

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 adding Section 43 as follows:

6 (820 ILCS 185/43 new)

7 Sec. 43. Reporting requirements.

8 (a) Any contractor for which either an individual, sole
9 proprietor, or partnership is performing construction services
10 shall report all payments made to that individual, sole
11 proprietor, or partnership if the recipient of payment is not
12 classified as an employee. The report shall be submitted to the
13 Illinois Department of Labor annually on or before January 31
14 following the taxable year in which the payment was made. The
15 report must include:

16 (1) the contractor name, address, and business
17 identification number;

18 (2) the individual, sole proprietor, or partnership
19 name, address, and federal employer identification number;
20 and

21 (3) the total amount the contractor paid to the
22 individual, sole proprietor, or partnership performing
23 services in the taxable year, including payments for

1 services and for any materials and equipment that was
2 provided along with the services.

3 (b) Reports filed under this Section are confidential and
4 exempt from public disclosure other than to employees in
5 performance of their official duties. However, the name of the
6 reporting contractor and the name of the individual, sole
7 proprietor, or partnership performing construction services
8 shall be disclosed upon request by the general public under the
9 Freedom of Information Act.

10 (c) If the Department, upon investigation, finds that a
11 contractor has failed to file a report or has filed an
12 incomplete report in violation of this Section, the Department
13 shall notify the contractor, in writing, of its finding and
14 assess a civil penalty as provided in Section 40. The matter
15 shall be referred to an Administrative Law Judge to schedule a
16 formal hearing in accordance with the Illinois Administrative
17 Procedure Act.

18 (d) A final decision of an Administrative Law Judge issued
19 pursuant to this Section is subject to the provisions of the
20 Administrative Review Law and shall be enforceable in an action
21 brought in the name of the people of the State of Illinois by
22 the Attorney General.

23 (e) The Department shall have the authority to adopt
24 reasonable rules for implementation of this Section and the
25 hearing process. The General Assembly finds that the adoption
26 of rules to implement this Section is deemed an emergency and

1 necessary for the public interest and welfare.

2 (f) A violation of this Section shall subject the violator
3 to debarment pursuant to Section 42.

4 (g) Nothing in this Section shall apply to a business
5 primarily engaged in the sale of tangible personal property or
6 a contractor doing work for a business primarily engaged in the
7 sale of tangible personal property.

8 (h) Nothing in this Section shall apply to individuals or
9 firms meeting the responsible bidder requirements of Section
10 30-22 of the Illinois Procurement Code.