 employers joined in the proceeding. The employee has the duty

1 of rendering reasonable cooperation in any of such
2 proceedings.

3 (c) No contribution or reimbursement may be sought for any
4 payment of benefits more than 2 years after the employer
5 seeking contribution or reimbursement has made the payment.

6 (d) This Section shall apply only to injuries occurring on
7 or after the effective date of this amendatory Act of the 102nd
8 General Assembly.

9 (e) The Commission shall adopt emergency rules under
10 Section 5-45 of the Illinois Administrative Procedure Act to
11 implement the provisions of this Section.