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CONSULTING, INC.

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APSA of Illinois Legislative Update

March 23, 2017

APSA of Illinois PRIORITY LEGISLATION**IL - HB2351 WAGE LIEN ACT**

Last Action: Fiscal Note Filed (March 15, 2017)

Primary Sponsor: [Representative Barbara Flynn Currie \(D\)](#)

Summary: Creates the Wage Lien Act. Provides that a lien exists on an employer's property for the amount of unpaid wages owed to an employee. Defines terms and includes provisions concerning creation of the lien; exemptions; notice; limitations; recording of the lien; enforcement; other claims on the employer's property; successor obligations; and construction. **APSA of Illinois OPPOSE**

IL - HB2387 MIN WAGE-\$15 PER HOUR

Last Action: Assigned to Labor & Commerce Committee (February 14, 2017)

Primary Sponsor: [Representative Litesa E. Wallace \(D\)](#)

Summary: Amends the Minimum Wage Law. Increases the minimum wage to \$15 per hour on October 1, 2017. Effective immediately. **APSA of Illinois OPPOSE**

IL - HB2462 EQUAL PAY ACT-WAGE HISTORY

Last Action: Placed on Calendar Order of 3rd Reading - Short Debate (March 15, 2017)

Primary Sponsor: [Representative Anna Moeller \(D\)](#)

Summary: Amends the Equal Pay Act of 2003. Prohibits an employer from: (i) screening job applicants based on their wage or salary history, (ii) requiring that an applicant's prior wages satisfy minimum or maximum criteria, and (iii) requesting or requiring as a condition of being interviewed or as a condition of continuing to be considered for an offer of employment that an applicant disclose prior wages or salary. Prohibits an employer from seeking the salary, including benefits or other compensation or salary history, of a job applicant from any current or former employer. Limits defenses. Provides for penalties and injunctive relief. **APSA of Illinois OPPOSE**

IL - HB2631 UPIA-NEGLIGENCE

Last Action: To Sales and Other Taxes Subcommittee (March 9, 2017)

Primary Sponsor: [Representative Margo McDermed \(R\)](#)

Summary: Amends the Uniform Penalty and Interest Act. In a Section concerning penalties for negligence, provides that no penalty shall be imposed if the taxpayer is a business with fewer than 50 employees and the deficit in the audit is not more than 1%. Effective immediately. **APSA of Illinois SUPPORT**

IL - HB2749 OVERTIME EXEMPTION THRESHOLD

Last Action: Fiscal Note Filed (March 15, 2017)

Primary Sponsor: [Representative Will Guzzardi \(D\)](#)

Summary: Amends the Minimum Wage Law. Provides that the overtime requirements of the Law do not apply to an employee employed in a bona fide executive, administrative, or professional capacity as defined by or covered by the federal Fair Labor Standards Act of 1938 but compensated at a

salary greater than \$47,476 per year (rather than an amount specified by a federal regulation) or the weekly or monthly portion thereof or a greater salary as may be adopted by the U.S. Department of Labor. Provides that the amount shall increase annually by the percentage increase in the Consumer Price Index. Effective immediately. **APSA of Illinois OPPOSE**

[IL - HB2874](#) TAX OVERCOLLECTION-NOT FRAUD

Last Action: To Sales and Other Taxes Subcommittee (March 9, 2017)

Primary Sponsor: [Representative Ann M. Williams \(D\)](#)

Summary: Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that the over-collection of a tax by a person is not considered fraud, reckless disregard, or any other unlawful practice to the extent the over-collected tax is remitted to a government entity or agency. Effective immediately. **APSA of Illinois SUPPORT**

[IL - HB3030](#) DIGITAL FAIR REPAIR ACT

Last Action: Assigned to Cybersecurity, Data Analytics, & IT Committee (February 22, 2017)

Primary Sponsor: [Representative David Harris \(R\)](#)

Summary: Creates the Digital Fair Repair Act. Provides that original equipment manufacturers shall: (i) make available to any independent repair provider or owner of equipment manufactured by the original equipment manufacturer the same diagnostic and repair documentation in the same manner as that information is made available to the manufacturer's authorized repair providers; and (ii) make available for purchase by the owner, his or her authorized agent, or any independent repair provider, parts, inclusive of any updates to the embedded software of the parts, upon fair and reasonable terms. Requires original equipment manufacturers to make available for purchase by owners and independent repair providers all diagnostic repair tools incorporating the same diagnostic, repair, and remote communications capabilities that the original equipment manufacturer makes available to its own repair or engineering staff or an authorized repair provider. Requires an independent repair provider that purchases or acquires embedded software or service parts to notify the owner of the equipment in writing of certain warranties prior to performing any services on digital electronic equipment. Provides, with one exception, an authorized provider shall have all the rights and remedies provided under the Act. Provides for enforcement by the Attorney General. Authorizes the Attorney General to seek to enjoin violations and to recover civil penalties. Requires the Attorney General to establish an outreach program to inform the public of rights under the Act. Defines terms. Excludes motor vehicle manufacturers. Provides for recovery of damages and attorney's fees. Provides for the protection of trade secrets. Effective January 1, 2018.

[IL - HB3045](#) VEH CD-SOS-EMAIL NOTIFICATION

Last Action: House Committee Amendment No. 1 Referred to Rules Committee (March 23, 2017)

Primary Sponsor: [Representative David Harris \(R\)](#)

Summary: Amends the Illinois Vehicle Code. Provides that an application for a certificate of title, vehicle registration, and license or instruction permit shall include, if available, a person's email

address. Provides that in preparation for selection of random samples for verification of a liability insurance policy, the Secretary of State may send to owners of randomly selected motor vehicles requests for information about their motor vehicles and liability insurance coverage electronically or, if electronic means are unavailable, via U.S. mail.

[IL - HB3265](#) VEH CD-VEHICLE IMPOUNDING

Last Action: Re-assigned to Transportation: Vehicles & Safety Committee (March 7, 2017)

Primary Sponsor: [Representative Michael J. Zalewski \(D\)](#)

Summary: Amends the Illinois Vehicle Code. Provides that if proper notice is given within the first 5 calendar days after a vehicle is towed, daily storage charges shall begin to accrue for the first 5 calendar days and shall continue thereafter. Provides that if proper notice is given after the first 5 calendar days after the vehicle is towed, daily storage charges shall not begin to accrue until 3 calendar days after the notice is sent. Provides for the daily storage charge amounts. Provides that at the time a vehicle is towed or no later than 5 calendar days thereafter, the county or municipality shall notify by certified mail the lienholder of record, lessor, and the owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, of the fact of the seizure, and of the vehicle owner's or lessee's right to an administrative hearing. Provides that within 3 calendar days after the vehicle is towed, a county or municipality shall access the vehicle's title record to determine the lienholder of record, lessor, and the owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle. Provides that except if an administrative hearing officer overturns a vehicle impoundment, a county or municipality may assess a \$5 fee for each vehicle towed to defray additional administrative costs. Provides that a lienholder or lessor shall be entitled to take possession of an impounded vehicle, and defer payment of any applicable administrative fees, upon submission of certain documents and fees to the municipality or its designated agent. Provides that upon a request to obtain possession of an impounded vehicle, a municipality or its agent shall provide a lienholder or lessor an opportunity to view the vehicle and provide a statement in writing setting forth the amount of the applicable administrative, towing, and storage fees. Makes conforming changes.

[IL - HB3466](#) VEHICLE REPAIR FAIRNESS ACT

Last Action: Assigned to Consumer Protection Committee (February 22, 2017)

Primary Sponsor: [Representative Thomas M. Bennett \(R\)](#)

Scheduled Hearing: [Consumer Protection \(House\)](#) Date: March 28, 2017 Time: 4:00pm (CST)

Location: Room D-1 Stratton Building Springfield, IL

Summary: Creates the Motor Vehicle Repair Fairness Act. Provides that motor vehicle manufacturers must make available to independent repair providers of parts manufactured by such motor vehicle manufacturer, diagnostic and repair documentation, including repair technical updates and updates and corrections to embedded software, in the same manner as the motor vehicle manufacturer makes such diagnostic and repair documentation, including repair technical updates and updates and

corrections to embedded software, available to its authorized repair provider. Defines terms. Authorizes the imposition of a \$500 civil penalty. Provides that the Attorney General may bring an action to recover the penalty. **APSA of Illinois SUPPORT**

IL - SB2 MINIMUM WAGE-WITHHOLDING

Last Action: Placed on Calendar Order of 3rd Reading February 28, 2017 (February 16, 2017)

Primary Sponsor: [Senator Kimberly A. Lightford \(D\)](#)

Summary: Amends the Minimum Wage Law. Increases the minimum wage from \$8.25 to \$9.00 beginning July 1, 2017 and increases it by \$0.50 each July 1 until July 1, 2021, at which point the minimum wage will be \$11.00. Preempts home rule powers, except that the limitation on home rule powers does not apply to specified ordinances adopted by the City Council of City of Chicago or the Cook County Board of Commissioners. Amends the Illinois Income Tax Act. Creates a credit against the withholding tax liability of employers with fewer than 50 employees, calculated based on the increase in the minimum wage. Effective immediately, but this Act does not take effect at all unless Senate Bills 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of the 100th General Assembly become law.

Amendments: **Senate Amendment 2 guts the entire bill—bill has been removed from “Grand Compromise” APSA of Illinois OPPOSE**

IL - SB12 WORKERS' COMP-VARIOUS

Last Action: Senate Floor Amendment No. 3 Pursuant to Senate Rule 3-8(b-1), this Amendment will remain in the Committee of Assignments. (March 8, 2017)

Primary Sponsor: [Senator Christine Radogno \(R\)](#)

Summary: Amends the Freedom of Information Act. Exempts from public inspection certain information collected by the Illinois Workers' Compensation Commission from self-insureds and papers, documents, reports, or evidence relevant to a workers' compensation fraud investigation conducted by the Department of Insurance. Amends the Workers' Compensation Act. Makes changes concerning: the maximum compensation rate for a period of temporary total incapacity; compensation awards for injuries to the shoulder and hip; the maximum allowable payment for certain service categories; the assignment and reassignment of arbitrators to hearing sites; annual reports on the state of self-insurance for workers' compensation in Illinois; and other matters. Effective immediately, but this Act does not take effect at all unless Senate Bills 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 13 of the 100th General Assembly become law.

IL - SB675 VEH CD-PARTS DEF-LIC FRAUD NR

Last Action: Placed on Calendar Order of 3rd Reading March 15, 2017 (March 14, 2017)

Primary Sponsor: [Senator Steve Stadelman \(D\)](#)

Summary: Amends the Illinois Vehicle Code. Adds to the definition of "essential parts" a bed, front bumper, rear bumper, and, for motorcycles, fairings, fuel tanks, and forks. Removes other items from the definition. Provides that the Secretary of State may cancel any license or permit upon determining that the holder has assisted an out-of-state resident in acquiring an Illinois driver's license or

identification card by providing or allowing the out-of-state resident to use his or her Illinois address of residence and is complicit in distributing and forwarding the Illinois driver's license or identification card to the out-of-state resident. Provides that any person, firm, association, partnership, or corporation that operates a driver training school without a license issued by the Secretary of State shall be guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a second and subsequent offense. Effective immediately.

[IL - SB981](#) EQUAL PAY ACT-WAGE HISTORY

Last Action: Placed on Calendar Order of 2nd Reading March 14, 2017 (March 9, 2017)

Primary Sponsor: [Senator Daniel Biss \(D\)](#)

Summary: Amends the Equal Pay Act of 2003. Prohibits an employer from: (i) screening job applicants based on their wage or salary history, (ii) requiring that an applicant's prior wages satisfy minimum or maximum criteria, and (iii) requesting or requiring as a condition of being interviewed or as a condition of continuing to be considered for an offer of employment that an applicant disclose prior wages or salary. Prohibits an employer from seeking the salary, including benefits or other compensation or salary history, of a job applicant from any current or former employer. Limits defenses. Provides for penalties and injunctive relief. **APSA of Illinois OPPOSE**

[IL - SB1296](#) HEALTHY WORKPLACE ACT

Last Action: Rule 2-10 Committee Deadline Established As April 7, 2017 (March 17, 2017)

Primary Sponsor: [Senator Toi W. Hutchinson \(D\)](#)

Summary: Creates the Healthy Workplace Act and amends the State Finance Act. Requires employers to provide specified paid sick days to employees. Sets forth the purposes for and manner in which the sick days may be used. Contains provisions regarding employer responsibilities, unlawful employer practices, and other matters. Provides that the Department of Labor shall administer the Act. Authorizes the imposition of civil penalties. Authorizes individuals to file civil actions with respect to violations. Creates the Healthy Workplace Fund as a special fund in the State treasury. Effective immediately. Amendments: [Senate Amendment 001](#) Removes the Construction Industry from the requirements of the bill. **APSA of Illinois OPPOSE**

[IL - SB1545](#) VEH CD-INS PAYMENTS-LIENHOLDER

Last Action: Placed on Calendar Order of 2nd Reading March 28, 2017 (March 16, 2017)

Primary Sponsor: [Senator John G. Mulroe \(D\)](#)

Summary: [Senate Amendment 001](#): Replaces everything after the enacting clause. Amends the Illinois Vehicle Code. Provides that an owner of a vehicle shall maintain comprehensive, collision, or other insurance coverage for the damage or loss of a vehicle if the coverage is required under the terms of a loan agreement between the owner and a lienholder identified on the vehicle's certificate of title. Provides that an insurer paying a claim for the damage or loss of a vehicle shall issue the payment to both the owner of the vehicle and the lienholder, except when the claim is paid under a lienholder's collateral protection insurance policy on a vehicle securing the lienholder's loan when the

vehicle owner has failed to satisfy a loan condition to provide insurance coverage for the damage or loss of the vehicle.

[IL - SB1694](#) LABOR&STORAGE LIENS-NOTICES

Last Action: Placed on Calendar Order of 2nd Reading March 9, 2017 (March 8, 2017)

Primary Sponsor: [Senator David Koehler \(D\)](#)

Summary: Amends the Labor and Storage Lien Act and the Labor and Storage Lien (Small Amount) Act. Provides that a person, firm, or private corporation seeking to impose fees in connection with the furnishing of storage for a vehicle shall provide notice of the fees to the vehicle owner of record as well as to the lienholder of record. Provides that notice shall be given regardless of whether the person seeking to impose fees enforces a lien. Provides that the notification requirements apply in addition to any owner and lienholder notice requirements under the Illinois Vehicle Code relating to the removal or towing of an abandoned, lost, stolen, or unclaimed vehicle. Provides penalties for noncompliance. Provides that notwithstanding any provision to the contrary, a person, firm, or private corporation seeking to impose storage fees for a vehicle in its possession may not foreclose or otherwise enforce its lien unless it first complies with specified notification requirements. Provides that storage fees may be paid by, among other methods, debit card and credit card. Makes corresponding changes in the Illinois Vehicle Code. Further amends the Illinois Vehicle Code. Provides that a towed vehicle must be returned to, among other entities, a lienholder, within 30 minutes if requested during business hours. Effective immediately.

[IL - SB1720](#) ANTI-WAGE THEFT-STATE CONTRACT

Last Action: Placed on Calendar Order of 2nd Reading March 14, 2017 (March 9, 2017)

Primary Sponsor: [Senator Daniel Biss \(D\)](#)

Summary: Amends the Illinois Procurement Code. Prohibits any person or business that violates the Illinois Wage Payment and Collection Act, the Minimum Wage Law, the Illinois Worker Adjustment and Retraining Notification Act, the Employee Classification Act, the Day and Temporary Labor Services Act, the Fair Labor Standards Act of 1938, or any comparable state statute or regulation of any state which governs the payment of wages to do business with the State or any State agency or enter into a subcontract that is subject to the Code for a period of 5 years. Amends the Illinois Wage Payment and Collection Act. Amends the Illinois Wage Payment and Collection Act. Provides that an employer that is able to pay wages and who refuses to pay is guilty of a Class 4 felony with respect to amounts of \$5,000 or less (rather than a Class B misdemeanor) and of a Class 3 felony with respect to amounts greater than \$5,000 (rather than a Class A misdemeanor). Provides that a subsequent failure to pay within 5 years (rather than 2 years) of a prior conviction is a Class 3 felony (rather than a Class 4 felony). Amendments: [Senate Amendment 001](#): Provides that a person or business that is subject to an adverse civil judgment related to violations of certain laws concerning wage payments may not do business with the State for a period of 5 years. Revises proposed changes in penalties for failure to pay wages, final compensation, or wage supplements. For unpaid amounts of \$5,000 or less increases the penalty to a Class A (currently Class B) misdemeanor instead of increasing the penalty

to a Class 4 felony. For unpaid amounts of more than \$5,000 increases the penalty to a Class 4 felony (currently Class A misdemeanor) instead of increasing the penalty to a Class 3 felony. **APSA of Illinois OPPOSE**

[IL - SB1946](#) VEH CD-SALVAGE CERTIFICATE

Last Action: Placed on Calendar Order of 2nd Reading March 14, 2017 (March 9, 2017)

Primary Sponsor: [Senator John G. Mulroe \(D\)](#)

Summary: Amends the Illinois Vehicle Code. Provides that an insurance company may, after completing a record search for any owner of a vehicle or a lienholder of record, obtain free of any lien a junking certificate in the insurance company's name by submitting an application to the Secretary of State. An insurance company may also obtain free of any lien a salvage certificate for a vehicle of specified 8 model years that has completed an inspection for a rebuilt vehicle under the Code by submitting an application to the Secretary. Defines "model year". Provides that a salvage dealer may, after completing a record search for any owner of a vehicle or a lienholder of record, obtain a junking certificate or a salvage certificate by submitting an application to the Secretary. Defines "salvage dealer". Provides that a vehicle owner or a lienholder may send notice of dispute of title within 30 days after notice of transfer of title is sent by the insurance company or salvage dealer to the owner or lienholder. Provides that no dealer licensed under the Code shall sell a vehicle for which a rebuilt title has been issued from another jurisdiction without first obtaining an Illinois certificate of title with a "REBUILT" notation under the Code. Effective immediately. Amendments: [Senate Amendment 001](#): Replaces everything after the enacting clause. Reinserts the provisions of the introduced bill with the following changes. Amends the Illinois Vehicle Code. Restricts the conditions in which an insurance company or a salvage dealer may obtain free of any lien a junking certificate or a salvage certificate. Provides that, subject to the provided conditions, an insurance company or salvage dealer may obtain free of any lien a salvage certificate for any vehicle (rather than a vehicle of specified 8 model years that has completed an inspection for a rebuilt vehicle) under the insurance company's name by submitting an application to the Secretary of State. Adds penalty provisions. Makes conforming changes. Effective 90 days after becoming law.

APSA of Illinois MONITOR LEGISLATION

[IL - HB821](#) REVENUE-ELECTRONIC FILING

[IL - HB1813](#) DCEO-SMALL BUSINESS PROGRAM

[IL - HB3172](#) VEH CD-VEH SAFETY TEST

[IL - HB3245](#) USE/OCC TX-MULTISTATE

[IL - HB3802](#) CONSUMER FRD GIFT CERTIFICATE

[IL - SB1283](#) REVENUE-ELECTRONIC FILING

[IL - SB1284](#) SALES AND EXCISE TAX REFUND

[IL - SB1285](#) REVENUE-VARIOUS

[IL - SB1556](#) VEH CD-MISCELLANEOUS

[IL - SB1614](#) VEH CD-LICENSE-SUSPENSION

[IL - SB1943](#) EPA-INDUSTR MATERIALS EXCHANGE

[IL - SB1969](#) EPA-USED-WASTE TIRES

[IL - SB2041](#) VEH CD-VEHICLE IMPOUNDING