



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3402

Introduced 2/27/2007, by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

820 ILCS 305/3

from Ch. 48, par. 138.3

Amends the Workers' Compensation Act. Provides that nothing contained in the Act shall be construed to apply to any sole proprietor who elects not to provide and pay compensation for accidental injuries sustained by himself or herself, arising out of and in the course of the employment according to the provisions of the Act who files a form as prescribed by the Illinois Workers' Compensation Commission specifically indicating that he or she elects not be covered by the Act. Provides that such election shall take effect 30 days after the filing of such form with the Commission.

LRB095 10028 RLC 30242 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 3 as follows:

6 (820 ILCS 305/3) (from Ch. 48, par. 138.3)

7 Sec. 3. The provisions of this Act hereinafter following
8 shall apply automatically and without election to the State,
9 county, city, town, township, incorporated village or school
10 district, body politic or municipal corporation, and to all
11 employers and all their employees, engaged in any department of
12 the following enterprises or businesses which are declared to
13 be extra hazardous, namely:

14 1. The erection, maintaining, removing, remodeling,
15 altering or demolishing of any structure.

16 2. Construction, excavating or electrical work.

17 3. Carriage by land, water or aerial service and loading or
18 unloading in connection therewith, including the distribution
19 of any commodity by horsedrawn or motor vehicle where the
20 employer employs more than 2 employees in the enterprise or
21 business.

22 4. The operation of any warehouse or general or terminal
23 storehouses.

1 5. Mining, surface mining or quarrying.

2 6. Any enterprise in which explosive materials are
3 manufactured, handled or used in dangerous quantities.

4 7. In any business or enterprise, wherein molten metal, or
5 explosive or injurious gases, dusts or vapors, or inflammable
6 vapors, dusts or fluids, corrosive acids, or atomic radiation
7 are manufactured, used, generated, stored or conveyed.

8 8. Any enterprise in which sharp edged cutting tools,
9 grinders or implements are used, including all enterprises
10 which buy, sell or handle junk and salvage, demolish or
11 reconstruct machinery.

12 9. In any enterprise in which statutory or municipal
13 ordinance regulations are now or shall hereafter be imposed for
14 the regulating, guarding, use or the placing of machinery or
15 appliances or for the protection and safeguarding of the
16 employees or the public therein; each of which occupations,
17 enterprises or businesses are hereby declared to be extra
18 hazardous.

19 10. Any enterprise, business or work in connection with the
20 laying out or improvement of subdivisions of tracts of land.

21 11. Any enterprise for the treatment of cross-ties,
22 switch-ties, telegraph poles, timber or other wood with
23 creosote or other preservatives.

24 12. Establishments open to the general public wherein
25 alcoholic beverages are sold to the general public for
26 consumption on the premises.

1 13. The operation of any public beauty shop wherein
2 chemicals, solutions, or heated instruments or objects are used
3 or applied by any employee in the dressing, treatment or waving
4 of human hair.

5 14. Any business or enterprise serving food to the public
6 for consumption on the premises wherein any employee as a
7 substantial part of the employee's work uses handcutting
8 instruments or slicing machines or other devices for the
9 cutting of meat or other food or wherein any employee is in the
10 hazard of being scalded or burned by hot grease, hot water, hot
11 foods, or other hot fluids, substances or objects.

12 15. Any business or enterprise in which electric, gasoline
13 or other power driven equipment is used in the operation
14 thereof.

15 16. Any business or enterprise in which goods, wares or
16 merchandise are produced, manufactured or fabricated.

17 17. (a) Any business or enterprise in which goods, wares or
18 merchandise are sold or in which services are rendered to the
19 public at large, provided that this paragraph shall not apply
20 to such business or enterprise unless the annual payroll during
21 the year next preceding the date of injury shall be in excess
22 of \$1,000.

23 (b) The corporate officers of any domestic or foreign
24 corporation employed by the corporation may elect to withdraw
25 themselves as individuals from the operation of this Act. Upon
26 an election by the corporate officers to withdraw, written

1 notice shall be provided to the insurance carrier of such
2 election to withdraw, which election shall be effective upon
3 receipt by the insurance carrier of such written notice. A
4 corporate officer who thereafter elects to resume coverage
5 under the Act as an individual shall provide written notice of
6 such election to the insurance carrier which election shall be
7 effective upon receipt by the insurance carrier of such written
8 notice. For the purpose of this paragraph, a "corporate
9 officer" is defined as a bona fide President, Vice President,
10 Secretary or Treasurer of a corporation who voluntarily elects
11 to withdraw.

12 18. On and after July 1, 1980, but not before, any
13 household or residence wherein domestic workers are employed
14 for a total of 40 or more hours per week for a period of 13 or
15 more weeks during a calendar year.

16 19. Nothing contained in this Act shall be construed to
17 apply to any agricultural enterprise, including aquaculture,
18 employing less than 400 working days of agricultural or
19 aquacultural labor per quarter during the preceding calendar
20 year, exclusive of working hours of the employer's spouse and
21 other members of his or her immediate family residing with him
22 or her.

23 20. Nothing contained in this Act shall be construed to
24 apply to any ~~sole proprietor or~~ partner or member of a limited
25 liability company who elects not to provide and pay
26 compensation for accidental injuries sustained by himself,

1 arising out of and in the course of the employment according to
2 the provisions of this Act.

3 21. Nothing contained in this Act shall be construed to
4 apply to any sole proprietor who elects not to provide and pay
5 compensation for accidental injuries sustained by himself or
6 herself, arising out of and in the course of the employment
7 according to the provisions of this Act who files a form as
8 prescribed by the Commission specifically indicating that he or
9 she elects not be covered by this Act. Such election shall take
10 effect 30 days after the filing of such form with the
11 Commission.

12 (Source: P.A. 91-591, eff. 8-14-99.)