

SB2335



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2335

Introduced 1/24/2018, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

820 ILCS 305/8.1 new

Amends the Workers' Compensation Act in relation to repetitive injuries. Provides that an accidental injury that results from repetitive or cumulative trauma and occurs within 6 months after the employee begins employment shall not be considered by a workers' compensation insurer in setting rates. Provides for contribution by prior employers with respect to awards for repetitive or cumulative injuries.

LRB100 17494 JLS 32663 b

A BILL FOR

1 AN ACT concerning employment.

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

4 Section 5. The Workers' Compensation Act is amended by
5 adding Section 8.1 as follows:

6 (820 ILCS 305/8.1 new)

7 Sec. 8.1. Repetitive and cumulative injuries; right of
8 contribution.

9 (a) Any accidental injury which results from repetitive or
10 cumulative trauma and occurs within 6 months after the employee
11 begins his or her employment shall not be considered by a
12 workers' compensation insurer in setting the premium rate for
13 the employer.

14 (b) If an award is made for benefits in connection with
15 repetitive or cumulative injury resulting from employment with
16 more than one employer, the employer liable for award or its
17 insurer is entitled to contributions or reimbursement from each
18 of the employee's prior employers which are subject to this Act
19 or their insurers for the prior employer's pro rata share of
20 responsibility as determined by the Commission. The right to
21 contribution or reimbursement under this Section shall not
22 delay, diminish, restrict, or alter in any way the benefits to
23 which the employee or his or her dependents are entitled under

1 this Act. At any time within one year after the Commission or
2 the Arbitrator has made an award for benefits in connection
3 with repetitive or cumulative injury, the employer liable under
4 the award or its insurer may institute proceedings before the
5 Commission for the purpose of determining the right of
6 contribution or reimbursement. The proceeding shall not delay,
7 diminish, restrict, or alter in any way the benefits to which
8 the employee or his or her dependents are entitled under this
9 Act, but shall be limited to a determination of the respective
10 contribution or reimbursement rights and the responsibilities
11 of all the employers joined in the proceeding. The employee has
12 the duty of rendering reasonable cooperation in any of such
13 proceeding.

14 (c) No contribution or reimbursement may be sought for any
15 payment of benefits more than 2 years after the employer
16 seeking contribution or reimbursement has made the payment.

17 (d) This Section shall apply only to injuries occurring on
18 or after the effective date of this amendatory Act of the 100th
19 General Assembly.

20 (e) The Commission shall adopt emergency rules under
21 Section 5-45 of the Illinois Administrative Procedure Act to
22 implement the provisions of this Section.