

SB0082



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0082

Introduced 1/20/2023, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

820 ILCS 185/5

Amends the Employee Classification Act. Changes the definition of "performing services" to include the movement by truck of property, goods, materials, or equipment, including, but not limited to, construction related materials on the job site to or from the job site. Defines "truck" as any motor vehicle designed, used, or maintained primarily for the transportation of property, goods, materials, or equipment in furtherance of a commercial or industrial enterprise.

LRB103 25488 SPS 51837 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 Employee Classification Act is amended by
5 changing Section 5 as follows:

6 (820 ILCS 185/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Construction" means any constructing, altering,
9 reconstructing, repairing, rehabilitating, refinishing,
10 refurbishing, remodeling, remediating, renovating, custom
11 fabricating, maintenance, landscaping, improving, wrecking,
12 painting, decorating, demolishing, and adding to or
13 subtracting from any building, structure, highway, roadway,
14 street, bridge, alley, sewer, ditch, sewage disposal plant,
15 water works, parking facility, railroad, excavation or other
16 structure, project, development, real property or improvement,
17 or to do any part thereof, whether or not the performance of
18 the work herein described involves the addition to, or
19 fabrication into, any structure, project, development, real
20 property or improvement herein described of any material or
21 article of merchandise. Construction shall also include moving
22 construction related materials on the job site to or from the
23 job site.

1 "Contractor" means any individual, sole proprietor,
2 partnership, firm, corporation, limited liability company,
3 association or other legal entity permitted by law to do
4 business within the State of Illinois who engages in
5 construction as defined in this Act.

6 "Contractor" includes a general contractor and a
7 subcontractor.

8 "Department" means the Department of Labor.

9 "Director" means the Director of the Department of Labor.

10 "Employer" means any contractor that employs individuals
11 deemed employees under Section 10 of this Act; however,
12 "employer" does not include (i) the State of Illinois or its
13 officers, agencies, or political subdivisions or (ii) the
14 federal government.

15 "Entity" means any contractor for which an individual is
16 performing services and is not classified as an employee under
17 Section 10 of this Act; however, "entity" does not include (i)
18 the State of Illinois or its officers, agencies, or political
19 subdivisions or (ii) the federal government.

20 "Interested party" means a person with an interest in
21 compliance with this Act.

22 "Performing services" means the performance of any
23 constructing, altering, reconstructing, repairing,
24 rehabilitating, refinishing, refurbishing, remodeling,
25 remediating, renovating, custom fabricating, maintenance,
26 landscaping, improving, wrecking, painting, decorating,

1 demolishing, and adding to or subtracting from any building,
2 structure, highway, roadway, street, bridge, alley, sewer,
3 ditch, sewage disposal plant, water works, parking facility,
4 railroad, excavation or other structure, project, development,
5 real property or improvement, or to do any part thereof,
6 whether or not the performance of the work herein described
7 involves the addition to, or fabrication into, any structure,
8 project, development, real property or improvement herein
9 described of any material or article of merchandise.

10 "Performing services" ~~Construction~~ shall also include the
11 movement by truck of property, goods, materials, or equipment,
12 including, but not limited to, moving construction related
13 materials on the job site to or from the job site.

14 "Truck" means any motor vehicle designed, used, or
15 maintained primarily for the transportation of property,
16 goods, materials, or equipment in furtherance of a commercial
17 or industrial enterprise.

18 (Source: P.A. 98-106, eff. 1-1-14.)