



Rep. John A. Fritchey

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09500HB2094ham001

LRB095 08083 WGH 49167 a

1 AMENDMENT TO HOUSE BILL 2094

2 AMENDMENT NO. _____. Amend House Bill 2094 by replacing
3 the title with the following:

4 "AN ACT providing for the protection and safety of persons
5 in and about the construction, repairing, alteration, or
6 removal of buildings, bridges, viaducts, and other structures,
7 and to provide for the enforcement thereof."; and

8 by replacing everything after the enacting clause with the
9 following:

10 "Section 0.01. Short title. This Act may be cited as the
11 Construction Safety Act of 2008.

12 Section 0.5. Intent; findings. It is the intent of the
13 General Assembly that this Act shall be interpreted consistent
14 with prior precedent and court decisions interpreting the
15 Structural Work Act (formerly 740 ILCS 150/).

1 The General Assembly recognizes that construction work
2 gives rise to a disproportionate number of deaths and serious
3 injuries.

4 It is the intent of the General Assembly that this Act is
5 to be liberally construed to effectuate its beneficial purpose
6 of protecting persons engaging in occupations of working in and
7 about construction, repairing, alteration, or removal of
8 buildings, bridges, viaducts, and other structures. This
9 liberal interpretation exists so as to provide workers with a
10 safe place to work and to afford relief to injured workers.

11 Section 1. All scaffolds, hoists, cranes, stays, ladders,
12 supports, or other mechanical contrivances, erected or
13 constructed by any person, firm or corporation in this State
14 for the use in the erection, repairing, alteration, removal or
15 painting of any house, building, bridge, viaduct, or other
16 structure, shall be erected and constructed, in a safe,
17 suitable and proper manner, and shall be so erected and
18 constructed, placed and operated as to give proper and adequate
19 protection to the life and limb of any person or persons
20 employed or engaged thereon, or passing under or by the same,
21 and in such manner as to prevent the falling of any material
22 that may be used or deposited thereon.

23 Scaffold or staging ten (10) or more feet above the ground
24 or floor shall have, where practicable, a safety rail properly
25 bolted, secured and braced, rising at least forty-two (42)

1 inches above the floor or main portion of such scaffolding or
2 staging, and extending along the entire length of the outside
3 and ends thereof, and properly attached thereto, and such
4 scaffolding or staging shall be so fastened as to prevent the
5 same from swaying from the building or structure.

6 Section 2. If in any house, building or structure in
7 process of erection or construction in this State (except a
8 private house, used exclusively as a private residence), the
9 distance between the enclosing walls, is more than twenty-four
10 (24) feet, in the clear, there shall be built, kept and
11 maintained, proper intermediate supports for the joists, which
12 supports shall be either brick walls, or iron or steel columns,
13 beams, trusses or girders, and the floors in all such houses,
14 buildings or structures, in process of erection and
15 construction, shall be designed and constructed in such manner
16 as to be capable of bearing in all their parts, in addition to
17 the weight of the floor construction, partitions and permanent
18 fixtures and mechanisms that may be set upon the same, a live
19 load of fifty (50) pounds for every square foot of surface in
20 such floors, and it is hereby made the duty of the owner,
21 lessee, builder or contractor or sub-contractor, of such house,
22 building or structure, or the superintendent or agent of
23 either, to see that all the provisions of this Section are
24 complied with.

1 Section 3. It shall be the duty of the owner of every
2 house, building or structure (except a private house used
3 exclusively as a private residence) now under construction or
4 hereafter to be constructed, to affix and display
5 conspicuously, on each floor of such building during
6 construction, a placard stating the load per square foot of
7 floor surface, which may with safety be applied to that
8 particular floor during such construction; or if the strength
9 of different parts of any floor varies, then there shall be
10 such placards for each varying part of such floor. It shall be
11 unlawful to load any such floors or any part thereof to a
12 greater extent than the load indicated on such placards, and
13 all such placards shall be verified and approved by the
14 Director of Labor or by the local commissioner or inspector of
15 buildings or other proper authority in the city, town or
16 village charged with the enforcement of building laws.

17 Section 4. Whenever it shall come to the notice of the
18 Director of Labor or the local authority in any city, town or
19 village in this State charged with the duty of enforcing the
20 building laws, that the scaffolding or the slings, hangers,
21 blocks, pulleys, stays, braces, ladders, irons or ropes of any
22 swinging or stationary scaffolding, platform or other similar
23 device used in the construction, alteration, repairing,
24 removing, cleaning or painting of buildings, bridges or
25 viaducts within this State are unsafe or liable to prove

1 dangerous to the life or limb of any person, the Director of
2 Labor or such local authority or authorities shall immediately
3 cause an inspection to be made of such scaffolding, platform or
4 device, or the slings, hangers, blocks, pulleys, stays, braces,
5 ladders, irons or other parts connected therewith. If, after
6 examination, such scaffolding, platform or device or any of
7 such parts is found to be dangerous to the life or limb of any
8 person, the Director of Labor or such local authority shall at
9 once notify the person responsible for its erection or
10 maintenance of such fact, and warn him against the use,
11 maintenance or operation thereof, and prohibit the use thereof,
12 and require the same to be altered and reconstructed so as to
13 avoid such danger. Such notice may be served personally upon
14 the person responsible for its erection or maintenance, or by
15 conspicuously affixing it to the scaffolding, platform or other
16 such device, or the part thereof declared to be unsafe. After
17 such notice has been so served or affixed, the person
18 responsible therefor shall cease using and immediately remove
19 such scaffolding, platform or other device, or part thereof,
20 and alter or strengthen it in such manner as to render it safe.

21 The Director of Labor or such local authority, whose duty
22 it is under the terms of this Act to examine or test any
23 scaffolding, platform or other similar device, or part thereof,
24 required to be erected and maintained by this Section, shall
25 have free access at all reasonable hours to any building,
26 structure or premises containing such scaffolding, platform or

1 other similar device, or parts thereof, or where they may be in
2 use. All swinging and stationary scaffolding, platforms and
3 other devices shall be so constructed as to bear four times the
4 maximum weight required to be dependent therein, or placed
5 thereon, when in use, and such swinging scaffolding, platform
6 or other device shall not be so overloaded or overcrowded as to
7 render the same unsafe or dangerous.

8 Section 5. Any person, firm or corporation in this State,
9 hiring, employing or directing another to perform labor of any
10 kind, in the erecting, repairing, altering or painting of any
11 water pipe, stand pipe, tank, smoke stack, chimney, tower,
12 steeple, pole, staff, dome or cupola, when the use of any
13 scaffold, staging, swing, hammock, support, temporary platform
14 or other similar contrivance are required or used, in the
15 performance of such labor, shall keep and maintain at all
16 times, while such labor is being performed, and such mechanical
17 device is in use or operation, a safe and proper scaffold,
18 stay, support or other suitable device, not less than sixteen
19 (16) feet or more below such working scaffold, staging, swing,
20 hammock, support or temporary platform, when such work is being
21 performed, at a height of thirty-two (32) feet, for the purpose
22 of preventing the person or persons performing such labor, from
23 falling in case of any accident to such working scaffold,
24 staging, swing, hammock, support or temporary platform.

1 Section 6. All contractors and owners, when constructing
2 buildings in cities, where the plans and specifications require
3 the floors to be arched between the beams thereof, or where the
4 floors or filling in between the floors are fire-proof material
5 or brick work, shall complete the flooring or filling in as the
6 building progresses, to not less than within three tiers or
7 beams below that on which the iron work is being erected. If
8 the plans and specifications of such buildings do not require
9 filling in between the beams or floors with brick or fire-proof
10 material, all contractors for carpenter work in the course of
11 construction shall lay the under flooring thereof or a safe
12 temporary floor on each story as the building progresses to not
13 less than within two stories or floors below the one to which
14 such building has been erected. Where double floors are not to
15 be used, such owner or contractor shall keep planked over the
16 floor two stories or floors below the story where the work is
17 being performed. If the floor beams are of iron or steel the
18 contractors for the iron or steel work of buildings in the
19 course of construction or the owners of such buildings, shall
20 thoroughly plank over the entire tier of iron or steel beams on
21 which the structural iron or steel work is being erected,
22 except such spaces as may be reasonably required for the proper
23 construction of such iron or steel work and for the raising and
24 lowering of materials, to be used in the construction of such
25 buildings, or such spaces as may be designated by the plans and
26 specifications for stairways and elevator shafts.

1 Section 7. If elevating machines or hoisting apparatus are
2 used within a building in the course of construction for the
3 purpose of lifting materials to be used in such construction,
4 the contractors or owners shall cause the shafts or openings in
5 each floor to be enclosed or fenced in on all sides by a
6 substantial barrier or railing at least eight feet in height.
7 Any hoisting machine or engine used in such building
8 construction shall, where practicable, be set up or placed on
9 the ground, and where it is necessary in the construction of
10 such building to place such hoisting machine or engine on some
11 floor above the ground floor, such machine or engine must be
12 properly and securely supported with a foundation capable of
13 safely sustaining twice the weight of such machine or engine.
14 If a building in course of construction is five stories or more
15 in height, no material needed for such construction shall be
16 hoisted or lifted over public streets or alleys unless such
17 street or alley shall be barricaded from use by the public. The
18 chief officer in any city, town or village charged with the
19 enforcement of local building laws, and the Director of Labor
20 are hereby charged with enforcing the provisions of this Act.
21 Provided, that in all cities in this State where a local
22 building commissioner is provided for by law, such officer
23 shall be charged with the duty of enforcing the provisions of
24 this Act, and in case of his failure, neglect or refusal so to
25 do, the Director of Labor shall, pursuant to the terms of this

1 Act, enforce the provisions thereof.

2 Section 7a. If elevating machines or hoisting apparatus,
3 operated or controlled by other than hand power, are used in
4 the construction, alteration or removal of any building or
5 other structure, a complete and adequate system of
6 communication by means of signals shall be provided and
7 maintained by the owner, contractor or sub-contractor, during
8 the use and operation of such elevating machines or hoisting
9 apparatus, in order that prompt and effective communication may
10 be had at all times between the operator of engine or motive
11 power of such elevating machine and hoisting apparatus, and the
12 employees or persons engaged thereon, or in using or operating
13 the same.

14 Section 8. It shall be the duty of all architects or
15 draftsmen engaged in preparing plans, specifications or
16 drawings to be used in the erection, repairing, altering or
17 removing of any building or structure within the terms and
18 provisions of this Act to provide in such plans, specifications
19 and drawings for all the permanent structural features or
20 requirements specified in this Act; and any failure on the part
21 of any such architect or draftsman to perform such duty, shall
22 be a petty offense.

23 Section 9. Any owner, contractor, sub-contractor, foreman

1 or other person having charge of the erection, construction,
2 repairing, alteration, removal or painting of any building,
3 bridge, viaduct or other structure within the provisions of
4 this Act, shall comply with all the terms thereof, and any such
5 owner, contractor, sub-contractor, foreman or other person
6 violating any of the provisions of this Act shall be guilty of
7 a Class A misdemeanor.

8 And in case of any such failure to comply with any of the
9 provisions of this Act, the Director of Labor may, through the
10 State's Attorney, or any other attorney in case of his or her
11 failure to act promptly, take the necessary legal steps to
12 enforce compliance therewith.

13 If it becomes necessary, through the refusal or failure of
14 the State's Attorney to act, for any other attorney to appear
15 for the State in any suit involving the enforcement of any
16 provision of this Act, reasonable fees for the services of such
17 attorney shall be allowed by the county board in and for the
18 county in which such proceedings are instituted.

19 For any injury to person or property, occasioned by any
20 wilful violations of this Act, or wilful failure to comply with
21 any of its provisions, a right of action shall accrue to the
22 party injured, for any direct damages sustained thereby; and in
23 case of loss of life by reason of such wilful violation or
24 wilful failure as aforesaid, a right of action shall accrue to
25 the surviving spouse of the person so killed, the lineal heirs
26 or adopted children of such person, or to any other person or

1 persons who were, before such loss of life, dependent for
2 support on the person or persons so killed, for a like recovery
3 of damages for the injuries sustained by reason of such loss of
4 life or lives.

5 Section 10. Any party to an action brought under this Act
6 is entitled to a trial by jury.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".