



Sen. Ram Villivalam

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1 AMENDMENT TO HOUSE BILL 5090

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5090, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the  
6 Transportation Network Driver Labor Relations Act.

7 Section 2. Findings; legislative intent; construction.

8 (a) The General Assembly finds that the growing rate of  
9 technological advancement has fundamentally altered the way  
10 that many people work within this State in the transportation  
11 sector, in which companies connect, through an online  
12 application, persons seeking passenger transportation services  
13 to persons willing to supply those transportation services.  
14 These persons willing to supply those transportation services,  
15 known as transportation network drivers, often suffer poor  
16 pay, inadequate health coverage, and lack of other benefits.

1 It is hereby declared that the best interests of the people of  
2 this State are served by providing transportation network  
3 drivers the opportunity to self-organize, designate  
4 representatives of their own choosing, and bargain  
5 collectively on a sectoral basis in order to obtain  
6 sustainable wages, benefits, and working conditions, subject  
7 to approval and ongoing supervision by the State. It is  
8 further declared that the best interests of the people of this  
9 State are served by the prevention or prompt resolution of  
10 disputes between transportation network companies and the  
11 transportation network drivers who supply the labor to  
12 effectuate those services through collective bargaining on a  
13 sectoral basis, subject to approval and ongoing supervision by  
14 the State. This Act shall be deemed an exercise of the police  
15 power of the State for the protection of the public welfare,  
16 prosperity, health, and peace of the people of the State, and  
17 shall be liberally construed for the accomplishment of its  
18 purposes.

19 (b) The General Assembly finds that it is in the public  
20 policy interests of the State to displace competition with  
21 regulation of the terms and conditions of work for  
22 transportation network drivers; and, consistent with this  
23 policy, to exempt from federal and State antitrust laws any  
24 conduct authorized under this Act, including the formation of  
25 transportation network driver organizations and multi-company  
26 associations for the purposes of collective bargaining on a

1 sectoral basis between transportation network companies and  
2 transportation network drivers on an industry-wide basis, and  
3 to supervise, evaluate, and if approved, implement the  
4 resulting sectoral agreements concerning industry regulations  
5 for the terms and conditions of work for all transportation  
6 network drivers in an industry when such sectoral agreements  
7 are found by the Department of Labor to advance the public  
8 purposes stated in this Section and are then made binding,  
9 regardless of the anticompetitive consequences.

10 (c) It is the intent and policy of the State:

11 (1) To grant transportation network drivers the right  
12 to form, join, or assist transportation network driver  
13 organizations, to be represented through representatives  
14 of their own choosing, and to engage in other concerted  
15 activities for the purpose of bargaining with  
16 transportation network companies and to create negotiated  
17 recommendations in the form of a sectoral agreement, which  
18 shall form the basis for industry regulations, and for the  
19 purpose of other mutual aid or protection; and

20 (2) To grant transportation network companies the  
21 right to form multi-company associations to represent the  
22 transportation network companies while bargaining with a  
23 transportation network driver organization to create  
24 negotiated recommendations in the form of a sectoral  
25 agreement, which shall form the basis for industry  
26 regulations.

1           (d) The intent and policy of the State is for the statutory  
2 and non-statutory labor exemptions from the federal antitrust  
3 laws and analogous State laws to apply to transportation  
4 network drivers who choose to form, join, or assist labor  
5 organizations in labor activity, to transportation network  
6 driver organizations who organize and represent such drivers,  
7 and to transportation network companies who may choose to form  
8 an industry association to negotiate on their behalf or  
9 otherwise engage in labor activity permitted by this Act.

10           (e) The intent and policy of the State in authorizing and  
11 regulating transportation network companies, transportation  
12 network drivers engaging in labor activity, and transportation  
13 network driver organizations, permitted by this Act, is that  
14 state action immunity apply to this Act, including the  
15 sectoral agreement approved by the Department of Labor, and  
16 that such transportation network companies, transportation  
17 network drivers, and transportation network driver  
18 organizations be immune from the federal and State antitrust  
19 laws to the fullest extent possible in their conduct pursuant  
20 to this Act.

21           (f) The State shall actively supervise the qualified labor  
22 activity permitted by this Act conducted by transportation  
23 network companies, transportation network drivers, and  
24 transportation network driver organizations pursuant to this  
25 Act to ensure that the conduct permitted by this Act protects  
26 the rights of workers and companies, encourages collective

1 bargaining on a sectoral basis and labor peace, and otherwise  
2 advances the purposes of this Act.

3 Section 3. Definitions. As used in this Act:

4 "Active transportation network driver" and "active TND"  
5 means a transportation network driver designated under the  
6 process established in Section 8.

7 "Bargaining unit" means one statewide unit of all of the  
8 transportation network drivers performing transportation  
9 network company services on a covered transportation network  
10 company.

11 "Board" means the State Panel of the Illinois Labor  
12 Relations Board created by Section 5 of the Illinois Public  
13 Labor Relations Act.

14 "Company union" means any committee, driver representation  
15 plan, or association of workers or others that exists for the  
16 purpose, in whole or in part, of dealing with TNCs concerning  
17 grievances or terms and conditions of work for TNDs: (i) which  
18 a TNC has initiated or created or whose initiation or creation  
19 it has suggested or participated in; (ii) which a TNC  
20 participates in, supervises, or conducts the formulation of  
21 governing rules or policies, management, operations, or  
22 elections; or (iii) which the TNC maintains, finances,  
23 controls, dominates, or assists in maintaining or financing,  
24 unless required to do so by this Act, its implementing rules,  
25 or any other legal requirement.

1           A TNC driver organization shall not be deemed a company  
2 union solely because any of the following are true:

3           (1) It has negotiated or been granted the right to  
4 designate TNC drivers to be released with pay for the  
5 purpose of providing representational services in  
6 labor-management affairs on behalf of TNC drivers  
7 represented by the TNC driver organization.

8           (2) In the course of providing representational  
9 services to workers for whom it is the exclusive  
10 bargaining representative, a TNC has allowed agents of the  
11 TNC driver organization to meet with drivers at the TNC's  
12 premises or communicate with TNDs via the TNC's platform.

13           (3) It has received from a TNC the voluntary  
14 membership dues deductions of TNC drivers or the TNC has  
15 processed or transmitted membership dues in accordance  
16 with paragraph (5) of subsection (e) of Section 10.

17           (4) It has received funds from a TNC for the  
18 administration of benefits and services to TNC drivers  
19 pursuant to a sectoral agreement in its capacity as the  
20 exclusive bargaining representative.

21           (5) It has negotiated with a TNC, before or after  
22 certification as the exclusive bargaining representative,  
23 for the right and requisite resources to communicate or  
24 meet with TNDs for any purpose permitted under this Act,  
25 including via the TNC's platform.

26           (6) It has communicated with a TNC, it has received

1 data, driver information, or meeting space from a TNC, or  
2 a TNC has facilitated any communication between TNDs and  
3 the TND organization, prior to or after any certification.

4 "Covered transportation network company" and "covered TNC"  
5 means a transportation network company designated under the  
6 process established in Section 9.

7 "Department" means the Department of Labor.

8 "Exclusive bargaining representative" means a TND  
9 organization certified by the Board, in accordance with this  
10 Act, as the representative of TNDs in the bargaining unit.

11 "Mandatory subjects of bargaining" means those subjects of  
12 bargaining related to compensation, benefits, and other terms  
13 and conditions of work, including, but not limited to,  
14 deactivations, deactivation notice and process standards,  
15 dispute resolution procedures for resolving claims alleging  
16 unjust deactivation, and earnings transparency.

17 "Person" includes one or more individuals, TNDs, TND  
18 organizations, TNCs, network companies, labor organizations,  
19 associations, corporations, legal representatives, trustees,  
20 trustees in bankruptcy, or receivers.

21 "Sectoral agreement" means the recommendations to the  
22 Department for TND standards in the bargaining unit made  
23 either through the agreement between the exclusive bargaining  
24 representative and the covered TNCs or through the interest  
25 arbitration process, set forth in Section 12. The sectoral  
26 agreement becomes effective and enforceable upon approval by

1 the Department.

2 "Transportation network company" and "TNC" means an entity  
3 operating in the State that uses a digital network or software  
4 application service to connect passengers to transportation  
5 network company services provided by transportation network  
6 drivers. For the purposes of this paragraph, all digital  
7 networks or software application services that any related  
8 corporate entities under common control maintain shall be  
9 considered a single TNC. A TNC is not deemed to own, control,  
10 operate, or manage the vehicles used by transportation network  
11 drivers, and is not a taxicab association or a for-hire  
12 vehicle owner.

13 "Transportation network company services" and "TNC  
14 services" means transportation of a passenger between points  
15 chosen by the passenger and prearranged with a transportation  
16 network driver through the use of a TNC digital network or  
17 software application. "Transportation network company  
18 services" and "TNC services" do not include a taxicab,  
19 for-hire vehicle, or street hail service.

20 "Transportation network driver", "transportation network  
21 company driver", "TNC driver", and "TND" means an individual  
22 who operates a motor vehicle that: (i) is owned, leased, or  
23 otherwise authorized for use by the individual; (ii) is not a  
24 taxicab or for-hire public passenger vehicle; (iii) is used to  
25 provide transportation network company services; and (iv)  
26 operates under the TNC license of the TNC. "Transportation

1 network driver", "transportation network company driver", "TNC  
2 driver", and "TND" do not include any individual who, with  
3 respect to the provision of TNC services is: (i) determined by  
4 a final order of a court of competent jurisdiction to be an  
5 employee within the meaning of Section 2(3) of the National  
6 Labor Relations Act, 29 U.S.C. 152(3), or within the meaning  
7 of 26 CFR 31.3121(d)-1 or 31.3401(c)-1; or (ii) declared by a  
8 TNC to be an employee within the meaning of Section 2(3) of the  
9 National Labor Relations Act, 29 U.S.C. 152(3) and within the  
10 meaning of 26 CFR 31.3121(d)-1 or 31.3401(c)-1.

11 "Transportation network driver organization" and "TND  
12 organization" means any organization in which TNDs  
13 participate, and that exists and is constituted for the  
14 purpose, in whole or in part, of collective bargaining, or of  
15 dealing with transportation network companies concerning  
16 grievances, terms or conditions of work, or of other mutual  
17 aid or protection, deactivation appeal assistance, education,  
18 or other representational or support services to  
19 transportation network drivers for rights conferred under this  
20 Act, and that is not a company union.

21 "Unfair work practices" means only those unfair work  
22 practices set forth in Section 6.

23 Section 4. Powers of the Board. The Board shall have  
24 jurisdiction over unfair work practices and collective  
25 bargaining matters between transportation network companies

1 and transportation network driver organizations, except for  
2 the determinations to be made by the Department under this  
3 Act. The Board may contract with a neutral body to provide any  
4 of the data or information collection, storage, management,  
5 manipulation, analysis, certification, and election services  
6 required under this Act. Any such neutral body shall be  
7 subject to the requirements of the Personal Information  
8 Protection Act and rules adopted under subsection (c) of  
9 Section 16. The Board may also contract for court reporting  
10 services for any of the hearings required under this Act. To  
11 the extent provided for in paragraph (28) of subsection (b) of  
12 Section 1-10 of the Illinois Procurement Code, contracts for a  
13 neutral body or for court reporting services under this Act  
14 shall be exempt from the Illinois Procurement Code.

15 Section 4.5. Powers of the Department of Labor. The  
16 Department shall have jurisdiction to approve or disapprove  
17 sectoral agreements as provided in Section 12.

18 Section 5. Rights of TNDs. Transportation network drivers  
19 shall have the right of self-organization, to form, join, or  
20 assist TND organizations, to bargain collectively through  
21 representatives of the TND's choosing, and to engage in  
22 concerted activities, for the purpose of collective bargaining  
23 or other mutual aid or protection, free from interference,  
24 restraint, or coercion by TNCs, and shall also have the right

1 to refrain from any of these activities. Nothing contained in  
2 this Act shall be interpreted to prohibit TNDs from exercising  
3 the right to confer with TNCs at any time, provided that during  
4 the conference there is no attempt by the TNC, directly or  
5 indirectly, to interfere with, restrain, or coerce the workers  
6 in the exercise of the rights guaranteed by this Act.

7 Section 6. Unfair work practices.

8 (a) It is an unfair work practice for a TNC to:

9 (1) Fail or refuse to provide the Board or a TND  
10 organization with an accurate list of the names, trips  
11 made, and contact information for TNDs, as required by  
12 this Act.

13 (2) Fail or refuse to submit the list to the Board  
14 required by Section 9.

15 (3) Fail or refuse to negotiate in good faith with a  
16 TND organization certified as an exclusive bargaining  
17 representative of TNDs engaged with the TNC, concerning  
18 mandatory subjects of bargaining.

19 (4) Fail or refuse to provide a TND organization,  
20 certified as an exclusive bargaining representative of  
21 TNDs engaged with the TNC, with information requested by  
22 the TND organization that is relevant to, and necessary  
23 for, purposes of bargaining and the performance of its  
24 other duties required by this Act.

25 (5) Fail or refuse to continue all the terms of a

1           sectoral agreement approved by the Department under this  
2           Act until a new sectoral agreement is approved, unless in  
3           accordance with a recognized exception under the law.

4           (6) Dominate or interfere with the formation,  
5           existence, or administration of any TND organization, or  
6           to contribute financial or other support to any such  
7           organization, directly or indirectly, unless required by  
8           this Act, by any rules implementing this Act, or by any  
9           sectoral agreement approved by the Department, including,  
10          but not limited to, the following:

11                 (i) by participating or assisting in, supervising,  
12                 or controlling (A) the initiation or creation of any  
13                 such organization or (B) the meetings, management,  
14                 operation, elections, formulation or amendment of  
15                 constitution, rules, or policies, of any such  
16                 organization;

17                 (ii) by offering incentives to TNDs to join any  
18                 such organization; or

19                 (iii) by donating free services, equipment,  
20                 materials, office or meeting space or anything else of  
21                 value for the use of any such organization; provided  
22                 that a TNC may permit TNDs to perform representational  
23                 work protected under this Act during working hours  
24                 without loss of time or pay or allow agents of a TND  
25                 organization that is the exclusive representative of  
26                 its TNDs to meet with TNDs on its premises or

1           communicate with TNDs via the TNC's platform; and  
2           provided further that any activity permitted to be  
3           performed or conducted by a TNC with respect to a TND  
4           by paragraphs (1) through (6) of the definition of  
5           "company union" in Section 3 shall not be deemed an  
6           unfair work practice under this paragraph.

7           (7) Require a TND to join any company union or TND  
8           organization or to require a TND to refrain from forming,  
9           or joining or assisting a TND organization of the TND's  
10          choosing.

11          (8) Encourage membership in any company union or  
12          discourage membership in any TND organization, by  
13          discrimination in regard to any term or condition of work.

14          (9) Deactivate or otherwise discriminate against a TND  
15          because the TND has signed or filed any charge, affidavit,  
16          petition, or complaint or given any information or  
17          testimony under this Act.

18          (10) Distribute or circulate any blacklist of  
19          individuals exercising any right created or confirmed by  
20          this Act or of members of a TND organization, or to inform  
21          any person of the exercise by any individual of the right  
22          or of the membership of any individual in a TND  
23          organization for the purpose of preventing individuals so  
24          blacklisted or so named from obtaining or retaining  
25          opportunities for remuneration.

26          (11) Perform any acts, other than those already

1 enumerated in this Section, which interfere with,  
2 restrain, or coerce TNDs in the exercise of the rights  
3 guaranteed by this Act.

4 (b) It is an unfair work practice for a TND organization  
5 to:

6 (1) Fail or refuse to negotiate in good faith with a  
7 TNC concerning mandatory subjects of bargaining, provided  
8 that the TND organization is the certified exclusive  
9 bargaining representative of the TNC's transportation  
10 network drivers, including by refusing to provide  
11 information requested by a TNC that is relevant and  
12 necessary for the purposes of bargaining and the  
13 performance of its other duties required by this Act.

14 (2) Restrain or coerce TNDs in the exercise of the  
15 rights guaranteed by this Act, provided that this  
16 paragraph shall not impair the right of a TND organization  
17 to prescribe its own rules with respect to the acquisition  
18 or retention of membership in the organization.

19 (3) Fail or refuse to fulfill its duty of fair  
20 representation by intentional misconduct in representing  
21 TNDs where it is the certified exclusive bargaining  
22 representative.

23 (4) Restrain or coerce a TNC in the selection of its  
24 representatives for the purpose of bargaining or the  
25 adjustment of grievances.

26 (5) Cause or attempt to cause a TNC to discriminate

1           against a TND in violation of paragraph (9) of subsection  
2           (a) of this Section.

3           (c) For the purposes of this Section, "to negotiate in  
4           good faith" means the performance of the mutual obligation of  
5           the transportation network companies or their agents or  
6           representatives and the exclusive bargaining representative to  
7           meet at reasonable times and negotiate in good faith with  
8           respect to mandatory subjects of bargaining, or the  
9           negotiation of a sectoral agreement under Section 12, or any  
10          question arising thereunder, and to execute a written contract  
11          incorporating any agreement reached if requested by either  
12          party. However, this mutual obligation does not compel the  
13          transportation network companies or the exclusive bargaining  
14          representative to agree to a proposal or require the making of  
15          a concession.

16          Section 7. Prevention of unfair work practices.

17          (a) The Board is empowered and directed to prevent any TNC  
18          and any TND organization from engaging in any unfair work  
19          practice described in this Act. This power shall not be  
20          affected or impaired by any means of adjustment, mediation, or  
21          conciliation in labor disputes that have been or may hereafter  
22          be established by law or the approval of a sectoral agreement  
23          provided for in subsection (i) of Section 12. In order to  
24          prevent unfair work practices, each TNC shall, at least once  
25          each year, send a text message and an email to each of its

1 active TNDs in a form determined by the Board notifying the  
2 TNDs of their rights under this Act, and the procedure for  
3 filing an unfair work practice charge. The TNC shall provide  
4 the notice in all languages that the Board determines are  
5 likely spoken by 5% or more of TNC drivers. The Board shall  
6 also post a copy of this notice on its website.

7 (b) No complaint shall issue based upon any unfair work  
8 practice occurring more than 6 months prior to the filing of a  
9 charge with the Board and the service of a copy upon the person  
10 against whom the charge is made. Notwithstanding the  
11 provisions of this subsection, if the aggrieved party did not  
12 reasonably have knowledge of the alleged unfair work practice,  
13 the 6-month filing and service period shall begin to run when  
14 the charging party knew, or reasonably should have known, of  
15 the actions which constitute the alleged unfair work practice.

16 (c) Whenever it is charged that any person has engaged in,  
17 or is engaging in, any unfair work practice, the Board, or any  
18 agent designated by the Board for the purposes, shall conduct  
19 an investigation of the charge. If, after the investigation,  
20 the Board finds that the charge involves a dispositive issue  
21 of law or fact, the Board shall issue a complaint and cause to  
22 be served upon the person the complaint stating the charges,  
23 accompanied by a notice of hearing before the Board or a member  
24 designated by the Board, or before a qualified hearing officer  
25 designated by the Board at the offices of the Board or the  
26 other location as the Board deems appropriate, not less than 5

1 days after service of the complaint. Any such complaint may be  
2 amended by the member or hearing officer conducting the  
3 hearing for the Board in his or her discretion at any time  
4 prior to the issuance of an order based thereon. The person who  
5 is the subject of the complaint has the right to file an answer  
6 to the original or amended complaint and to appear in person or  
7 by a representative and give testimony at the place and time  
8 fixed in the complaint. In the discretion of the member or  
9 hearing officer conducting the hearing or the Board, any other  
10 person may be allowed to intervene in the proceeding and to  
11 present testimony. In any hearing conducted by the Board,  
12 neither the Board nor the member or agent conducting the  
13 hearing shall be bound by the rules of evidence applicable to  
14 courts, except as to the rules of privilege recognized by law.

15 (d) The Board shall have the power to issue subpoenas and  
16 administer oaths. If any party willfully fails or neglects to  
17 appear or testify or to produce books, papers, and records  
18 pursuant to the issuance of a subpoena by the Board, the Board  
19 may apply to a court of competent jurisdiction to request that  
20 the party be ordered to appear before the Board to testify or  
21 produce the requested evidence.

22 (e) Any testimony taken by the Board, or a member  
23 designated by the Board or a hearing officer, must be reduced  
24 to writing and filed with the Board. A full and complete record  
25 shall be kept of all proceedings before the Board, and all  
26 proceedings shall be transcribed by a reporter appointed by

1 the Board. The party on whom the burden of proof rests shall be  
2 required to sustain the burden by a preponderance of the  
3 evidence, and the charging party shall have the burden of  
4 proving the unfair work practice accordingly. If, upon a  
5 preponderance of the evidence taken, the Board is of the  
6 opinion that any person named in the charge has engaged in or  
7 is engaging in an unfair work practice, then it shall state its  
8 findings of fact and shall issue and cause to be served upon  
9 the person an order requiring the person to cease and desist  
10 from the unfair work practice, and to take the affirmative  
11 action as will effectuate the provisions of this Act,  
12 including, but not limited to: (i) withdrawal of recognition  
13 from and refraining from sectoral bargaining with any  
14 organization or association, agency, or plan that is either  
15 defined in this Act as a company union or established,  
16 maintained, or assisted by any action defined in this Act as an  
17 unfair work practice; (ii) awarding of back compensation  
18 without any reduction based on the TND's interim earnings or  
19 failure to earn interim earnings and, upon a showing of  
20 egregious misconduct, an additional amount as liquidated  
21 damages equal to 2 times the amount of back compensation  
22 awarded; (iii) requiring reengagement or reestablishment of  
23 the TNC's preexisting relationship with an improperly  
24 adversely affected TND with or without compensation, or  
25 maintenance of a preferential list from which the TND shall be  
26 reengaged or the relationship reestablished, and the order may

1 further require the respondent to make reports from time to  
2 time showing the extent to which the order has been complied  
3 with; (iv) requiring the TNC to recognize and bargain with a  
4 TND organization if the Board determines that the unfair work  
5 practice interfered with the TND's right to form or join a TND  
6 organization; and (v) requiring the respondent to comply with  
7 any other obligation of this Act. The Board's order may in its  
8 discretion also include an appropriate sanction, based on the  
9 Board's rules, and the sanction may include an order to pay the  
10 other party or parties' reasonable expenses, including costs  
11 and reasonable attorney's fees, if the other party has made  
12 allegations or denials without reasonable cause and found to  
13 be untrue or has engaged in frivolous litigation for the  
14 purpose of delay or needless increase in the cost of  
15 litigation. If the Board awards back compensation, damages, or  
16 monetary sanction, it shall also award interest at the rate of  
17 7% per annum. The Board's order may further require the person  
18 to make reports from time to time, and demonstrate the extent  
19 to which the person has complied with the order. If there is no  
20 preponderance of evidence to indicate to the Board that the  
21 person named in the charge has engaged in or is engaging in the  
22 unfair work practice, then the Board shall state its findings  
23 of fact and shall issue an order dismissing the complaint.

24 (f) Until the record in a case has been filed in court, the  
25 Board at any time, upon reasonable notice and in a manner as it  
26 deems proper, may modify or set aside, in whole or in part, any

1 finding or order made or issued by it.

2 (g) A charging party or any person aggrieved by a final  
3 order of the Board granting or denying in whole or in part the  
4 relief sought may apply for and obtain judicial review of an  
5 order of the Board entered under this Act, in accordance with  
6 the provisions of the Administrative Review Law, except that  
7 judicial review shall be afforded directly in the Appellate  
8 Court for the district in which the aggrieved party resides or  
9 transacts business, and judicial review shall not be available  
10 for the purpose of challenging a final order issued by the  
11 Board under Section 10 for which judicial review has been  
12 petitioned in accordance with subsection (f) of Section 10.  
13 Any direct appeal to the Appellate Court shall be filed within  
14 35 days after the date that a copy of the decision sought to be  
15 reviewed was served upon the party affected by the decision.  
16 The filing of an appeal to the Appellate Court shall not  
17 automatically stay the enforcement of the Board's order. An  
18 aggrieved party may apply to the Appellate Court for a stay of  
19 the enforcement of the Board's order after the aggrieved party  
20 has followed the procedure prescribed by Supreme Court Rule  
21 335. The Board in proceedings under this Section shall request  
22 and may obtain an order of the court for the enforcement of the  
23 Board's order.

24 (h) Whenever it appears that any person has violated a  
25 final order of the Board issued under this Section, the Board  
26 must commence an action in the name of the People of the State

1 of Illinois by petition, alleging the violation, attaching a  
2 copy of the order of the Board, and praying for the issuance of  
3 an order directing the person, the person's officers, agents,  
4 servants, successors, and assigns to comply with the order of  
5 the Board. The Board shall be represented in this action by the  
6 Attorney General in accordance with the Attorney General Act.  
7 The court may grant or refuse, in whole or in part, the relief  
8 sought, provided that the court may stay an order of the Board  
9 in accordance with the Administrative Review Law, pending  
10 disposition of the proceedings. The court may punish a  
11 violation of its order as in civil contempt. The proceedings  
12 provided in this paragraph shall be commenced in the Appellate  
13 Court for the district where the unfair work practice which is  
14 the subject of the Board's order was committed, or where a  
15 person required to cease and desist by the order resides or  
16 transacts business. In case of the enforcement of an order of  
17 the Board, the Appellate Court shall have the power to issue  
18 any injunctive or equitable remedy it finds appropriate, and  
19 in the case of a Board order which requires the payment of  
20 money, the Appellate Court shall have the power to enter  
21 judgment for the amount justified by the record and for costs,  
22 which judgment may be enforced as other judgments for the  
23 recovery of money.

24 (i) (1) A party filing an unfair work practice charge under  
25 this Section may petition the Board to obtain injunctive  
26 relief, pending a decision on the merits of the charge by the

1 Board, a member designated by the Board, or a hearing officer  
2 designated by the Board, upon a showing that: (i) it is likely  
3 to succeed on the merits; (ii) it is likely to suffer  
4 irreparable harm in the absence of preliminary relief; (iii)  
5 the balance of equities tips in its favor; and (iv) an  
6 injunction is in the public interest. The immediate and  
7 irreparable harm may include the chilling of TNDs in the  
8 exercise of rights provided or protected by this Act.

9 (2) Within 60 days after the receipt by the Board of the  
10 petition for injunctive relief, if the Board determines that a  
11 charging party has made a sufficient showing in accordance  
12 with paragraph (1), the Board, through the Attorney General,  
13 shall petition the circuit court where the alleged unfair work  
14 practice was allegedly committed, or where a person required  
15 to cease and desist from the alleged unfair work practice  
16 resides or transacts business, for appropriate temporary  
17 relief or restraining order. The Board shall be represented in  
18 the action by the Attorney General in accordance with the  
19 Attorney General Act. If the Board fails to act within 60 days,  
20 the Board shall be deemed to have made a final order  
21 determining not to seek injunctive relief. If the Board  
22 determines not to seek injunctive relief, or if the Board,  
23 through the Attorney General, does not petition the circuit  
24 court for injunctive relief within 60 days after the filing of  
25 the charging party's petition with the Board, the charging  
26 party may seek injunctive relief by petition to the circuit

1 court, in which case the Board must be joined as a necessary  
2 party.

3 (3) Upon the filing of any petition for injunctive relief  
4 as provided in the preceding paragraph, the injunctive relief  
5 may be granted by the court, after hearing all parties, if it  
6 determines that there is a sufficient showing under paragraph  
7 (1). The relief shall expire on decision by the Board, a member  
8 designated by the Board, or a hearing officer designated by  
9 the Board finding no unfair work practice to have occurred,  
10 successful appeal of the grant of injunctive relief, or  
11 successful motion to vacate or modify the injunctive relief  
12 under the Code of Civil Procedure. Any injunctive relief in  
13 effect pending a decision by the Board (i) shall expire upon a  
14 decision by the Board finding no unfair work practice to have  
15 occurred, of which the Board shall notify the court  
16 immediately, or (ii) shall remain in effect only to the extent  
17 it implements any remedial order issued by the Board in its  
18 decision, of which the Board shall notify the court  
19 immediately.

20 (4) A decision on the merits of the unfair work practice  
21 charge by the Board finding an unfair work practice to have  
22 occurred shall continue the injunctive relief until either (i)  
23 the respondent implements the remedy or (ii) the Board's order  
24 is set aside in an action for review of the Board's order under  
25 the Administrative Review Law as set forth in subsection (g).

26 (5) The appeal of any order granting, denying, modifying,

1 or vacating injunctive relief ordered by the court under this  
2 subsection shall be made in accordance with the Code of Civil  
3 Procedure and Supreme Court Rules.

4 (6) The Board or, where applicable, the charging party,  
5 shall not be required to give any undertakings or bond and  
6 shall not be liable for any damages or costs which may have  
7 been sustained by reason of any injunctive relief ordered. In  
8 the case of a TNC's failure to provide an accurate list of  
9 names, mobile phone numbers, email addresses, and mailing  
10 addresses of TNDs, immediate and irreparable injury, loss, or  
11 damage shall be presumed.

12 (j) In addition to, and without limiting, any other  
13 procedure provided in this Section, the Board is empowered and  
14 directed to enforce, and prevent violations of paragraph (2)  
15 of subsection (a) of Section 6 as follows.

16 (1) Upon the failure or refusal of a TNC to timely  
17 submit the list to the Board required by Section 9, the  
18 Board shall promptly issue a complaint charging the TNC  
19 with an unfair work practice and, through the Attorney  
20 General, petition a court of competent jurisdiction for  
21 temporary relief to compel production of the list,  
22 consistent with the procedures in subsection (i), except  
23 that the Board shall have a mandatory, nondiscretionary  
24 duty to seek injunctive relief. The Board shall be  
25 represented in the action by the Attorney General in  
26 accordance with the Attorney General Act. In the case of a

1 TNC's failure to provide the list to the Board required by  
2 Section 9, immediate and irreparable injury, loss, or  
3 damage shall be presumed.

4 (2) In addition to any other remedy provided by this  
5 Act, a TNC found to have committed an unfair work practice  
6 in violation of paragraph (2) of subsection (a) of Section  
7 6 shall be subject to a civil penalty, payable to the  
8 Board, not to exceed \$10,000 per day for each day after the  
9 deadline that the list was not provided. The amount of the  
10 penalty shall be determined by the Board through  
11 application of the following criteria: (i) the size of the  
12 TNC; (ii) the severity of the violation; and (iii) any  
13 history of violations by the TNC. A TNC found to have  
14 committed an unfair work practice in violation of  
15 paragraph (2) of subsection (a) of Section 6 shall also be  
16 required by the Board to pay the Board's or charging  
17 party's attorney's fees and costs for any court proceeding  
18 initiated by the Board or charging party to compel  
19 production of the list.

20 Section 8. Determination of active TNDs.

21 (a) Within 90 days after the effective date of this Act,  
22 and once each calendar quarter thereafter, each covered  
23 transportation network company shall provide the Board, in an  
24 electronic format determined by the Board, with information  
25 that identifies all transportation network drivers who

1 completed 10 or more rides that originate in the State on the  
2 covered TNC's platform in the previous 6 months.

3 (b) Each covered TNC shall provide this information within  
4 2 weeks after the end of each calendar quarter (by April 14  
5 provide TND information from rides originating between October  
6 1 and March 31, by July 14 provide TND information from rides  
7 originating between January 1 and June 30, by October 14  
8 provide TND information from rides originating between April 1  
9 and September 30, by January 14 provide TND information from  
10 rides originating between July 1 and December 31).

11 (c) The information shall include only the name of the  
12 TND, the TND driver's license number, and to the extent known  
13 by a TNC, the TND's mobile phone number, mailing address,  
14 email address, preferred language, and the number of rides the  
15 TND completed through the covered TNC's platform in the  
16 previous 6 months. A TND organization may use the information  
17 in the list only for the purposes authorized by this Act, and  
18 shall not provide the information to any third party unless  
19 that party is acting as the TND organization's agent for the  
20 purposes authorized by this Act. A covered TNC shall not be  
21 liable for any damages caused by the TND organization's or the  
22 Board's failure to safeguard the list as provided in Section  
23 16 from a data or security breach.

24 (d) Within 14 days after the deadline for submission of  
25 the information from covered TNCs required in this Section,  
26 the Board shall combine the data provided by all covered TNCs

1 to determine the distribution of the number of rides completed  
2 by all TNDs for which data has been submitted, and then shall  
3 determine the median number of rides across TNDs for whom data  
4 has been submitted in the previous 6 months. Any TND who  
5 completed greater than or equal to the median number of rides  
6 shall be considered an active transportation network driver in  
7 the rideshare industry. The Board shall make publicly  
8 available both the total number of active transportation  
9 network drivers in the rideshare industry and the median  
10 number of rides used to make that determination. The  
11 information required to be provided to the Board in this  
12 Section shall be produced in a manipulable electronic format,  
13 such as a spreadsheet program consisting of cells organized by  
14 lettered columns and numbered rows with each data point in a  
15 separate cell that allows users to sort and perform  
16 calculations and analysis. The Board may require that the  
17 information be provided in a specified software program. The  
18 records and information provided to the Board by  
19 transportation network companies are exempt from disclosure  
20 under the Freedom of Information Act.

21 Section 9. Determination of covered TNCs.

22 (a) Within 90 days after the effective date of this Act,  
23 and within 2 weeks after the end of each calendar quarter, each  
24 TNC shall electronically submit to the Board a single  
25 statewide total of the rides performed during the prior

1 quarter by transportation network drivers on its  
2 online-enabled application or platform. For the purposes of  
3 this Section, all digital networks or software application  
4 services that any related corporate entities under common  
5 control maintain shall be considered a single TNC.

6 (b) The information required by subsection (a) shall be  
7 produced in a manipulable electronic format, such as a  
8 spreadsheet program consisting of cells organized by lettered  
9 columns and numbered rows with each data point in a separate  
10 cell that allows users to sort and perform calculations and  
11 analysis. The Board may require that the information be  
12 provided in a specified software program.

13 (c) Within 14 days after the deadline set forth in  
14 subsection (a), the Board shall designate the covered TNCs  
15 through the following procedure.

16 (1) The Board shall total all rides reported under  
17 subsection (a).

18 (2) The Board shall then rank all TNCs by rideshare  
19 volume in descending order. The Board shall begin with the  
20 highest ranked TNC and continue down the list until the  
21 Board has identified the TNCs whose rides collectively  
22 equal or exceed 95% of the statewide total for the  
23 preceding quarter. These TNCs shall be deemed covered TNCs  
24 for the purposes of this Act.

25 (3) For the purposes of this Section, all TNCs under  
26 common ownership or control shall be considered to be a

1 single TNC. The Board shall publish the list of covered  
2 TNCs and noncovered TNCs and rideshare volume information  
3 on its website. The Board shall notify each TNC as to  
4 whether the TNC is a covered TNC.

5 (d) The failure of a TNC to submit the list required by  
6 subsection (a) shall not prevent the Board from providing a  
7 list of covered and noncovered TNCs to the extent the Board  
8 concludes that the missing information cannot reasonably be  
9 expected to change whether those TNCs are covered or  
10 noncovered TNCs.

11 (e) A TNC that was not a covered TNC when a sectoral  
12 agreement took effect but whose rideshare volume in a later  
13 quarter brings it within the 95% threshold identified in  
14 paragraph (2) of subsection (c) shall become a covered TNC,  
15 and be bound by all terms of the sectoral agreement  
16 immediately.

17 (f) A TNC that becomes a covered TNC in accordance with  
18 this Section shall remain a covered TNC for the remaining term  
19 of a sectoral agreement.

20 (g) When a sectoral agreement is in effect, any TNC that is  
21 not a covered TNC for the purposes of this Section may choose  
22 to become bound to the sectoral agreement by providing written  
23 notice to the Board, the certified exclusive bargaining  
24 representative, and the covered TNCs. A TNC that chooses to  
25 become bound to a sectoral agreement under this Section shall  
26 be bound for the remaining term of the agreement. The TNC shall

1 not, on account of its exercise of the option provided by this  
2 Section, become a covered TNC for the purposes of negotiation  
3 of subsequent sectoral agreements or coverage by subsequent  
4 sectoral agreements.

5 (h) It is unlawful for any TNC that is not a covered TNC or  
6 voluntarily bound by the terms of the sectoral agreement as  
7 provided by this Section to make any statement, advertisement,  
8 or imply in any official communication that the TNC is bound by  
9 the terms of the sectoral agreement.

10 (i) During the time that a noncovered TNC is bound by the  
11 terms of the sectoral agreement under this Section, the  
12 certified exclusive bargaining representative shall represent  
13 the TNC drivers who drive for the noncovered TNC for the  
14 purposes of this Act. The noncovered TNC shall have the same  
15 obligations as a covered TNC to provide information to the  
16 Board necessary to administer this Act and to provide  
17 information to the exclusive bargaining representative  
18 necessary for representation of the TNC drivers.

19 Section 10. Designation of bargaining representatives.

20 (a) For the purposes of this Act, each TND performing TNC  
21 services on a covered TNC shall be included in the bargaining  
22 unit.

23 (b) A TND organization may demonstrate that it has been  
24 designated as a bargaining representative by presenting to the  
25 Board cards, petitions, or other evidence, which may be in

1 electronic form, sufficient to show the TND has authorized the  
2 TND organization to act as the worker's bargaining  
3 representative. A TND may demonstrate that TNDs do not wish to  
4 be represented by a TND organization by presenting to the  
5 Board cards, petitions, or other evidence, which may be in  
6 electronic form, sufficient to show the TND does not authorize  
7 any TND organization to act as the worker's exclusive  
8 bargaining representative. The Board shall deem valid any such  
9 card, petition, or other evidence that includes (i) the  
10 signature of the TND, (ii) the date of execution, (iii) a  
11 statement indicating the TND's authorization of the TND  
12 organization to act as the TND's exclusive bargaining  
13 representative or alternatively the TND's wish to not be  
14 represented by a TND organization, and (iv) the name of at  
15 least one TNC for whom the TND performs services. No card,  
16 petition, or other evidence of designation of bargaining  
17 representative shall be deemed valid for the purposes of this  
18 Section unless it was executed on or after the effective date  
19 of this Act. In order to be valid, the card, petition, or other  
20 evidence must have been executed by the TND within one year of  
21 the date that the TND organization, or TND, submits the  
22 evidence to the Board. The authorizations or designations of  
23 representatives may be evidenced by electronic records or  
24 electronic signatures as provided under Sections 7 and 8 of  
25 the Uniform Electronic Transactions Act. The Board shall  
26 accept electronic signatures as a means to support the

1 authorizations or designations of representatives where, as  
2 with handwritten signatures, the electronic signature method  
3 chosen by the party provides the Board with prima facie  
4 evidence (1) that a TND has electronically signed a document  
5 purporting to state the TND's views regarding representation  
6 and (2) that the petitioner has accurately transmitted that  
7 document to the Board. The authorizations or designations of  
8 representative shall be presumed to be valid unless called  
9 into question by the presence of objective evidence. The Board  
10 may adopt rules for verification of electronic signatures to  
11 effectuate this Section consistent with the following:

12 (1) Submissions supported by electronic signature must  
13 contain the following: (i) the signer's name; (ii) the  
14 signer's email address or other known contact information,  
15 such as a social media account; (iii) the signer's  
16 telephone number; (iv) the authorization language to which  
17 the signer has agreed; (v) the date the electronic  
18 signature was submitted; and (vi) the name of at least one  
19 TNC for whom the TND performs services. The Board shall  
20 not require any additional TND identifying information to  
21 be submitted for the signature and authorization to be  
22 presumed valid. If the submission does not identify at  
23 least one TNC for whom the TND performs services, then at  
24 the time the submission is provided to the Board, the  
25 petitioner may attest, in writing, that the TND currently  
26 provides services for at least one identified TNC.

1           (2) A party submitting either electronic or digital  
2 signatures must submit a declaration: (i) identifying what  
3 electronic or digital signature technology was used and  
4 explaining how its controls ensure that the electronic or  
5 digital signature is that of the signatory TND and that  
6 the TND signed the document; and (ii) that the  
7 electronically transmitted information regarding what and  
8 when the TNDs signed is the same information seen and  
9 signed by the TND.

10           (3) When the electronic signature technology being  
11 used does not support digital signatures that can be  
12 independently verified by a third party, the submitting  
13 party must submit evidence that, after the electronic  
14 signature was obtained, the submitting party promptly  
15 transmitted a communication stating and confirming all the  
16 information listed in paragraph (1) (the "Confirmation  
17 Transmission"). The Confirmation Transmission must be sent  
18 to an individual account, such as an email address, text  
19 message via mobile phone, or social media account provided  
20 by the signer. If any responses to the Confirmation  
21 Transmission are received by the time of submission to the  
22 Board, those responses must also be provided to the Board.

23           (c) The Board shall not adopt or impose any requirements  
24 for designations or authorizations of representative in  
25 addition to those specified in subsection (b), unless based on  
26 objective evidence of fraud, the Board determines that

1 additional technical requirements are necessary to prevent the  
2 fraud. Any additional requirements shall be consistent with  
3 the purpose of subsection (b) and shall not require additional  
4 TND identifying information to be submitted for the signature  
5 and authorization to be presumed valid. A designation or  
6 authorization of representative shall not be invalidated for  
7 typographical or other errors or omissions if the intent of  
8 the signer is clear and the signer's identity can be  
9 determined based on the totality of the information presented.

10 (d)(1) Within 30 days after the petition of any TND  
11 organization, the Board shall make a determination that such  
12 organization has been designated as the bargaining  
13 representative by at least 10% of active TNDs in the  
14 bargaining unit. For the purposes of this paragraph, the  
15 operative list of active TNDs shall be based on the most recent  
16 quarterly list provided by the covered TNCs to the Board in  
17 accordance with Section 8.

18 (2) Within 30 days after the Board's determination that a  
19 TND organization has been designated as the bargaining  
20 representative of at least 10% of active TNDs in the  
21 bargaining unit, the Board shall: (i) require each covered TNC  
22 to send a notice, in a form determined by the Board, that the  
23 TND organization is seeking to represent TNDs for the purpose  
24 of initiating a bargaining process in order to establish terms  
25 and conditions for the industry; and (ii) provide the TND  
26 organization with a complete list of names, phone numbers,

1 mailing address, email addresses, and preferred language for  
2 all active TNDs in the bargaining unit. The TNC shall provide  
3 the notice in all languages that the Board determines are  
4 likely spoken by 5% or more of TNC drivers. The Board will  
5 provide the TND organization with an updated list each quarter  
6 for the following 4 quarters.

7 (e)(1) A TND organization that provides evidence to the  
8 Board that it has been designated as bargaining representative  
9 by 30% of active TNDs in the bargaining unit shall be certified  
10 as the exclusive bargaining representative of all TNDs in the  
11 bargaining unit. The Board shall make such determination of  
12 exclusive bargaining representative status within 30 days  
13 after the petition. In the alternative, a TND organization  
14 that has been designated as the bargaining representative of  
15 at least 10% of active TNDs in the bargaining unit, pursuant to  
16 a petition filed under subsection (d) or (e), may petition the  
17 Board to conduct an election. The TND organization may  
18 petition for such election at any time within one year of the  
19 Board's determination that it has been designated as the  
20 bargaining representative of at least 10% of active TNDs. The  
21 Board shall publicly announce the petition for election and  
22 require each covered TNC to provide notice, in a form  
23 determined by the Board, to all active TNDs of the petition for  
24 election. The election shall be conducted as expeditiously as  
25 possible, but in no event more than 60 days after the TND  
26 organization's petition for election. Any other TND

1 organization that provides evidence to the Board that it has  
2 been designated as the bargaining representative of at least  
3 10% of active TNDs in the bargaining unit may, within 30 days  
4 after the Board's public announcement of the original petition  
5 for election, intervene and participate in the election. For  
6 the purposes of this paragraph and for petitions filed by a TND  
7 organization within 6 months of having been designated as a  
8 representative by 10% of active TNDs under paragraph (2) of  
9 subsection (d), the operative list of active TNDs shall be  
10 based on the first list of active TNDs provided to the TND  
11 organization by the Board under paragraph (2) of subsection  
12 (d). For the purposes of all other petitions under this  
13 paragraph, the operative list of active TNDs shall be the most  
14 recent quarterly list provided by the covered TNCs in  
15 accordance with Section 8.

16 (2) If a TND organization seeking certification as the  
17 exclusive bargaining representative without an election  
18 provides evidence that shows that less than a majority of  
19 active TNDs have designated the TND organization as their  
20 bargaining representative, the Board shall wait 7 days before  
21 certifying the TND organization as the exclusive bargaining  
22 representative. If, during those 7 days, another TND  
23 organization provides evidence to the Board that at least 20%  
24 of active TNDs in the bargaining unit have designated it as  
25 their bargaining representative, then the Board shall hold an  
26 election among all active TNDs in the bargaining unit. Such

1 election shall be conducted as expeditiously as possible, but  
2 in no event more than 60 days after the petition of the  
3 original TND seeking certification as the exclusive bargaining  
4 representative. For the purposes of such election and for  
5 petitions filed by a TND organization within 6 months of  
6 having been designated as representative by 10% of active TNDs  
7 under paragraph (2) of subsection (d), the operative list of  
8 active TNDs shall be based on the first list of active TNDs  
9 provided to the TND organization by the Board under paragraph  
10 (2) of subsection (d). For the purposes of all other elections  
11 under this paragraph, the operative list of active TNDs shall  
12 be the most recent quarterly list provided by the covered TNCs  
13 in accordance with Section 8.

14 (2.5) For purposes of any election conducted under  
15 paragraph (1) or (2) of this subsection, if the TND  
16 organization receives a majority of valid votes cast in the  
17 election, the Board shall certify the TND organization as the  
18 exclusive bargaining representative. When 2 or more TND  
19 organizations are on the ballot and none of the choices (the  
20 TND organizations or "no worker organization") receives a  
21 majority of the valid votes cast, there shall be a runoff  
22 election between the 2 choices receiving the largest and  
23 second largest number of votes, to be conducted within 45 days  
24 after the determination that no choice had received a majority  
25 of valid votes cast. The TNDs eligible to vote in the runoff  
26 election shall be the same TNDs eligible to vote in the initial

1 election. A TND organization receiving a majority of the valid  
2 votes cast in the runoff election shall be certified as the  
3 exclusive bargaining representative of all TNDs in the  
4 bargaining unit. If a majority of the valid votes cast are for  
5 "no worker organization", then the Board shall not certify any  
6 worker organization as the exclusive bargaining  
7 representative.

8 (3) A TND organization certified as the exclusive  
9 bargaining representative shall have the exclusive authority  
10 to represent the TNDs in the bargaining unit, without  
11 challenge by another TND organization, and not subject to  
12 decertification by the procedures in this subsection, for the  
13 greater of (i) one year following certification or (ii) the  
14 length of time that a sectoral agreement approved by the  
15 Department under subsection (i) of Section 12 is in effect,  
16 provided that the period shall not be longer than 3 years  
17 following the date of the Department's approval of the  
18 sectoral agreement. During the times when an exclusive  
19 bargaining representative is subject to challenge, TNDs may  
20 file for a decertification election upon a showing that at  
21 least 25% of the active TNDs in the bargaining unit have  
22 demonstrated support for the decertification. The Board will  
23 then schedule an election to determine whether the TND  
24 organization has retained its status as the exclusive  
25 bargaining representative. The TND organization shall retain  
26 its status as the exclusive bargaining representative if it

1 receives a majority of valid votes cast by active TNDs in the  
2 bargaining unit. For the purposes of this paragraph, the  
3 operative list of active TNDs shall be based on the most recent  
4 quarterly list provided by the covered TNCs in accordance with  
5 Section 8.

6 (4) If a TND organization has been certified as the  
7 exclusive bargaining representative with respect to the  
8 bargaining unit, only that TND organization shall be entitled  
9 to: (i) immediately upon certification, and, quarterly  
10 thereafter, receive from the Board the data provided by the  
11 covered TNCs to the Board under Section 8, to be used solely  
12 for the purposes of bargaining and the performance of its  
13 other duties as the TND's bargaining representative; and (ii)  
14 to engage in bargaining with the covered TNCs for a sectoral  
15 agreement to be recommended to the Department concerning  
16 mandatory subjects of bargaining.

17 (5) A TND organization that has been certified as the  
18 exclusive bargaining representative with respect to the  
19 bargaining unit shall have a right to voluntary deduction of  
20 dues, initiation fees, assessments, and other payments to the  
21 TND organization, from payments to TNDs by a covered TNC, upon  
22 presentation of deduction authorizations signed by individual  
23 TNDs, which may be in electronic form. A covered TNC shall  
24 commence making such deductions in accordance with the terms  
25 of the deduction authorization as soon as practicable, but in  
26 no case later than 30 days after receiving proof of a signed

1 deduction authorization, and amounts deducted shall be  
2 submitted to the TND organization within 30 days after the  
3 deduction. A covered TNC shall accept a signed deduction  
4 authorization evidenced by electronic records or electronic  
5 signatures as provided under Sections 7 and 8 of the Uniform  
6 Electronic Transactions Act. The right to such deductions  
7 shall remain in full force and effect until an individual TND  
8 revokes the deduction authorization in writing in accordance  
9 with the terms of the authorization.

10 (f) An order of the Board dismissing a representation  
11 petition or determining, certifying, or decertifying a TND  
12 organization as an exclusive bargaining representative is a  
13 final order. Any person aggrieved by any such final order may  
14 apply for and obtain judicial review in accordance with the  
15 provisions of the Administrative Review Law, except that such  
16 review shall be afforded directly in the Appellate Court for  
17 the district in which the aggrieved party resides or transacts  
18 business. Any direct appeal to the Appellate Court shall be  
19 filed within 35 days after the date that a copy of the decision  
20 sought to be reviewed was served upon the party affected by the  
21 decision.

22 (g) Upon agreement by a TND organization seeking such  
23 determination or petition or a TND seeking such determination,  
24 and the relevant covered TNC or TNCs, any of the numerical  
25 thresholds or any of the elections in this Section shall be  
26 determined or conducted by a neutral body, in accordance with

1 the provisions of this Act. The fees of the neutral body shall  
2 be paid by the Board. The neutral body shall report the results  
3 of such determination or election to the Board, which shall  
4 certify the results if it is satisfied that the determination  
5 was made or election was conducted in accordance with the  
6 provisions of this Act. If no neutral body has been agreed to  
7 within 10 days after a TND organization's or TND's notice of  
8 its request for a determination or its petition, the Board may  
9 designate a neutral body or perform such functions itself.

10 Section 11. Rideshare Workers Support Fund.

11 (a) Beginning 90 days after the effective date of this  
12 Act, each covered TNC shall be required to pay a fee equal to 4  
13 cents for each trip originating within this State to the  
14 Secretary of State to be deposited into the Rideshare Workers  
15 Support Fund. Beginning 30 days after the certification of an  
16 exclusive bargaining representative under Section 10, the fee  
17 set forth in this subsection shall be increased to an amount  
18 equal to 20 cents for each trip originating within this State.  
19 Beginning on January 1, 2028, and each January 1 thereafter,  
20 the fee set forth in this subsection shall be adjusted to the  
21 nearest penny for each trip originating in this State to  
22 reflect any increase in inflation as measured by the Consumer  
23 Price Index for All Urban Consumers published by the United  
24 States Bureau of Labor Statistics. The Secretary of State  
25 shall calculate and publish the adjusted fee required by this

1 subsection.

2 (1) Within 14 days after the start of each month, each  
3 covered TNC shall pay to the Secretary of State the fee  
4 required under subsection (a) for the previous month and  
5 transmit to the Secretary of State a certified report  
6 identifying the number of trips originating within this  
7 State in the previous month. The covered TNCs shall pay  
8 the fee and transmit the certified report to the Secretary  
9 of State by electronic means as directed by the Secretary  
10 of State.

11 (2) The Secretary of State shall create the Rideshare  
12 Workers Support Fund and deposit the fees collected under  
13 this Section into the fund.

14 (b) Subject to appropriation, the Secretary of State shall  
15 use the funds in the Rideshare Workers Support Fund as  
16 provided in this subsection. The Secretary of State shall use  
17 the funds collected in each calendar quarter within 60 days  
18 after the close of each quarter as follows:

19 (1) The amount equivalent to 3 cents for each trip  
20 originating in this State shall be used by the Secretary  
21 of State for the purposes of administering its functions  
22 under this Act.

23 (2) The amount equivalent to 1 cent for each trip  
24 originating in this State shall be paid to the Board for  
25 the purposes of administering its functions under this  
26 Act.

1           (3) Effective upon the increase in the fee following  
2           the certification of an exclusive bargaining  
3           representative under Section 10, and subject to paragraphs  
4           (1) and (2) of subsection (b), the amount equivalent to 16  
5           cents for each trip originating in this State shall be  
6           paid as a grant to the exclusive bargaining  
7           representative, subject to the conditions and restrictions  
8           set forth in subsection (c). If, for a given period, there  
9           is no certified exclusive bargaining representative or the  
10          Secretary of State has determined to suspend or terminate  
11          disbursements to the exclusive bargaining representative  
12          as provided in subsection (c), the funds that would  
13          otherwise have been paid to the exclusive bargaining  
14          representative for that period shall be used by the Board  
15          for the purposes of administering its functions under this  
16          Act and for other educational and enforcement purposes  
17          consistent with this Act.

18          The amounts set forth in this subsection shall be  
19          recalculated proportionally to any increase in the fee under  
20          subsection (a). A TNC required to pay a fee under this Section  
21          shall not impose the cost of the fee on any consumer, including  
22          as an itemized line or surcharge.

23          (c) The purpose of the grant to the exclusive bargaining  
24          representative provided under paragraph (3) of subsection (b)  
25          shall be to ensure that TNDs are educated about their rights  
26          under this Act and have the resources, through their exclusive

1 bargaining representative, to enforce their rights under this  
2 Act and under any approved sectoral agreement under this Act.  
3 The exclusive bargaining representative may use the funds  
4 granted under this Section exclusively for the purposes of  
5 educating TNDs regarding their rights under this Act,  
6 providing assistance in enforcing those rights, negotiating a  
7 sectoral agreement, and enforcing the terms of a sectoral  
8 agreement approved by the Department under this Act. The  
9 exclusive bargaining representative shall not use any portion  
10 of the funds granted under this Section for political  
11 contributions or lobbying.

12 (1) An exclusive bargaining representative shall be  
13 eligible to receive funds under this Section only if the  
14 Secretary of State determines that the exclusive  
15 bargaining representative has the capacity and expertise  
16 to fulfill the educational and enforcement functions  
17 required by this subsection and the proposed use of the  
18 funds is consistent with the purposes of this Act. The  
19 Secretary of State may adopt administrative rules for the  
20 evaluation of requested grants and to establish the  
21 criteria to determine the capacity and expertise of the  
22 exclusive bargaining representative required by this  
23 subsection.

24 (2) The exclusive bargaining representative shall  
25 submit an annual report to the Secretary of State in a form  
26 to be determined by the Secretary of State setting forth

1           how the exclusive bargaining representative has used the  
2           funds received under this Section. The Secretary of State  
3           shall review each annual report and certify whether the  
4           exclusive bargaining representative is using the funds for  
5           appropriate activities permitted by this Section. The  
6           Secretary of State shall adopt administrative rules to  
7           establish a process by which it may suspend or terminate  
8           the payment of funds to the exclusive bargaining  
9           representative based on the failure to use funds for the  
10          permissible activities set forth in this subsection, the  
11          failure to submit the report required by this subsection,  
12          or the failure to otherwise comply with this Section. If  
13          funding to the exclusive bargaining representative is not  
14          granted or is suspended or terminated in any given year,  
15          the exclusive bargaining representative may reapply for  
16          the payment of funds in the following year.

17                 (3) The payment of funds to the exclusive bargaining  
18                 representative shall not be subject to the provisions of  
19                 the Grant Accountability and Transparency Act.

20                 (d)(1) The Secretary of State may issue administrative  
21                 subpoenas, propound interrogatories, and conduct audits of  
22                 covered TNCs and the exclusive bargaining representative to  
23                 ensure that covered TNCs comply with the payment of fees to the  
24                 Secretary of State required under subsection (a) and to ensure  
25                 that the exclusive bargaining representative complies with the  
26                 use of funds restrictions set forth in subsection (c). The

1 Secretary of State may use the Secretary of State Police  
2 Department to conduct the audits. If necessary, the Secretary  
3 of State shall certify to the Attorney General, for such  
4 action as the Attorney General may deem appropriate, when the  
5 responses to the subpoenas, interrogatories, and audits  
6 disclose a violation of any of the provisions of this Section.

7 (2) The Secretary of State shall have the jurisdiction and  
8 authority to enforce the provisions of this Section,  
9 including:

10 (A) to order a covered TNC to pay the required fees to  
11 the Secretary of State;

12 (B) to determine the amount of fees required to be  
13 paid to the Secretary of State by a covered TNC and to  
14 order the fees be paid;

15 (C) to determine any delinquency by a covered TNC in  
16 the fees to be paid to the Secretary of State and to order  
17 such delinquency be remedied;

18 (D) to audit the exclusive bargaining representative's  
19 use of funds disbursed under subsection (b);

20 (E) to deny, suspend, or terminate funding to the  
21 exclusive bargaining representative as provided under  
22 subsection (c); and

23 (F) to order the recoupment of any funds used for  
24 purposes not permitted under subsection (c).

25 Upon any action, finding, order, suspension, revocation,  
26 or denial of one or more benefits or privileges under this

1 Section by the Secretary of State, an aggrieved party, may  
2 submit a request to the Secretary of State, or the Secretary of  
3 State may petition, to conduct an administrative hearing. The  
4 Secretary of State shall establish by rule the procedures,  
5 terms, and conditions for the administrative hearing. The  
6 findings and decisions made by the Secretary as part of an  
7 administrative hearing shall be subject to judicial review in  
8 the Circuit Court of Sangamon or Cook County. The  
9 Administrative Review Law and any rules adopted under the  
10 Administrative Review Law shall apply to and govern all  
11 reviewable matters.

12 Section 12. Bargaining, impasse resolution procedures, and  
13 approval of sectoral agreement by the Department.

14 (a) Once the Board certifies that a TND organization is  
15 the exclusive bargaining representative for the bargaining  
16 unit, the Board shall notify all covered TNCs, and all covered  
17 TNCs shall be required to bargain with the exclusive  
18 bargaining representative concerning mandatory subjects of  
19 bargaining. The covered TNCs and TND organization may bargain  
20 concerning other subjects agreed to by the parties. To  
21 facilitate negotiations, the covered TNCs may form an industry  
22 association to negotiate on their behalf. If the covered TNCs  
23 choose not to form an association, any recommended agreement  
24 must be approved by (i) at least 2 industry member covered TNCs  
25 and (ii) member covered TNCs representing at least 80% of the

1 market share of that industry in the State, with votes  
2 determined in proportion to the number of rides completed by  
3 TNDs contracting directly with the covered TNC in the 2  
4 calendar quarters preceding the certification of the exclusive  
5 bargaining representative.

6 (b) Each individual covered TNC shall retain exclusive  
7 control over the development, maintenance, design, pricing,  
8 and implementation of its product and product features,  
9 software, contract terms, algorithm, and operations and areas  
10 of service.

11 (c) A sectoral agreement submitted to the Department for  
12 approval under subsection (i) shall address, at minimum, the  
13 following subjects, each of which must be set forth separately  
14 in the sectoral agreement, unless a subject is expressly  
15 waived by mutual agreement of the exclusive bargaining  
16 representative and the covered TNCs:

17 (1) Compensation.

18 (2) Benefits.

19 (3) Appeals process for deactivations.

20 (4) Representation of TNC drivers in deactivation  
21 appeals.

22 (5) Paid leave.

23 (6) Information disclosed to TNC drivers about trips  
24 on per-trip, weekly, and monthly earnings receipts and  
25 summaries, and on initial ride offers.

26 (7) Grievance and arbitration procedures to resolve

1 disputes arising under the sectoral agreement.

2 (8) Safety mandates imposed by the covered TNCs that  
3 require TNC drivers to purchase safety equipment or  
4 purchase safety software, and safety features or protocols  
5 proposed by the exclusive bargaining representative that  
6 have a demonstrable purpose of reducing the risk of  
7 physical assault or injury to TNC drivers. For the  
8 purposes of this paragraph, "purchase" includes an  
9 automatic withdrawal from TNC driver earnings.

10 (9) Labor-management committees.

11 (10) Reasonable access by the exclusive bargaining  
12 representative to covered TNC-to-TNC driver communication  
13 systems.

14 (11) Deduction of voluntary fees and dues from  
15 payments to TNC drivers.

16 (12) Duration of the sectoral agreement, which shall  
17 be between 3 and 5 years.

18 (13) Insurance coverage for occupational accidents or  
19 injuries.

20 (14) Compensation or supplemental insurance for job  
21 loss.

22 (15) Deactivation process requirements, including:

23 (A) written notice to drivers of specific reasons  
24 for deactivation;

25 (B) a reactivation standard following a finding  
26 that the driver did not violate the deactivation

1 policy or remedied any violation;

2 (C) agreed upon application of deactivation  
3 policies across similarly situated drivers; and

4 (D) driver access to representation by the  
5 exclusive bargaining representative in deactivation  
6 proceedings.

7 (16) Earnings transparency requirements, including:

8 (A) a weekly earnings summary disclosing the total  
9 fares collected from passengers, the total amount  
10 earned by the driver, third-party expenses, refunds,  
11 tips, and service fees charged by a TNC; and

12 (B) within 24 hours of each completed ride, an  
13 itemized per-trip receipt accessible through the  
14 application, disclosing the total amount paid by the  
15 passenger, all fees applied to the trip, the portion  
16 of the fare paid to the driver, and the tip amount, if  
17 any.

18 (d) A sectoral agreement, including an agreement  
19 recommended by an arbitrator under paragraph (6) of subsection  
20 (h), shall not contain a provision that prevents an individual  
21 covered TNC from exercising its autonomy under subsection (b).

22 (e) The negotiated sectoral agreement shall be submitted  
23 by the TND organization to a vote by all TNDs who have  
24 completed at least 100 trips in the previous calendar quarter.  
25 Such vote shall be conducted by the TND organization pursuant  
26 to procedures determined at the discretion of the TND

1 organization. If approved by a majority of TNDs who vote, the  
2 sectoral agreement shall be submitted to the Department for  
3 approval. If a majority of valid votes cast by the TNDs are not  
4 in favor of the sectoral agreement, the TND organization and  
5 the covered TNCs will resume negotiating.

6 (f) For the purposes of this Section, an impasse may be  
7 deemed to exist if the covered TNCs and the exclusive  
8 bargaining representative fail to achieve agreement by the end  
9 of a 210-day period from the date a TND organization has been  
10 certified as the exclusive bargaining representative.  
11 Bargaining for a successor sectoral agreement shall begin  
12 either at the request of the exclusive bargaining  
13 representative or covered TNCs no more than 180 days before  
14 the expiration date of the prior approved sectoral agreement.  
15 In the case of bargaining for a successor sectoral agreement,  
16 an impasse may be deemed to exist if the covered TNCs and the  
17 exclusive bargaining representative fail to achieve agreement  
18 by the end of the period of negotiations preceding the  
19 expiration date of the prior approved sectoral agreement.

20 (g) Upon impasse, any of the affected covered TNCs or the  
21 exclusive bargaining representative may request the Board to  
22 render assistance as provided in this Section.

23 (h) Upon receiving a timely request from an exclusive  
24 bargaining representative or covered TNC for commencement of  
25 an impasse proceeding, the Board shall aid the parties as  
26 follows:

1           (1) To assist the parties to effect a voluntary  
2 resolution of the dispute, the Board shall provide the  
3 parties with a list of qualified mediators as maintained  
4 by the Board within 7 days after the request for  
5 commencement of impasse proceedings. Within 7 days after  
6 receipt of such list, the parties shall either select a  
7 mediator from the Board's list or select another mutually  
8 agreed mediator. Each of the affected parties (affected  
9 covered TNCs and the exclusive bargaining representative)  
10 shall have an equal say in the selection of the mediator  
11 and each of the affected parties shall share equally the  
12 cost of the mediator. If the parties fail to select a  
13 mediator and notify the Board of their selection within 7  
14 days after the date the Board provides the list of  
15 mediators, the Board shall appoint a mediator from the  
16 list. The Board shall make such an appointment and notify  
17 the parties within 7 days. If the mediator is unable to  
18 achieve agreement between the parties concerning an  
19 appropriate resolution within 60 days after the Board has  
20 provided the parties the list of mediators, any party may  
21 petition the Board to refer the dispute to an arbitrator.

22           (2) Upon timely petition of either party, the Board  
23 shall refer the dispute to an arbitrator as provided.

24           (3) Each of the affected parties (affected covered  
25 TNCs and the exclusive bargaining representative) shall  
26 have an equal say in the selection of the arbitrator and

1 each of the affected parties shall share equally the cost  
2 of the arbitrator. If the parties are unable to agree upon  
3 the arbitrator within 7 days after the Board notifies the  
4 covered TNCs of the need to appoint an arbitrator, the  
5 Board shall submit to the parties a list of qualified,  
6 disinterested persons for the selection of an arbitrator.  
7 A representative of each of the parties shall alternately  
8 strike from the list one of the names with the order of  
9 striking determined by lot, until the remaining one person  
10 shall be designated as the arbitrator. Each party shall  
11 select its representative for this purpose as it sees fit.  
12 A party's failure to agree upon the designation of its  
13 representative shall result in the failure of the striking  
14 procedure, but shall not impede the Board's appointment of  
15 the arbitrator upon such failure. The striking process  
16 shall be completed within 5 days after receipt of the  
17 Board's list. The representatives who undertake the  
18 striking shall notify the Board of the designated  
19 arbitrator. If the parties are unable to select the  
20 arbitrator within 5 days following receipt of this list,  
21 the Board shall appoint the arbitrator.

22 (4) The arbitrator shall hold hearings on all matters  
23 related to the dispute, concerning mandatory subjects of  
24 bargaining, and any other subject agreed to be submitted  
25 by the covered TNCs and the TND organization. The parties  
26 may be heard either in person, by counsel, or by other

1 representatives, as the parties may respectively  
2 designate. The arbitrator shall determine the order of  
3 presentation by the parties, and shall have discretion and  
4 authority to decide all procedural issues that may be  
5 raised.

6 (5) The parties may present, either orally or in  
7 writing, or both, statements of fact, supporting witnesses  
8 and other evidence, and argument of their respective  
9 positions with respect to each case. The arbitrator shall  
10 have authority to require the production of additional  
11 evidence, either oral or written as the arbitrator may  
12 desire from the parties and shall provide at the request  
13 of either party that a full and complete record be kept of  
14 any such hearings, the cost of such record to be borne by  
15 the requesting party. If such a record is created, it  
16 shall be shared with all parties regardless of which party  
17 paid for it.

18 (6) The arbitrator shall make a just and reasonable  
19 determination of the matters in dispute, set forth in  
20 paragraph (4), and within 90 days after the arbitrator's  
21 appointment shall issue a determination that shall apply  
22 to all covered TNCs and the exclusive bargaining  
23 representative. The time period for the arbitrator's  
24 determination may be extended by the arbitrator upon good  
25 cause shown, or by agreement by the parties. In arriving  
26 at such determination, the arbitrator shall specify the

1 basis for the arbitrator's findings, taking into  
2 consideration, in addition to any factors recommended by  
3 the parties that the arbitrator finds to be consistent  
4 with this Act, the following:

5 (i) whether the compensation, benefits, and  
6 conditions of work of the TNDs achieve the policy  
7 goals set forth in Section 2; such compensation and  
8 benefits must take into account the real cost of  
9 living, and may substantially exceed any statutory  
10 minimum wage, and should be a sufficient amount such  
11 that the TNDs do not need to rely upon any public  
12 benefits;

13 (ii) whether the most efficient way to provide  
14 benefits is through a portable benefits fund, and, if  
15 so, how to best assess each covered TNC a portion of  
16 the costs of providing those benefits;

17 (iii) the financial ability of the affected  
18 covered TNCs to pay for the compensation and benefits  
19 in question and the impact on the delivery of services  
20 provided by the covered TNCs;

21 (iv) the establishment of a reasonable  
22 deactivation appeals process that will allow TNDs a  
23 reasonable expectation of uninterrupted work; and

24 (v) comparison of particularities in regard to  
25 other trades or professions, including specifically,  
26 hazards of work, physical qualifications, educational

1           qualifications, mental qualifications, job training,  
2           and skills.

3           (i) Any sectoral agreement, whether agreed upon between  
4 covered TNCs and the exclusive bargaining representative of  
5 TNDs in the bargaining unit or as determined by an arbitrator,  
6 under this Act shall be reviewed and approved or disapproved  
7 by the Department. In deciding whether to grant approval to  
8 such sectoral agreement, the Department's decision shall be  
9 based on the factors specified in subsection (c) and in  
10 paragraph (6) of subsection (h), and the policies set forth in  
11 Section 2. Within 60 days after submission of the recommended  
12 sectoral agreement, the Department shall approve or disapprove  
13 the sectoral agreement. Upon approval by the Department, the  
14 terms of the sectoral agreement shall be effective and  
15 enforceable through the provisions of the sectoral agreement  
16 and this Act. If the Department disapproves of the sectoral  
17 agreement, the Department may make recommendations for  
18 amendments to the sectoral agreement that would cause the  
19 Department to approve the sectoral agreement. Any new terms  
20 for the bargaining unit shall be set in accordance with the  
21 procedures set forth in this Section.

22           (j) The exclusive bargaining representative and the  
23 covered TNCs may mutually agree to recommend changes to an  
24 approved sectoral agreement. Such recommended changes to an  
25 approved sectoral agreement must be submitted to the  
26 Department for approval or disapproval under subsection (i).

1 Section 13. Compliance with other laws.

2 (a) Notwithstanding any other law, with respect to  
3 transportation network company services performed by  
4 transportation network drivers for a covered TNC, the  
5 obligations imposed by the Illinois Secure Choice Savings  
6 Program Act, the Minimum Wage Law, the Equal Wage Act, the  
7 Equal Pay Act of 2003, the Illinois Wage Payment and  
8 Collection Act, the Sales Representative Act, the Prevailing  
9 Wage Act, the Burial Rights Act, the One Day Rest In Seven Act,  
10 the Eight Hour Work Day Act, the School Visitation Rights Act,  
11 the Civil Air Patrol Leave Act, the Employee Blood and Organ  
12 Donation Leave Act, the Employee Medical Contribution Act, the  
13 Military Leave Act, the Family Bereavement Leave Act, the  
14 Employer as Lessee Bond Act, the Child Extended Bereavement  
15 Leave Act, the Family Neonatal Intensive Care Leave Act, the  
16 Employee Benefit Contribution Act, the Personal Service Wage  
17 Refund Act, the Earned Income Tax Credit Information Act, the  
18 Day and Temporary Labor Services Act, the Victims' Economic  
19 Security and Safety Act, the Domestic Workers' Bill of Rights  
20 Act, the Employee Classification Act, the Illinois Fringe  
21 Benefit Portability and Continuity Act, the Employee Sick  
22 Leave Act, the Paid Leave for All Workers Act, the Workers'  
23 Compensation Act, the Workers' Occupational Diseases Act, and  
24 the Unemployment Insurance Act shall be deemed satisfied and  
25 not separately enforceable if the covered TNC is, based on the

1 totality of facts and circumstances, in good-faith compliance  
2 with this Act or with any sectoral agreement approved under  
3 this Act.

4 (b) Compliance with this Act or with an approved sectoral  
5 agreement shall not establish or give rise to a presumption of  
6 an employment relationship between a TNC and a TND for any  
7 purpose under State or local law.

8 (c) With respect to transportation network company  
9 services performed by a transportation network driver for a  
10 covered transportation network company, the benefits, earnings  
11 provisions, leave, or standards in an approved sectoral  
12 agreement, if any, shall be enforceable exclusively pursuant  
13 to the terms of the sectoral agreement or the provisions of  
14 this Act.

15 (d) This Section is inoperative 5 years after the  
16 effective date of this Act, unless prior to that date a  
17 sectoral agreement has been approved by the Department under  
18 the Act, in which case this Section shall not be inoperative.  
19 If this Section is inoperative, no claims covered by this  
20 Section shall have their statutes of limitations tolled during  
21 the period this Section is operative.

22 Section 14. Home rule.

23 (a) Notwithstanding any other provision of law, the  
24 regulation of transportation network driver labor relations is  
25 an exclusive power and function of the State. A unit of local

1 government, including a home rule unit, may not regulate  
2 transportation network driver labor relations. This subsection  
3 is a denial and limitation of home rule powers and functions  
4 under subsection (h) of Section 6 of Article VII of the  
5 Illinois Constitution.

6 (b) Upon approval of a sectoral agreement under this Act,  
7 the regulation of transportation network driver earnings,  
8 benefits, or other conditions of work set forth in subsection  
9 (c) of Section 12 is an exclusive power and function of the  
10 State. Upon approval of a sectoral agreement under this Act, a  
11 unit of local government, including a home rule unit, may not  
12 regulate transportation network driver earnings, benefits, or  
13 other conditions of work set forth in subsection (c) of  
14 Section 12, and any such existing ordinance, regulation, or  
15 measure shall be preempted by the approved sectoral agreement.  
16 This subsection is a denial and limitation of home rule powers  
17 and functions under subsection (h) of Section 6 of Article VII  
18 of the Illinois Constitution.

19 Section 15. Applicability of other labor standards. Other  
20 than as established in this Act, no arbitrator's determination  
21 or sectoral agreement approved by the Department shall  
22 diminish or erode any minimum labor standard that would  
23 otherwise apply to a TND.

24 Section 16. Rulemaking.

1           (a) The Board, the Department, and the Secretary of State  
2 may make such rules as may be appropriate to effectuate the  
3 purposes and provisions of this Act. In order to provide for  
4 the expeditious and timely implementation of the provisions of  
5 this Act, such rules may be adopted by the Board, the  
6 Department, or the Secretary of State as emergency rules under  
7 Section 5-45 of the Illinois Administrative Procedure Act  
8 within 6 months of the effective date of this Act. The adoption  
9 of those emergency rules shall be considered an emergency and  
10 necessary for the public interest, safety, and welfare.

11           (b) The Board may apply, in its discretion, applicable  
12 rules adopted under the Illinois Public Labor Relations Act to  
13 the extent those procedures are not inconsistent with the  
14 procedures specified in this Act. To effect that purpose, the  
15 Board may, in its discretion, and to the extent doing so is not  
16 inconsistent with the procedures specified in this Act,  
17 interpret rules adopted under the Illinois Public Labor  
18 Relations Act, referencing "employer" to include a  
19 transportation network company, referencing "employee" to  
20 include a transportation network driver, and referencing a  
21 "labor organization" to include a transportation network  
22 driver organization.

23           (c) The applicable rules shall establish the obligations  
24 and procedures for the Board and TND organizations to protect  
25 TND data from public disclosure and unauthorized use,  
26 including: (i) minimization of data collected to what is

1 necessary under this Act; (ii) auditing and compliance  
2 monitoring; (iii) limitations on data use; and (iv) limiting  
3 the disclosure of driver personal identifying information to  
4 the confidential uses necessary to effectuate this Act and not  
5 for the purpose of enforcing federal immigration law or  
6 providing it to an agency that primarily enforces immigration  
7 law, unless the Board is provided with a lawful court order or  
8 judicial warrant signed by a judge appointed pursuant to  
9 Article III of the United States Constitution, a federal grand  
10 jury or trial subpoena, or as otherwise required by federal  
11 law.

12 Section 17. Public records. Any record furnished to the  
13 Board, Department, or other State agency by a TNC under this  
14 Act, including, but not limited to, TND records, are exempt  
15 from disclosure under the Freedom of Information Act. The  
16 records are confidential and shall not be disclosed by the  
17 Board or any persons who may be authorized by the Board to  
18 process the records solely for the purposes of this Act.

19 Section 18. Construction. Nothing in this Act shall be  
20 construed to affect the determination under State law, whether  
21 in statute or common law, of whether and under what  
22 circumstances a transportation network company may be  
23 considered a common carrier.

1 Section 900. The Illinois Administrative Procedure Act is  
2 amended by adding Section 5-45.71 as follows:

3 (5 ILCS 100/5-45.71 new)

4 Sec. 5-45.71. Emergency rulemaking; Transportation Network  
5 Driver Labor Relations Act. To provide for the expeditious and  
6 timely implementation of the Transportation Network Driver  
7 Labor Relations Act, emergency rules implementing the  
8 Transportation Network Driver Labor Relations Act may be  
9 adopted in accordance with Section 5-45 by the Illinois Labor  
10 Relations Board, or the Department of Labor, or the Secretary  
11 of State. The adoption of emergency rules authorized by  
12 Section 5-45 and this Section is deemed to be necessary for the  
13 public interest, safety, and welfare.

14 This Section is repealed one year after the effective date  
15 of this amendatory Act of the 104th General Assembly.

16 Section 905. The Freedom of Information Act is amended by  
17 changing Section 7.5 as follows:

18 (5 ILCS 140/7.5)

19 (Text of Section before amendment by P.A. 104-441 and  
20 104-457)

21 Sec. 7.5. Statutory exemptions. To the extent provided for  
22 by the statutes referenced below, the following shall be  
23 exempt from inspection and copying:

1           (a) All information determined to be confidential  
2 under Section 4002 of the Technology Advancement and  
3 Development Act.

4           (b) Library circulation and order records identifying  
5 library users with specific materials under the Library  
6 Records Confidentiality Act.

7           (c) Applications, related documents, and medical  
8 records received by the Experimental Organ Transplantation  
9 Procedures Board and any and all documents or other  
10 records prepared by the Experimental Organ Transplantation  
11 Procedures Board or its staff relating to applications it  
12 has received.

13           (d) Information and records held by the Department of  
14 Public Health and its authorized representatives relating  
15 to known or suspected cases of sexually transmitted  
16 infection or any information the disclosure of which is  
17 restricted under the Illinois Sexually Transmitted  
18 Infection Control Act.

19           (e) Information the disclosure of which is exempted  
20 under Section 30 of the Radon Industry Licensing Act.

21           (f) Firm performance evaluations under Section 55 of  
22 the Architectural, Engineering, and Land Surveying  
23 Qualifications Based Selection Act.

24           (g) Information the disclosure of which is restricted  
25 and exempted under Section 50 of the Illinois Prepaid  
26 Tuition Act.

1           (h) Information the disclosure of which is exempted  
2 under the State Officials and Employees Ethics Act, and  
3 records of any lawfully created State or local inspector  
4 general's office that would be exempt if created or  
5 obtained by an Executive Inspector General's office under  
6 that Act.

7           (i) Information contained in a local emergency energy  
8 plan submitted to a municipality in accordance with a  
9 local emergency energy plan ordinance that is adopted  
10 under Section 11-21.5-5 of the Illinois Municipal Code.

11           (j) Information and data concerning the distribution  
12 of surcharge moneys collected and remitted by carriers  
13 under the Emergency Telephone System Act.

14           (k) Law enforcement officer identification information  
15 or driver identification information compiled by a law  
16 enforcement agency or the Department of Transportation  
17 under Section 11-212 of the Illinois Vehicle Code.

18           (l) Records and information provided to a residential  
19 health care facility resident sexual assault and death  
20 review team or the Executive Council under the Abuse  
21 Prevention Review Team Act.

22           (m) Information provided to the predatory lending  
23 database created pursuant to Article 3 of the Residential  
24 Real Property Disclosure Act, except to the extent  
25 authorized under that Article.

26           (n) Defense budgets and petitions for certification of

1 compensation and expenses for court appointed trial  
2 counsel as provided under Sections 10 and 15 of the  
3 Capital Crimes Litigation Act (repealed). This subsection  
4 (n) shall apply until the conclusion of the trial of the  
5 case, even if the prosecution chooses not to pursue the  
6 death penalty prior to trial or sentencing.

7 (o) Information that is prohibited from being  
8 disclosed under Section 4 of the Illinois Health and  
9 Hazardous Substances Registry Act.

10 (p) Security portions of system safety program plans,  
11 investigation reports, surveys, schedules, lists, data, or  
12 information compiled, collected, or prepared by or for the  
13 Department of Transportation under Sections 2705-300 and  
14 2705-616 of the Department of Transportation Law of the  
15 Civil Administrative Code of Illinois, the Regional  
16 Transportation Authority under Section 2.11 of the  
17 Regional Transportation Authority Act, or the St. Clair  
18 County Transit District under the Bi-State Transit Safety  
19 Act (repealed).

20 (q) Information prohibited from being disclosed by the  
21 Personnel Record Review Act.

22 (r) Information prohibited from being disclosed by the  
23 Illinois School Student Records Act.

24 (s) Information the disclosure of which is restricted  
25 under Section 5-108 of the Public Utilities Act.

26 (t) (Blank).

1 (u) Records and information provided to an independent  
2 team of experts under the Developmental Disability and  
3 Mental Health Safety Act (also known as Brian's Law).

4 (v) Names and information of people who have applied  
5 for or received Firearm Owner's Identification Cards under  
6 the Firearm Owners Identification Card Act or applied for  
7 or received a concealed carry license under the Firearm  
8 Concealed Carry Act, unless otherwise authorized by the  
9 Firearm Concealed Carry Act; and databases under the  
10 Firearm Concealed Carry Act, records of the Concealed  
11 Carry Licensing Review Board under the Firearm Concealed  
12 Carry Act, and law enforcement agency objections under the  
13 Firearm Concealed Carry Act.

14 (v-5) Records of the Firearm Owner's Identification  
15 Card Review Board that are exempted from disclosure under  
16 Section 10 of the Firearm Owners Identification Card Act.

17 (w) Personally identifiable information which is  
18 exempted from disclosure under subsection (g) of Section  
19 19.1 of the Toll Highway Act.

20 (x) Information which is exempted from disclosure  
21 under Section 5-1014.3 of the Counties Code or Section  
22 8-11-21 of the Illinois Municipal Code.

23 (y) Confidential information under the Adult  
24 Protective Services Act and its predecessor enabling  
25 statute, the Elder Abuse and Neglect Act, including  
26 information about the identity and administrative finding

1 against any caregiver of a verified and substantiated  
2 decision of abuse, neglect, or financial exploitation of  
3 an eligible adult maintained in the Registry established  
4 under Section 7.5 of the Adult Protective Services Act.

5 (z) Records and information provided to a fatality  
6 review team or the Illinois Fatality Review Team Advisory  
7 Council under Section 15 of the Adult Protective Services  
8 Act.

9 (aa) Information which is exempted from disclosure  
10 under Section 2.37 of the Wildlife Code.

11 (bb) Information which is or was prohibited from  
12 disclosure by the Juvenile Court Act of 1987.

13 (cc) Recordings made under the Law Enforcement  
14 Officer-Worn Body Camera Act, except to the extent  
15 authorized under that Act.

16 (dd) Information that is prohibited from being  
17 disclosed under Section 45 of the Condominium and Common  
18 Interest Community Ombudsperson Act.

19 (ee) Information that is exempted from disclosure  
20 under Section 30.1 of the Pharmacy Practice Act.

21 (ff) Information that is exempted from disclosure  
22 under the Revised Uniform Unclaimed Property Act.

23 (gg) Information that is prohibited from being  
24 disclosed under Section 7-603.5 of the Illinois Vehicle  
25 Code.

26 (hh) Records that are exempt from disclosure under

1 Section 1A-16.7 of the Election Code.

2 (ii) Information which is exempted from disclosure  
3 under Section 2505-800 of the Department of Revenue Law of  
4 the Civil Administrative Code of Illinois.

5 (jj) Information and reports that are required to be  
6 submitted to the Department of Labor by registering day  
7 and temporary labor service agencies but are exempt from  
8 disclosure under subsection (a-1) of Section 45 of the Day  
9 and Temporary Labor Services Act.

10 (kk) Information prohibited from disclosure under the  
11 Seizure and Forfeiture Reporting Act.

12 (ll) Information the disclosure of which is restricted  
13 and exempted under Section 5-30.8 of the Illinois Public  
14 Aid Code.

15 (mm) Records that are exempt from disclosure under  
16 Section 4.2 of the Crime Victims Compensation Act.

17 (nn) Information that is exempt from disclosure under  
18 Section 70 of the Higher Education Student Assistance Act.

19 (oo) Communications, notes, records, and reports  
20 arising out of a peer support counseling session  
21 prohibited from disclosure under the First Responders  
22 Suicide Prevention Act.

23 (pp) Names and all identifying information relating to  
24 an employee of an emergency services provider or law  
25 enforcement agency under the First Responders Suicide  
26 Prevention Act.

1           (qq) Information and records held by the Department of  
2 Public Health and its authorized representatives collected  
3 under the Reproductive Health Act.

4           (rr) Information that is exempt from disclosure under  
5 the Cannabis Regulation and Tax Act.

6           (ss) Data reported by an employer to the Department of  
7 Human Rights pursuant to Section 2-108 of the Illinois  
8 Human Rights Act.

9           (tt) Recordings made under the Children's Advocacy  
10 Center Act, except to the extent authorized under that  
11 Act.

12           (uu) Information that is exempt from disclosure under  
13 Section 50 of the Sexual Assault Evidence Submission Act.

14           (vv) Information that is exempt from disclosure under  
15 subsections (f) and (j) of Section 5-36 of the Illinois  
16 Public Aid Code.

17           (wv) Information that is exempt from disclosure under  
18 Section 16.8 of the State Treasurer Act.

19           (xx) Information that is exempt from disclosure or  
20 information that shall not be made public under the  
21 Illinois Insurance Code.

22           (yy) Information prohibited from being disclosed under  
23 the Illinois Educational Labor Relations Act.

24           (zz) Information prohibited from being disclosed under  
25 the Illinois Public Labor Relations Act.

26           (aaa) Information prohibited from being disclosed

1 under Section 1-167 of the Illinois Pension Code.

2 (bbb) Information that is prohibited from disclosure  
3 by the Illinois Police Training Act and the Illinois State  
4 Police Act.

5 (ccc) Records exempt from disclosure under Section  
6 2605-304 of the Illinois State Police Law of the Civil  
7 Administrative Code of Illinois.

8 (ddd) Information prohibited from being disclosed  
9 under Section 35 of the Address Confidentiality for  
10 Victims of Domestic Violence, Sexual Assault, Human  
11 Trafficking, or Stalking Act.

12 (eee) Information prohibited from being disclosed  
13 under subsection (b) of Section 75 of the Domestic  
14 Violence Fatality Review Act.

15 (fff) Images from cameras under the Expressway Camera  
16 Act and all automated license plate reader (ALPR)  
17 information used and collected by the Illinois State  
18 Police. "ALPR information" means information gathered by  
19 an ALPR or created from the analysis of data generated by  
20 an ALPR. This subsection (fff) is inoperative on and after  
21 July 1, 2028.

22 (ggg) Information prohibited from disclosure under  
23 paragraph (3) of subsection (a) of Section 14 of the Nurse  
24 Agency Licensing Act.

25 (hhh) Information submitted to the Illinois State  
26 Police in an affidavit or application for an assault

1           weapon endorsement, assault weapon attachment endorsement,  
2           .50 caliber rifle endorsement, or .50 caliber cartridge  
3           endorsement under the Firearm Owners Identification Card  
4           Act.

5           (iii) Data exempt from disclosure under Section 50 of  
6           the School Safety Drill Act.

7           (jjj) Information exempt from disclosure under Section  
8           30 of the Insurance Data Security Law.

9           (kkk) Confidential business information prohibited  
10          from disclosure under Section 45 of the Paint Stewardship  
11          Act.

12          (lll) Data exempt from disclosure under Section  
13          2-3.196 of the School Code.

14          (mmm) Information prohibited from being disclosed  
15          under subsection (e) of Section 1-129 of the Illinois  
16          Power Agency Act.

17          (nnn) Materials received by the Department of Commerce  
18          and Economic Opportunity that are confidential under the  
19          Music and Musicians Tax Credit and Jobs Act.

20          (ooo) Data or information provided pursuant to Section  
21          20 of the Statewide Recycling Needs and Assessment Act.

22          (ppp) Information that is exempt from disclosure under  
23          Section 28-11 of the Lawful Health Care Activity Act.

24          (qqq) Information that is exempt from disclosure under  
25          Section 7-101 of the Illinois Human Rights Act.

26          (rrr) Information prohibited from being disclosed

1 under Section 4-2 of the Uniform Money Transmission  
2 Modernization Act.

3 (sss) Information exempt from disclosure under Section  
4 40 of the Student-Athlete Endorsement Rights Act.

5 (ttt) Audio recordings made under Section 30 of the  
6 Illinois State Police Act, except to the extent authorized  
7 under that Section.

8 (uuu) Information prohibited from being disclosed  
9 under Section 30-5 of the Digital Assets Regulation Act.

10 (www) Information prohibited or exempt from being  
11 disclosed under the Transportation Network Driver Labor  
12 Relations Act.

13 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;  
14 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.  
15 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592,  
16 eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24;  
17 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff.  
18 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081,  
19 eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25;  
20 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; revised  
21 9-10-25.)

22 (Text of Section after amendment by P.A. 104-457 but  
23 before 104-441)

24 Sec. 7.5. Statutory exemptions. To the extent provided for  
25 by the statutes referenced below, the following shall be

1 exempt from inspection and copying:

2 (a) All information determined to be confidential  
3 under Section 4002 of the Technology Advancement and  
4 Development Act.

5 (b) Library circulation and order records identifying  
6 library users with specific materials under the Library  
7 Records Confidentiality Act.

8 (c) Applications, related documents, and medical  
9 records received by the Experimental Organ Transplantation  
10 Procedures Board and any and all documents or other  
11 records prepared by the Experimental Organ Transplantation  
12 Procedures Board or its staff relating to applications it  
13 has received.

14 (d) Information and records held by the Department of  
15 Public Health and its authorized representatives relating  
16 to known or suspected cases of sexually transmitted  
17 infection or any information the disclosure of which is  
18 restricted under the Illinois Sexually Transmitted  
19 Infection Control Act.

20 (e) Information the disclosure of which is exempted  
21 under Section 30 of the Radon Industry Licensing Act.

22 (f) Firm performance evaluations under Section 55 of  
23 the Architectural, Engineering, and Land Surveying  
24 Qualifications Based Selection Act.

25 (g) Information the disclosure of which is restricted  
26 and exempted under Section 50 of the Illinois Prepaid

1 Tuition Act.

2 (h) Information the disclosure of which is exempted  
3 under the State Officials and Employees Ethics Act, and  
4 records of any lawfully created State or local inspector  
5 general's office that would be exempt if created or  
6 obtained by an Executive Inspector General's office under  
7 that Act.

8 (i) Information contained in a local emergency energy  
9 plan submitted to a municipality in accordance with a  
10 local emergency energy plan ordinance that is adopted  
11 under Section 11-21.5-5 of the Illinois Municipal Code.

12 (j) Information and data concerning the distribution  
13 of surcharge moneys collected and remitted by carriers  
14 under the Emergency Telephone System Act.

15 (k) Law enforcement officer identification information  
16 or driver identification information compiled by a law  
17 enforcement agency or the Department of Transportation  
18 under Section 11-212 of the Illinois Vehicle Code.

19 (l) Records and information provided to a residential  
20 health care facility resident sexual assault and death  
21 review team or the Executive Council under the Abuse  
22 Prevention Review Team Act.

23 (m) Information provided to the predatory lending  
24 database created pursuant to Article 3 of the Residential  
25 Real Property Disclosure Act, except to the extent  
26 authorized under that Article.

1           (n) Defense budgets and petitions for certification of  
2           compensation and expenses for court appointed trial  
3           counsel as provided under Sections 10 and 15 of the  
4           Capital Crimes Litigation Act (repealed). This subsection  
5           (n) shall apply until the conclusion of the trial of the  
6           case, even if the prosecution chooses not to pursue the  
7           death penalty prior to trial or sentencing.

8           (o) Information that is prohibited from being  
9           disclosed under Section 4 of the Illinois Health and  
10          Hazardous Substances Registry Act.

11          (p) Security portions of system safety program plans,  
12          investigation reports, surveys, schedules, lists, data, or  
13          information compiled, collected, or prepared by or for the  
14          Department of Transportation under Sections 2705-300 and  
15          2705-616 of the Department of Transportation Law of the  
16          Civil Administrative Code of Illinois, the Northern  
17          Illinois Transit Authority under Section 2.11 of the  
18          Northern Illinois Transit Authority Act, or the St. Clair  
19          County Transit District under the Bi-State Transit Safety  
20          Act (repealed).

21          (q) Information prohibited from being disclosed by the  
22          Personnel Record Review Act.

23          (r) Information prohibited from being disclosed by the  
24          Illinois School Student Records Act.

25          (s) Information the disclosure of which is restricted  
26          under Section 5-108 of the Public Utilities Act.

1 (t) (Blank).

2 (u) Records and information provided to an independent  
3 team of experts under the Developmental Disability and  
4 Mental Health Safety Act (also known as Brian's Law).

5 (v) Names and information of people who have applied  
6 for or received Firearm Owner's Identification Cards under  
7 the Firearm Owners Identification Card Act or applied for  
8 or received a concealed carry license under the Firearm  
9 Concealed Carry Act, unless otherwise authorized by the  
10 Firearm Concealed Carry Act; and databases under the  
11 Firearm Concealed Carry Act, records of the Concealed  
12 Carry Licensing Review Board under the Firearm Concealed  
13 Carry Act, and law enforcement agency objections under the  
14 Firearm Concealed Carry Act.

15 (v-5) Records of the Firearm Owner's Identification  
16 Card Review Board that are exempted from disclosure under  
17 Section 10 of the Firearm Owners Identification Card Act.

18 (w) Personally identifiable information which is  
19 exempted from disclosure under subsection (g) of Section  
20 19.1 of the Toll Highway Act.

21 (x) Information which is exempted from disclosure  
22 under Section 5-1014.3 of the Counties Code or Section  
23 8-11-21 of the Illinois Municipal Code.

24 (y) Confidential information under the Adult  
25 Protective Services Act and its predecessor enabling  
26 statute, the Elder Abuse and Neglect Act, including

1 information about the identity and administrative finding  
2 against any caregiver of a verified and substantiated  
3 decision of abuse, neglect, or financial exploitation of  
4 an eligible adult maintained in the Registry established  
5 under Section 7.5 of the Adult Protective Services Act.

6 (z) Records and information provided to a fatality  
7 review team or the Illinois Fatality Review Team Advisory  
8 Council under Section 15 of the Adult Protective Services  
9 Act.

10 (aa) Information which is exempted from disclosure  
11 under Section 2.37 of the Wildlife Code.

12 (bb) Information which is or was prohibited from  
13 disclosure by the Juvenile Court Act of 1987.

14 (cc) Recordings made under the Law Enforcement  
15 Officer-Worn Body Camera Act, except to the extent  
16 authorized under that Act.

17 (dd) Information that is prohibited from being  
18 disclosed under Section 45 of the Condominium and Common  
19 Interest Community Ombudsperson Act.

20 (ee) Information that is exempted from disclosure  
21 under Section 30.1 of the Pharmacy Practice Act.

22 (ff) Information that is exempted from disclosure  
23 under the Revised Uniform Unclaimed Property Act.

24 (gg) Information that is prohibited from being  
25 disclosed under Section 7-603.5 of the Illinois Vehicle  
26 Code.

1 (hh) Records that are exempt from disclosure under  
2 Section 1A-16.7 of the Election Code.

3 (ii) Information which is exempted from disclosure  
4 under Section 2505-800 of the Department of Revenue Law of  
5 the Civil Administrative Code of Illinois.

6 (jj) Information and reports that are required to be  
7 submitted to the Department of Labor by registering day  
8 and temporary labor service agencies but are exempt from  
9 disclosure under subsection (a-1) of Section 45 of the Day  
10 and Temporary Labor Services Act.

11 (kk) Information prohibited from disclosure under the  
12 Seizure and Forfeiture Reporting Act.

13 (ll) Information the disclosure of which is restricted  
14 and exempted under Section 5-30.8 of the Illinois Public  
15 Aid Code.

16 (mm) Records that are exempt from disclosure under  
17 Section 4.2 of the Crime Victims Compensation Act.

18 (nn) Information that is exempt from disclosure under  
19 Section 70 of the Higher Education Student Assistance Act.

20 (oo) Communications, notes, records, and reports  
21 arising out of a peer support counseling session  
22 prohibited from disclosure under the First Responders  
23 Suicide Prevention Act.

24 (pp) Names and all identifying information relating to  
25 an employee of an emergency services provider or law  
26 enforcement agency under the First Responders Suicide

1 Prevention Act.

2 (qq) Information and records held by the Department of  
3 Public Health and its authorized representatives collected  
4 under the Reproductive Health Act.

5 (rr) Information that is exempt from disclosure under  
6 the Cannabis Regulation and Tax Act.

7 (ss) Data reported by an employer to the Department of  
8 Human Rights pursuant to Section 2-108 of the Illinois  
9 Human Rights Act.

10 (tt) Recordings made under the Children's Advocacy  
11 Center Act, except to the extent authorized under that  
12 Act.

13 (uu) Information that is exempt from disclosure under  
14 Section 50 of the Sexual Assault Evidence Submission Act.

15 (vv) Information that is exempt from disclosure under  
16 subsections (f) and (j) of Section 5-36 of the Illinois  
17 Public Aid Code.

18 (ww) Information that is exempt from disclosure under  
19 Section 16.8 of the State Treasurer Act.

20 (xx) Information that is exempt from disclosure or  
21 information that shall not be made public under the  
22 Illinois Insurance Code.

23 (yy) Information prohibited from being disclosed under  
24 the Illinois Educational Labor Relations Act.

25 (zz) Information prohibited from being disclosed under  
26 the Illinois Public Labor Relations Act.

1           (aaa) Information prohibited from being disclosed  
2 under Section 1-167 of the Illinois Pension Code.

3           (bbb) Information that is prohibited from disclosure  
4 by the Illinois Police Training Act and the Illinois State  
5 Police Act.

6           (ccc) Records exempt from disclosure under Section  
7 2605-304 of the Illinois State Police Law of the Civil  
8 Administrative Code of Illinois.

9           (ddd) Information prohibited from being disclosed  
10 under Section 35 of the Address Confidentiality for  
11 Victims of Domestic Violence, Sexual Assault, Human  
12 Trafficking, or Stalking Act.

13           (eee) Information prohibited from being disclosed  
14 under subsection (b) of Section 75 of the Domestic  
15 Violence Fatality Review Act.

16           (fff) Images from cameras under the Expressway Camera  
17 Act and all automated license plate reader (ALPR)  
18 information used and collected by the Illinois State  
19 Police. "ALPR information" means information gathered by  
20 an ALPR or created from the analysis of data generated by  
21 an ALPR. This subsection (fff) is inoperative on and after  
22 July 1, 2028.

23           (ggg) Information prohibited from disclosure under  
24 paragraph (3) of subsection (a) of Section 14 of the Nurse  
25 Agency Licensing Act.

26           (hhh) Information submitted to the Illinois State

1 Police in an affidavit or application for an assault  
2 weapon endorsement, assault weapon attachment endorsement,  
3 .50 caliber rifle endorsement, or .50 caliber cartridge  
4 endorsement under the Firearm Owners Identification Card  
5 Act.

6 (iii) Data exempt from disclosure under Section 50 of  
7 the School Safety Drill Act.

8 (jjj) Information exempt from disclosure under Section  
9 30 of the Insurance Data Security Law.

10 (kkk) Confidential business information prohibited  
11 from disclosure under Section 45 of the Paint Stewardship  
12 Act.

13 (lll) Data exempt from disclosure under Section  
14 2-3.196 of the School Code.

15 (mmm) Information prohibited from being disclosed  
16 under subsection (e) of Section 1-129 of the Illinois  
17 Power Agency Act.

18 (nnn) Materials received by the Department of Commerce  
19 and Economic Opportunity that are confidential under the  
20 Music and Musicians Tax Credit and Jobs Act.

21 (ooo) Data or information provided pursuant to Section  
22 20 of the Statewide Recycling Needs and Assessment Act.

23 (ppp) Information that is exempt from disclosure under  
24 Section 28-11 of the Lawful Health Care Activity Act.

25 (qqq) Information that is exempt from disclosure under  
26 Section 7-101 of the Illinois Human Rights Act.

1 (rrr) Information prohibited from being disclosed  
2 under Section 4-2 of the Uniform Money Transmission  
3 Modernization Act.

4 (sss) Information exempt from disclosure under Section  
5 40 of the Student-Athlete Endorsement Rights Act.

6 (ttt) Audio recordings made under Section 30 of the  
7 Illinois State Police Act, except to the extent authorized  
8 under that Section.

9 (uuu) Information prohibited from being disclosed  
10 under Section 30-5 of the Digital Assets Regulation Act.

11 (www) Information prohibited or exempt from being  
12 disclosed under the Transportation Network Driver Labor  
13 Relations Act.

14 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;  
15 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.  
16 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592,  
17 eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24;  
18 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff.  
19 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081,  
20 eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25;  
21 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; 104-457, eff.  
22 6-1-26; revised 1-7-26.)

23 (Text of Section after amendment by P.A. 104-441)

24 Sec. 7.5. Statutory exemptions. To the extent provided for  
25 by the statutes referenced below, the following shall be

1 exempt from inspection and copying:

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3 under Section 4002 of the Technology Advancement and  
4 Development Act.

5 (b) Library circulation and order records identifying  
6 library users with specific materials under the Library  
7 Records Confidentiality Act.

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9 records received by the Experimental Organ Transplantation  
10 Procedures Board and any and all documents or other  
11 records prepared by the Experimental Organ Transplantation  
12 Procedures Board or its staff relating to applications it  
13 has received.

14 (d) Information and records held by the Department of  
15 Public Health and its authorized representatives relating  
16 to known or suspected cases of sexually transmitted  
17 infection or any information the disclosure of which is  
18 restricted under the Illinois Sexually Transmitted  
19 Infection Control Act.

20 (e) Information the disclosure of which is exempted  
21 under Section 30 of the Radon Industry Licensing Act.

22 (f) Firm performance evaluations under Section 55 of  
23 the Architectural, Engineering, and Land Surveying  
24 Qualifications Based Selection Act.

25 (g) Information the disclosure of which is restricted  
26 and exempted under Section 50 of the Illinois Prepaid

1 Tuition Act.

2 (h) Information the disclosure of which is exempted  
3 under the State Officials and Employees Ethics Act, and  
4 records of any lawfully created State or local inspector  
5 general's office that would be exempt if created or  
6 obtained by an Executive Inspector General's office under  
7 that Act.

8 (i) Information contained in a local emergency energy  
9 plan submitted to a municipality in accordance with a  
10 local emergency energy plan ordinance that is adopted  
11 under Section 11-21.5-5 of the Illinois Municipal Code.

12 (j) Information and data concerning the distribution  
13 of surcharge moneys collected and remitted by carriers  
14 under the Emergency Telephone System Act.

15 (k) Law enforcement officer identification information  
16 or driver identification information compiled by a law  
17 enforcement agency or the Department of Transportation  
18 under Section 11-212 of the Illinois Vehicle Code.

19 (l) Records and information provided to a residential  
20 health care facility resident sexual assault and death  
21 review team or the Executive Council under the Abuse  
22 Prevention Review Team Act.

23 (m) Information provided to the predatory lending  
24 database created pursuant to Article 3 of the Residential  
25 Real Property Disclosure Act, except to the extent  
26 authorized under that Article.

1           (n) Defense budgets and petitions for certification of  
2           compensation and expenses for court appointed trial  
3           counsel as provided under Sections 10 and 15 of the  
4           Capital Crimes Litigation Act (repealed). This subsection  
5           (n) shall apply until the conclusion of the trial of the  
6           case, even if the prosecution chooses not to pursue the  
7           death penalty prior to trial or sentencing.

8           (o) Information that is prohibited from being  
9           disclosed under Section 4 of the Illinois Health and  
10          Hazardous Substances Registry Act.

11          (p) Security portions of system safety program plans,  
12          investigation reports, surveys, schedules, lists, data, or  
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14          Department of Transportation under Sections 2705-300 and  
15          2705-616 of the Department of Transportation Law of the  
16          Civil Administrative Code of Illinois, the Northern  
17          Illinois Transit Authority under Section 2.11 of the  
18          Northern Illinois Transit Authority Act, or the St. Clair  
19          County Transit District under the Bi-State Transit Safety  
20          Act (repealed).

21          (q) Information prohibited from being disclosed by the  
22          Personnel Record Review Act.

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26          under Section 5-108 of the Public Utilities Act.

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3 team of experts under the Developmental Disability and  
4 Mental Health Safety Act (also known as Brian's Law).

5 (v) Names and information of people who have applied  
6 for or received Firearm Owner's Identification Cards under  
7 the Firearm Owners Identification Card Act or applied for  
8 or received a concealed carry license under the Firearm  
9 Concealed Carry Act, unless otherwise authorized by the  
10 Firearm Concealed Carry Act; and databases under the  
11 Firearm Concealed Carry Act, records of the Concealed  
12 Carry Licensing Review Board under the Firearm Concealed  
13 Carry Act, and law enforcement agency objections under the  
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15 (v-5) Records of the Firearm Owner's Identification  
16 Card Review Board that are exempted from disclosure under  
17 Section 10 of the Firearm Owners Identification Card Act.

18 (w) Personally identifiable information which is  
19 exempted from disclosure under subsection (g) of Section  
20 19.1 of the Toll Highway Act.

21 (x) Information which is exempted from disclosure  
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25 Protective Services Act and its predecessor enabling  
26 statute, the Elder Abuse and Neglect Act, including

1 information about the identity and administrative finding  
2 against any caregiver of a verified and substantiated  
3 decision of abuse, neglect, or financial exploitation of  
4 an eligible adult maintained in the Registry established  
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6 (z) Records and information provided to a fatality  
7 review team or the Illinois Fatality Review Team Advisory  
8 Council under Section 15 of the Adult Protective Services  
9 Act.

10 (aa) Information which is exempted from disclosure  
11 under Section 2.37 of the Wildlife Code.

12 (bb) Information which is or was prohibited from  
13 disclosure by the Juvenile Court Act of 1987.

14 (cc) Recordings made under the Law Enforcement  
15 Officer-Worn Body Camera Act, except to the extent  
16 authorized under that Act.

17 (dd) Information that is prohibited from being  
18 disclosed under Section 45 of the Condominium and Common  
19 Interest Community Ombudsperson Act.

20 (ee) Information that is exempted from disclosure  
21 under Section 30.1 of the Pharmacy Practice Act.

22 (ff) Information that is exempted from disclosure  
23 under the Revised Uniform Unclaimed Property Act.

24 (gg) Information that is prohibited from being  
25 disclosed under Section 7-603.5 of the Illinois Vehicle  
26 Code.

1 (hh) Records that are exempt from disclosure under  
2 Section 1A-16.7 of the Election Code.

3 (ii) Information which is exempted from disclosure  
4 under Section 2505-800 of the Department of Revenue Law of  
5 the Civil Administrative Code of Illinois.

6 (jj) Information and reports that are required to be  
7 submitted to the Department of Labor by registering day  
8 and temporary labor service agencies but are exempt from  
9 disclosure under subsection (a-1) of Section 45 of the Day  
10 and Temporary Labor Services Act.

11 (kk) Information prohibited from disclosure under the  
12 Seizure and Forfeiture Reporting Act.

13 (ll) Information the disclosure of which is restricted  
14 and exempted under Section 5-30.8 of the Illinois Public  
15 Aid Code.

16 (mm) Records that are exempt from disclosure under  
17 Section 4.2 of the Crime Victims Compensation Act.

18 (nn) Information that is exempt from disclosure under  
19 Section 70 of the Higher Education Student Assistance Act.

20 (oo) Communications, notes, records, and reports  
21 arising out of a peer support counseling session  
22 prohibited from disclosure under the First Responders  
23 Suicide Prevention Act.

24 (pp) Names and all identifying information relating to  
25 an employee of an emergency services provider or law  
26 enforcement agency under the First Responders Suicide

1 Prevention Act.

2 (qq) Information and records held by the Department of  
3 Public Health and its authorized representatives collected  
4 under the Reproductive Health Act.

5 (rr) Information that is exempt from disclosure under  
6 the Cannabis Regulation and Tax Act.

7 (ss) Data reported by an employer to the Department of  
8 Human Rights pursuant to Section 2-108 of the Illinois  
9 Human Rights Act.

10 (tt) Recordings made under the Children's Advocacy  
11 Center Act, except to the extent authorized under that  
12 Act.

13 (uu) Information that is exempt from disclosure under  
14 Section 50 of the Sexual Assault Evidence Submission Act.

15 (vv) Information that is exempt from disclosure under  
16 subsections (f) and (j) of Section 5-36 of the Illinois  
17 Public Aid Code.

18 (ww) Information that is exempt from disclosure under  
19 Section 16.8 of the State Treasurer Act.

20 (xx) Information that is exempt from disclosure or  
21 information that shall not be made public under the  
22 Illinois Insurance Code.

23 (yy) Information prohibited from being disclosed under  
24 the Illinois Educational Labor Relations Act.

25 (zz) Information prohibited from being disclosed under  
26 the Illinois Public Labor Relations Act.

1           (aaa) Information prohibited from being disclosed  
2 under Section 1-167 of the Illinois Pension Code.

3           (bbb) Information that is prohibited from disclosure  
4 by the Illinois Police Training Act and the Illinois State  
5 Police Act.

6           (ccc) Records exempt from disclosure under Section  
7 2605-304 of the Illinois State Police Law of the Civil  
8 Administrative Code of Illinois.

9           (ddd) Information prohibited from being disclosed  
10 under Section 35 of the Address Confidentiality for  
11 Victims of Domestic Violence, Sexual Assault, Human  
12 Trafficking, or Stalking Act.

13           (eee) Information prohibited from being disclosed  
14 under subsection (b) of Section 75 of the Domestic  
15 Violence Fatality Review Act.

16           (fff) Images from cameras under the Expressway Camera  
17 Act and all automated license plate reader (ALPR)  
18 information used and collected by the Illinois State  
19 Police. "ALPR information" means information gathered by  
20 an ALPR or created from the analysis of data generated by  
21 an ALPR. This subsection (fff) is inoperative on and after  
22 July 1, 2028.

23           (ggg) Information prohibited from disclosure under  
24 paragraph (3) of subsection (a) of Section 14 of the Nurse  
25 Agency Licensing Act.

26           (hhh) Information submitted to the Illinois State

1 Police in an affidavit or application for an assault  
2 weapon endorsement, assault weapon attachment endorsement,  
3 .50 caliber rifle endorsement, or .50 caliber cartridge  
4 endorsement under the Firearm Owners Identification Card  
5 Act.

6 (iii) Data exempt from disclosure under Section 50 of  
7 the School Safety Drill Act.

8 (jjj) Information exempt from disclosure under Section  
9 30 of the Insurance Data Security Law.

10 (kkk) Confidential business information prohibited  
11 from disclosure under Section 45 of the Paint Stewardship  
12 Act.

13 (lll) Data exempt from disclosure under Section  
14 2-3.196 of the School Code.

15 (mmm) Information prohibited from being disclosed  
16 under subsection (e) of Section 1-129 of the Illinois  
17 Power Agency Act.

18 (nnn) Materials received by the Department of Commerce  
19 and Economic Opportunity that are confidential under the  
20 Music and Musicians Tax Credit and Jobs Act.

21 (ooo) Data or information provided pursuant to Section  
22 20 of the Statewide Recycling Needs and Assessment Act.

23 (ppp) Information that is exempt from disclosure under  
24 Section 28-11 of the Lawful Health Care Activity Act.

25 (qqq) Information that is exempt from disclosure under  
26 Section 7-101 of the Illinois Human Rights Act.

1 (rrr) Information prohibited from being disclosed  
2 under Section 4-2 of the Uniform Money Transmission  
3 Modernization Act.

4 (sss) Information exempt from disclosure under Section  
5 40 of the Student-Athlete Endorsement Rights Act.

6 (ttt) Audio recordings made under Section 30 of the  
7 Illinois State Police Act, except to the extent authorized  
8 under that Section.

9 (uuu) Information prohibited from being disclosed  
10 under Section 30-5 of the Digital Assets Regulation Act.

11 (vvv) ~~(uuu)~~ Information exempt from disclosure under  
12 Section 70 of the End-of-Life Options for Terminally Ill  
13 Patients Act.

14 (www) Information prohibited or exempt from being  
15 disclosed under the Transportation Network Driver Labor  
16 Relations Act.

17 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;  
18 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.  
19 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592,  
20 eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24;  
21 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff.  
22 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081,  
23 eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25;  
24 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; 104-441, eff.  
25 9-12-26; 104-457, eff. 6-1-26; revised 1-7-26.)

1 Section 908. The Illinois Procurement Code is amended by  
2 changing Section 1-10 as follows:

3 (30 ILCS 500/1-10)

4 (Text of Section before amendment by P.A. 104-458)

5 Sec. 1-10. Application.

6 (a) This Code applies only to procurements for which  
7 bidders, offerors, potential contractors, or contractors were  
8 first solicited on or after July 1, 1998. This Code shall not  
9 be construed to affect or impair any contract, or any  
10 provision of a contract, entered into based on a solicitation  
11 prior to the implementation date of this Code as described in  
12 Article 99, including, but not limited to, any covenant  
13 entered into with respect to any revenue bonds or similar  
14 instruments. All procurements for which contracts are  
15 solicited between the effective date of Articles 50 and 99 and  
16 July 1, 1998 shall be substantially in accordance with this  
17 Code and its intent.

18 (b) This Code shall apply regardless of the source of the  
19 funds with which the contracts are paid, including federal  
20 assistance moneys. This Code shall not apply to:

21 (1) Contracts between the State and its political  
22 subdivisions or other governments, or between State  
23 governmental bodies, except as specifically provided in  
24 this Code.

25 (2) Grants, except for the filing requirements of

1 Section 20-80.

2 (3) Purchase of care, except as provided in Section  
3 5-30.6 of the Illinois Public Aid Code and this Section.

4 (4) Hiring of an individual as an employee and not as  
5 an independent contractor, whether pursuant to an  
6 employment code or policy or by contract directly with  
7 that individual.

8 (5) Collective bargaining contracts.

9 (6) Purchase of real estate, except that notice of  
10 this type of contract with a value of more than \$25,000  
11 must be published in the Procurement Bulletin within 10  
12 calendar days after the deed is recorded in the county of  
13 jurisdiction. The notice shall identify the real estate  
14 purchased, the names of all parties to the contract, the  
15 value of the contract, and the effective date of the  
16 contract.

17 (7) Contracts necessary to prepare for anticipated  
18 litigation, enforcement actions, or investigations,  
19 provided that the chief legal counsel to the Governor  
20 shall give his or her prior approval when the procuring  
21 agency is one subject to the jurisdiction of the Governor,  
22 and provided that the chief legal counsel of any other  
23 procuring entity subject to this Code shall give his or  
24 her prior approval when the procuring entity is not one  
25 subject to the jurisdiction of the Governor.

26 (8) (Blank).

1           (9) Procurement expenditures by the Illinois  
2 Conservation Foundation when only private funds are used.

3           (10) (Blank).

4           (11) Public-private agreements entered into according  
5 to the procurement requirements of Section 20 of the  
6 Public-Private Partnerships for Transportation Act and  
7 design-build agreements entered into according to the  
8 procurement requirements of Section 25 of the  
9 Public-Private Partnerships for Transportation Act.

10          (12) (A) Contracts for legal, financial, and other  
11 professional and artistic services entered into by the  
12 Illinois Finance Authority in which the State of Illinois  
13 is not obligated. Such contracts shall be awarded through  
14 a competitive process authorized by the members of the  
15 Illinois Finance Authority and are subject to Sections  
16 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,  
17 as well as the final approval by the members of the  
18 Illinois Finance Authority of the terms of the contract.

19          (B) Contracts for legal and financial services entered  
20 into by the Illinois Housing Development Authority in  
21 connection with the issuance of bonds in which the State  
22 of Illinois is not obligated. Such contracts shall be  
23 awarded through a competitive process authorized by the  
24 members of the Illinois Housing Development Authority and  
25 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,  
26 and 50-37 of this Code, as well as the final approval by

1 the members of the Illinois Housing Development Authority  
2 of the terms of the contract.

3 (13) Contracts for services, commodities, and  
4 equipment to support the delivery of timely forensic  
5 science services in consultation with and subject to the  
6 approval of the Chief Procurement Officer as provided in  
7 subsection (d) of Section 5-4-3a of the Unified Code of  
8 Corrections, except for the requirements of Sections  
9 20-60, 20-65, 20-70, and 20-160 and Article 50 of this  
10 Code; however, the Chief Procurement Officer may, in  
11 writing with justification, waive any certification  
12 required under Article 50 of this Code. For any contracts  
13 for services which are currently provided by members of a  
14 collective bargaining agreement, the applicable terms of  
15 the collective bargaining agreement concerning  
16 subcontracting shall be followed.

17 On and after January 1, 2019, this paragraph (13),  
18 except for this sentence, is inoperative.

19 (14) Contracts for participation expenditures required  
20 by a domestic or international trade show or exhibition of  
21 an exhibitor, member, or sponsor.

22 (15) Contracts with a railroad or utility that  
23 requires the State to reimburse the railroad or utilities  
24 for the relocation of utilities for construction or other  
25 public purpose. Contracts included within this paragraph  
26 (15) shall include, but not be limited to, those

1 associated with: relocations, crossings, installations,  
2 and maintenance. For the purposes of this paragraph (15),  
3 "railroad" means any form of non-highway ground  
4 transportation that runs on rails or electromagnetic  
5 guideways and "utility" means: (1) public utilities as  
6 defined in Section 3-105 of the Public Utilities Act, (2)  
7 telecommunications carriers as defined in Section 13-202  
8 of the Public Utilities Act, (3) electric cooperatives as  
9 defined in Section 3.4 of the Electric Supplier Act, (4)  
10 telephone or telecommunications cooperatives as defined in  
11 Section 13-212 of the Public Utilities Act, (5) rural  
12 water or wastewater ~~waste-water~~ systems with 10,000  
13 connections or less, (6) a holder as defined in Section  
14 21-201 of the Public Utilities Act, and (7) municipalities  
15 owning or operating utility systems consisting of public  
16 utilities as that term is defined in Section 11-117-2 of  
17 the Illinois Municipal Code.

18 (16) Procurement expenditures necessary for the  
19 Department of Public Health to provide the delivery of  
20 timely newborn screening services in accordance with the  
21 Newborn Metabolic Screening Act.

22 (17) Procurement expenditures necessary for the  
23 Department of Agriculture, the Department of Financial and  
24 Professional Regulation, the Department of Human Services,  
25 and the Department of Public Health to implement the  
26 Compassionate Use of Medical Cannabis Program and Opioid

1 Alternative Pilot Program requirements and ensure access  
2 to medical cannabis for patients with debilitating medical  
3 conditions in accordance with the Compassionate Use of  
4 Medical Cannabis Program Act.

5 (18) This Code does not apply to any procurements  
6 necessary for the Department of Agriculture, the  
7 Department of Financial and Professional Regulation, the  
8 Department of Human Services, the Department of Commerce  
9 and Economic Opportunity, and the Department of Public  
10 Health to implement the Cannabis Regulation and Tax Act if  
11 the applicable agency has made a good faith determination  
12 that it is necessary and appropriate for the expenditure  
13 to fall within this exemption and if the process is  
14 conducted in a manner substantially in accordance with the  
15 requirements of Sections 20-160, 25-60, 30-22, 50-5,  
16 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,  
17 50-36, 50-37, 50-38, and 50-50 of this Code; however, for  
18 Section 50-35, compliance applies only to contracts or  
19 subcontracts over \$100,000. Notice of each contract  
20 entered into under this paragraph (18) that is related to  
21 the procurement of goods and services identified in  
22 paragraph (1) through (9) of this subsection shall be  
23 published in the Procurement Bulletin within 14 calendar  
24 days after contract execution. The Chief Procurement  
25 Officer shall prescribe the form and content of the  
26 notice. Each agency shall provide the Chief Procurement

1 Officer, on a monthly basis, in the form and content  
2 prescribed by the Chief Procurement Officer, a report of  
3 contracts that are related to the procurement of goods and  
4 services identified in this subsection. At a minimum, this  
5 report shall include the name of the contractor, a  
6 description of the supply or service provided, the total  
7 amount of the contract, the term of the contract, and the  
8 exception to this Code utilized. A copy of any or all of  
9 these contracts shall be made available to the Chief  
10 Procurement Officer immediately upon request. The Chief  
11 Procurement Officer shall submit a report to the Governor  
12 and General Assembly no later than November 1 of each year  
13 that includes, at a minimum, an annual summary of the  
14 monthly information reported to the Chief Procurement  
15 Officer. This exemption becomes inoperative 5 years after  
16 June 25, 2019 (the effective date of Public Act 101-27).

17 (19) Acquisition of modifications or adjustments,  
18 limited to assistive technology devices and assistive  
19 technology services, adaptive equipment, repairs, and  
20 replacement parts to provide reasonable accommodations (i)  
21 that enable a qualified applicant with a disability to  
22 complete the job application process and be considered for  
23 the position such qualified applicant desires, (ii) that  
24 modify or adjust the work environment to enable a  
25 qualified current employee with a disability to perform  
26 the essential functions of the position held by that

1 employee, (iii) to enable a qualified current employee  
2 with a disability to enjoy equal benefits and privileges  
3 of employment as are enjoyed by other similarly situated  
4 employees without disabilities, and (iv) that allow a  
5 customer, client, claimant, or member of the public  
6 seeking State services full use and enjoyment of and  
7 access to its programs, services, or benefits.

8 For purposes of this paragraph (19):

9 "Assistive technology devices" means any item, piece  
10 of equipment, or product system, whether acquired  
11 commercially off the shelf, modified, or customized, that  
12 is used to increase, maintain, or improve functional  
13 capabilities of individuals with disabilities.

14 "Assistive technology services" means any service that  
15 directly assists an individual with a disability in  
16 selection, acquisition, or use of an assistive technology  
17 device.

18 "Qualified" has the same meaning and use as provided  
19 under the federal Americans with Disabilities Act when  
20 describing an individual with a disability.

21 (20) Procurement expenditures necessary for the  
22 Illinois Commerce Commission to hire third-party  
23 facilitators pursuant to Sections 16-105.17 and 16-108.18  
24 of the Public Utilities Act or an ombudsman pursuant to  
25 Section 16-107.5 of the Public Utilities Act, a  
26 facilitator pursuant to Section 16-105.17 of the Public

1 Utilities Act, or a grid auditor pursuant to Section  
2 16-105.10 of the Public Utilities Act.

3 (21) Procurement expenditures for the purchase,  
4 renewal, and expansion of software, software licenses, or  
5 software maintenance agreements that support the efforts  
6 of the Illinois State Police to enforce, regulate, and  
7 administer the Firearm Owners Identification Card Act, the  
8 Firearm Concealed Carry Act, the Firearms Restraining  
9 Order Act, the Firearm Dealer License Certification Act,  
10 the Law Enforcement Agencies Data System (LEADS), the  
11 Uniform Crime Reporting Act, the Criminal Identification  
12 Act, the Illinois Uniform Conviction Information Act, and  
13 the Gun Trafficking Information Act, or establish or  
14 maintain record management systems necessary to conduct  
15 human trafficking investigations or gun trafficking or  
16 other stolen firearm investigations. This paragraph (21)  
17 applies to contracts entered into on or after January 10,  
18 2023 (the effective date of Public Act 102-1116) and the  
19 renewal of contracts that are in effect on January 10,  
20 2023 (the effective date of Public Act 102-1116).

21 (22) Contracts for project management services and  
22 system integration services required for the completion of  
23 the State's enterprise resource planning project. This  
24 exemption becomes inoperative 5 years after June 7, 2023  
25 (the effective date of the changes made to this Section by  
26 Public Act 103-8). This paragraph (22) applies to

1 contracts entered into on or after June 7, 2023 (the  
2 effective date of the changes made to this Section by  
3 Public Act 103-8) and the renewal of contracts that are in  
4 effect on June 7, 2023 (the effective date of the changes  
5 made to this Section by Public Act 103-8).

6 (23) Procurements necessary for the Department of  
7 Insurance to implement the Illinois Health Benefits  
8 Exchange Law if the Department of Insurance has made a  
9 good faith determination that it is necessary and  
10 appropriate for the expenditure to fall within this  
11 exemption. The procurement process shall be conducted in a  
12 manner substantially in accordance with the requirements  
13 of Sections 20-160 and 25-60 and Article 50 of this Code. A  
14 copy of these contracts shall be made available to the  
15 Chief Procurement Officer immediately upon request. This  
16 paragraph is inoperative 5 years after June 27, 2023 (the  
17 effective date of Public Act 103-103).

18 (24) Contracts for public education programming,  
19 noncommercial sustaining announcements, public service  
20 announcements, and public awareness and education  
21 messaging with the nonprofit trade associations of the  
22 providers of those services that inform the public on  
23 immediate and ongoing health and safety risks and hazards.

24 (25) Procurements necessary for the Department of  
25 Early Childhood to implement the Department of Early  
26 Childhood Act if the Department has made a good faith

1 determination that it is necessary and appropriate for the  
2 expenditure to fall within this exemption. This exemption  
3 shall only be used for products and services procured  
4 solely for use by the Department of Early Childhood. The  
5 procurements may include those necessary to design and  
6 build integrated, operational systems of programs and  
7 services. The procurements may include, but are not  
8 limited to, those necessary to align and update program  
9 standards, integrate funding systems, design and establish  
10 data and reporting systems, align and update models for  
11 technical assistance and professional development, design  
12 systems to manage grants and ensure compliance, design and  
13 implement management and operational structures, and  
14 establish new means of engaging with families, educators,  
15 providers, and stakeholders. The procurement processes  
16 shall be conducted in a manner substantially in accordance  
17 with the requirements of Article 50 (ethics) and Sections  
18 5-5 (Procurement Policy Board), 5-7 (Commission on Equity  
19 and Inclusion), 20-80 (contract files), 20-120  
20 (subcontractors), 20-155 (paperwork), 20-160  
21 (ethics/campaign contribution prohibitions), 25-60  
22 (prevailing wage), and 25-90 (prohibited and authorized  
23 cybersecurity) of this Code. Beginning January 1, 2025,  
24 the Department of Early Childhood shall provide a  
25 quarterly report to the General Assembly detailing a list  
26 of expenditures and contracts for which the Department

1 uses this exemption. This paragraph is inoperative on and  
2 after July 1, 2027.

3 (26) Procurements that are necessary for increasing  
4 the recruitment and retention of State employees,  
5 particularly minority candidates for employment,  
6 including:

7 (A) procurements related to registration fees for  
8 job fairs and other outreach and recruitment events;

9 (B) production of recruitment materials; and

10 (C) other services related to recruitment and  
11 retention of State employees.

12 The exemption under this paragraph (26) applies only  
13 if the State agency has made a good faith determination  
14 that it is necessary and appropriate for the expenditure  
15 to fall within this paragraph (26). The procurement  
16 process under this paragraph (26) shall be conducted in a  
17 manner substantially in accordance with the requirements  
18 of Sections 20-160 and 25-60 and Article 50 of this Code. A  
19 copy of these contracts shall be made available to the  
20 Chief Procurement Officer immediately upon request.  
21 Nothing in this paragraph (26) authorizes the replacement  
22 or diminishment of State responsibilities in hiring or the  
23 positions that effectuate that hiring. This paragraph (26)  
24 is inoperative on and after June 30, 2029.

25 (27) Procurements necessary for the Department of  
26 Healthcare and Family Services to implement changes to the

1 State's Integrated Eligibility System to ensure the  
2 system's compliance with federal implementation mandates  
3 and deadlines, if the Department of Healthcare and Family  
4 Services has made a good faith determination that it is  
5 necessary and appropriate for the procurement to fall  
6 within this exemption.

7 (28) Procurements necessary for the Illinois Labor  
8 Relations Board to contract with a neutral body to provide  
9 any of the data or information collection, storage,  
10 management, manipulation, analysis, certification, and  
11 election services required under the Transportation  
12 Network Driver Labor Relations Act, and to contract for  
13 court reporting services, required under the  
14 Transportation Network Driver Labor Relations Act or the  
15 Illinois Public Labor Relations Act, where the Illinois  
16 Labor Relations Board determines in good faith such  
17 services are necessary to carry out its statutory duties.  
18 The procurement process shall be conducted in a manner  
19 substantially in accordance with the requirements of  
20 Sections 20-160 and Article 50 of this Code. A copy of any  
21 contract entered into under this paragraph shall be made  
22 available to the Chief Procurement Officer upon request.

23 Notwithstanding any other provision of law, for contracts  
24 with an annual value of more than \$100,000 entered into on or  
25 after October 1, 2017 under an exemption provided in any  
26 paragraph of this subsection (b), except paragraph (1), (2),

1 or (5), each State agency shall post to the appropriate  
2 procurement bulletin the name of the contractor, a description  
3 of the supply or service provided, the total amount of the  
4 contract, the term of the contract, and the exception to the  
5 Code utilized. The chief procurement officer shall submit a  
6 report to the Governor and General Assembly no later than  
7 November 1 of each year that shall include, at a minimum, an  
8 annual summary of the monthly information reported to the  
9 chief procurement officer.

10 (c) This Code does not apply to the electric power  
11 procurement process provided for under Section 1-75 of the  
12 Illinois Power Agency Act and Section 16-111.5 of the Public  
13 Utilities Act. This Code does not apply to the procurement of  
14 technical and policy experts pursuant to Section 1-129 of the  
15 Illinois Power Agency Act.

16 (d) Except for Section 20-160 and Article 50 of this Code,  
17 and as expressly required by Section 9.1 of the Illinois  
18 Lottery Law, the provisions of this Code do not apply to the  
19 procurement process provided for under Section 9.1 of the  
20 Illinois Lottery Law.

21 (e) This Code does not apply to the process used by the  
22 Capital Development Board to retain a person or entity to  
23 assist the Capital Development Board with its duties related  
24 to the determination of costs of a clean coal SNG brownfield  
25 facility, as defined by Section 1-10 of the Illinois Power  
26 Agency Act, as required in subsection (h-3) of Section 9-220

1 of the Public Utilities Act, including calculating the range  
2 of capital costs, the range of operating and maintenance  
3 costs, or the sequestration costs or monitoring the  
4 construction of clean coal SNG brownfield facility for the  
5 full duration of construction.

6 (f) (Blank).

7 (g) (Blank).

8 (h) This Code does not apply to the process to procure or  
9 contracts entered into in accordance with Sections 11-5.2 and  
10 11-5.3 of the Illinois Public Aid Code.

11 (i) Each chief procurement officer may access records  
12 necessary to review whether a contract, purchase, or other  
13 expenditure is or is not subject to the provisions of this  
14 Code, unless such records would be subject to attorney-client  
15 privilege.

16 (j) This Code does not apply to the process used by the  
17 Capital Development Board to retain an artist or work or works  
18 of art as required in Section 14 of the Capital Development  
19 Board Act.

20 (k) This Code does not apply to the process to procure  
21 contracts, or contracts entered into, by the State Board of  
22 Elections or the State Electoral Board for hearing officers  
23 appointed pursuant to the Election Code.

24 (l) This Code does not apply to the processes used by the  
25 Illinois Student Assistance Commission to procure supplies and  
26 services paid for from the private funds of the Illinois

1 Prepaid Tuition Fund. As used in this subsection (l), "private  
2 funds" means funds derived from deposits paid into the  
3 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

4 (m) This Code shall apply regardless of the source of  
5 funds with which contracts are paid, including federal  
6 assistance moneys. Except as specifically provided in this  
7 Code, this Code shall not apply to procurement expenditures  
8 necessary for the Department of Public Health to conduct the  
9 Healthy Illinois Survey in accordance with Section 2310-431 of  
10 the Department of Public Health Powers and Duties Law of the  
11 Civil Administrative Code of Illinois.

12 (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;  
13 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.  
14 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,  
15 eff. 6-16-25; 104-417, eff. 8-15-25)

16 (Text of Section after amendment by P.A. 104-458)

17 Sec. 1-10. Application.

18 (a) This Code applies only to procurements for which  
19 bidders, offerors, potential contractors, or contractors were  
20 first solicited on or after July 1, 1998. This Code shall not  
21 be construed to affect or impair any contract, or any  
22 provision of a contract, entered into based on a solicitation  
23 prior to the implementation date of this Code as described in  
24 Article 99, including, but not limited to, any covenant  
25 entered into with respect to any revenue bonds or similar

1 instruments. All procurements for which contracts are  
2 solicited between the effective date of Articles 50 and 99 and  
3 July 1, 1998 shall be substantially in accordance with this  
4 Code and its intent.

5 (b) This Code shall apply regardless of the source of the  
6 funds with which the contracts are paid, including federal  
7 assistance moneys. This Code shall not apply to:

8 (1) Contracts between the State and its political  
9 subdivisions or other governments, or between State  
10 governmental bodies, except as specifically provided in  
11 this Code.

12 (2) Grants, except for the filing requirements of  
13 Section 20-80.

14 (3) Purchase of care, except as provided in Section  
15 5-30.6 of the Illinois Public Aid Code and this Section.

16 (4) Hiring of an individual as an employee and not as  
17 an independent contractor, whether pursuant to an  
18 employment code or policy or by contract directly with  
19 that individual.

20 (5) Collective bargaining contracts.

21 (6) Purchase of real estate, except that notice of  
22 this type of contract with a value of more than \$25,000  
23 must be published in the Procurement Bulletin within 10  
24 calendar days after the deed is recorded in the county of  
25 jurisdiction. The notice shall identify the real estate  
26 purchased, the names of all parties to the contract, the

1 value of the contract, and the effective date of the  
2 contract.

3 (7) Contracts necessary to prepare for anticipated  
4 litigation, enforcement actions, or investigations,  
5 provided that the chief legal counsel to the Governor  
6 shall give his or her prior approval when the procuring  
7 agency is one subject to the jurisdiction of the Governor,  
8 and provided that the chief legal counsel of any other  
9 procuring entity subject to this Code shall give his or  
10 her prior approval when the procuring entity is not one  
11 subject to the jurisdiction of the Governor.

12 (8) (Blank).

13 (9) Procurement expenditures by the Illinois  
14 Conservation Foundation when only private funds are used.

15 (10) (Blank).

16 (11) Public-private agreements entered into according  
17 to the procurement requirements of Section 20 of the  
18 Public-Private Partnerships for Transportation Act and  
19 design-build agreements entered into according to the  
20 procurement requirements of Section 25 of the  
21 Public-Private Partnerships for Transportation Act.

22 (12) (A) Contracts for legal, financial, and other  
23 professional and artistic services entered into by the  
24 Illinois Finance Authority in which the State of Illinois  
25 is not obligated. Such contracts shall be awarded through  
26 a competitive process authorized by the members of the

1 Illinois Finance Authority and are subject to Sections  
2 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,  
3 as well as the final approval by the members of the  
4 Illinois Finance Authority of the terms of the contract.

5 (B) Contracts for legal and financial services entered  
6 into by the Illinois Housing Development Authority in  
7 connection with the issuance of bonds in which the State  
8 of Illinois is not obligated. Such contracts shall be  
9 awarded through a competitive process authorized by the  
10 members of the Illinois Housing Development Authority and  
11 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,  
12 and 50-37 of this Code, as well as the final approval by  
13 the members of the Illinois Housing Development Authority  
14 of the terms of the contract.

15 (13) Contracts for services, commodities, and  
16 equipment to support the delivery of timely forensic  
17 science services in consultation with and subject to the  
18 approval of the Chief Procurement Officer as provided in  
19 subsection (d) of Section 5-4-3a of the Unified Code of  
20 Corrections, except for the requirements of Sections  
21 20-60, 20-65, 20-70, and 20-160 and Article 50 of this  
22 Code; however, the Chief Procurement Officer may, in  
23 writing with justification, waive any certification  
24 required under Article 50 of this Code. For any contracts  
25 for services which are currently provided by members of a  
26 collective bargaining agreement, the applicable terms of

1 the collective bargaining agreement concerning  
2 subcontracting shall be followed.

3 On and after January 1, 2019, this paragraph (13),  
4 except for this sentence, is inoperative.

5 (14) Contracts for participation expenditures required  
6 by a domestic or international trade show or exhibition of  
7 an exhibitor, member, or sponsor.

8 (15) Contracts with a railroad or utility that  
9 requires the State to reimburse the railroad or utilities  
10 for the relocation of utilities for construction or other  
11 public purpose. Contracts included within this paragraph  
12 (15) shall include, but not be limited to, those  
13 associated with: relocations, crossings, installations,  
14 and maintenance. For the purposes of this paragraph (15),  
15 "railroad" means any form of non-highway ground  
16 transportation that runs on rails or electromagnetic  
17 guideways and "utility" means: (1) public utilities as  
18 defined in Section 3-105 of the Public Utilities Act, (2)  
19 telecommunications carriers as defined in Section 13-202  
20 of the Public Utilities Act, (3) electric cooperatives as  
21 defined in Section 3.4 of the Electric Supplier Act, (4)  
22 telephone or telecommunications cooperatives as defined in  
23 Section 13-212 of the Public Utilities Act, (5) rural  
24 water or wastewater ~~waste-water~~ systems with 10,000  
25 connections or less, (6) a holder as defined in Section  
26 21-201 of the Public Utilities Act, and (7) municipalities

1 owning or operating utility systems consisting of public  
2 utilities as that term is defined in Section 11-117-2 of  
3 the Illinois Municipal Code.

4 (16) Procurement expenditures necessary for the  
5 Department of Public Health to provide the delivery of  
6 timely newborn screening services in accordance with the  
7 Newborn Metabolic Screening Act.

8 (17) Procurement expenditures necessary for the  
9 Department of Agriculture, the Department of Financial and  
10 Professional Regulation, the Department of Human Services,  
11 and the Department of Public Health to implement the  
12 Compassionate Use of Medical Cannabis Program and Opioid  
13 Alternative Pilot Program requirements and ensure access  
14 to medical cannabis for patients with debilitating medical  
15 conditions in accordance with the Compassionate Use of  
16 Medical Cannabis Program Act.

17 (18) This Code does not apply to any procurements  
18 necessary for the Department of Agriculture, the  
19 Department of Financial and Professional Regulation, the  
20 Department of Human Services, the Department of Commerce  
21 and Economic Opportunity, and the Department of Public  
22 Health to implement the Cannabis Regulation and Tax Act if  
23 the applicable agency has made a good faith determination  
24 that it is necessary and appropriate for the expenditure  
25 to fall within this exemption and if the process is  
26 conducted in a manner substantially in accordance with the

1 requirements of Sections 20-160, 25-60, 30-22, 50-5,  
2 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,  
3 50-36, 50-37, 50-38, and 50-50 of this Code; however, for  
4 Section 50-35, compliance applies only to contracts or  
5 subcontracts over \$100,000. Notice of each contract  
6 entered into under this paragraph (18) that is related to  
7 the procurement of goods and services identified in  
8 paragraph (1) through (9) of this subsection shall be  
9 published in the Procurement Bulletin within 14 calendar  
10 days after contract execution. The Chief Procurement  
11 Officer shall prescribe the form and content of the  
12 notice. Each agency shall provide the Chief Procurement  
13 Officer, on a monthly basis, in the form and content  
14 prescribed by the Chief Procurement Officer, a report of  
15 contracts that are related to the procurement of goods and  
16 services identified in this subsection. At a minimum, this  
17 report shall include the name of the contractor, a  
18 description of the supply or service provided, the total  
19 amount of the contract, the term of the contract, and the  
20 exception to this Code utilized. A copy of any or all of  
21 these contracts shall be made available to the Chief  
22 Procurement Officer immediately upon request. The Chief  
23 Procurement Officer shall submit a report to the Governor  
24 and General Assembly no later than November 1 of each year  
25 that includes, at a minimum, an annual summary of the  
26 monthly information reported to the Chief Procurement

1 Officer. This exemption becomes inoperative 5 years after  
2 June 25, 2019 (the effective date of Public Act 101-27).

3 (19) Acquisition of modifications or adjustments,  
4 limited to assistive technology devices and assistive  
5 technology services, adaptive equipment, repairs, and  
6 replacement parts to provide reasonable accommodations (i)  
7 that enable a qualified applicant with a disability to  
8 complete the job application process and be considered for  
9 the position such qualified applicant desires, (ii) that  
10 modify or adjust the work environment to enable a  
11 qualified current employee with a disability to perform  
12 the essential functions of the position held by that  
13 employee, (iii) to enable a qualified current employee  
14 with a disability to enjoy equal benefits and privileges  
15 of employment as are enjoyed by other similarly situated  
16 employees without disabilities, and (iv) that allow a  
17 customer, client, claimant, or member of the public  
18 seeking State services full use and enjoyment of and  
19 access to its programs, services, or benefits.

20 For purposes of this paragraph (19):

21 "Assistive technology devices" means any item, piece  
22 of equipment, or product system, whether acquired  
23 commercially off the shelf, modified, or customized, that  
24 is used to increase, maintain, or improve functional  
25 capabilities of individuals with disabilities.

26 "Assistive technology services" means any service that

1 directly assists an individual with a disability in  
2 selection, acquisition, or use of an assistive technology  
3 device.

4 "Qualified" has the same meaning and use as provided  
5 under the federal Americans with Disabilities Act when  
6 describing an individual with a disability.

7 (20) Procurement expenditures necessary for the  
8 Illinois Commerce Commission to hire third-party  
9 facilitators pursuant to Sections 16-105.17 and 16-108.18  
10 of the Public Utilities Act or an ombudsman pursuant to  
11 Section 16-107.5 of the Public Utilities Act, a  
12 facilitator pursuant to Section 16-105.17 of the Public  
13 Utilities Act, a grid auditor pursuant to Section  
14 16-105.10 of the Public Utilities Act, a facilitator,  
15 expert, or consultant pursuant to Sections 16-126.2 and  
16 16-202 of the Public Utilities Act, a procurement monitor  
17 pursuant to Section 16-111.5 of the Public Utilities Act,  
18 an ombudsperson pursuant to Section 20-145 of the Public  
19 Utilities Act, or consultants and experts pursuant to  
20 Section 5-15 of the Utility Data Access Act.

21 (21) Procurement expenditures for the purchase,  
22 renewal, and expansion of software, software licenses, or  
23 software maintenance agreements that support the efforts  
24 of the Illinois State Police to enforce, regulate, and  
25 administer the Firearm Owners Identification Card Act, the  
26 Firearm Concealed Carry Act, the Firearms Restraining

1 Order Act, the Firearm Dealer License Certification Act,  
2 the Law Enforcement Agencies Data System (LEADS), the  
3 Uniform Crime Reporting Act, the Criminal Identification  
4 Act, the Illinois Uniform Conviction Information Act, and  
5 the Gun Trafficking Information Act, or establish or  
6 maintain record management systems necessary to conduct  
7 human trafficking investigations or gun trafficking or  
8 other stolen firearm investigations. This paragraph (21)  
9 applies to contracts entered into on or after January 10,  
10 2023 (the effective date of Public Act 102-1116) and the  
11 renewal of contracts that are in effect on January 10,  
12 2023 (the effective date of Public Act 102-1116).

13 (22) Contracts for project management services and  
14 system integration services required for the completion of  
15 the State's enterprise resource planning project. This  
16 exemption becomes inoperative 5 years after June 7, 2023  
17 (the effective date of the changes made to this Section by  
18 Public Act 103-8). This paragraph (22) applies to  
19 contracts entered into on or after June 7, 2023 (the  
20 effective date of the changes made to this Section by  
21 Public Act 103-8) and the renewal of contracts that are in  
22 effect on June 7, 2023 (the effective date of the changes  
23 made to this Section by Public Act 103-8).

24 (23) Procurements necessary for the Department of  
25 Insurance to implement the Illinois Health Benefits  
26 Exchange Law if the Department of Insurance has made a

1 good faith determination that it is necessary and  
2 appropriate for the expenditure to fall within this  
3 exemption. The procurement process shall be conducted in a  
4 manner substantially in accordance with the requirements  
5 of Sections 20-160 and 25-60 and Article 50 of this Code. A  
6 copy of these contracts shall be made available to the  
7 Chief Procurement Officer immediately upon request. This  
8 paragraph is inoperative 5 years after June 27, 2023 (the  
9 effective date of Public Act 103-103).

10 (24) Contracts for public education programming,  
11 noncommercial sustaining announcements, public service  
12 announcements, and public awareness and education  
13 messaging with the nonprofit trade associations of the  
14 providers of those services that inform the public on  
15 immediate and ongoing health and safety risks and hazards.

16 (25) Procurements necessary for the Department of  
17 Early Childhood to implement the Department of Early  
18 Childhood Act if the Department has made a good faith  
19 determination that it is necessary and appropriate for the  
20 expenditure to fall within this exemption. This exemption  
21 shall only be used for products and services procured  
22 solely for use by the Department of Early Childhood. The  
23 procurements may include those necessary to design and  
24 build integrated, operational systems of programs and  
25 services. The procurements may include, but are not  
26 limited to, those necessary to align and update program

1 standards, integrate funding systems, design and establish  
2 data and reporting systems, align and update models for  
3 technical assistance and professional development, design  
4 systems to manage grants and ensure compliance, design and  
5 implement management and operational structures, and  
6 establish new means of engaging with families, educators,  
7 providers, and stakeholders. The procurement processes  
8 shall be conducted in a manner substantially in accordance  
9 with the requirements of Article 50 (ethics) and Sections  
10 5-5 (Procurement Policy Board), 5-7 (Commission on Equity  
11 and Inclusion), 20-80 (contract files), 20-120  
12 (subcontractors), 20-155 (paperwork), 20-160  
13 (ethics/campaign contribution prohibitions), 25-60  
14 (prevailing wage), and 25-90 (prohibited and authorized  
15 cybersecurity) of this Code. Beginning January 1, 2025,  
16 the Department of Early Childhood shall provide a  
17 quarterly report to the General Assembly detailing a list  
18 of expenditures and contracts for which the Department  
19 uses this exemption. This paragraph is inoperative on and  
20 after July 1, 2027.

21 (26) Procurements that are necessary for increasing  
22 the recruitment and retention of State employees,  
23 particularly minority candidates for employment,  
24 including:

25 (A) procurements related to registration fees for  
26 job fairs and other outreach and recruitment events;

1 (B) production of recruitment materials; and

2 (C) other services related to recruitment and  
3 retention of State employees.

4 The exemption under this paragraph (26) applies only  
5 if the State agency has made a good faith determination  
6 that it is necessary and appropriate for the expenditure  
7 to fall within this paragraph (26). The procurement  
8 process under this paragraph (26) shall be conducted in a  
9 manner substantially in accordance with the requirements  
10 of Sections 20-160 and 25-60 and Article 50 of this Code. A  
11 copy of these contracts shall be made available to the  
12 Chief Procurement Officer immediately upon request.  
13 Nothing in this paragraph (26) authorizes the replacement  
14 or diminishment of State responsibilities in hiring or the  
15 positions that effectuate that hiring. This paragraph (26)  
16 is inoperative on and after June 30, 2029.

17 (27) Procurements necessary for the Department of  
18 Healthcare and Family Services to implement changes to the  
19 State's Integrated Eligibility System to ensure the  
20 system's compliance with federal implementation mandates  
21 and deadlines, if the Department of Healthcare and Family  
22 Services has made a good faith determination that it is  
23 necessary and appropriate for the procurement to fall  
24 within this exemption.

25 (28) Procurements necessary for the Illinois Labor  
26 Relations Board to contract with a neutral body to provide

1       any of the data or information collection, storage,  
2       management, manipulation, analysis, certification, and  
3       election services required under the Transportation  
4       Network Driver Labor Relations Act, and to contract for  
5       court reporting services, required under the  
6       Transportation Network Driver Labor Relations Act or the  
7       Illinois Public Labor Relations Act, where the Illinois  
8       Labor Relations Board determines in good faith such  
9       services are necessary to carry out its statutory duties.  
10       The procurement process shall be conducted in a manner  
11       substantially in accordance with the requirements of  
12       Sections 20-160 and Article 50 of this Code. A copy of any  
13       contract entered into under this paragraph shall be made  
14       available to the Chief Procurement Officer upon request.

15       Notwithstanding any other provision of law, for contracts  
16       with an annual value of more than \$100,000 entered into on or  
17       after October 1, 2017 under an exemption provided in any  
18       paragraph of this subsection (b), except paragraph (1), (2),  
19       or (5), each State agency shall post to the appropriate  
20       procurement bulletin the name of the contractor, a description  
21       of the supply or service provided, the total amount of the  
22       contract, the term of the contract, and the exception to the  
23       Code utilized. The chief procurement officer shall submit a  
24       report to the Governor and General Assembly no later than  
25       November 1 of each year that shall include, at a minimum, an  
26       annual summary of the monthly information reported to the

1 chief procurement officer.

2 (c) This Code does not apply to the electric power  
3 procurement process provided for under Section 1-75 of the  
4 Illinois Power Agency Act and Section 16-111.5 of the Public  
5 Utilities Act. This Code does not apply to the procurement of  
6 technical and policy experts pursuant to Section 1-129 of the  
7 Illinois Power Agency Act.

8 (d) Except for Section 20-160 and Article 50 of this Code,  
9 and as expressly required by Section 9.1 of the Illinois  
10 Lottery Law, the provisions of this Code do not apply to the  
11 procurement process provided for under Section 9.1 of the  
12 Illinois Lottery Law.

13 (e) This Code does not apply to the process used by the  
14 Capital Development Board to retain a person or entity to  
15 assist the Capital Development Board with its duties related  
16 to the determination of costs of a clean coal SNG brownfield  
17 facility, as defined by Section 1-10 of the Illinois Power  
18 Agency Act, as required in subsection (h-3) of Section 9-220  
19 of the Public Utilities Act, including calculating the range  
20 of capital costs, the range of operating and maintenance  
21 costs, or the sequestration costs or monitoring the  
22 construction of clean coal SNG brownfield facility for the  
23 full duration of construction.

24 (f) (Blank).

25 (g) (Blank).

26 (h) This Code does not apply to the process to procure or

1 contracts entered into in accordance with Sections 11-5.2 and  
2 11-5.3 of the Illinois Public Aid Code.

3 (i) Each chief procurement officer may access records  
4 necessary to review whether a contract, purchase, or other  
5 expenditure is or is not subject to the provisions of this  
6 Code, unless such records would be subject to attorney-client  
7 privilege.

8 (j) This Code does not apply to the process used by the  
9 Capital Development Board to retain an artist or work or works  
10 of art as required in Section 14 of the Capital Development  
11 Board Act.

12 (k) This Code does not apply to the process to procure  
13 contracts, or contracts entered into, by the State Board of  
14 Elections or the State Electoral Board for hearing officers  
15 appointed pursuant to the Election Code.

16 (l) This Code does not apply to the processes used by the  
17 Illinois Student Assistance Commission to procure supplies and  
18 services paid for from the private funds of the Illinois  
19 Prepaid Tuition Fund. As used in this subsection (l), "private  
20 funds" means funds derived from deposits paid into the  
21 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

22 (m) This Code shall apply regardless of the source of  
23 funds with which contracts are paid, including federal  
24 assistance moneys. Except as specifically provided in this  
25 Code, this Code shall not apply to procurement expenditures  
26 necessary for the Department of Public Health to conduct the

1 Healthy Illinois Survey in accordance with Section 2310-431 of  
2 the Department of Public Health Powers and Duties Law of the  
3 Civil Administrative Code of Illinois.

4 (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;  
5 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.  
6 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,  
7 eff. 6-16-25; 104-417, eff. 8-15-25; 104-458, eff. 6-1-26;  
8 revised 1-12-26.)

9 Section 910. The Labor Dispute Act is amended by changing  
10 Section 1.3 as follows:

11 (820 ILCS 5/1.3)

12 Sec. 1.3. Definitions. As used in Section 1.2 through 1.5:

13 "Employee" means any individual permitted to work by an  
14 employer in an occupation. For the purpose of Sections 1.2  
15 through 1.5, "employee" includes any transportation network  
16 driver, as that term is defined in the Transportation Network  
17 Driver Labor Relations Act.

18 "Employer" means any individual, partnership, association,  
19 corporation, business trust, governmental or  
20 quasi-governmental body, or any person or group of persons  
21 that employs any person to work, labor, or exercise skill in  
22 connection with the operation of any business, industry,  
23 vocation, or occupation. For the purpose of Sections 1.2  
24 through 1.5, "employer" includes any transportation network

1 company, as defined in the Transportation Network Driver Labor  
2 Relations Act, with respect to its engagement or contracting  
3 of transportation network drivers. With respect to  
4 transportation network drivers and transportation network  
5 companies, "employment" includes the engagement or contracting  
6 of a transportation network driver by a transportation network  
7 company to provide transportation network company services, as  
8 those terms are defined in the Transportation Network Driver  
9 Labor Relations Act.

10 "Picketing" means the stationing of a person for an  
11 organization to apprise the public by signs or other means of  
12 the existence of a dispute pursuant to the National Labor  
13 Relations Act, 29 U.S.C. 151 et seq., ~~and~~ the Labor Management  
14 Relations Act, 29 U.S.C. 141 et seq., and the Transportation  
15 Network Driver Labor Relations Act.

16 "Dispute" includes any controversy concerning terms or  
17 conditions of employment, or concerning the association or  
18 representation of persons in negotiating, fixing, maintaining,  
19 changing, or seeking to arrange terms or conditions of  
20 employment or other protest, regardless of whether or not the  
21 disputants stand in the proximate relationship of employer and  
22 employee.

23 "Public right of way" means that portion of the highway or  
24 street adjacent to the roadway for accommodating stopped  
25 vehicles or for emergency use; or that portion of a street  
26 between the curb lines, or the lateral lines of a roadway, and

1 the adjacent property lines.

2 "Temporary sign" means a sign or other display or device  
3 that is not permanently affixed and is capable of being  
4 removed at the end of each day or shift.

5 "Temporary shelter" means a tent or shelter that is not  
6 permanently affixed and is capable of being removed at the end  
7 of each day or shift, not to exceed 300 square feet in size.

8 (Source: P.A. 94-321, eff. 1-1-06.)

9 Section 995. No acceleration or delay. Where this Act  
10 makes changes in a statute that is represented in this Act by  
11 text that is not yet or no longer in effect (for example, a  
12 Section represented by multiple versions), the use of that  
13 text does not accelerate or delay the taking effect of (i) the  
14 changes made by this Act or (ii) provisions derived from any  
15 other Public Act.

16 Section 997. Severability. The provisions of this Act  
17 shall be severable as provided in Section 1.31 of the Statute  
18 on Statutes; notwithstanding that, if the definition of the  
19 "transportation network driver" is held to be preempted by the  
20 National Labor Relations Act, 29 U.S.C. 141 et seq., by a court  
21 of competent jurisdiction and such determination is not  
22 reversed after exhaustion of all appeals, no provision of this  
23 Act shall be deemed valid or given force of law.

1           Section 999. Effective date. This Act takes effect upon  
2    becoming law.".