



Rep. Dwight Kay

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1 AMENDMENT TO HOUSE BILL 2607

2 AMENDMENT NO. _____. Amend House Bill 2607 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as Uhl's Law.

5 Section 5. The Workers' Compensation Act is amended by
6 changing Section 1 as follows:

7 (820 ILCS 305/1) (from Ch. 48, par. 138.1)

8 Sec. 1. This Act may be cited as the Workers' Compensation
9 Act.

10 (a) The term "employer" as used in this Act means:

11 1. The State and each county, city, town, township,
12 incorporated village, school district, body politic, or
13 municipal corporation therein.

14 2. Every person, firm, public or private corporation,
15 including hospitals, public service, eleemosynary, religious

1 or charitable corporations or associations who has any person
2 in service or under any contract for hire, express or implied,
3 oral or written, and who is engaged in any of the enterprises
4 or businesses enumerated in Section 3 of this Act, or who at or
5 prior to the time of the accident to the employee for which
6 compensation under this Act may be claimed, has in the manner
7 provided in this Act elected to become subject to the
8 provisions of this Act, and who has not, prior to such
9 accident, effected a withdrawal of such election in the manner
10 provided in this Act.

11 3. Any one engaging in any business or enterprise referred
12 to in subsections 1 and 2 of Section 3 of this Act who
13 undertakes to do any work enumerated therein, is liable to pay
14 compensation to his own immediate employees in accordance with
15 the provisions of this Act, and in addition thereto if he
16 directly or indirectly engages any contractor whether
17 principal or sub-contractor to do any such work, he is liable
18 to pay compensation to the employees of any such contractor or
19 sub-contractor unless such contractor or sub-contractor has
20 insured, in any company or association authorized under the
21 laws of this State to insure the liability to pay compensation
22 under this Act, or guaranteed his liability to pay such
23 compensation. With respect to any time limitation on the filing
24 of claims provided by this Act, the timely filing of a claim
25 against a contractor or subcontractor, as the case may be,
26 shall be deemed to be a timely filing with respect to all

1 persons upon whom liability is imposed by this paragraph.

2 In the event any such person pays compensation under this
3 subsection he may recover the amount thereof from the
4 contractor or sub-contractor, if any, and in the event the
5 contractor pays compensation under this subsection he may
6 recover the amount thereof from the sub-contractor, if any.

7 This subsection does not apply in any case where the
8 accident occurs elsewhere than on, in or about the immediate
9 premises on which the principal has contracted that the work be
10 done.

11 4. Where an employer operating under and subject to the
12 provisions of this Act loans an employee to another such
13 employer and such loaned employee sustains a compensable
14 accidental injury in the employment of such borrowing employer
15 and where such borrowing employer does not provide or pay the
16 benefits or payments due such injured employee, such loaning
17 employer is liable to provide or pay all benefits or payments
18 due such employee under this Act and as to such employee the
19 liability of such loaning and borrowing employers is joint and
20 several, provided that such loaning employer is in the absence
21 of agreement to the contrary entitled to receive from such
22 borrowing employer full reimbursement for all sums paid or
23 incurred pursuant to this paragraph together with reasonable
24 attorneys' fees and expenses in any hearings before the
25 Illinois Workers' Compensation Commission or in any action to
26 secure such reimbursement. Where any benefit is provided or

1 paid by such loaning employer the employee has the duty of
2 rendering reasonable cooperation in any hearings, trials or
3 proceedings in the case, including such proceedings for
4 reimbursement.

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

18 An employer whose business or enterprise or a substantial
19 part thereof consists of hiring, procuring or furnishing
20 employees to or for other employers operating under and subject
21 to the provisions of this Act for the performance of the work
22 of such other employers and who pays such employees their
23 salary or wages notwithstanding that they are doing the work of
24 such other employers shall be deemed a loaning employer within
25 the meaning and provisions of this Section.

26 (b) The term "employee" as used in this Act means:

1 1. Every person in the service of the State, including
2 members of the General Assembly, members of the Commerce
3 Commission, members of the Illinois Workers' Compensation
4 Commission, and all persons in the service of the University of
5 Illinois, county, including deputy sheriffs and assistant
6 state's attorneys, city, town, township, incorporated village
7 or school district, body politic, or municipal corporation
8 therein, whether by election, under appointment or contract of
9 hire, express or implied, oral or written, including all
10 members of the Illinois National Guard while on active duty in
11 the service of the State, and all probation personnel of the
12 Juvenile Court appointed pursuant to Article VI of the Juvenile
13 Court Act of 1987, and including any official of the State, any
14 county, city, town, township, incorporated village, school
15 district, body politic or municipal corporation therein except
16 any duly appointed member of a police department in any city
17 whose population exceeds 200,000 according to the last Federal
18 or State census, and except any member of a fire insurance
19 patrol maintained by a board of underwriters in this State. A
20 duly appointed member of a fire department in any city, the
21 population of which exceeds 200,000 according to the last
22 federal or State census, is an employee under this Act only
23 with respect to claims brought under paragraph (c) of Section
24 8.

25 One employed by a contractor who has contracted with the
26 State, or a county, city, town, township, incorporated village,

1 school district, body politic or municipal corporation
2 therein, through its representatives, is not considered as an
3 employee of the State, county, city, town, township,
4 incorporated village, school district, body politic or
5 municipal corporation which made the contract.

6 2. Every person in the service of another under any
7 contract of hire, express or implied, oral or written,
8 including persons whose employment is outside of the State of
9 Illinois where the contract of hire is made within the State of
10 Illinois, persons whose employment results in fatal or
11 non-fatal injuries within the State of Illinois where the
12 contract of hire is made outside of the State of Illinois, and
13 persons whose employment is principally localized within the
14 State of Illinois, regardless of the place of the accident or
15 the place where the contract of hire was made, and including
16 aliens, and minors who, for the purpose of this Act are
17 considered the same and have the same power to contract,
18 receive payments and give quittances therefor, as adult
19 employees.

20 3. Every sole proprietor and every partner of a business
21 may elect to be covered by this Act.

22 An employee or his dependents under this Act who shall have
23 a cause of action by reason of any injury, disablement or death
24 arising out of and in the course of his employment may elect to
25 pursue his remedy in the State where injured or disabled, or in
26 the State where the contract of hire is made, or in the State

1 where the employment is principally localized.

2 However, any employer may elect to provide and pay
3 compensation to any employee other than those engaged in the
4 usual course of the trade, business, profession or occupation
5 of the employer by complying with Sections 2 and 4 of this Act.
6 Employees are not included within the provisions of this Act
7 when excluded by the laws of the United States relating to
8 liability of employers to their employees for personal injuries
9 where such laws are held to be exclusive.

10 The term "employee" does not include persons performing
11 services as real estate broker, broker-salesman, or salesman
12 when such persons are paid by commission only.

13 The term "employee" does not include a person with a cause
14 of action by reason of any injury, disablement, or death
15 arising out of and in the course of his or her employment when
16 that injury, disablement, or death occurred during and as a
17 proximate result of his or her commission of a felony.

18 (c) "Commission" means the Industrial Commission created
19 by Section 5 of "The Civil Administrative Code of Illinois",
20 approved March 7, 1917, as amended, or the Illinois Workers'
21 Compensation Commission created by Section 13 of this Act.

22 (Source: P.A. 93-721, eff. 1-1-05.).