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## **APSA of Illinois Legislative Report**

**March 1, 2018**

## INDUSTRY ISSUES

### [IL - HB4238](#) VEHICLE CODE-VEHICLE PRIOR 1965-SEATBELT

Last Action: Remains in Transportation: Vehicles & Safety Committee (February 28, 2018)

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

Committees: [Transportation: Vehicles & Safety \(House\)](#)

Summary: Amends the Illinois Vehicle Code. Provides that a driver or passenger of a motor vehicle with a model year prior to 1965 who is under 18 years of age shall be required to wear a properly adjusted and fastened seat safety belt when the motor vehicle is operating upon a street or highway in this State, unless the motor vehicle is used in connection with a parade or other similar activity.

Amendments: [House Amendment 001](#): Provides that no person shall sell or operate any 1965 or later model motor vehicle of the first division unless the motor vehicle is equipped with seat safety belts for each passenger. Adds an immediate effective date.

### [IL - HB4391](#) VEHICLE CODE-INSPECTION STATIONS

Last Action: Referred to Rules Committee (January 30, 2018)

Primary Sponsor: [Representative Michael P. McAuliffe \(R\)](#)

Committee: [Rules \(House\)](#)

Summary: Amends the Illinois Vehicle Code. Provides that the Environmental Protection Agency may not enter into new contracts or renew any contract previously made with one or more responsible parties to construct and operate official inspection stations, provide and maintain approved test equipment, administer tests, certify results, issue emission inspection stickers or certificates, maintain records, train personnel, provide information to the public concerning the program, or otherwise.

Provides that any facility that performs maintenance or repair work on motor vehicles as a routine part of its business may apply to the Agency for certification as an official inspection station. Provides that the Agency shall authorize as an official inspection station any applicant that meets specific criteria.

### [IL - HB4561](#) INSURANCE-MOTOR VEHICLE REPAIR

Last Action: Referred to Rules Committee (February 6, 2018)

Primary Sponsor: [Representative Linda Chapa LaVia \(D\)](#)

Committee: [Rules \(House\)](#)

Summary: Amends the Illinois Insurance Code. Provides certain restrictions on an adjuster, insurer, insurance producer, or other representative of an insurer who issues policies of automobile insurance concerning motor vehicle repairs. Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that certain acts by a repair shop in connection with a repair of damage to a motor vehicle are unlawful practices within the meaning of the Act. Effective immediately.

### [IL - HB4708](#) CONSUMER FRAUD-AUCTION VEHICLE

Last Action: Referred to Rules Committee (February 13, 2018)

Primary Sponsor: [Representative Sue Scherer \(D\)](#)

Committee: [Rules \(House\)](#)

Summary: Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that the prohibition against the modification or disclaimer of an implied warranty of merchantability regarding certain motor vehicle components for 15 days after the retail sale of a used vehicle to a consumer by a licensed dealer does not apply to a vehicle sold at an auction that is open to the general public if the auction company has conducted a mechanical inspection of the vehicle and given notice of any defects to prospective purchasers. Effective immediately.

### [IL - HB4750](#) VEHICLE CODE-IMPOUNDED VEHICLES

Last Action: Assigned to Transportation: Vehicles & Safety Committee (February 21, 2018)

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

Committees: [Transportation: Vehicles & Safety \(House\)](#)

Summary: Amends the Illinois Vehicle Code. Provides that an impounded vehicle can be released to a lessor of record. Provides that notice shall be given by the towing company to the lienholder of record, or, if the lessor's information is reasonably available, the lessor of the vehicle. Provides that a lienholder or lessor shall be entitled to take possession of a vehicle impounded and defer payment of any applicable administrative fees upon submission by the lienholder or lessor to the municipality or its designated agent proof of ownership of the vehicle or proof of the right to possession of the vehicle. Provides that, except for municipalities with 1,000,000 or more inhabitants with a local ordinance, no vehicle shall be released to the lienholder or lessor until payment of the authorized towing and storage fees charged by the person, firm, or entity that tows and stores the impounded vehicle and the cost of certified mail sent as required. Provides that upon the request of a lienholder or lessor to obtain possession of a vehicle impounded under any ordinance, the municipality or its agent shall provide to the lienholder or lessor an opportunity to view the vehicle within 2 business days of the request and provide a statement in writing setting forth the amount of the applicable administrative, towing, and storage fees. Effective immediately.

### [IL - HB4926](#) RESTRICT USE OF NON-OEM PARTS

Last Action: Referred to Rules Committee (February 14, 2018)

Primary Sponsor: [Representative Linda Chapa LaVia \(D\)](#)

Committee: [Rules \(House\)](#)

Summary: Amends the Illinois Insurance Code and the Automotive Collision Repair Act. Provides that the use of non-original equipment manufacturer aftermarket crash parts may not be included in an estimate for repair of a motor vehicle unless the customer is advised of that fact in writing. Requires the use of original equipment manufacturer specifications.

### [IL - HB4944](#) VEHICLE CODE-VEHICLE SAFETY TEST

Last Action: Referred to Rules Committee (February 14, 2018)

Primary Sponsor: [Representative Nick Sauer \(R\)](#)

Committee: [Rules \(House\)](#)

Summary: Amends the Illinois Vehicle Code. Provides that a vehicle weighing 10,000 pounds to 26,000 pounds (rather than only a truck tractor in combination with a semitrailer) shall be subject to a safety test at an official testing station at least every 12 months.

### **[IL - HB4957](#) VEHICLE CODE-RESTORED ANTIQUE VEHICLE**

Last Action: Referred to Rules Committee (February 14, 2018)

Primary Sponsor: [Representative John Cavaletto \(R\)](#)

Committee: [Rules \(House\)](#)

Summary: Amends the Illinois Vehicle Code. Defines "restored antique vehicle". Provides that an applicant who seeks to have a vehicle titled as a restored antique vehicle must state so in the application. Provides that the restored antique vehicle must be inspected by the Secretary of State Department of Police before a title can be issued. Provides that, upon a successful inspection, the vehicle shall be titled appropriately or may be issued a corrected title. Provides that a restored antique vehicle does not have to provide an odometer certification. Provides that an owner of a restored antique vehicle may register that vehicle for the standard registration fee for a vehicle of the first division and obtain a restored antique vehicle plate. Provides original and renewal issuance fees for special plates and that such fees shall be deposited into the Secretary of State Special License Plate Fund. Provides that an application for registration must be accompanied by an affirmation of the owner with specific affirmations. Provides that a registered owner of a restored antique vehicle may display a historical license plate. Provides that a restored antique vehicle may be disposed of by selling it to a person who desires to restore it. Provides that a restored antique vehicle may be equipped with lamps and brakes of the same type originally installed. Provides that a restored antique vehicle need not be equipped with electric turn signals unless such were originally installed. Requires that a restored antique vehicle shall have service brakes adequate to stop that vehicle within a distance of 40 feet and a hand brake adequate to stop within a distance of 55 feet. Provides that a restored antique vehicle does not need to submit to a safety test nor secure a certificate of safety.

### **[IL - HB5092](#) VEHICLE CODE-RELAY BOX**

Last Action: Referred to Rules Committee (February 16, 2018)

Primary Sponsor: [Representative Jaime M. Andrade, Jr. \(D\)](#)

Committee: [Rules \(House\)](#)

Summary: Amends the Illinois Vehicle Code. Defines "relay box". Provides that any seller of a relay box in this State who reaches an agreement with a buyer for the purchase of the relay box shall conduct a criminal background check of the buyer before completing the purchase. Provides that a seller of a relay box who conducts a criminal background check shall not complete the purchase of the relay box if the background check reveals that the buyer has been convicted of a felony. Provides that a seller who violates the provision is guilty of a Class 4 felony. Effective immediately.

**IL - HB5159 VEHICLE CODE-JUNK/SCRAP DATABASE**

Last Action: Assigned to Transportation: Vehicles & Safety Committee (February 26, 2018)

Primary Sponsor: [Representative Lou Lang \(D\)](#)

Committees: [Transportation: Vehicles & Safety \(House\)](#)

Summary: Amends the Illinois Vehicle Code. Provides that the Secretary of State shall establish or adopt an electronic system to allow an automotive recycler, scrap processor, repairer, or rebuilder to submit a report of any transaction that involves a vehicle or vehicle part to the Secretary of State and complete a real time inquiry to verify that a vehicle or vehicle part has not been stolen. Requires that a report of any transaction involving a vehicle or vehicle part shall be submitted to the Secretary within 48 hours of each day's close of business with specific information included. Provides that, without charge and upon request, the Secretary shall make the report available to any law enforcement agency. Provides that the Secretary shall forward the report to the National Motor Vehicle Title Information System within 2 business days of its receipt. Provides that prior to the purchase of a vehicle or vehicle part, an automotive recycler, scrap processor, repairer, or rebuilder shall determine whether a vehicle or vehicle part has been reported stolen. Provides procedures for an automotive recycler, scrap processor, repairer, or rebuilder for how to proceed with a transaction regarding a vehicle or vehicle part that has or has not been reported stolen.

**IL - HB5327 VEHICLE CODE-VEHICLE INSPECT-AFFECT AREA**

Last Action: Referred to Rules Committee (February 16, 2018)

Primary Sponsor: [Representative Jerry Costello, II \(D\)](#)

Committee: [Rules \(House\)](#)

Summary: Amends the Illinois Vehicle Code. Removes St. Clair County and Monroe County from the areas where the Department of Transportation shall be reimbursed for the training, equipment, recordkeeping, and conducting of diesel powered emission inspections. Removes the prohibition against St. Clair County and Monroe County from conducting a diesel emission inspection program that does not meet or exceed the standards of the diesel emission inspection provisions under the Code. Effective July 1, 2018.

**IL - SB3098 VEHICLE CODE-OVERDIMENSION PERMITS**

Last Action: Assigned to Transportation (February 21, 2018)

Primary Sponsor: [Senator Martin A. Sandoval \(D\)](#)

Committees: [Transportation \(Senate\)](#)

Summary: Amends the Illinois Vehicle Code. Provides that the Department of Transportation may issue a special permit authorizing an applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified by the Code or otherwise not in conformity with the Code upon any State or local highway. Deletes language providing that local authorities may issue a special permit authorizing an applicant to operate or move

a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified by the Code or otherwise not in conformity with the Code upon local highways under their jurisdiction. Makes conforming changes. Effective January 1, 2023.

### [IL - SB3260 VEHICLE CODE-JUNK/SCRAP DATABASE](#)

Last Action: Assigned to Transportation (February 27, 2018)

Primary Sponsor: [Senator Elgie R. Sims, Jr. \(D\)](#)

Committees: [Transportation \(Senate\)](#)

Summary: Amends the Illinois Vehicle Code. Provides that the Secretary of State shall establish or adopt an electronic system to allow an automotive recycler, scrap processor, repairer, or rebuilder to submit a report of any transaction that involves a vehicle or vehicle part to the Secretary of State and complete a real time inquiry to verify that a vehicle or vehicle part has not been stolen. Requires that a report of any transaction involving a vehicle or vehicle part shall be submitted to the Secretary within 48 hours of each day's close of business with specific information included. Provides that, without charge and upon request, the Secretary shall make the report available to any law enforcement agency. Provides that the Secretary shall forward the report to the National Motor Vehicle Title Information System within 2 business days of its receipt. Provides that prior to the purchase of a vehicle or vehicle part, an automotive recycler, scrap processor, repairer, or rebuilder shall determine whether a vehicle or vehicle part has been reported stolen. Provides procedures for an automotive recycler, scrap processor, repairer, or rebuilder for how to proceed with a transaction regarding a vehicle or vehicle part that has or has not been reported stolen.

## **BUSINESS ISSUES**

### [IL - HB2771 HEALTHY WORKPLACE ACT](#)

Last Action: Senate Floor Amendment No. 2 Motion to Concur Recommends Be Adopted Rules Committee; 005-000-000 (January 24, 2018)

Primary Sponsor: [Representative Christian L. Mitchell \(D\)](#)

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.

### [IL - HB4324 WAGE LIEN ACT](#)

Last Action: House Committee Amendment No. 1 Tabled Pursuant to Rule 40 (February 28, 2018)

Primary Sponsor: [Representative Emanuel Chris Welch \(D\)](#)

Committees: [Labor & Commerce Committee \(House\)](#)

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.

Amendments: [House Amendment 001](#) Provides that the lien created under the Act is not applicable to an employer's inventory. Provides that a lien is extinguished if not recorded or filed and served upon the employer within specified time periods. Provides that liens arise only after notice is given to the employer and the lien is filed. Provides that liens under this Act take precedence over other debts, judgments, decrees, liens, or mortgages against the employer that originate after the effective date of the Act.

### [IL - HB4432 WORKERS' COMPENSATION—DEMOCRAT PROPOSAL](#)

Last Action: Referred to Rules Committee (January 31, 2018)

Primary Sponsor: [Representative Jay Hoffman \(D\)](#)

Committee: [Rules \(House\)](#)

Summary: Amends the Employer's Liability Rates Article of the Illinois Insurance Code. Provides that a rate is excessive if it is likely to produce a long run profit that is unreasonably high for the insurance provided or if expenses are unreasonably high in relation to the services rendered. Makes changes regarding competitive markets exists and disapproval of rates under specified circumstances.

Amends the Workers' Compensation Act. Provides that accidental injuries sustained while traveling to or from work do not arise out of and in the course of employment. Permits an employer to file with the Illinois Workers' Compensation Commission a workers' compensation safety program or a workers' compensation return to work program implemented by the employer. Provides that (i) injuries to the shoulder shall be considered injuries to part of the arm and (ii) injuries to the hip shall be considered injuries to part of the leg. Contains provisions concerning repetitive and cumulative injuries; permanent partial disability determinations; annual reports by the Commission concerning self-insurance for workers' compensation in Illinois; and duties of the Workers' Compensation Premium Rates Task Force. Makes additional changes to the Workers' Compensation Act. Provides for an evidence-based drug formulary. Requires an annual investigation of procedures covered for ambulatory surgical centers and the establishment of a fee schedule. Changes a waiting period for benefits for certain firefighters, emergency medical technicians, and paramedics. Changes compensation computations for subsequent injuries to the same part of the spine. Effective immediately.

### [IL - HB5354 WORKERS' COMPENSATION VARIOUS—REPUBLICAN PROPOSAL](#)

Last Action: Assigned to Labor & Commerce Committee (February 26, 2018)

Primary Sponsor: [Representative Michael D. Unes \(R\)](#)

Committees: [Labor & Commerce Committee \(House\)](#)

Summary: Amends the Workers' Compensation Act. Limits the scope of the term "arising out of and in the course of employment". Makes changes regarding recovery when an employee is travelling. Increases the duration of the period of temporary total incapacity necessary for recovery. Provides that injuries to the shoulder and hip are to be considered to be injuries to the arm and leg, respectfully. Provides for the implementation of a closed formulary for prescription medicine. Provides for electronic claims. Requires the posting of collateral when seeking judicial review. Provides for a penalty for vexatious delay in payment of benefits. Increases criminal penalties for specified unlawful acts. Requires the Workers' Compensation Commission to provide annual reports to the Governor and General Assembly regarding self-insurance. Amends the Freedom of Information Act to exempt certain workers' compensation related information from the scope of that Act. Amends the Criminal Code of 2012 create the offense of workers' compensation fraud and prescribe penalties.

### [IL - HB5546](#) VEHICLE CODE-RELAY BOX POSSESSION

Last Action: Referred to Rules Committee (February 16, 2018)

Primary Sponsor: [Representative Jaime M. Andrade, Jr. \(D\)](#)

Committee: [Rules \(House\)](#)

Summary: Amends the Illinois Vehicle Code. Defines "relay box". Provides that no person may possess a relay box in this State except for: (1) a mechanic; (2) a new vehicle dealer or used vehicle dealer licensed under the Code; (3) a locksmith licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004; (4) a repossession agent; or (5) a State or local law enforcement officer. Effective immediately.

### [IL - SB2333](#) EQUAL PAY DISCLOSE PAY AMOUNT

Last Action: Assigned to Labor (January 30, 2018)

Primary Sponsor: [Senator Michael Connelly \(R\)](#)

Committees: [Labor \(Senate\)](#)

Summary: Amends the Equal Pay Act of 2003. Provides that it is unlawful for an employer to require an employee to sign a contract or waiver that would prohibit the employee from disclosing or discussing the employee's wage or salary; however, an employer may prohibit a human resources employee, a supervisor, or any other employee whose job responsibilities require or allow access to other employees' wage or salary information from disclosing such information without prior written consent from the employee whose information is sought or requested. Provides that it is unlawful for an employer to seek the wage or salary history of a prospective employee from the prospective employee or a current or former employer or to require that a prospective employee's prior wage or salary history meet certain criteria, with some exceptions. Provides that an employer against whom an action is brought alleging a violation of the Act's prohibition against gender-based wage differentials and who, within the previous 3 years and prior to the commencement of the action, has completed a self-evaluation of the employer's pay practices and can demonstrate that reasonable



progress has been made towards eliminating wage differentials based on gender for the same or substantially similar work in accordance with that evaluation shall have an affirmative defense to liability. Provides that an employer who cannot demonstrate that the evaluation was reasonable in detail and scope shall not be entitled to an affirmative defense, but is liable for any civil fine of: (1) up to \$500 per employee affected, if the employer has fewer than 4 employees; or (2) up to \$2,500 per employee affected, if the employer has 4 or more employees.

### **IL - SB3100 EQUAL PAY-SALARY HISTORY**

Last Action: Assigned to Labor (February 27, 2018)

Primary Sponsor: [Senator Jennifer Bertino-Tarrant \(D\)](#)

Committees: [Labor \(Senate\)](#)

Summary: Amends the Equal Pay Act of 2003. Prohibits an employer from requiring an employee to sign a nondisclosure agreement regarding the employee's salary, from seeking the salary history of a prospective employee, and from requiring that a prospective employee's salary history meet any specified criteria. Provides for employers to establish a self-evaluation plan of the employer's pay practices. Sets forth permissible components of a self-evaluation plan. Requires the self-evaluation plan to be submitted to the Department of Labor for verification. Provides that an employer that has completed a self-evaluation plan that has been verified by the Department of Labor has an affirmative defense to liability for certain alleged violations of the Act. Provides that an employer that does not have a verified self-evaluation plan may be subject to civil penalties for violations of the Act.

### **IL - SB3194 INCOME TAX-HIRE ILLINOIS CREDIT**

Last Action: Assigned to Revenue (February 27, 2018)

Primary Sponsor: [Senator Paul Schimpf \(R\)](#)

Committees: [Revenue \(Senate\)](#)

Summary: Amends the Illinois Income Tax Act. Creates the Hire Illinois Tax Credit. Provides that a business is eligible for a \$500 tax credit against its withholding tax liability for each recent graduate of a public university in the State who is hired by the taxpayer within the incentive period and retained by the taxpayer for 12 consecutive months. Provides that the \$500 tax credit may be taken in both the year the qualified employee is hired and for each year of the next 4 years the qualified employee is retained by the taxpayer for 12 consecutive months. Provides 2 ways the taxpayer may take the \$500 tax credit. Provides that the Department of Commerce and Economic Opportunity shall limit the monetary amount of these tax credits to \$25,000,000. Provides for procedures for a business to apply for a certificate of eligibility for the credit and for procedures to apply for a tax credit certificate. Grants the Department of Commerce and Economic Opportunity the powers necessary or convenient to administer the tax credit. Effective immediately.