AN ACT concerning employment.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Child Labor Law of 2024.

Section 5. Findings. The General Assembly finds that minors engaged in work are deserving of enhanced workplace protections. It is the intent of the General Assembly, in enacting this Child Labor Law of 2024, to safeguard all working minors' health, safety, welfare, and access to education and the provisions of this Act shall be interpreted to provide the greatest protection of a minor's well-being.

Section 10. Definitions. As used in this Act:

"Construction" means any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, wrecking, painting, decorating, demolishing, and adding to or subtracting from any building, structure, highway, roadway, street, bridge, alley, sewer, ditch, sewage disposal plant, water works, parking facility, railroad, excavation or other structure, project, development, real property or improvement,

or to do any part thereof, whether or not the performance of the work herein described involves the addition to, or fabrication into, any structure, project, development, real property or improvement herein described of any material or article of merchandise. "Construction" also includes moving construction-related materials on the job site to or from the job site.

"Department" means the Department of Labor.

"Director" means the Director of Labor.

"District superintendent of schools" means an individual employed by a board of education in accordance with Section 10-21.4 of the School Code and the chief executive officer of a school district in a city with over 500,000 inhabitants.

"Duly authorized agent" means an individual who has been designated by a regional or district superintendent of schools as his or her agent for the limited purpose of issuing employment certificates to minors under the age of 16 and may include officials of any public school district, charter school, or any State-recognized, non-public school.

"Employ" means to allow, suffer, or permit to work.

"Employer" means a person who employs a minor to work.

"Family" means a group of persons related by blood or marriage, including civil partnerships, or whose close relationship with each other is considered equivalent to a family relationship by the individuals.

"Minor" means any person under the age of 16.

"Online platform" means any public-facing website, web application, or digital application, including a mobile application. "Online platform" includes a social network, advertising network, mobile operating system, search engine, email service, or Internet access service.

"Person" means any natural person, individual, corporation, business enterprise, or other legal entity, either public or private, and any legal successor, representative, agent, or agency of that individual, corporation, business enterprise, or legal entity.

"Regional superintendent of schools" means the chief administrative officer of an educational service region as described in Section 3A-2 of the School Code.

"School hours" means, for a minor of compulsory school age who is enrolled in a public or non-public school that is registered with or recognized by the State Board of Education, the hours the minor's school is in session. "School hours" means, for a minor of compulsory school age who is not enrolled in a public or non-public school that is registered with or recognized by the State Board of Education, the hours that the minor's local public school in the district where the minor resides is in session.

"School issuing officer" means a regional or district superintendent of schools, or his or her duly authorized agent.

"Vlog" means content shared on an online platform in

exchange for compensation.

"Vlogger" means an individual or family that creates video content, performed in Illinois, in exchange for compensation, and includes any proprietorship, partnership, company, or other corporate entity assuming the name or identity of a particular individual or family for the purposes of that content creation. "Vlogger" does not include any person under the age of 16 who produces his or her own vlogs.

Section 15. Employment of minors.

(a) A person shall not employ, allow, or permit a minor to work in Illinois unless that work meets the requirements of this Act and any rules adopted under this Act.

(b) A person may employ, allow, or permit a minor 14 or 15 years of age to work outside of school hours, except at work sites prohibited under Section 55, after being issued a certificate authorizing that employment.

(c) A person shall not employ, allow, or permit a minor 13 years of age or younger to work in any occupation or at any work site not explicitly authorized by or exempted from this Act.

Section 20. Exemptions.

(a) Nothing in this Act applies to the work of a minor engaged in agricultural pursuits, except that no minor under 12 years of age, except members of the farmer's own family who

live with the farmer at his principal place of residence, at any time shall be employed, allowed, or permitted to work in any gainful occupation in connection with agriculture, except that any minor of 10 years of age or older shall be permitted to work in a gainful occupation in connection with agriculture during school vacations or outside of school hours.

(b) Nothing in this Act applies to the work of a minor engaged in the sale and distribution of magazines and newspapers outside of school hours.

(c) Nothing in this Act applies a minor's performance of household chores or babysitting outside of school hours if that work is performed in or about a private residence and not in connection with an established business, trade, or profession of the person employing, allowing, or permitting the minor to perform the activities.

(d) Nothing in this Act applies to the work of a minor 13 years of age or older in caddying at a golf course.

(e) Nothing in this Act applies to a minor 14 or 15 years of age who is, under the direction of the minor's school, participating in work-based learning programs in accordance with the School Code.

(f) Nothing in this Act prohibits an employer from employing, allowing, or permitting a minor 12 or 13 years of age to work as an officiant or an assistant instructor of youth sports activities for a not-for-profit youth club, park district, or municipal parks and recreation department if the

employer obtains certification as provided for in Section 55 and:

(1) the parent or guardian of the minor who is working as an officiant or an assistant instructor, or an adult designated by the parent or guardian, shall be present at the youth sports activity while the minor is working;

(2) the minor may work as an officiant or an assistant instructor for a maximum of 3 hours per day on school days and a maximum of 4 hours per day on non-school days;

(3) the minor shall not exceed 10 hours of officiating and working as assistant instructor in any week;

(4) the minor shall not work later than 9:00 p.m. on any day of the week; and

(5) the participants in the youth sports activity are at least 3 years younger than the minor unless an individual 16 years of age or older is officiating or instructing the same youth sports activity with the minor.

The failure to satisfy the requirements of this subsection may result in the revocation of the minor's employment certificate.

Section 25. Allowable work hours. Except as allowed under Section 30, no employer shall employ, allow, or permit a minor to work:

(1) more than 18 hours during a week when school is in session;

(2) more than 40 hours during a week when school is not in session;

(3) more than 8 hours in any single 24-hour period;

(4) between 7 p.m. and 7 a.m. from Labor Day until June 1 or between 9 p.m. and 7 a.m. from June 1 until Labor Day; or

(5) more than 3 hours per day or more than 8 hours total of work and school hours on days when school is in session.

Section 30. Exceptions to allowable work hours.

(a) An employer may employ, allow, or permit a minor under the age of 16 to work a maximum of 8 hours on each Saturday and on Sunday during the school year if:

(1) the minor does not work outside of school hours more than 6 consecutive days in any one week; and

(2) the number of hours worked by the minor outside of school hours in any week does not exceed 24.

(b) A minor working as a live theatrical performer as described in Section 45 shall be permitted to work until 11 p.m. on nights when performances are held.

(c) A minor under 16 years of age working as a performer as described in Section 50 shall be permitted to work until 10 p.m.

(d) A park district, not-for-profit youth club, or municipal parks and recreation department may allow a minor 14

years of age or older to work in a recreational or educational activity beyond the hours identified in Section 25 as follows:

(1) From Labor Day until June 1, an employer may allow a minor to work until 9 p.m. on school days if the following conditions are met:

(A) the minor does not work more than 3 hours per day;

(B) the minor does not work on more than 2 school days in that week; and

(C) the minor does not work more than 24 total hours outside school hours in that week.

(2) From June 1 to Labor Day, an employer may allow a minor to work until 10 p.m. and no earlier than 7 a.m.

(3) For a minor who attends a school that operates a year-round schedule, an employer may allow the minor to work until 10 p.m. and no earlier than 7 a.m. during periods when school is not in session for the minor. If school is in session, then the minor who attends a school that operates a year-round schedule may work until 9 p.m. on school days and no earlier than 7 a.m., if the following conditions are met:

(A) the minor does not work more than 3 hours per day;

(B) the minor does not work on more than 2 school days in that week; and

(C) the minor does not work more than 24 total

hours outside school hours in that week.

Section 35. Employer requirements.

(a) It shall be unlawful for any person to employ, allow, or permit any minor to work unless the minor obtains an employment certificate authorizing the minor to work for that person. Any person seeking to employ, allow, or permit any minor to work shall provide that minor with a notice of intention to employ to be submitted by the minor to the minor's school issuing officer with the minor's application for an employment certificate.

(b) Every employer of one or more minors shall maintain, on the premises where the work is being done, records that include the name, date of birth, and place of residence of every minor who works for that employer, notice of intention to employ the minor, and the minor's employment certificate. Authorized officers and employees of the Department, truant officers, and other school officials charged with the enforcement of school attendance requirements described in Section 26-1 of the School Code may inspect the records without notice at any time.

(c) Every employer of minors shall ensure that all minors are supervised by an adult 21 years of age or older, on site, at all times while the minor is working.

(d) No person shall employ, allow, or permit any minor to work for more than 5 hours continuously without an interval of

at least 30 minutes for a meal period. No period of less than 30 minutes shall be deemed to interrupt a continuous period of work.

(e) Every employer who employs one or more minors shall post in a conspicuous place where minors are employed, allowed, or permitted to work, a notice summarizing the requirements of this Act, including a list of the occupations prohibited to minors and the Department's toll free telephone number described in Section 85. An employer with employees who do not regularly report to a physical workplace, such as employees who work remotely or travel for work, shall also provide the summary and notice by email to its employees or conspicuous posting on the employer's website or intranet site, if the site is regularly used by the employer to communicate work-related information to employees and is able to be regularly accessed by all employees, freely and without interference. The notice shall be furnished by the Department.

(f) Every employer, during the period of employment of a minor and for 3 years thereafter, shall keep on file, at the place of employment, a copy of the employment certificate issued for the minor. An employment certificate shall be valid only for the employer for whom issued and a new certificate shall not be issued for the employment of a minor except on the presentation of a new statement of intention to employ the minor. The failure of any employer to produce for inspection the employment certificate for each minor in the employer's

establishment shall be a violation of this Act. The Department may specify any other record keeping requirements by rule.

(g) In the event of the work-related death of a minor engaged in work subject to this Act, the employer shall, within 24 hours, report the death to the Department and to the school official who issued the minor's work certificate for that employer. In the event of a work-related injury or illness of a minor that requires the employer to file a report with the Illinois Workers' Compensation Commission under Section 6 of the Workers' Compensation Act or Section 6 of the Workers' Occupational Diseases Act, the employer shall submit a copy of the report to the Department and to the school official who issued the minor's work certificate for that employer within 72 hours of the deadline by which the employer must file the report to the Illinois Workers' Compensation Commission. The report shall be subject to the confidentiality provisions of Section 6 of the Workers' Compensation Act or Section 6 of the Workers' Occupational Diseases Act.

Section 40. Restrictions on employment of minors.

(a) No person shall employ, allow, or permit a minor to work:

(1) in any mechanic's garage, including garage pits, repairing cars, trucks, or other vehicles or using garage lifting racks;

(2) in the oiling, cleaning, or wiping of machinery or

shafting;

(3) in or about any mine or quarry;

(4) in stone cutting or polishing;

(5) in any factory work;

(6) in or about any plant manufacturing explosives or articles containing explosive components, or in the use or transportation of same;

(7) in or about plants manufacturing iron or steel, ore reduction works, smelters, foundries, forging shops, hot rolling mills or any other place in which the heating, melting, or heat treatment of metals is carried on;

(8) in the operation of machinery used in the cold rolling of heavy metal stock, or in the operation of power-driven punching, shearing, stamping, or metal plate bending machines;

(9) in or about logging, sawmills or lath, shingle, or cooperage-stock mills;

(10) in the operation of power-driven woodworking machines, or off-bearing from circular saws;

(11) in the operation and repair of freight elevators or hoisting machines and cranes;

(12) in spray painting;

(13) in occupations involving exposure to lead or its compounds;

(14) in occupations involving exposure to acids, dyes, chemicals, dust, gases, vapors, or fumes that are known or

suspected to be dangerous to humans;

(15) in any occupation subject to the Amusement Ride and Attraction Safety Act;

(16) in oil refineries, gasoline blending plants, or pumping stations on oil transmission lines;

(17) in the operation of laundry, dry cleaning, or dyeing machinery;

(18) in occupations involving exposure to radioactive substances;

(19) in or about any filling station or service station, except that this prohibition does not extend to employment within attached convenience stores, food service, or retail establishments;

(20) in construction work, including demolition and repair;

(21) in any energy generation or transmission service;

(22) in public and private utilities and related services;

(23) in operations in or in connection with slaughtering, meat packing, poultry processing, and fish and seafood processing;

(24) in operations which involve working on an elevated surface, with or without use of equipment, including, but not limited to, ladders and scaffolds;

(25) in security positions or any occupations that require the use or carrying of a firearm or other weapon;

(26) in occupations which involve the handling or storage of human blood, human blood products, human body fluids, or human body tissues;

(27) in any mill, cannery, factory, workshop, or coal, brick, or lumber yard;

(28) any occupation which is prohibited for minors under federal law; or

(29) in any other occupation or working condition determined by the Director to be hazardous.

(b) No person shall employ, allow, or permit a minor to work at:

(1) any cannabis business establishment subject to the Cannabis Regulation and Tax Act or Compassionate Use of Medical Cannabis Program Act;

(2) any establishment subject to the Live Adult Entertainment Facility Surcharge Act;

(3) any firearm range or gun range used for discharging a firearm in a sporting event, for practice or instruction in the use of a firearm, or the testing of a firearm;

(4) any establishment in which items containing alcohol for consumption are manufactured, distilled, brewed, or bottled;

(5) any establishment where the primary activity is the sale of alcohol or tobacco;

(6) an establishment operated by any holder of an

owners license subject to the Illinois Gambling Act; or

(7) any other establishment which State or federal law prohibits minors from entering or patronizing.

(c) An employer shall not allow minors to draw, mix, pour, or serve any item containing alcohol or otherwise handle any open containers of alcohol. An employer shall make reasonable efforts to ensure that minors are unable to access alcohol.

(d) An employer may allow minors aged 14 and 15 to work in retail stores, except that an employer shall not allow minors to handle or be able to access any goods or products which are illegal for minors to purchase or possess.

(e) No person shall employ, allow, or permit an unlicensed minor to perform work in the practice of barber, cosmetology, esthetics, hair braiding, and nail technology services requiring a license under the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985, except for students enrolled in a school and performing barber, cosmetology, esthetics, hair braiding, and nail technology services in accordance with that Act and rules adopted under that Act.

(f) A person may employ, allow, or permit a minor to perform office or administrative support work that does not expose the minor to the work prohibited in this Section.

Section 45. Minors employed in live theatrical performances. In addition to the other requirements of this

Act, an employer of a minor working in live theatrical performances, including plays, musicals, recitals, or concerts, is subject to the following requirements:

(1) An employer shall not allow a minor to work in more than 2 performances in any 24-hour period.

(2) An employer shall not allow a minor to work in more than 8 performances in any 7-day period or 9 performances if a State holiday occurs during that 7-day period.

(3) A minor shall be accompanied by a parent, guardian, or chaperone at all times while at the work site.

(4) A minor shall not work, including performing, rehearsing, or otherwise being present at the work site, in connection with the performance, for more than 8 hours in any 24-hour period, more than 6 days in any 7-day period, more than 24 hours in any 7-day period, or after 11 p.m. on any night.

(5) A minor shall not be excused from attending school except as authorized by Section 26-1 of the School Code.

Section 50. Minors employed in live or pre-recorded, distributed, broadcast performances and modeling.

(a) Notwithstanding the provisions of this Act, minors under 16 years of age may be employed as models or performers on live or pre-recorded radio or television, in motion pictures, or in other entertainment-related performances,

subject to conditions that may be imposed by rule by the Department.

(b) A child performer who works in a television, motion picture, or related entertainment production may be permitted to be at the place of employment, within a 24-hour time period, as follows:

(1) Minors who have reached the age of 15 days but have not reached the age of 6 months may be permitted to remain at the place of employment for a maximum of 2 hours. The 2-hour period shall consist of not more than 20 minutes of work.

(2) Minors who have reached the age of 6 months but who have not attained the age of 2 years may be permitted at the place of employment for a maximum of 4 hours. The 4-hour period shall consist of not more than 2 hours of work with the balance of the 4-hour period being rest and recreation.

(3) Minors who have reached the age of 2 years but who have not attained the age of 6 years may be permitted at the place of employment for a maximum of 6 hours. The 6-hour period shall consist of not more than 3 hours of work with the balance of the 6-hour period being rest, recreation, and education.

(4) Minors who have reached the age of 6 years but have not attained the age of 9 years may be permitted at the place of employment for a maximum of 8 hours. The 8-hour

period shall consist of not more than 4 hours of work and at least 3 hours of schooling when the minor's school is in session. The studio teacher shall ensure that the minor receives up to one hour of rest and recreation. On days when the minor's school is not in session, working hours may be a maximum of 6 hours and one hour of rest and recreation.

(5) Minors who have reached the age of 9 years but who have not attained the age of 16 years may be permitted at the place of employment for a maximum of 9 hours. The 9-hour period shall consist of not more than 5 hours of work and at least 3 hours of schooling when the minor's school is in session. The studio teacher shall ensure that the minor receives at least one hour of rest and recreation. On days when the minor's school is not in session, working hours may be a maximum of 7 hours and one hour of rest and recreation.

(c) Notwithstanding the provisions of this Act, an employer who employs a minor under 16 years of age in a television, motion picture, or related entertainment production may allow the minor to work until 10 p.m. without seeking a waiver from the Department. An employer may apply to the Director, or the Director's authorized representative, for a waiver permitting a minor to work outside of the hours allowed by this Act.

(1) A waiver request for a minor to work between 10

p.m. and 12:30 a.m. or between 5 a.m. and 7 a.m. shall be granted if the Director, or the Director's authorized representative, is satisfied that all of the following conditions are met:

(A) the employment shall not be detrimental to the health or welfare of the minor;

(B) the minor shall be supervised adequately;

(C) the education of the minor shall not be neglected; and

(D) the total number of hours to be worked that day and week is not over the limits established in this Act or any rules adopted under this Act.

(2) A waiver request for a minor to work between 12:30 a.m. and 5 a.m. shall be granted if the Director, or the Director's authorized representative, is satisfied that all of the following conditions are met:

(A) the employment shall not be detrimental to the health or welfare of the minor;

(B) the minor shall be supervised adequately;

(C) the education of the minor shall not be jeopardized;

(D) performance by the minor during that time is critical to the success of the production, as demonstrated by true and accurate statements by the employer that filming cannot be completed at any other time of day;

(E) the filming primarily requires exterior footage of sunset, nighttime, or dawn;

(F) the filming is scheduled on the most optimal day of the week for the minor's schooling;

(G) the employer provides a schedule to the Department of schooling and rest periods on the day before, the day of, and the day after the overnight hours to be worked;

(H) the age of the minor is taken into account as provided by this Act or any rules adopted under this Act;

(I) the total number of hours to be worked that day and week is not over the limits established in this Act or any rules adopted under this Act; and

(J) the waiver request was received by the Department at least 72 hours prior to the overnight hours to be worked.

(d) An employer applying for the waiver shall submit to the Director, or the Director's authorized representative, a completed application on the form that the Director provides. The waiver shall contain signatures that show the consent of a parent or legal guardian of the minor, the employer, and an authorized representative of a collective bargaining unit if a collective bargaining unit represents the minor upon employment.

Section 55. Employment certificates.

(a) Any employer who employs, allows, or permits a minor to work shall ensure that the minor holds a valid employment certificate issued by a school issuing officer.

(b) An application for an employment certificate must be submitted by the minor and the minor's parent or legal guardian to the minor's school issuing officer as follows.

(1) The application shall be signed by the applicant's parent or legal guardian.

(2) The application shall be submitted in person by the minor desiring employment, unless the school issuing officer determines that the minor may utilize a remote application process.

(3) The minor shall be accompanied by his or her parent, guardian, or custodian, whether applying in person or remotely.

(4) The following papers shall be submitted with the application:

(A) A statement of intention to employ signed by the prospective employer, or by someone duly authorized by the prospective employer, setting forth the specific nature of the occupation in which the prospective employer intends to employ the minor and the exact hours of the day and number of hours per day and days per week during which the minor shall be employed.

(B) Evidence of age showing that the minor is of the age required by this Act, which evidence shall be documentary, and shall be required in the order designated, as follows:

(i) a birth certificate; or

(ii) if a birth certificate is unavailable, the parent or legal guardian may present other reliable proof of the minor's identity and age that is supported by a sworn statement explaining why the birth certificate is not available. Other reliable proof of the minor's identity and age includes a passport, visa, or other governmental documentation of the minor's identity. If the student was not born in the United States, the school issuing officer must accept birth certificates or other reliable proof from a foreign government.

(C) A statement on a form approved by the Department and signed by the school issuing officer, showing the minor's name, address, grade last completed, the hours the minor's school is in session, and other relevant information, as determined by the school issuing officer, about the minor's school schedule, and the names of the minor's parent or legal guardian. If any of the information required to be on the work permit changes, the issuing officer must

update the work permit and provide an updated copy to the Department, the minor's employer, and the minor's parent or legal guardian. If the minor does not have a permanent home address or is otherwise eligible for services under the federal McKinney-Vento Homeless Assistance Act, the lack of a birth certificate or permanent home address alone shall not be a barrier to receiving an employment certificate.

(D) A statement of physical fitness signed by a health care professional who has examined the minor, certifying that the minor is physically fit to be employed in all legal occupations or to be employed in legal occupations under limitations specified, or, at the discretion of the school issuing officer, the minor's most recent school physical. If the statement of physical fitness is limited, the employment certificate issued thereon shall state clearly the limitations upon its use, and shall be valid only when used under the limitations so stated. In any case where the health care professional deems it advisable that he or she may issue a certificate of physical fitness for a specified period of time, at the expiration of which the person for whom it was issued shall appear and be re-examined before being permitted to continue work. Examinations shall be made in accordance with the standards and procedures

prescribed by the Director, in consultation with the Director of the Department of Public Health and the State Superintendent of Education, and shall be recorded on a form furnished by the Department. When made by public health or public school physicians, the examination shall be made without charge to the minor. If a public health or public school health care professional is not available, a statement from a private health care professional who has examined the minor may be accepted, provided that the examination is made in accordance with the standards and procedures established by the Department. For purposes of this paragraph, "health care professional" means a physician licensed to practice medicine in all its branches, a licensed advanced practice registered nurse, or a licensed physician assistant.

(5) The school issuing officer shall have authority to verify the representations provided in the employment certificate application as required by Section 55. A school issuing officer shall not charge a fee for the consideration of an employment certificate application.

(6) It shall be the duty of the school board or local school authority to designate a place or places where certificates shall be issued and recorded, and physical examinations made without fee, and to establish and maintain the necessary records and clerical services for

carrying out the provisions of this Act.

(c) Upon receipt of an application for an employment certificate, a school issuing officer shall issue an employment certificate only after examining and approving the written application and other papers required under this Section, and determining that the employment shall not be detrimental to the minor's health, welfare, and education. The school issuing officer shall consider any report of death, injury, or illness of a minor at that workplace, received under the requirements of Section 35, in the prior 2 years in determining whether the employment shall be detrimental to the minor's health, welfare, and education. Upon issuing an employment certificate to a minor, the school issuing officer shall notify the principal of the school attended by the minor, and provide copies to the Department, the minor's employer, and the minor's parent or legal guardian. The employment certificate shall be valid for a period of one year from the date of issuance, unless suspended or revoked.

(d) If the school issuing officer refuses to issue a certificate to a minor, the school issuing officer shall send to the principal of the school attended by the minor a notice of the refusal, including the name and address of the minor and of the minor's parent or legal guardian, and the reason for the refusal to issue the certificate.

(e) If a minor from another state seeks to obtain an Illinois employment certificate, the Department shall work

with the State Superintendent of Education, or his or her duly authorized agents, to issue the certificate if the State Superintendent of Education deems that all requirements for issuance have been met.

(f) Upon request, the school issuing officer shall issue a certificate of age to any person between 16 and 20 years of age upon presentation of the same proof of age as is required for the issuance of employment certificates under this Act.

(g) Any certificate duly issued in accordance with this Act shall be prima facie evidence of the age of the minor for whom issued in any proceeding involving the employment of the minor under this Act, as to any act occurring subsequent to its issuance, or until revoked.

(h) The Department may suspend any certificate as an emergency action imperatively required for the health, safety, welfare, or education of the minor if:

(1) the parent or legal guardian of a minor, the school issuing officer, or the principal of the school attended by the minor for whom an employment certificate has been issued has asked for the revocation of the certificate by petition to the Department in writing, stating the reasons he or she believes that the employment is interfering with the health, safety, welfare, or education of the minor; or

(2) in the judgment of the Director, the employment certificate was improperly issued or if the minor is

illegally employed.

If the certificate is suspended, the Department shall notify the employer of the minor, the parent or guardian of the minor, the minor's school principal, and the school issuing officer of the suspension in writing and shall schedule an administrative hearing to take place within 21 days after the date of any suspension. The minor shall not thereafter be employed, allowed, or permitted to work unless and until his or her employment certificate has been reinstated. After the hearing, an administrative law judge shall issue a final order either reinstating or revoking the employment certificate. If the certificate is revoked, the employer shall not thereafter employ, permit, or allow the minor to work until the minor has obtained a new employment certificate authorizing the minor's employment by that employer.

Section 57. Prohibition on retaliation.

(a) An employer, or agent or officer of an employer, violates this Act if he or she takes an adverse action against, or in any other manner discriminates against, any person because that person has:

(1) exercised a right under this Act;

(2) made a complaint to the minor's employer or to the Director, or the Director's authorized representative;

(3) caused to be instituted or is about to cause to be instituted any proceeding under or related to this Act;

(4) participated in or cooperated with an investigation or proceeding under this Act; or

(5) testified or is about to testify in an investigation or proceeding under this Act.

(b) An employer, or agent or officer of an employer, does not violate this Act if he or she discharges a minor from employment because the employment was found to be unlawful or the Department suspended or revoked the minor's employment certificate.

Section 60. Department powers.

(a) The Department shall make, adopt, and enforce reasonable rules relating to the administration and enforcement of the provisions of this Act, including the issuance of employment certificates authorized under this Act, as may be deemed expedient. The rules shall be designed to protect the health, safety, welfare, and education of minors and to ensure that the conditions under which minors are employed, allowed, or permitted to work shall not impair their health, welfare, development, or education.

(b) In order to promote uniformity and efficiency of issuance, the Department shall, in consultation with the State Superintendent of Education, formulate the forms on which certificates shall be issued and also forms needed in connection with the issuance, and it shall supply the forms to the school issuing officers.

Section 65. Investigation.

(a) It shall be the duty of the Department to enforce the provisions of this Act. The Department shall have the power to conduct investigations in connection with the administration and enforcement of this Act and the authorized officers and employees of the Department are hereby authorized and empowered, to visit and inspect, at all reasonable times and as often as possible, all places covered by this Act.

(b) The Director, or the Director's authorized representative, may compel by subpoena, the attendance and testimony of witnesses and the production of books, payrolls, records, papers, and other evidence in any investigation or hearing and may administer oaths to witnesses.

(c) No employer may interfere with or obstruct an investigation conducted under this Act.

Section 70. Enforcement.

(a) The Department shall conduct hearings in accordance with the Illinois Administrative Procedure Act if, upon investigation, the Department finds cause to believe the Act, or any rules adopted thereunder, has been violated; or to consider whether to reinstate or revoke a minor's employment certificate in accordance with Section 55.

(b) After the hearing, if supported by the evidence, the Department may issue and cause to be served on any party an

order to cease and desist from violation of the Act, take further affirmative or other action as deemed reasonable to eliminate the effect of the violation, and may revoke any certificate issued under the Act and determine the amount of any civil penalty allowed by the Act. The Department may serve orders by certified mail or by sending a copy by email to an email address previously designated by the party for purposes of receiving notice under this Act. An email address provided by the party in the course of the administrative proceeding shall not be used in any subsequent proceedings, unless the party designates that email address for the subsequent proceeding.

(c) Any party to a proceeding under the Act may apply for and obtain judicial review of an order of the Department entered under this Act in accordance with the provisions of the Administrative Review Law, and the Department in proceedings under this Section may obtain an order of court for the enforcement of its order.

(d) Whenever it appears that any employer has violated a valid order of the Department issued under this Act, the Director may commence an action and obtain from the court an order upon the employer commanding them to obey the order of the Department or be adjudged guilty of contempt of court and punished accordingly.

Section 75. Civil penalties.

(a) Any person employing, allowing, or permitting a minor to work who violates any of the provisions of this Act or any rule adopted under the Act shall be subject to civil penalties as follows:

(1) if a minor dies while working for an employer who is found by the Department to have been employing, allowing, or permitting the minor to work in violation of this Act, the employer is subject to a penalty not to exceed $60,000, payable to the Department;

(2) if a minor receives an illness or an injury that is required to be reported to the Department under Section 35 while working for an employer who is found by the Department to have been employing, allowing, or permitting the minor to work in violation of this Act, the employer is subject to a penalty not to exceed $30,000, payable to the Department;

(3) an employer who employs, allows, or permits a minor to work in violation of Section 40 shall be subject to a penalty not to exceed $15,000, payable to the Department;

(4) an employer who fails to post or provide the required notice under subsection (g) of Section 35 shall be subject to a penalty not to exceed $500, payable to the Department; and

(5) an employer who commits any other violation of this Act shall be subject to a penalty not to exceed

$10,000, payable to the Department.

In determining the amount of the penalty, the appropriateness of the penalty to the size of the business of the employer charged and the gravity of the violation shall be considered.

Each day during which any violation of this Act continues shall constitute a separate and distinct offense, and the employment of any minor in violation of the Act shall, with respect to each minor so employed, constitute a separate and distinct offense.

(b) Any administrative determination by the Department of the amount of each penalty shall be final unless reviewed as provided in Section 70.

(c) The amount of the penalty, when finally determined, may be recovered in a civil action brought by the Director in any circuit court, in which litigation the Director shall be represented by the Attorney General. In an action brought by the Department, the Department may request, and the Court may impose on a defendant employer, an additional civil penalty of up to an amount equal to the penalties assessed by the Department to be distributed to an impacted minor. In an action concerning multiple minors, any such penalty imposed by the Court shall be distributed equally among the minors employed in violation of this Act by the defendant employer.

(d) Penalties recovered under this Section shall be paid by certified check, money order, or by an electronic payment

system designated by the Department, and deposited into the Child Labor and Day and Temporary Labor Services Enforcement Fund, a special fund in the State treasury. Moneys in the Fund shall be used, subject to appropriation, for exemplary programs, demonstration projects, and other activities or purposes related to the enforcement of this Act or for the activities or purposes related to the enforcement of the Day and Temporary Labor Services Act, or for the activities or purposes related to the enforcement of the Private Employment Agency Act.

Section 80. Criminal penalties.

(a) Any person who engages in any of the following activities shall be guilty of a Class A misdemeanor and shall be subject to a civil penalty of no less than $500 and no more than $2,500:

(1) employs, allows, or permits any minor to work in violation of this Act, or of any rule, order, or ruling issued under the provisions of this Act;

(2) obstructs the Department, its inspectors or deputies, or any other person authorized to inspect places of employment under this Act; or

(3) willfully fails to comply with the provisions of this Act.

(b) Whenever in the opinion of the Department a violation of this Act has occurred, it shall report the violation to the

Attorney General who shall prosecute all violations reported.

(c) The amount of the penalty, when finally determined, shall be ordered by the court, in an action brought for a criminal violation, to be paid to the Department.

(d) Penalties recovered under this Section shall be paid into the Child Labor and Day and Temporary Labor Services Enforcement Fund.

Section 85. Department reporting and outreach.

(a) The Department shall maintain a toll-free telephone number to facilitate information requests concerning the issuance of certificates under this Act and the reporting of violations of this Act.

(b) The Department shall conduct ongoing outreach and education efforts concerning this Act targeted toward school districts, employers, and other appropriate community organizations. The Department shall, to the extent possible, coordinate these outreach and education activities with other appropriate local, State, and federal agencies.

(c) The Department shall file with the General Assembly, no later than January 1 each year, a report of its activities regarding administration and enforcement of this Act for the preceding fiscal year.

Section 90. Child performers; trust fund.

(a) As used in this Section:

"Artistic or creative services" includes, but is not limited to, services as: an actor, actress, dancer, musician, comedian, singer, stunt person, voice-over artist, runway or print model, other performer or entertainer, songwriter, musical producer, arranger, writer, director, producer, production executive, choreographer, composer, conductor, or designer.

"Child performer" means an unemancipated person under the age of 16 who is employed in this State and who agrees to render artistic or creative services.

(b) In addition to the requirements of Section 55, the person authorized to issue employment certificates must determine that a trust account, established by the child performer's parent or guardian, that meets the requirements of subsection (c) has been established designating the minor as the beneficiary of the trust account before an employment certificate for work as a child performer may be issued for a minor under the age of 16 years. The person authorized to issue employment certificates shall issue a temporary employment certificate having a duration of not more than 15 days without the establishment of a trust fund to permit a minor to provide artistic or creative services. No more than one temporary employment certificate may be issued for each child performer. The Department shall prescribe the form in which temporary employment certificates shall be issued and shall make the forms available on its website.

(c) A trust account subject to this Section must provide, at a minimum, the following:

(1) that at least 15% of the gross earnings of the child performer shall be deposited into the account;

(2) that the funds in the account shall be available only to the child performer;

(3) that the account shall be held by a bank, corporate fiduciary, or trust company, as those terms are defined in the Corporate Fiduciary Act;

(4) that the funds in the account shall become available to the child performer upon the child performer attaining the age of 18 years or upon the child performer being declared emancipated; and

(5) that the account meets the requirements of the Illinois Uniform Transfers to Minors Act.

(d) The parent or guardian of the child performer shall provide the employer with the information necessary to transfer moneys into the trust account. Once the child performer's employer deposits the money into the trust account, the child performer's employer shall have no further obligation or duty to monitor or account for the money. The trustee or trustees of the trust shall be the only individual, individuals, entity, or entities with the obligation or duty to monitor and account for money once it has been deposited by the child performer's employer.

(e) If the parent or guardian of the child performer fails

to provide the employer with the information necessary to transfer funds into the trust account within 30 days after an employment certificate has been issued, the funds that were to be transferred to the trust account shall be transferred to the Office of the State Treasurer in accordance with Section 15-608 of the Revised Uniform Unclaimed Property Act.

(f) This Section does not apply to an employer of a child performer employed to perform services as an extra, services as a background performer, or services in a similar capacity.

(g) The Department may adopt rules to implement this Section.

Section 95. Minors featured in vlogs.

(a) A minor under the age of 16 is considered engaged in the work of vlogging when the following criteria are met at any time during the previous 12-month period:

(1) at least 30% of the vlogger's compensated video content produced within a 30-day period included the likeness, name, or photograph of the minor. Content percentage is measured by the percentage of time the likeness, name, or photograph of the minor visually appears or is the subject of an oral narrative in a video segment, as compared to the total length of the segment; and

(2) the number of views received per video segment on any online platform met the online platform's threshold

for the generation of compensation or the vlogger received actual compensation for video content equal to or greater than $0.10 per view.

(b) With the exception of Section 100, the provisions of this Act do not apply to a minor engaged in the work of vlogging.

(c) All vloggers whose content features a minor under the age of 16 engaged in the work of vlogging shall maintain the following records and shall provide them to the minor on an ongoing basis:

(1) the name and documentary proof of the age of the minor engaged in the work of vlogging;

(2) the number of vlogs that generated compensation as described in subsection (a) during the reporting period;

(3) the total number of minutes of the vlogs that the vlogger received compensation for during the reporting period;

(4) the total number of minutes each minor was featured in vlogs during the reporting period;

(5) the total compensation generated from vlogs featuring a minor during the reporting period; and

(6) the amount deposited into the trust account for the benefit of the minor engaged in the work of vlogging, as required by Section 100.

(d) If a vlogger whose vlog content features minors under the age of 16 engaged in the work of vlogging fails to maintain

the records as provided in subsection (c), the minor may commence a civil action to enforce the provisions of this Section.

Section 100. Minor engaged in the work of vlogging; trust fund.

(a) A minor satisfying the criteria described in subsection (a) of Section 95 must be compensated by the vlogger. The vlogger must set aside gross earnings on the video content, including the likeness, name, or photograph of the minor in a trust account to be preserved for the benefit of the minor upon reaching the age of majority, according to the following distribution:

(1) where only one minor meets the content threshold described in Section 95, the percentage of total gross earnings on any video segment, including the likeness, name, or photograph of the minor that is equal to or greater than half of the content percentage that includes the minor as described in Section 95; or

(2) where more than one minor meets the content threshold described in Section 95 and a video segment includes more than one of those minors, the percentage described in paragraph (1) for all minors in any segment must be equally divided between the minors, regardless of differences in percentage of content provided by the individual minors.

(b) A trust account required under this Section must provide, at a minimum, the following:

(1) that the funds in the account shall be available only to the minor engaged in the work of vlogging;

(2) that the account shall be held by a bank, corporate fiduciary, or trust company, as those terms are defined in the Corporate Fiduciary Act;

(3) that the funds in the account shall become available to the minor engaged in the work of vlogging upon the minor attaining the age of 18 years or upon the minor being declared emancipated; and

(4) that the account meets the requirements of the Illinois Uniform Transfers to Minors Act.

(c) If a vlogger knowingly or recklessly violates this Section, a minor satisfying the criteria described in subsection (a) of Section 95 may commence an action to enforce the provisions of this Section regarding the trust account. The court may award, to a minor who prevails in any action brought in accordance with this Section, the following damages:

(1) actual damages;

(2) punitive damages; and

(3) the costs of the action, including attorney's fees and litigation costs.

(d) This Section does not affect a right or remedy available under any other law of the State.

(e) Nothing in this Section shall be interpreted to have any effect on a party that is neither the vlogger nor the minor engaged in the work of vlogging.

Section 105. No limitations on other laws. Nothing in this Act shall limit another State agency's authority to enforce violations of any other State law.

Section 110. Severability. If any part of this Act is decided to be unconstitutional and void, the decision shall not affect the validity of the remaining parts of this Act unless the part held void is indispensable to the operation of the remaining parts.

Section 115. Procedural changes from prior law. In accordance with Section 4 of the Statute on Statutes, any procedural change as compared to prior law effected by the repeal of the Child Labor Law and the enactment of this Act shall be applied retroactively. Any substantive change as compared to prior law effected by the repeal of the Child Labor Law and the enactment of this Act shall be applied prospectively only. Any changes to the remedies available to redress a legal violation are procedural in nature.

(820 ILCS 205/Act rep.)

Section 900. The Child Labor Law is repealed.

Section 905. The School Code is amended by changing Section 26-1 as follows:

(105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

Sec. 26-1. Compulsory school age; exemptions. Whoever has custody or control of any child (i) between the ages of 7 and 17 years (unless the child has already graduated from high school) for school years before the 2014-2015 school year or (ii) between the ages of 6 (on or before September 1) and 17 years (unless the child has already graduated from high school) beginning with the 2014-2015 school year shall cause such child to attend some public school in the district wherein the child resides the entire time it is in session during the regular school term, except as provided in Section 10-19.1, and during a required summer school program established under Section 10-22.33B; provided, that the following children shall not be required to attend the public schools:

1. Any child attending a private or a parochial school where children are taught the branches of education taught to children of corresponding age and grade in the public schools, and where the instruction of the child in the branches of education is in the English language;

2. Any child who is physically or mentally unable to attend school, such disability being certified to the

county or district truant officer by a competent physician licensed in Illinois to practice medicine and surgery in all its branches, a chiropractic physician licensed under the Medical Practice Act of 1987, a licensed advanced practice registered nurse, a licensed physician assistant, or a Christian Science practitioner residing in this State and listed in the Christian Science Journal; or who is excused for temporary absence for cause by the principal or teacher of the school which the child attends, with absence for cause by illness being required to include the mental or behavioral health of the child for up to 5 days for which the child need not provide a medical note, in which case the child shall be given the opportunity to make up any school work missed during the mental or behavioral health absence and, after the second mental health day used, may be referred to the appropriate school support personnel; the exemptions in this paragraph (2) do not apply to any female who is pregnant or the mother of one or more children, except where a female is unable to attend school due to a complication arising from her pregnancy and the existence of such complication is certified to the county or district truant officer by a competent physician;

3. Any child necessarily and lawfully employed according to the provisions of the Child Labor Law of 2024 ~~law regulating child labor~~ may be excused from attendance

at school by the county superintendent of schools or the superintendent of the public school which the child should be attending, on certification of the facts by and the recommendation of the school board of the public school district in which the child resides. In districts having part-time continuation schools, children so excused shall attend such schools at least 8 hours each week;

4. Any child over 12 and under 14 years of age while in attendance at confirmation classes;

5. Any child absent from a public school on a particular day or days or at a particular time of day for the reason that he is unable to attend classes or to participate in any examination, study, or work requirements on a particular day or days or at a particular time of day because of religious reasons, including the observance of a religious holiday or participation in religious instruction, or because the tenets of his religion forbid secular activity on a particular day or days or at a particular time of day. A school board may require the parent or guardian of a child who is to be excused from attending school because of religious reasons to give notice, not exceeding 5 days, of the child's absence to the school principal or other school personnel. Any child excused from attending school under this paragraph 5 shall not be required to submit a written excuse for such absence after returning to school.

A district superintendent shall develop and distribute to schools appropriate procedures regarding a student's absence for religious reasons, how schools are notified of a student's impending absence for religious reasons, and the requirements of Section 26-2b of this Code;

6. Any child 16 years of age or older who (i) submits to a school district evidence of necessary and lawful employment pursuant to paragraph 3 of this Section and (ii) is enrolled in a graduation incentives program pursuant to Section 26-16 of this Code or an alternative learning opportunities program established pursuant to Article 13B of this Code;

7. A child in any of grades 6 through 12 absent from a public school on a particular day or days or at a particular time of day for the purpose of sounding "Taps" at a military honors funeral held in this State for a deceased veteran. In order to be excused under this paragraph 7, the student shall notify the school's administration at least 2 days prior to the date of the absence and shall provide the school's administration with the date, time, and location of the military honors funeral. The school's administration may waive this 2-day notification requirement if the student did not receive at least 2 days advance notice, but the student shall notify the school's administration as soon as possible of the absence. A student whose absence is excused under this

paragraph 7 shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the school district. A student whose absence is excused under this paragraph 7 must be allowed a reasonable time to make up school work missed during the absence. If the student satisfactorily completes the school work, the day of absence shall be counted as a day of compulsory attendance and he or she may not be penalized for that absence; and

8. Any child absent from a public school on a particular day or days or at a particular time of day for the reason that his or her parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-support postings. Such a student shall be granted 5 days of excused absences in any school year and, at the discretion of the school board, additional excused absences to visit the student's parent or legal guardian relative to such leave or deployment of the parent or legal guardian. In the case of excused absences pursuant to this paragraph 8, the student and parent or legal guardian shall be responsible for obtaining assignments from the student's teacher prior to any period of excused absence and for ensuring that such assignments are completed by the student prior to his or her return to

school from such period of excused absence.

Any child from a public middle school or high school, subject to guidelines established by the State Board of Education, shall be permitted by a school board one school day-long excused absence per school year for the child who is absent from school to engage in a civic event. The school board may require that the student provide reasonable advance notice of the intended absence to the appropriate school administrator and require that the student provide documentation of participation in a civic event to the appropriate school administrator.

(Source: P.A. 102-266, eff. 1-1-22; 102-321, eff. 1-1-22; 102-406, eff. 8-19-21; 102-813, eff. 5-13-22; 102-981, eff. 1-1-23.)

Section 910. The Child Care Act of 1969 is amended by changing Section 2.17 as follows:

(225 ILCS 10/2.17) (from Ch. 23, par. 2212.17)

Sec. 2.17. "Foster family home" means the home of an individual or family:

(1) that is licensed or approved by the state in which it is situated as a foster family home that meets the standards established for the licensing or approval; and

(2) in which a child in foster care has been placed in the care of an individual who resides with the child and who has

been licensed or approved by the state to be a foster parent and:

(A) who the Department of Children and Family Services deems capable of adhering to the reasonable and prudent parent standard;

(B) who provides 24-hour substitute care for children placed away from their parents or other caretakers; and

(3) who provides the care for no more than 6 children, except the Director of Children and Family Services, pursuant to Department regulations, may waive the numerical limitation of foster children who may be cared for in a foster family home for any of the following reasons to allow: (i) a parenting youth in foster care to remain with the child of the parenting youth; (ii) siblings to remain together; (iii) a child with an established meaningful relationship with the family to remain with the family; or (iv) a family with special training or skills to provide care to a child who has a severe disability. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served.

For purposes of this Section, a "relative" includes any person, 21 years of age or over, other than the parent, who (i) is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt; or (ii) is the spouse of such a relative; or (iii)

is a child's step-father, step-mother, or adult step-brother or step-sister; or (iv) is a fictive kin; "relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For purposes of placement of children pursuant to Section 7 of the Children and Family Services Act and for purposes of licensing requirements set forth in Section 4 of this Act, for children under the custody or guardianship of the Department pursuant to the Juvenile Court Act of 1987, after a parent signs a consent, surrender, or waiver or after a parent's rights are otherwise terminated, and while the child remains in the custody or guardianship of the Department, the child is considered to be related to those to whom the child was related under this Section prior to the signing of the consent, surrender, or waiver or the order of termination of parental rights.

The term "foster family home" includes homes receiving children from any State-operated institution for child care; or from any agency established by a municipality or other political subdivision of the State of Illinois authorized to provide care for children outside their own homes. The term "foster family home" does not include an "adoption-only home" as defined in Section 2.23 of this Act. The types of foster family homes are defined as follows:

(a) "Boarding home" means a foster family home which

receives payment for regular full-time care of a child or children.

(b) "Free home" means a foster family home other than an adoptive home which does not receive payments for the care of a child or children.

(c) "Adoptive home" means a foster family home which receives a child or children for the purpose of adopting the child or children, but does not include an adoption-only home.

(d) "Work-wage home" means a foster family home which receives a child or children who pay part or all of their board by rendering some services to the family not prohibited by the Child Labor Law of 2024 or by standards or regulations of the Department prescribed under this Act. The child or children may receive a wage in connection with the services rendered the foster family.

(e) "Agency-supervised home" means a foster family home under the direct and regular supervision of a licensed child welfare agency, of the Department of Children and Family Services, of a circuit court, or of any other State agency which has authority to place children in child care facilities, and which receives no more than 8 children, unless of common parentage, who are placed and are regularly supervised by one of the specified agencies.

(f) "Independent home" means a foster family home,

other than an adoptive home, which receives no more than 4 children, unless of common parentage, directly from parents, or other legally responsible persons, by independent arrangement and which is not subject to direct and regular supervision of a specified agency except as such supervision pertains to licensing by the Department.

(g) "Host home" means an emergency foster family home under the direction and regular supervision of a licensed child welfare agency, contracted to provide short-term crisis intervention services to youth served under the Comprehensive Community-Based Youth Services program, under the direction of the Department of Human Services. The youth shall not be under the custody or guardianship of the Department pursuant to the Juvenile Court Act of 1987.

(Source: P.A. 102-688, eff. 7-1-22; 103-564, eff. 11-17-23.)

Section 915. The Private Employment Agency Act is amended by changing Sections 10 and 12.6 as follows:

(225 ILCS 515/10) (from Ch. 111, par. 910)

Sec. 10. Licensee prohibitions. No licensee shall send or cause to be sent any female help or servants, inmate, or performer to enter any questionable place, or place of bad repute, house of ill-fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or

place resorted to for the purpose of prostitution or gambling house, the character of which licensee knows either actually or by reputation.

No licensee shall permit questionable characters, prostitutes, gamblers, intoxicated persons, or procurers to frequent the agency.

No licensee shall accept any application for employment made by or on behalf of any child, or shall place or assist in placing any such child in any employment whatever, in violation of the Child Labor Law of 2024. A violation of any provision of this Section shall be a Class A misdemeanor.

No licensee shall publish or cause to be published any fraudulent or misleading notice or advertisement of its employment agencies by means of cards, circulars, or signs, or in newspapers or other publications; and all letterheads, receipts, and blanks shall contain the full name and address of the employment agency and licensee shall state in all notices and advertisements the fact that licensee is, or conducts, a private employment agency.

No licensee shall print, publish, or paint on any sign or window, or insert in any newspaper or publication, a name similar to that of the Illinois Public Employment Office.

No licensee shall print or stamp on any receipt or on any contract used by that agency any part of this Act, unless the entire Section from which that part is taken is printed or stamped thereon.

All written communications sent out by any licensee, directly or indirectly, to any person or firm with regard to employees or employment shall contain therein definite information that such person is a private employment agency.

No licensee or his or her employees shall knowingly give any false or misleading information, or make any false or misleading promise to any applicant who shall apply for employment or employees.

(Source: P.A. 90-372, eff. 7-1-98.)

(225 ILCS 515/12.6)

Sec. 12.6. Child Labor and Day and Temporary Labor Services Enforcement Fund. All moneys received as fees and penalties under this Act shall be deposited into the Child Labor and Day and Temporary Labor Services Enforcement Fund and may be used for the purposes set forth in Section 75 ~~17.3~~ of the Child Labor Law of 2024.

(Source: P.A. 99-422, eff. 1-1-16.)

Section 920. The Day and Temporary Labor Services Act is amended by changing Section 67 as follows:

(820 ILCS 175/67)

Sec. 67. Action for civil penalties brought by an interested party.

(a) Upon a reasonable belief that a day and temporary

labor service agency or a third party client covered by this Act is in violation of any part of this Act, an interested party may initiate a civil action in the county where the alleged offenses occurred or where any party to the action resides, asserting that a violation of the Act has occurred, pursuant to the following sequence of events:

(1) The interested party submits to the Department of Labor a complaint describing the violation and naming the day or temporary labor service agency or third party client alleged to have violated this Act.

(2) The Department sends notice of complaint to the named parties alleged to have violated this Act and the interested party. The named parties may either contest the alleged violation or cure the alleged violation.

(3) The named parties contest or cure the alleged violation within 30 days after the receipt of the notice of complaint or, if the named party does not respond within 30 days, the Department issues a notice of right to sue to the interested party as described in paragraph (4).

(4) The Department issues a notice of right to sue to the interested party, if one or more of the following has occurred:

(i) the named party has cured the alleged violation to the satisfaction of the Director;

(ii) the Director has determined that the allegation is unjustified or that the Department does

not have jurisdiction over the matter or the parties; or

(iii) the Director has determined that the allegation is justified or has not made a determination, and either has decided not to exercise jurisdiction over the matter or has concluded administrative enforcement of the matter.

(b) If within 180 days after service of the notice of complaint to the parties, the Department has not (i) resolved the contest and cure period, (ii) with the mutual agreement of the parties, extended the time for the named party to cure the violation and resolve the complaint, or (iii) issued a right to sue letter, the interested party may initiate a civil action for penalties. The parties may extend the 180-day period by mutual agreement. The limitations period for the interested party to bring an action for the alleged violation of the Act shall be tolled for the 180-day period and for the period of any mutually agreed extensions. At the end of the 180-day period, or any mutually agreed extensions, the Department shall issue a right to sue letter to the interested party.

(c) Any claim or action filed under this Section must be made within 3 years of the alleged conduct resulting in the complaint plus any period for which the limitations period has been tolled.

(d) In an action brought pursuant to this Section, an

interested party may recover against the covered entity any statutory penalties set forth in Section 70 and injunctive relief. An interested party who prevails in a civil action shall receive 10% of any statutory penalties assessed, plus any attorneys' fees and expenses in bringing the action. The remaining 90% of any statutory penalties assessed shall be deposited into the Child Labor and Day and Temporary Labor Services Enforcement Fund and shall be used exclusively for the purposes set forth in Section 75 ~~17.3~~ of the Child Labor Law of 2024.

(Source: P.A. 103-437, eff. 8-4-23.)

Section 925. The Workers' Compensation Act is amended by changing Sections 7 and 8 as follows:

(820 ILCS 305/7) (from Ch. 48, par. 138.7)

Sec. 7. The amount of compensation which shall be paid for an accidental injury to the employee resulting in death is:

(a) If the employee leaves surviving a widow, widower, child or children, the applicable weekly compensation rate computed in accordance with subparagraph 2 of paragraph (b) of Section 8, shall be payable during the life of the widow or widower and if any surviving child or children shall not be physically or mentally incapacitated then until the death of the widow or widower or until the youngest child shall reach the age of 18, whichever shall come later; provided that if

such child or children shall be enrolled as a full time student in any accredited educational institution, the payments shall continue until such child has attained the age of 25. In the event any surviving child or children shall be physically or mentally incapacitated, the payments shall continue for the duration of such incapacity.

The term "child" means a child whom the deceased employee left surviving, including a posthumous child, a child legally adopted, a child whom the deceased employee was legally obligated to support or a child to whom the deceased employee stood in loco parentis. The term "children" means the plural of "child".

The term "physically or mentally incapacitated child or children" means a child or children incapable of engaging in regular and substantial gainful employment.

In the event of the remarriage of a widow or widower, where the decedent did not leave surviving any child or children who, at the time of such remarriage, are entitled to compensation benefits under this Act, the surviving spouse shall be paid a lump sum equal to 2 years compensation benefits and all further rights of such widow or widower shall be extinguished.

If the employee leaves surviving any child or children under 18 years of age who at the time of death shall be entitled to compensation under this paragraph (a) of this Section, the weekly compensation payments herein provided for

such child or children shall in any event continue for a period of not less than 6 years.

Any beneficiary entitled to compensation under this paragraph (a) of this Section shall receive from the special fund provided in paragraph (f) of this Section, in addition to the compensation herein provided, supplemental benefits in accordance with paragraph (g) of Section 8.

(b) If no compensation is payable under paragraph (a) of this Section and the employee leaves surviving a parent or parents who at the time of the accident were totally dependent upon the earnings of the employee then weekly payments equal to the compensation rate payable in the case where the employee leaves surviving a widow or widower, shall be paid to such parent or parents for the duration of their lives, and in the event of the death of either, for the life of the survivor.

(c) If no compensation is payable under paragraphs (a) or (b) of this Section and the employee leaves surviving any child or children who are not entitled to compensation under the foregoing paragraph (a) but who at the time of the accident were nevertheless in any manner dependent upon the earnings of the employee, or leaves surviving a parent or parents who at the time of the accident were partially dependent upon the earnings of the employee, then there shall be paid to such dependent or dependents for a period of 8 years weekly compensation payments at such proportion of the applicable rate if the employee had left surviving a widow or widower as

such dependency bears to total dependency. In the event of the death of any such beneficiary the share of such beneficiary shall be divided equally among the surviving beneficiaries and in the event of the death of the last such beneficiary all the rights under this paragraph shall be extinguished.

(d) If no compensation is payable under paragraphs (a), (b) or (c) of this Section and the employee leaves surviving any grandparent, grandparents, grandchild or grandchildren or collateral heirs dependent upon the employee's earnings to the extent of 50% or more of total dependency, then there shall be paid to such dependent or dependents for a period of 5 years weekly compensation payments at such proportion of the applicable rate if the employee had left surviving a widow or widower as such dependency bears to total dependency. In the event of the death of any such beneficiary the share of such beneficiary shall be divided equally among the surviving beneficiaries and in the event of the death of the last such beneficiary all rights hereunder shall be extinguished.

(e) The compensation to be paid for accidental injury which results in death, as provided in this Section, shall be paid to the persons who form the basis for determining the amount of compensation to be paid by the employer, the respective shares to be in the proportion of their respective dependency at the time of the accident on the earnings of the deceased. The Commission or an Arbitrator thereof may, in its or his discretion, order or award the payment to the parent or

grandparent of a child for the latter's support the amount of compensation which but for such order or award would have been paid to such child as its share of the compensation payable, which order or award may be modified from time to time by the Commission in its discretion with respect to the person to whom shall be paid the amount of the order or award remaining unpaid at the time of the modification.

The payments of compensation by the employer in accordance with the order or award of the Commission discharges such employer from all further obligation as to such compensation.

(f) The sum of $8,000 for burial expenses shall be paid by the employer to the widow or widower, other dependent, next of kin or to the person or persons incurring the expense of burial.

In the event the employer failed to provide necessary first aid, medical, surgical or hospital service, he shall pay the cost thereof to the person or persons entitled to compensation under paragraphs (a), (b), (c) or (d) of this Section, or to the person or persons incurring the obligation therefore, or providing the same.

On January 15 and July 15, 1981, and on January 15 and July 15 of each year thereafter the employer shall within 60 days pay a sum equal to 1/8 of 1% of all compensation payments made by him after July 1, 1980, either under this Act or the Workers' Occupational Diseases Act, whether by lump sum settlement or weekly compensation payments, but not including

hospital, surgical or rehabilitation payments, made during the first 6 months and during the second 6 months respectively of the fiscal year next preceding the date of the payments, into a special fund which shall be designated the "Second Injury Fund", of which the State Treasurer is ex-officio custodian, such special fund to be held and disbursed for the purposes hereinafter stated in paragraphs (f) and (g) of Section 8, either upon the order of the Commission or of a competent court. Said special fund shall be deposited the same as are State funds and any interest accruing thereon shall be added thereto every 6 months. It is subject to audit the same as State funds and accounts and is protected by the General bond given by the State Treasurer. It is considered always appropriated for the purposes of disbursements as provided in Section 8, paragraph (f), of this Act, and shall be paid out and disbursed as therein provided and shall not at any time be appropriated or diverted to any other use or purpose.

On January 15, 1991, the employer shall further pay a sum equal to one half of 1% of all compensation payments made by him from January 1, 1990 through June 30, 1990 either under this Act or under the Workers' Occupational Diseases Act, whether by lump sum settlement or weekly compensation payments, but not including hospital, surgical or rehabilitation payments, into an additional Special Fund which shall be designated as the "Rate Adjustment Fund". On March 15, 1991, the employer shall pay into the Rate Adjustment Fund

a sum equal to one half of 1% of all such compensation payments made from July 1, 1990 through December 31, 1990. Within 60 days after July 15, 1991, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made from January 1, 1991 through June 30, 1991. Within 60 days after January 15 of 1992 and each subsequent year through 1996, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made in the last 6 months of the preceding calendar year. Within 60 days after July 15 of 1992 and each subsequent year through 1995, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made in the first 6 months of the same calendar year. Within 60 days after January 15 of 1997 and each subsequent year through 2005, the employer shall pay into the Rate Adjustment Fund a sum equal to three-fourths of 1% of all such compensation payments made in the last 6 months of the preceding calendar year. Within 60 days after July 15 of 1996 and each subsequent year through 2004, the employer shall pay into the Rate Adjustment Fund a sum equal to three-fourths of 1% of all such compensation payments made in the first 6 months of the same calendar year. Within 60 days after July 15 of 2005, the employer shall pay into the Rate Adjustment Fund a sum equal to 1% of such compensation payments made in the first 6 months of the same calendar year. Within 60 days after January 15 of 2006 and each subsequent year, the employer

shall pay into the Rate Adjustment Fund a sum equal to 1.25% of such compensation payments made in the last 6 months of the preceding calendar year. Within 60 days after July 15 of 2006 and each subsequent year, the employer shall pay into the Rate Adjustment Fund a sum equal to 1.25% of such compensation payments made in the first 6 months of the same calendar year. The administrative costs of collecting assessments from employers for the Rate Adjustment Fund shall be paid from the Rate Adjustment Fund. The cost of an actuarial audit of the Fund shall be paid from the Rate Adjustment Fund. The State Treasurer is ex officio custodian of such Special Fund and the same shall be held and disbursed for the purposes hereinafter stated in paragraphs (f) and (g) of Section 8 upon the order of the Commission or of a competent court. The Rate Adjustment Fund shall be deposited the same as are State funds and any interest accruing thereon shall be added thereto every 6 months. It shall be subject to audit the same as State funds and accounts and shall be protected by the general bond given by the State Treasurer. It is considered always appropriated for the purposes of disbursements as provided in paragraphs (f) and (g) of Section 8 of this Act and shall be paid out and disbursed as therein provided and shall not at any time be appropriated or diverted to any other use or purpose. Within 5 days after the effective date of this amendatory Act of 1990, the Comptroller and the State Treasurer shall transfer $1,000,000 from the General Revenue Fund to the Rate

Adjustment Fund. By February 15, 1991, the Comptroller and the State Treasurer shall transfer $1,000,000 from the Rate Adjustment Fund to the General Revenue Fund. The Comptroller and Treasurer are authorized to make transfers at the request of the Chairman up to a total of $19,000,000 from the Second Injury Fund, the General Revenue Fund, and the Workers' Compensation Benefit Trust Fund to the Rate Adjustment Fund to the extent that there is insufficient money in the Rate Adjustment Fund to pay claims and obligations. Amounts may be transferred from the General Revenue Fund only if the funds in the Second Injury Fund or the Workers' Compensation Benefit Trust Fund are insufficient to pay claims and obligations of the Rate Adjustment Fund. All amounts transferred from the Second Injury Fund, the General Revenue Fund, and the Workers' Compensation Benefit Trust Fund shall be repaid from the Rate Adjustment Fund within 270 days of a transfer, together with interest at the rate earned by moneys on deposit in the Fund or Funds from which the moneys were transferred.

Upon a finding by the Commission, after reasonable notice and hearing, that any employer has willfully and knowingly failed to pay the proper amounts into the Second Injury Fund or the Rate Adjustment Fund required by this Section or if such payments are not made within the time periods prescribed by this Section, the employer shall, in addition to such payments, pay a penalty of 20% of the amount required to be paid or $2,500, whichever is greater, for each year or part

thereof of such failure to pay. This penalty shall only apply to obligations of an employer to the Second Injury Fund or the Rate Adjustment Fund accruing after the effective date of this amendatory Act of 1989. All or part of such a penalty may be waived by the Commission for good cause shown.

Any obligations of an employer to the Second Injury Fund and Rate Adjustment Fund accruing prior to the effective date of this amendatory Act of 1989 shall be paid in full by such employer within 5 years of the effective date of this amendatory Act of 1989, with at least one-fifth of such obligation to be paid during each year following the effective date of this amendatory Act of 1989. If the Commission finds, following reasonable notice and hearing, that an employer has failed to make timely payment of any obligation accruing under the preceding sentence, the employer shall, in addition to all other payments required by this Section, be liable for a penalty equal to 20% of the overdue obligation or $2,500, whichever is greater, for each year or part thereof that obligation is overdue. All or part of such a penalty may be waived by the Commission for good cause shown.

The Chairman of the Illinois Workers' Compensation Commission shall, annually, furnish to the Director of the Department of Insurance a list of the amounts paid into the Second Injury Fund and the Rate Adjustment Fund by each insurance company on behalf of their insured employers. The Director shall verify to the Chairman that the amounts paid by

each insurance company are accurate as best as the Director can determine from the records available to the Director. The Chairman shall verify that the amounts paid by each self-insurer are accurate as best as the Chairman can determine from records available to the Chairman. The Chairman may require each self-insurer to provide information concerning the total compensation payments made upon which contributions to the Second Injury Fund and the Rate Adjustment Fund are predicated and any additional information establishing that such payments have been made into these funds. Any deficiencies in payments noted by the Director or Chairman shall be subject to the penalty provisions of this Act.

The State Treasurer, or his duly authorized representative, shall be named as a party to all proceedings in all cases involving claim for the loss of, or the permanent and complete loss of the use of one eye, one foot, one leg, one arm or one hand.

The State Treasurer or his duly authorized agent shall have the same rights as any other party to the proceeding, including the right to petition for review of any award. The reasonable expenses of litigation, such as medical examinations, testimony, and transcript of evidence, incurred by the State Treasurer or his duly authorized representative, shall be borne by the Second Injury Fund.

If the award is not paid within 30 days after the date the

award has become final, the Commission shall proceed to take judgment thereon in its own name as is provided for other awards by paragraph (g) of Section 19 of this Act and take the necessary steps to collect the award.

Any person, corporation or organization who has paid or become liable for the payment of burial expenses of the deceased employee may in his or its own name institute proceedings before the Commission for the collection thereof.

For the purpose of administration, receipts and disbursements, the Special Fund provided for in paragraph (f) of this Section shall be administered jointly with the Special Fund provided for in Section 7, paragraph (f) of the Workers' Occupational Diseases Act.

(g) All compensation, except for burial expenses provided in this Section to be paid in case accident results in death, shall be paid in installments equal to the percentage of the average earnings as provided for in Section 8, paragraph (b) of this Act, at the same intervals at which the wages or earnings of the employees were paid. If this is not feasible, then the installments shall be paid weekly. Such compensation may be paid in a lump sum upon petition as provided in Section 9 of this Act. However, in addition to the benefits provided by Section 9 of this Act where compensation for death is payable to the deceased's widow, widower or to the deceased's widow, widower and one or more children, and where a partial lump sum is applied for by such beneficiary or beneficiaries within 18

months after the deceased's death, the Commission may, in its discretion, grant a partial lump sum of not to exceed 100 weeks of the compensation capitalized at their present value upon the basis of interest calculated at 3% per annum with annual rests, upon a showing that such partial lump sum is for the best interest of such beneficiary or beneficiaries.

(h) In case the injured employee is under 16 years of age at the time of the accident and is illegally employed, the amount of compensation payable under paragraphs (a), (b), (c), (d) and (f) of this Section shall be increased 50%.

Nothing herein contained repeals or amends the provisions of the Child Labor Law <u>of 2024</u> relating to the employment of minors under the age of 16 years.

However, where an employer has on file an employment certificate issued pursuant to the Child Labor Law <u>of 2024</u> or work permit issued pursuant to the Federal Fair Labor Standards Act, as amended, or a birth certificate properly and duly issued, such certificate, permit or birth certificate is conclusive evidence as to the age of the injured minor employee for the purposes of this Section only.

(i) Whenever the dependents of a deceased employee are noncitizens not residing in the United States, Mexico or Canada, the amount of compensation payable is limited to the beneficiaries described in paragraphs (a), (b) and (c) of this Section and is 50% of the compensation provided in paragraphs (a), (b) and (c) of this Section, except as otherwise provided

by treaty.

In a case where any of the persons who would be entitled to compensation is living at any place outside of the United States, then payment shall be made to the personal representative of the deceased employee. The distribution by such personal representative to the persons entitled shall be made to such persons and in such manner as the Commission orders.

(Source: P.A. 102-1030, eff. 5-27-22.)

(820 ILCS 305/8) (from Ch. 48, par. 138.8)

Sec. 8. The amount of compensation which shall be paid to the employee for an accidental injury not resulting in death is:

(a) The employer shall provide and pay the negotiated rate, if applicable, or the lesser of the health care provider's actual charges or according to a fee schedule, subject to Section 8.2, in effect at the time the service was rendered for all the necessary first aid, medical and surgical services, and all necessary medical, surgical and hospital services thereafter incurred, limited, however, to that which is reasonably required to cure or relieve from the effects of the accidental injury, even if a health care provider sells, transfers, or otherwise assigns an account receivable for procedures, treatments, or services covered under this Act. If the employer does not dispute payment of first aid, medical,

surgical, and hospital services, the employer shall make such payment to the provider on behalf of the employee. The employer shall also pay for treatment, instruction and training necessary for the physical, mental and vocational rehabilitation of the employee, including all maintenance costs and expenses incidental thereto. If as a result of the injury the employee is unable to be self-sufficient the employer shall further pay for such maintenance or institutional care as shall be required.

The employee may at any time elect to secure his own physician, surgeon and hospital services at the employer's expense, or,

Upon agreement between the employer and the employees, or the employees' exclusive representative, and subject to the approval of the Illinois Workers' Compensation Commission, the employer shall maintain a list of physicians, to be known as a Panel of Physicians, who are accessible to the employees. The employer shall post this list in a place or places easily accessible to his employees. The employee shall have the right to make an alternative choice of physician from such Panel if he is not satisfied with the physician first selected. If, due to the nature of the injury or its occurrence away from the employer's place of business, the employee is unable to make a selection from the Panel, the selection process from the Panel shall not apply. The physician selected from the Panel may arrange for any consultation, referral or other specialized

medical services outside the Panel at the employer's expense. Provided that, in the event the Commission shall find that a doctor selected by the employee is rendering improper or inadequate care, the Commission may order the employee to select another doctor certified or qualified in the medical field for which treatment is required. If the employee refuses to make such change the Commission may relieve the employer of his obligation to pay the doctor's charges from the date of refusal to the date of compliance.

Any vocational rehabilitation counselors who provide service under this Act shall have appropriate certifications which designate the counselor as qualified to render opinions relating to vocational rehabilitation. Vocational rehabilitation may include, but is not limited to, counseling for job searches, supervising a job search program, and vocational retraining including education at an accredited learning institution. The employee or employer may petition to the Commission to decide disputes relating to vocational rehabilitation and the Commission shall resolve any such dispute, including payment of the vocational rehabilitation program by the employer.

The maintenance benefit shall not be less than the temporary total disability rate determined for the employee. In addition, maintenance shall include costs and expenses incidental to the vocational rehabilitation program.

When the employee is working light duty on a part-time

basis or full-time basis and earns less than he or she would be earning if employed in the full capacity of the job or jobs, then the employee shall be entitled to temporary partial disability benefits. Temporary partial disability benefits shall be equal to two-thirds of the difference between the average amount that the employee would be able to earn in the full performance of his or her duties in the occupation in which he or she was engaged at the time of accident and the gross amount which he or she is earning in the modified job provided to the employee by the employer or in any other job that the employee is working.

Every hospital, physician, surgeon or other person rendering treatment or services in accordance with the provisions of this Section shall upon written request furnish full and complete reports thereof to, and permit their records to be copied by, the employer, the employee or his dependents, as the case may be, or any other party to any proceeding for compensation before the Commission, or their attorneys.

Notwithstanding the foregoing, the employer's liability to pay for such medical services selected by the employee shall be limited to:

(1) all first aid and emergency treatment; plus

(2) all medical, surgical and hospital services provided by the physician, surgeon or hospital initially chosen by the employee or by any other physician, consultant, expert, institution or other provider of

services recommended by said initial service provider or any subsequent provider of medical services in the chain of referrals from said initial service provider; plus

(3) all medical, surgical and hospital services provided by any second physician, surgeon or hospital subsequently chosen by the employee or by any other physician, consultant, expert, institution or other provider of services recommended by said second service provider or any subsequent provider of medical services in the chain of referrals from said second service provider. Thereafter the employer shall select and pay for all necessary medical, surgical and hospital treatment and the employee may not select a provider of medical services at the employer's expense unless the employer agrees to such selection. At any time the employee may obtain any medical treatment he desires at his own expense. This paragraph shall not affect the duty to pay for rehabilitation referred to above.

(4) The following shall apply for injuries occurring on or after June 28, 2011 (the effective date of Public Act 97-18) and only when an employer has an approved preferred provider program pursuant to Section 8.1a on the date the employee sustained his or her accidental injuries:

(A) The employer shall, in writing, on a form promulgated by the Commission, inform the employee of the preferred provider program;

(B) Subsequent to the report of an injury by an employee, the employee may choose in writing at any time to decline the preferred provider program, in which case that would constitute one of the two choices of medical providers to which the employee is entitled under subsection (a)(2) or (a)(3); and

(C) Prior to the report of an injury by an employee, when an employee chooses non-emergency treatment from a provider not within the preferred provider program, that would constitute the employee's one choice of medical providers to which the employee is entitled under subsection (a)(2) or (a)(3).

When an employer and employee so agree in writing, nothing in this Act prevents an employee whose injury or disability has been established under this Act, from relying in good faith, on treatment by prayer or spiritual means alone, in accordance with the tenets and practice of a recognized church or religious denomination, by a duly accredited practitioner thereof, and having nursing services appropriate therewith, without suffering loss or diminution of the compensation benefits under this Act. However, the employee shall submit to all physical examinations required by this Act. The cost of such treatment and nursing care shall be paid by the employee unless the employer agrees to make such payment.

Where the accidental injury results in the amputation of an arm, hand, leg or foot, or the enucleation of an eye, or the

loss of any of the natural teeth, the employer shall furnish an artificial of any such members lost or damaged in accidental injury arising out of and in the course of employment, and shall also furnish the necessary braces in all proper and necessary cases. In cases of the loss of a member or members by amputation, the employer shall, whenever necessary, maintain in good repair, refit or replace the artificial limbs during the lifetime of the employee. Where the accidental injury accompanied by physical injury results in damage to a denture, eye glasses or contact eye lenses, or where the accidental injury results in damage to an artificial member, the employer shall replace or repair such denture, glasses, lenses, or artificial member.

The furnishing by the employer of any such services or appliances is not an admission of liability on the part of the employer to pay compensation.

The furnishing of any such services or appliances or the servicing thereof by the employer is not the payment of compensation.

(b) If the period of temporary total incapacity for work lasts more than 3 working days, weekly compensation as hereinafter provided shall be paid beginning on the 4th day of such temporary total incapacity and continuing as long as the total temporary incapacity lasts. In cases where the temporary total incapacity for work continues for a period of 14 days or more from the day of the accident compensation shall commence

on the day after the accident.

1. The compensation rate for temporary total incapacity under this paragraph (b) of this Section shall be equal to 66 2/3% of the employee's average weekly wage computed in accordance with Section 10, provided that it shall be not less than 66 2/3% of the sum of the Federal minimum wage under the Fair Labor Standards Act, or the Illinois minimum wage under the Minimum Wage Law, whichever is more, multiplied by 40 hours. This percentage rate shall be increased by 10% for each spouse and child, not to exceed 100% of the total minimum wage calculation, nor exceed the employee's average weekly wage computed in accordance with the provisions of Section 10, whichever is less.

2. The compensation rate in all cases other than for temporary total disability under this paragraph (b), and other than for serious and permanent disfigurement under paragraph (c) and other than for permanent partial disability under subparagraph (2) of paragraph (d) or under paragraph (e), of this Section shall be equal to 66 2/3% of the employee's average weekly wage computed in accordance with the provisions of Section 10, provided that it shall be not less than 66 2/3% of the sum of the Federal minimum wage under the Fair Labor Standards Act, or the Illinois minimum wage under the Minimum Wage Law, whichever is more, multiplied by 40 hours. This percentage

rate shall be increased by 10% for each spouse and child, not to exceed 100% of the total minimum wage calculation, nor exceed the employee's average weekly wage computed in accordance with the provisions of Section 10, whichever is less.

2.1. The compensation rate in all cases of serious and permanent disfigurement under paragraph (c) and of permanent partial disability under subparagraph (2) of paragraph (d) or under paragraph (e) of this Section shall be equal to 60% of the employee's average weekly wage computed in accordance with the provisions of Section 10, provided that it shall be not less than 66 2/3% of the sum of the Federal minimum wage under the Fair Labor Standards Act, or the Illinois minimum wage under the Minimum Wage Law, whichever is more, multiplied by 40 hours. This percentage rate shall be increased by 10% for each spouse and child, not to exceed 100% of the total minimum wage calculation, nor exceed the employee's average weekly wage computed in accordance with the provisions of Section 10, whichever is less.

3. As used in this Section the term "child" means a child of the employee including any child legally adopted before the accident or whom at the time of the accident the employee was under legal obligation to support or to whom the employee stood in loco parentis, and who at the time of the accident was under 18 years of age and not

emancipated. The term "children" means the plural of "child".

4. All weekly compensation rates provided under subparagraphs 1, 2 and 2.1 of this paragraph (b) of this Section shall be subject to the following limitations:

The maximum weekly compensation rate from July 1, 1975, except as hereinafter provided, shall be 100% of the State's average weekly wage in covered industries under the Unemployment Insurance Act, that being the wage that most closely approximates the State's average weekly wage.

The maximum weekly compensation rate, for the period July 1, 1984, through June 30, 1987, except as hereinafter provided, shall be $293.61. Effective July 1, 1987 and on July 1 of each year thereafter the maximum weekly compensation rate, except as hereinafter provided, shall be determined as follows: if during the preceding 12 month period there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the weekly compensation rate shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act during such period.

The maximum weekly compensation rate, for the period January 1, 1981 through December 31, 1983, except as hereinafter provided, shall be 100% of the State's average

weekly wage in covered industries under the Unemployment Insurance Act in effect on January 1, 1981. Effective January 1, 1984 and on January 1, of each year thereafter the maximum weekly compensation rate, except as hereinafter provided, shall be determined as follows: if during the preceding 12 month period there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the weekly compensation rate shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act during such period.

From July 1, 1977 and thereafter such maximum weekly compensation rate in death cases under Section 7, and permanent total disability cases under paragraph (f) or subparagraph 18 of paragraph (3) of this Section and for temporary total disability under paragraph (b) of this Section and for amputation of a member or enucleation of an eye under paragraph (e) of this Section shall be increased to 133-1/3% of the State's average weekly wage in covered industries under the Unemployment Insurance Act.

For injuries occurring on or after February 1, 2006, the maximum weekly benefit under paragraph (d)1 of this Section shall be 100% of the State's average weekly wage

in covered industries under the Unemployment Insurance Act.

4.1. Any provision herein to the contrary notwithstanding, the weekly compensation rate for compensation payments under subparagraph 18 of paragraph (e) of this Section and under paragraph (f) of this Section and under paragraph (a) of Section 7 and for amputation of a member or enucleation of an eye under paragraph (e) of this Section, shall in no event be less than 50% of the State's average weekly wage in covered industries under the Unemployment Insurance Act.

4.2. Any provision to the contrary notwithstanding, the total compensation payable under Section 7 shall not exceed the greater of $500,000 or 25 years.

5. For the purpose of this Section this State's average weekly wage in covered industries under the Unemployment Insurance Act on July 1, 1975 is hereby fixed at $228.16 per week and the computation of compensation rates shall be based on the aforesaid average weekly wage until modified as hereinafter provided.

6. The Department of Employment Security of the State shall on or before the first day of December, 1977, and on or before the first day of June, 1978, and on the first day of each December and June of each year thereafter, publish the State's average weekly wage in covered industries under the Unemployment Insurance Act and the Illinois

Workers' Compensation Commission shall on the 15th day of January, 1978 and on the 15th day of July, 1978 and on the 15th day of each January and July of each year thereafter, post and publish the State's average weekly wage in covered industries under the Unemployment Insurance Act as last determined and published by the Department of Employment Security. The amount when so posted and published shall be conclusive and shall be applicable as the basis of computation of compensation rates until the next posting and publication as aforesaid.

7. The payment of compensation by an employer or his insurance carrier to an injured employee shall not constitute an admission of the employer's liability to pay compensation.

(c) For any serious and permanent disfigurement to the hand, head, face, neck, arm, leg below the knee or the chest above the axillary line, the employee is entitled to compensation for such disfigurement, the amount determined by agreement at any time or by arbitration under this Act, at a hearing not less than 6 months after the date of the accidental injury, which amount shall not exceed 150 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or 162 weeks (if the accidental injury occurs on or after February 1, 2006) at the applicable rate provided in subparagraph 2.1 of paragraph (b) of this Section.

No compensation is payable under this paragraph where compensation is payable under paragraphs (d), (e) or (f) of this Section.

A duly appointed member of a fire department in a city, the population of which exceeds 500,000 according to the last federal or State census, is eligible for compensation under this paragraph only where such serious and permanent disfigurement results from burns.

(d) 1. If, after the accidental injury has been sustained, the employee as a result thereof becomes partially incapacitated from pursuing his usual and customary line of employment, he shall, except in cases compensated under the specific schedule set forth in paragraph (e) of this Section, receive compensation for the duration of his disability, subject to the limitations as to maximum amounts fixed in paragraph (b) of this Section, equal to 66-2/3% of the difference between the average amount which he would be able to earn in the full performance of his duties in the occupation in which he was engaged at the time of the accident and the average amount which he is earning or is able to earn in some suitable employment or business after the accident. For accidental injuries that occur on or after September 1, 2011, an award for wage differential under this subsection shall be effective only until the employee reaches the age of 67 or 5 years from the date the award becomes final, whichever is later.

2. If, as a result of the accident, the employee sustains serious and permanent injuries not covered by paragraphs (c) and (e) of this Section or having sustained injuries covered by the aforesaid paragraphs (c) and (e), he shall have sustained in addition thereto other injuries which injuries do not incapacitate him from pursuing the duties of his employment but which would disable him from pursuing other suitable occupations, or which have otherwise resulted in physical impairment; or if such injuries partially incapacitate him from pursuing the duties of his usual and customary line of employment but do not result in an impairment of earning capacity, or having resulted in an impairment of earning capacity, the employee elects to waive his right to recover under the foregoing subparagraph 1 of paragraph (d) of this Section then in any of the foregoing events, he shall receive in addition to compensation for temporary total disability under paragraph (b) of this Section, compensation at the rate provided in subparagraph 2.1 of paragraph (b) of this Section for that percentage of 500 weeks that the partial disability resulting from the injuries covered by this paragraph bears to total disability. If the employee shall have sustained a fracture of one or more vertebra or fracture of the skull, the amount of compensation allowed under this Section shall be not less than 6 weeks for a fractured skull and 6 weeks for each fractured vertebra, and in the event the employee shall have sustained a fracture of

any of the following facial bones: nasal, lachrymal, vomer, zygoma, maxilla, palatine or mandible, the amount of compensation allowed under this Section shall be not less than 2 weeks for each such fractured bone, and for a fracture of each transverse process not less than 3 weeks. In the event such injuries shall result in the loss of a kidney, spleen or lung, the amount of compensation allowed under this Section shall be not less than 10 weeks for each such organ. Compensation awarded under this subparagraph 2 shall not take into consideration injuries covered under paragraphs (c) and (e) of this Section and the compensation provided in this paragraph shall not affect the employee's right to compensation payable under paragraphs (b), (c) and (e) of this Section for the disabilities therein covered.

(e) For accidental injuries in the following schedule, the employee shall receive compensation for the period of temporary total incapacity for work resulting from such accidental injury, under subparagraph 1 of paragraph (b) of this Section, and shall receive in addition thereto compensation for a further period for the specific loss herein mentioned, but shall not receive any compensation under any other provisions of this Act. The following listed amounts apply to either the loss of or the permanent and complete loss of use of the member specified, such compensation for the length of time as follows:

1. Thumb-

70 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

76 weeks if the accidental injury occurs on or after February 1, 2006.

2. First, or index finger-

40 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

43 weeks if the accidental injury occurs on or after February 1, 2006.

3. Second, or middle finger-

35 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

38 weeks if the accidental injury occurs on or after February 1, 2006.

4. Third, or ring finger-

25 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

27 weeks if the accidental injury occurs on or after February 1, 2006.

5. Fourth, or little finger-

20 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the

94th General Assembly but before February 1, 2006.

22 weeks if the accidental injury occurs on or after February 1, 2006.

6. Great toe-

35 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

38 weeks if the accidental injury occurs on or after February 1, 2006.

7. Each toe other than great toe-

12 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

13 weeks if the accidental injury occurs on or after February 1, 2006.

8. The loss of the first or distal phalanx of the thumb or of any finger or toe shall be considered to be equal to the loss of one-half of such thumb, finger or toe and the compensation payable shall be one-half of the amount above specified. The loss of more than one phalanx shall be considered as the loss of the entire thumb, finger or toe. In no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

9. Hand-

190 weeks if the accidental injury occurs on or

after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

205 weeks if the accidental injury occurs on or after February 1, 2006.

190 weeks if the accidental injury occurs on or after June 28, 2011 (the effective date of Public Act 97-18) and if the accidental injury involves carpal tunnel syndrome due to repetitive or cumulative trauma, in which case the permanent partial disability shall not exceed 15% loss of use of the hand, except for cause shown by clear and convincing evidence and in which case the award shall not exceed 30% loss of use of the hand.

The loss of 2 or more digits, or one or more phalanges of 2 or more digits, of a hand may be compensated on the basis of partial loss of use of a hand, provided, further, that the loss of 4 digits, or the loss of use of 4 digits, in the same hand shall constitute the complete loss of a hand.

10. Arm-

235 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

253 weeks if the accidental injury occurs on or after February 1, 2006.

Where an accidental injury results in the amputation

of an arm below the elbow, such injury shall be compensated as a loss of an arm. Where an accidental injury results in the amputation of an arm above the elbow, compensation for an additional 15 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 17 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid, except where the accidental injury results in the amputation of an arm at the shoulder joint, or so close to shoulder joint that an artificial arm cannot be used, or results in the disarticulation of an arm at the shoulder joint, in which case compensation for an additional 65 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 70 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid.

11. Foot-

155 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

167 weeks if the accidental injury occurs on or after February 1, 2006.

12. Leg-

200 weeks if the accidental injury occurs on or

after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

215 weeks if the accidental injury occurs on or after February 1, 2006.

Where an accidental injury results in the amputation of a leg below the knee, such injury shall be compensated as loss of a leg. Where an accidental injury results in the amputation of a leg above the knee, compensation for an additional 25 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 27 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid, except where the accidental injury results in the amputation of a leg at the hip joint, or so close to the hip joint that an artificial leg cannot be used, or results in the disarticulation of a leg at the hip joint, in which case compensation for an additional 75 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 81 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid.

13. Eye-

150 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the

94th General Assembly but before February 1, 2006.

162 weeks if the accidental injury occurs on or after February 1, 2006.

Where an accidental injury results in the enucleation of an eye, compensation for an additional 10 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 11 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid.

14. Loss of hearing of one ear-

50 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

54 weeks if the accidental injury occurs on or after February 1, 2006.

Total and permanent loss of hearing of both ears-

200 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

215 weeks if the accidental injury occurs on or after February 1, 2006.

15. Testicle-

50 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

54 weeks if the accidental injury occurs on or after February 1, 2006.

Both testicles-

150 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

162 weeks if the accidental injury occurs on or after February 1, 2006.

16. For the permanent partial loss of use of a member or sight of an eye, or hearing of an ear, compensation during that proportion of the number of weeks in the foregoing schedule provided for the loss of such member or sight of an eye, or hearing of an ear, which the partial loss of use thereof bears to the total loss of use of such member, or sight of eye, or hearing of an ear.

(a) Loss of hearing for compensation purposes shall be confined to the frequencies of 1,000, 2,000 and 3,000 cycles per second. Loss of hearing ability for frequency tones above 3,000 cycles per second are not to be considered as constituting disability for hearing.

(b) The percent of hearing loss, for purposes of the determination of compensation claims for occupational deafness, shall be calculated as the average in decibels for the thresholds of hearing for the frequencies of 1,000, 2,000 and 3,000 cycles per

second. Pure tone air conduction audiometric instruments, approved by nationally recognized authorities in this field, shall be used for measuring hearing loss. If the losses of hearing average 30 decibels or less in the 3 frequencies, such losses of hearing shall not then constitute any compensable hearing disability. If the losses of hearing average 85 decibels or more in the 3 frequencies, then the same shall constitute and be total or 100% compensable hearing loss.

(c) In measuring hearing impairment, the lowest measured losses in each of the 3 frequencies shall be added together and divided by 3 to determine the average decibel loss. For every decibel of loss exceeding 30 decibels an allowance of 1.82% shall be made up to the maximum of 100% which is reached at 85 decibels.

(d) If a hearing loss is established to have existed on July 1, 1975 by audiometric testing the employer shall not be liable for the previous loss so established nor shall he be liable for any loss for which compensation has been paid or awarded.

(e) No consideration shall be given to the question of whether or not the ability of an employee to understand speech is improved by the use of a hearing aid.

(f) No claim for loss of hearing due to industrial noise shall be brought against an employer or allowed unless the employee has been exposed for a period of time sufficient to cause permanent impairment to noise levels in excess of the following:

Sound Level DBA

Slow Response	Hours Per Day
90	8
92	6
95	4
97	3
100	2
102	1-1/2
105	1
110	1/2
115	1/4

This subparagraph (f) shall not be applied in cases of hearing loss resulting from trauma or explosion.

17. In computing the compensation to be paid to any employee who, before the accident for which he claims compensation, had before that time sustained an injury resulting in the loss by amputation or partial loss by amputation of any member, including hand, arm, thumb or fingers, leg, foot or any toes, such loss or partial loss of any such member shall be deducted from any award made for the subsequent injury. For the permanent loss of use

or the permanent partial loss of use of any such member or the partial loss of sight of an eye, for which compensation has been paid, then such loss shall be taken into consideration and deducted from any award for the subsequent injury.

18. The specific case of loss of both hands, both arms, or both feet, or both legs, or both eyes, or of any two thereof, or the permanent and complete loss of the use thereof, constitutes total and permanent disability, to be compensated according to the compensation fixed by paragraph (f) of this Section. These specific cases of total and permanent disability do not exclude other cases.

Any employee who has previously suffered the loss or permanent and complete loss of the use of any of such members, and in a subsequent independent accident loses another or suffers the permanent and complete loss of the use of any one of such members the employer for whom the injured employee is working at the time of the last independent accident is liable to pay compensation only for the loss or permanent and complete loss of the use of the member occasioned by the last independent accident.

19. In a case of specific loss and the subsequent death of such injured employee from other causes than such injury leaving a widow, widower, or dependents surviving before payment or payment in full for such injury, then the amount due for such injury is payable to the widow or

widower and, if there be no widow or widower, then to such dependents, in the proportion which such dependency bears to total dependency.

Beginning July 1, 1980, and every 6 months thereafter, the Commission shall examine the Second Injury Fund and when, after deducting all advances or loans made to such Fund, the amount therein is $500,000 then the amount required to be paid by employers pursuant to paragraph (f) of Section 7 shall be reduced by one-half. When the Second Injury Fund reaches the sum of $600,000 then the payments shall cease entirely. However, when the Second Injury Fund has been reduced to $400,000, payment of one-half of the amounts required by paragraph (f) of Section 7 shall be resumed, in the manner herein provided, and when the Second Injury Fund has been reduced to $300,000, payment of the full amounts required by paragraph (f) of Section 7 shall be resumed, in the manner herein provided. The Commission shall make the changes in payment effective by general order, and the changes in payment become immediately effective for all cases coming before the Commission thereafter either by settlement agreement or final order, irrespective of the date of the accidental injury.

On August 1, 1996 and on February 1 and August 1 of each subsequent year, the Commission shall examine the special fund designated as the "Rate Adjustment Fund" and when, after deducting all advances or loans made to said fund, the amount therein is $4,000,000, the amount required to be paid by

employers pursuant to paragraph (f) of Section 7 shall be reduced by one-half. When the Rate Adjustment Fund reaches the sum of $5,000,000 the payment therein shall cease entirely. However, when said Rate Adjustment Fund has been reduced to $3,000,000 the amounts required by paragraph (f) of Section 7 shall be resumed in the manner herein provided.

(f) In case of complete disability, which renders the employee wholly and permanently incapable of work, or in the specific case of total and permanent disability as provided in subparagraph 18 of paragraph (e) of this Section, compensation shall be payable at the rate provided in subparagraph 2 of paragraph (b) of this Section for life.

An employee entitled to benefits under paragraph (f) of this Section shall also be entitled to receive from the Rate Adjustment Fund provided in paragraph (f) of Section 7 of the supplementary benefits provided in paragraph (g) of this Section 8.

If any employee who receives an award under this paragraph afterwards returns to work or is able to do so, and earns or is able to earn as much as before the accident, payments under such award shall cease. If such employee returns to work, or is able to do so, and earns or is able to earn part but not as much as before the accident, such award shall be modified so as to conform to an award under paragraph (d) of this Section. If such award is terminated or reduced under the provisions of this paragraph, such employees have the right at any time

within 30 months after the date of such termination or reduction to file petition with the Commission for the purpose of determining whether any disability exists as a result of the original accidental injury and the extent thereof.

Disability as enumerated in subdivision 18, paragraph (e) of this Section is considered complete disability.

If an employee who had previously incurred loss or the permanent and complete loss of use of one member, through the loss or the permanent and complete loss of the use of one hand, one arm, one foot, one leg, or one eye, incurs permanent and complete disability through the loss or the permanent and complete loss of the use of another member, he shall receive, in addition to the compensation payable by the employer and after such payments have ceased, an amount from the Second Injury Fund provided for in paragraph (f) of Section 7, which, together with the compensation payable from the employer in whose employ he was when the last accidental injury was incurred, will equal the amount payable for permanent and complete disability as provided in this paragraph of this Section.

The custodian of the Second Injury Fund provided for in paragraph (f) of Section 7 shall be joined with the employer as a party respondent in the application for adjustment of claim. The application for adjustment of claim shall state briefly and in general terms the approximate time and place and manner of the loss of the first member.

In its award the Commission or the Arbitrator shall specifically find the amount the injured employee shall be weekly paid, the number of weeks compensation which shall be paid by the employer, the date upon which payments begin out of the Second Injury Fund provided for in paragraph (f) of Section 7 of this Act, the length of time the weekly payments continue, the date upon which the pension payments commence and the monthly amount of the payments. The Commission shall 30 days after the date upon which payments out of the Second Injury Fund have begun as provided in the award, and every month thereafter, prepare and submit to the State Comptroller a voucher for payment for all compensation accrued to that date at the rate fixed by the Commission. The State Comptroller shall draw a warrant to the injured employee along with a receipt to be executed by the injured employee and returned to the Commission. The endorsed warrant and receipt is a full and complete acquittance to the Commission for the payment out of the Second Injury Fund. No other appropriation or warrant is necessary for payment out of the Second Injury Fund. The Second Injury Fund is appropriated for the purpose of making payments according to the terms of the awards.

As of July 1, 1980 to July 1, 1982, all claims against and obligations of the Second Injury Fund shall become claims against and obligations of the Rate Adjustment Fund to the extent there is insufficient money in the Second Injury Fund to pay such claims and obligations. In that case, all

references to "Second Injury Fund" in this Section shall also include the Rate Adjustment Fund.

(g) Every award for permanent total disability entered by the Commission on and after July 1, 1965 under which compensation payments shall become due and payable after the effective date of this amendatory Act, and every award for death benefits or permanent total disability entered by the Commission on and after the effective date of this amendatory Act shall be subject to annual adjustments as to the amount of the compensation rate therein provided. Such adjustments shall first be made on July 15, 1977, and all awards made and entered prior to July 1, 1975 and on July 15 of each year thereafter. In all other cases such adjustment shall be made on July 15 of the second year next following the date of the entry of the award and shall further be made on July 15 annually thereafter. If during the intervening period from the date of the entry of the award, or the last periodic adjustment, there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the weekly compensation rate shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act. The increase in the compensation rate under this paragraph shall in no event bring the total compensation rate to an amount greater than the prevailing maximum rate at the time that the annual adjustment

is made. Such increase shall be paid in the same manner as herein provided for payments under the Second Injury Fund to the injured employee, or his dependents, as the case may be, out of the Rate Adjustment Fund provided in paragraph (f) of Section 7 of this Act. Payments shall be made at the same intervals as provided in the award or, at the option of the Commission, may be made in quarterly payment on the 15th day of January, April, July and October of each year. In the event of a decrease in such average weekly wage there shall be no change in the then existing compensation rate. The within paragraph shall not apply to cases where there is disputed liability and in which a compromise lump sum settlement between the employer and the injured employee, or his dependents, as the case may be, has been duly approved by the Illinois Workers' Compensation Commission.

Provided, that in cases of awards entered by the Commission for injuries occurring before July 1, 1975, the increases in the compensation rate adjusted under the foregoing provision of this paragraph (g) shall be limited to increases in the State's average weekly wage in covered industries under the Unemployment Insurance Act occurring after July 1, 1975.

For every accident occurring on or after July 20, 2005 but before the effective date of this amendatory Act of the 94th General Assembly (Senate Bill 1283 of the 94th General Assembly), the annual adjustments to the compensation rate in

awards for death benefits or permanent total disability, as provided in this Act, shall be paid by the employer. The adjustment shall be made by the employer on July 15 of the second year next following the date of the entry of the award and shall further be made on July 15 annually thereafter. If during the intervening period from the date of the entry of the award, or the last periodic adjustment, there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the employer shall increase the weekly compensation rate proportionately by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act. The increase in the compensation rate under this paragraph shall in no event bring the total compensation rate to an amount greater than the prevailing maximum rate at the time that the annual adjustment is made. In the event of a decrease in such average weekly wage there shall be no change in the then existing compensation rate. Such increase shall be paid by the employer in the same manner and at the same intervals as the payment of compensation in the award. This paragraph shall not apply to cases where there is disputed liability and in which a compromise lump sum settlement between the employer and the injured employee, or his or her dependents, as the case may be, has been duly approved by the Illinois Workers' Compensation Commission.

The annual adjustments for every award of death benefits

or permanent total disability involving accidents occurring before July 20, 2005 and accidents occurring on or after the effective date of this amendatory Act of the 94th General Assembly (Senate Bill 1283 of the 94th General Assembly) shall continue to be paid from the Rate Adjustment Fund pursuant to this paragraph and Section 7(f) of this Act.

(h) In case death occurs from any cause before the total compensation to which the employee would have been entitled has been paid, then in case the employee leaves any widow, widower, child, parent (or any grandchild, grandparent or other lineal heir or any collateral heir dependent at the time of the accident upon the earnings of the employee to the extent of 50% or more of total dependency) such compensation shall be paid to the beneficiaries of the deceased employee and distributed as provided in paragraph (g) of Section 7.

(h-1) In case an injured employee is under legal disability at the time when any right or privilege accrues to him or her under this Act, a guardian may be appointed pursuant to law, and may, on behalf of such person under legal disability, claim and exercise any such right or privilege with the same effect as if the employee himself or herself had claimed or exercised the right or privilege. No limitations of time provided by this Act run so long as the employee who is under legal disability is without a conservator or guardian.

(i) In case the injured employee is under 16 years of age at the time of the accident and is illegally employed, the

amount of compensation payable under paragraphs (b), (c), (d), (e) and (f) of this Section is increased 50%.

However, where an employer has on file an employment certificate issued pursuant to the Child Labor Law of 2024 or work permit issued pursuant to the Federal Fair Labor Standards Act, as amended, or a birth certificate properly and duly issued, such certificate, permit or birth certificate is conclusive evidence as to the age of the injured minor employee for the purposes of this Section.

Nothing herein contained repeals or amends the provisions of the Child Labor Law of 2024 relating to the employment of minors under the age of 16 years.

(j) 1. In the event the injured employee receives benefits, including medical, surgical or hospital benefits under any group plan covering non-occupational disabilities contributed to wholly or partially by the employer, which benefits should not have been payable if any rights of recovery existed under this Act, then such amounts so paid to the employee from any such group plan as shall be consistent with, and limited to, the provisions of paragraph 2 hereof, shall be credited to or against any compensation payment for temporary total incapacity for work or any medical, surgical or hospital benefits made or to be made under this Act. In such event, the period of time for giving notice of accidental injury and filing application for adjustment of claim does not commence to run until the termination of such payments. This

paragraph does not apply to payments made under any group plan which would have been payable irrespective of an accidental injury under this Act. Any employer receiving such credit shall keep such employee safe and harmless from any and all claims or liabilities that may be made against him by reason of having received such payments only to the extent of such credit.

Any excess benefits paid to or on behalf of a State employee by the State Employees' Retirement System under Article 14 of the Illinois Pension Code on a death claim or disputed disability claim shall be credited against any payments made or to be made by the State of Illinois to or on behalf of such employee under this Act, except for payments for medical expenses which have already been incurred at the time of the award. The State of Illinois shall directly reimburse the State Employees' Retirement System to the extent of such credit.

2. Nothing contained in this Act shall be construed to give the employer or the insurance carrier the right to credit for any benefits or payments received by the employee other than compensation payments provided by this Act, and where the employee receives payments other than compensation payments, whether as full or partial salary, group insurance benefits, bonuses, annuities or any other payments, the employer or insurance carrier shall receive credit for each such payment only to the extent of the compensation that would have been

payable during the period covered by such payment.

3. The extension of time for the filing of an Application for Adjustment of Claim as provided in paragraph 1 above shall not apply to those cases where the time for such filing had expired prior to the date on which payments or benefits enumerated herein have been initiated or resumed. Provided however that this paragraph 3 shall apply only to cases wherein the payments or benefits hereinabove enumerated shall be received after July 1, 1969.

(Source: P.A. 97-18, eff. 6-28-11; 97-268, eff. 8-8-11; 97-813, eff. 7-13-12.)

Section 999. Effective date. This Act shall take effect January 1, 2025, with the exception of Sections 95 and 100, which shall take effect July 1, 2024.