



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3756

by Rep. Jaime M. Andrade, Jr.

#### SYNOPSIS AS INTRODUCED:

820 ILCS 219/55  
820 ILCS 219/65

Amends the Occupational Safety and Health Act. Provides that the Director of Labor shall adopt rules necessary to implement the Act, including, but not limited to, rules dealing with the inspection of an employer's establishment. Authorizes the Director to require the attendance and testimony of witnesses and the production of evidence under oath during inspections and investigations. Effective immediately.

LRB099 10181 SXM 30405 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 Occupational Safety and Health Act is  
5 amended by changing Sections 55 and 65 as follows:

6 (820 ILCS 219/55)

7 Sec. 55. Rules generally.

8 (a) The Director, from time to time, shall promulgate rules  
9 that clearly describe the persons to whom those rules apply and  
10 that clearly describe the conduct that is required of those  
11 persons. Each such rule shall, by its terms, be uniform and  
12 general in its application wherever the subject matter of the  
13 rule exists in any workplace having employees in the service of  
14 a public employer. The rules may include rules that, when  
15 applicable to products which are distributed or used in  
16 interstate commerce, are required by compelling local  
17 conditions and do not unduly burden interstate commerce.

18 (b) Any standards or rules promulgated by the Director  
19 under the Safety Inspection and Education Act or the Health and  
20 Safety Act that are in full force on the effective date of this  
21 Act shall become the rules of the Department under this Act.  
22 This Act does not affect the legality of any such rules in the  
23 Illinois Administrative Code.

1 (c) Any proposed standards or rules filed with the  
2 Secretary of State by the Director under the Safety Inspection  
3 and Education Act or the Health and Safety Act that are pending  
4 in the rulemaking process on the effective date of this Act  
5 shall be deemed to have been filed by the Director under this  
6 Act.

7 (d) As soon as practicable after the effective date of this  
8 Act, the Director shall revise and clarify the standards or  
9 rules described in subsections (b) and (c) as necessary to  
10 reflect the provisions of this Act.

11 (e) The Director of Labor shall adopt such rules as he or  
12 she may deem necessary to implement the provisions of this Act,  
13 including, but not limited to, rules dealing with the  
14 inspection of an employer's establishment.

15 (Source: P.A. 98-874, eff. 1-1-15.)

16 (820 ILCS 219/65)

17 Sec. 65. Periodic inspection of workplaces.

18 (a) The Director shall enforce the occupational safety and  
19 health standards and rules promulgated under this Act and any  
20 occupational health and safety regulations relating to  
21 inspection of places of employment, and shall visit and  
22 inspect, as often as practicable, the places of employment  
23 covered by this Act.

24 (b) The Director or his or her authorized representative,  
25 upon presenting appropriate credentials to a public employer's

1 agent in charge, has the right to enter and inspect all places  
2 of employment covered by this Act as follows:

3 (1) An inspector may enter without delay and at  
4 reasonable times any establishment, construction site, or  
5 other area, workplace, or environment where work is  
6 performed by an employee of a public employer in order to  
7 enforce the occupational safety and health standards  
8 adopted under this Act.

9 (2) If a public employer refuses entry to an inspector  
10 upon being presented with proper credentials or allows  
11 entry but then refuses to permit or hinders the inspection  
12 in any way, the inspector shall leave the premises and  
13 immediately report the refusal to authorized management  
14 within the Division. Authorized management shall notify  
15 the Director to initiate the compulsory legal process to  
16 obtain entry or obtain a warrant for entry, or both.

17 (3) An inspector may inspect and investigate during  
18 regular working hours and at other reasonable times, and  
19 within reasonable limits and in a reasonable manner, any  
20 workplace described in paragraph (1) and all pertinent  
21 conditions, structures, machines, apparatus, devices,  
22 equipment, and materials therein, and to question  
23 privately the employer or any agent or employee of the  
24 employer.

25 (4) The owner, operator, manager, or lessee of any  
26 workplace covered by this Act, and his or her agent or

1 employee, and any employer affected by this Act shall, when  
2 requested by the Division of Occupational Safety and Health  
3 or any duly authorized agent of that Division: (i) furnish  
4 any information in his or her possession or under his or  
5 her control which the Department is authorized to require,  
6 (ii) answer truthfully all questions required to be put to  
7 him or her, and (iii) cooperate in the making of a proper  
8 inspection.

9 (c) In making his or her inspection and investigations  
10 under this Act, the Director of Labor has the power to require  
11 the attendance and testimony of witnesses and the production of  
12 evidence under oath.

13 (Source: P.A. 98-874, eff. 1-1-15.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.