

Rep. John A. Fritchey

16

Filed: 4/29/2008

09500HB2094ham002

LRB095 08083 AJO 49890 a

Τ	AMENDMENT TO HOUSE BILL 2094
2	AMENDMENT NO Amend House Bill 2094, AS AMENDED, by
3	replacing everything after the enacting clause with the
4	following:
5 6	"Section 0.01. Short title. This Act may be cited as the Construction Safety Act of 2008.
7	Section 0.5. Intent; findings. It is the intent of the
8	General Assembly that this Act shall be interpreted consistent
9	with prior precedent and court decisions interpreting the
10	Structural Work Act (formerly 740 ILCS 150/).
11	The General Assembly recognizes that construction work
12	gives rise to a disproportionate number of deaths and serious
13	injuries.
14	It is the intent of the General Assembly that this Act is
15	to be liberally construed to effectuate its beneficial purpose

of protecting persons engaging in occupations of working in and

1 about construction, repairing, alteration, or removal of

2 buildings, bridges, viaducts, and other structures. This

liberal interpretation exists so as to provide workers with a

4 safe place to work and to afford relief to injured workers.

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

Scaffold or staging ten (10) or more feet above the ground or floor shall have, where practicable, a safety rail properly bolted, secured and braced, rising at least forty-two (42) inches above the floor or main portion of such scaffolding or staging, and extending along the entire length of the outside and ends thereof, and properly attached thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

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

20 Section 3. It shall be the duty of the owner of every 21 house, building or structure (except a private house used 22 exclusively as a private residence) now under construction or 23 constructed, to affix hereafter to be and 24 conspicuously, on each floor of such building during 25 construction, a placard stating the load per square foot of

floor surface, which may with safety be applied to that particular floor during such construction; or if the strength of different parts of any floor varies, then there shall be such placards for each varying part of such floor. It shall be unlawful to load any such floors or any part thereof to a greater extent than the load indicated on such placards, and all such placards shall be verified and approved by the Director of Labor or by the local commissioner or inspector of buildings or other proper authority in the city, town or village charged with the enforcement of building laws.

Section 4. Whenever it shall come to the notice of the Director of Labor or the local authority in any city, town or village in this State charged with the duty of enforcing the building laws, that the scaffolding or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes of any swinging or stationary scaffolding, platform or other similar device used in the construction, alteration, repairing, removing, cleaning or painting of buildings, bridges or viaducts within this State are unsafe or liable to prove dangerous to the life or limb of any person, the Director of Labor or such local authority or authorities shall immediately cause an inspection to be made of such scaffolding, platform or device, or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons or other parts connected therewith. If, after examination, such scaffolding, platform or device or any of

such parts is found to be dangerous to the life or limb of any person, the Director of Labor or such local authority shall at once notify the person responsible for its erection or maintenance of such fact, and warn him against the use, maintenance or operation thereof, and prohibit the use thereof, and require the same to be altered and reconstructed so as to avoid such danger. Such notice may be served personally upon the person responsible for its erection or maintenance, or by conspicuously affixing it to the scaffolding, platform or other such device, or the part thereof declared to be unsafe. After such notice has been so served or affixed, the person responsible therefor shall cease using and immediately remove such scaffolding, platform or other device, or part thereof, and alter or strengthen it in such manner as to render it safe.

The Director of Labor or such local authority, whose duty it is under the terms of this Act to examine or test any scaffolding, platform or other similar device, or part thereof, required to be erected and maintained by this Section, shall have free access at all reasonable hours to any building, structure or premises containing such scaffolding, platform or other similar device, or parts thereof, or where they may be in use. All swinging and stationary scaffolding, platforms and other devices shall be so constructed as to bear four times the maximum weight required to be dependent therein, or placed thereon, when in use, and such swinging scaffolding, platform or other device shall not be so overloaded or overcrowded as to

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

render the same unsafe or dangerous.

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

Section 6. All contractors and owners, when constructing buildings in cities, where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are fire-proof material or brick work, shall complete the flooring or filling in as the building progresses, to not less than within three tiers or

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

beams below that on which the iron work is being erected. If the plans and specifications of such buildings do not require filling in between the beams or floors with brick or fire-proof material, all contractors for carpenter work in the course of construction shall lay the under flooring thereof or a safe temporary floor on each story as the building progresses to not less than within two stories or floors below the one to which such building has been erected. Where double floors are not to be used, such owner or contractor shall keep planked over the floor two stories or floors below the story where the work is being performed. If the floor beams are of iron or steel the contractors for the iron or steel work of buildings in the course of construction or the owners of such buildings, shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work and for the raising and lowering of materials, to be used in the construction of such buildings, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts.

Section 7. If elevating machines or hoisting apparatus are used within a building in the course of construction for the purpose of lifting materials to be used in such construction, the contractors or owners shall cause the shafts or openings in each floor to be enclosed or fenced in on all sides by a

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

substantial barrier or railing at least eight feet in height. Any hoisting machine or engine used in such building construction shall, where practicable, be set up or placed on the ground, and where it is necessary in the construction of such building to place such hoisting machine or engine on some floor above the ground floor, such machine or engine must be properly and securely supported with a foundation capable of safely sustaining twice the weight of such machine or engine. If a building in course of construction is five stories or more in height, no material needed for such construction shall be hoisted or lifted over public streets or alleys unless such street or alley shall be barricaded from use by the public. The chief officer in any city, town or village charged with the enforcement of local building laws, and the Director of Labor are hereby charged with enforcing the provisions of this Act. Provided, that in all cities in this State where a local building commissioner is provided for by law, such officer shall be charged with the duty of enforcing the provisions of this Act, and in case of his failure, neglect or refusal so to do, the Director of Labor shall, pursuant to the terms of this Act, enforce the provisions thereof.

Section 7a. If elevating machines or hoisting apparatus, operated or controlled by other than hand power, are used in the construction, alteration or removal of any building or other structure, a complete and adequate system of

communication by means of signals shall be provided and maintained by the owner, contractor or sub-contractor, during the use and operation of such elevating machines or hoisting apparatus, in order that prompt and effective communication may be had at all times between the operator of engine or motive power of such elevating machine and hoisting apparatus, and the employees or persons engaged thereon, or in using or operating the same.

Section 9. Any owner, contractor, sub-contractor, foreman or other person having charge of the erection, construction, repairing, alteration, removal or painting of any building, bridge, viaduct or other structure within the provisions of this Act, shall comply with all the terms thereof.

For any injury to person or property, occasioned by any wilful violations of this Act, or wilful failure to comply with any of its provisions, a right of action shall accrue to the party injured, for any direct damages sustained thereby; and in case of loss of life by reason of such wilful violation or wilful failure as aforesaid, a right of action shall accrue to the surviving spouse of the person so killed, the lineal heirs or adopted children of such person, or to any other person or persons who were, before such loss of life, dependent for support on the person or persons so killed, for a like recovery of damages for the injuries sustained by reason of such loss of life or lives.

- Section 10. Any party to an action brought under this Act 1 2 is entitled to a trial by jury.
- 3 Section 11. Illinois licensed design professionals. Notwithstanding the provisions of Section 9 of this Act, no 4 right of action shall accrue under this act against an Illinois 5 6 licensed design professional who does not 7 responsibility for work-site safety and whose involvement, 8 role, and activity is solely and exclusively limited to 9 architectural, engineering, or land surveying services. For Section, "Illinois licensed 10 purposes of this professional" means a person or entity who, at the time the 11 12 services in question were performed, was registered as an 13 Illinois Professional Design Firm or held an active license as 14 an architect under the Illinois Architecture Practice Act of 1989, a structural engineer under the Structural Engineering 15 Practice Act of 1989, a professional engineer under the 16 17 Professional Engineering Practice Act of 1989, or a land 18 surveyor under the Illinois Professional Land Surveyor Act of 1989. 19
- 20 Section 97. Severability. The provisions of this Act are 21 severable under Section 1.31 of the Statute on Statutes.
- Section 99. Effective date. This Act takes effect upon 22

1 becoming law.".