



Sen. Kyle McCarter

Filed: 4/16/2015

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LRB099 05539 JLS 34191 a

1 AMENDMENT TO SENATE BILL 993

2 AMENDMENT NO. _____. Amend Senate Bill 993 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Employee Classification Act is amended by
5 changing Section 43 as follows:

6 (820 ILCS 185/43)

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
13 electronically to the Illinois Department of Labor annually on
14 or before April 30 ~~January 31~~ following the taxable year in
15 which the payment was made. The report must include:

16 (1) the contractor name, address, and business

1 identification number;

2 (2) the individual, sole proprietor, or partnership
3 name, address, and federal employer identification number;
4 and

5 (3) the total amount the contractor paid to the
6 individual, sole proprietor, or partnership performing
7 services in the taxable year, including payments for
8 services and for any materials and equipment that was
9 provided along with the services.

10 (b) Reports filed under this Section are confidential and
11 exempt from public disclosure other than to employees in
12 performance of their official duties. However, the name of the
13 reporting contractor and the name of the individual, sole
14 proprietor, or partnership performing construction services
15 shall be disclosed upon request by the general public under the
16 Freedom of Information Act.

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

25 (d) A final decision of an Administrative Law Judge issued
26 pursuant to this Section is subject to the provisions of the

1 Administrative Review Law and shall be enforceable in an action
2 brought in the name of the people of the State of Illinois by
3 the Attorney General.

4 (e) The Department shall have the authority to adopt
5 reasonable rules for implementation of this Section and the
6 hearing process. The General Assembly finds that the adoption
7 of rules to implement this Section is deemed an emergency and
8 necessary for the public interest and welfare.

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

11 (g) Nothing in this Section shall apply to a business
12 primarily engaged in the sale of tangible personal property or
13 a contractor doing work for a business primarily engaged in the
14 sale of tangible personal property.

15 (h) Nothing in this Section shall apply to individuals or
16 firms meeting the responsible bidder requirements of Section
17 30-22 of the Illinois Procurement Code.

18 (Source: P.A. 98-105, eff. 1-1-14.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."