

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 Employee Classification Act is amended by  
5 changing Section 43 as follows:

6 (820 ILCS 185/43)

7 Sec. 43. Reporting requirements.

8 (a) Any contractor for which either an individual, sole  
9 proprietor, or partnership is performing construction services  
10 shall report all payments made to that individual, sole  
11 proprietor, or partnership if the recipient of payment is not  
12 classified as an employee. The report shall be submitted  
13 electronically to the Illinois Department of Labor annually on  
14 or before April 30 ~~January 31~~ following the taxable year in  
15 which the payment was made. The report must include:

16 (1) the contractor name, address, and business  
17 identification number;

18 (2) the individual, sole proprietor, or partnership  
19 name, address, and federal employer identification number;  
20 and

21 (3) the total amount the contractor paid to the  
22 individual, sole proprietor, or partnership performing  
23 services in the taxable year, including payments for

1 services and for any materials and equipment that was  
2 provided along with the services.

3 (b) Reports filed under this Section are confidential and  
4 exempt from public disclosure other than to employees in  
5 performance of their official duties. However, the name of the  
6 reporting contractor and the name of the individual, sole  
7 proprietor, or partnership performing construction services  
8 shall be disclosed upon request by the general public under the  
9 Freedom of Information Act.

10 (c) If the Department, upon investigation, finds that a  
11 contractor has failed to file a report or has filed an  
12 incomplete report in violation of this Section, the Department  
13 shall notify the contractor, in writing, of its finding and  
14 assess a civil penalty as provided in Section 40. The matter  
15 shall be referred to an Administrative Law Judge to schedule a  
16 formal hearing in accordance with the Illinois Administrative  
17 Procedure Act.

18 (d) A final decision of an Administrative Law Judge issued  
19 pursuant to this Section is subject to the provisions of the  
20 Administrative Review Law and shall be enforceable in an action  
21 brought in the name of the people of the State of Illinois by  
22 the Attorney General.

23 (e) The Department shall have the authority to adopt  
24 reasonable rules for implementation of this Section and the  
25 hearing process. The General Assembly finds that the adoption  
26 of rules to implement this Section is deemed an emergency and

1 necessary for the public interest and welfare.

2 (f) A violation of this Section shall subject the violator  
3 to debarment pursuant to Section 42.

4 (g) Nothing in this Section shall apply to a business  
5 primarily engaged in the sale of tangible personal property or  
6 a contractor doing work for a business primarily engaged in the  
7 sale of tangible personal property.

8 (h) Nothing in this Section shall apply to individuals or  
9 firms meeting the responsible bidder requirements of Section  
10 30-22 of the Illinois Procurement Code.

11 (Source: P.A. 98-105, eff. 1-1-14.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.