

SB0035



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB0035

Introduced 1/13/2025, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

820 ILCS 305/3

from Ch. 48, par. 138.3

Amends the Workers' Compensation Act. Provides that the provisions of the Act shall apply automatically and without election to all employers and all their employees, including, but not limited to, sole proprietors and general contractors and their subcontractors (currently, all employers and all their employees), engaged in any department enterprises or businesses which are declared to be extra hazardous. Removes a provision that the Act shall not be construed to apply to any sole proprietor or partner or member of a limited liability company who elects not to provide and pay compensation for accidental injuries sustained by himself, arising out of and in the course of the employment according to the provisions of the Act. Provides that the definition of "corporate officer" does not include a sole proprietor.

LRB104 02990 SPS 13008 b

A BILL FOR

1 AN ACT concerning employment.

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

4 Section 5. The Workers' Compensation Act is amended by
5 changing Section 3 as follows:

6 (820 ILCS 305/3) (from Ch. 48, par. 138.3)

7 Sec. 3. The provisions of this Act hereinafter following
8 shall apply automatically and without election to the State,
9 county, city, town, township, incorporated village or school
10 district, body politic or municipal corporation, and to all
11 employers and all their employees, including, but not limited
12 to, sole proprietors and general contractors and their
13 subcontractors, engaged in any department of the following
14 enterprises or businesses which are declared to be extra
15 hazardous, namely:

16 1. The erection, maintaining, removing, remodeling,
17 altering or demolishing of any structure.

18 2. Construction, excavating or electrical work.

19 3. Carriage by land, water or aerial service and loading
20 or unloading in connection therewith, including the
21 distribution of any commodity by horsedrawn or motor vehicle
22 where the employer employs more than 2 employees in the
23 enterprise or business.

1 4. The operation of any warehouse or general or terminal
2 storehouses.

3 5. Mining, surface mining or quarrying.

4 6. Any enterprise in which explosive materials are
5 manufactured, handled or used in dangerous quantities.

6 7. In any business or enterprise, wherein molten metal, or
7 explosive or injurious gases, dusts or vapors, or inflammable
8 vapors, dusts or fluids, corrosive acids, or atomic radiation
9 are manufactured, used, generated, stored or conveyed.

10 8. Any enterprise in which sharp edged cutting tools,
11 grinders or implements are used, including all enterprises
12 which buy, sell or handle junk and salvage, demolish or
13 reconstruct machinery.

14 9. In any enterprise in which statutory or municipal
15 ordinance regulations are now or shall hereafter be imposed
16 for the regulating, guarding, use or the placing of machinery
17 or appliances or for the protection and safeguarding of the
18 employees or the public therein; each of which occupations,
19 enterprises or businesses are hereby declared to be extra
20 hazardous.

21 10. Any enterprise, business or work in connection with
22 the laying out or improvement of subdivisions of tracts of
23 land.

24 11. Any enterprise for the treatment of cross-ties,
25 switch-ties, telegraph poles, timber or other wood with
26 creosote or other preservatives.

1 12. Establishments open to the general public wherein
2 alcoholic beverages are sold to the general public for
3 consumption on the premises.

4 13. The operation of any public beauty shop wherein
5 chemicals, solutions, or heated instruments or objects are
6 used or applied by any employee in the dressing, treatment or
7 waving of human hair.

8 14. Any business or enterprise serving food to the public
9 for consumption on the premises wherein any employee as a
10 substantial part of the employee's work uses handcutting
11 instruments or slicing machines or other devices for the
12 cutting of meat or other food or wherein any employee is in the
13 hazard of being scalded or burned by hot grease, hot water, hot
14 foods, or other hot fluids, substances or objects.

15 15. Any business or enterprise in which electric, gasoline
16 or other power driven equipment is used in the operation
17 thereof.

18 16. Any business or enterprise in which goods, wares or
19 merchandise are produced, manufactured or fabricated.

20 17. (a) Any business or enterprise in which goods, wares
21 or merchandise are sold or in which services are rendered to
22 the public at large, provided that this paragraph shall not
23 apply to such business or enterprise unless the annual payroll
24 during the year next preceding the date of injury shall be in
25 excess of \$1,000.

26 (b) The corporate officers of any domestic or foreign

1 corporation employed by the corporation may elect to withdraw
2 themselves as individuals from the operation of this Act. Upon
3 an election by the corporate officers to withdraw, written
4 notice shall be provided to the insurance carrier of such
5 election to withdraw, which election shall be effective upon
6 receipt by the insurance carrier of such written notice. A
7 corporate officer who thereafter elects to resume coverage
8 under the Act as an individual shall provide written notice of
9 such election to the insurance carrier which election shall be
10 effective upon receipt by the insurance carrier of such
11 written notice. For the purpose of this paragraph, a
12 "corporate officer" is defined as a bona fide President, Vice
13 President, Secretary or Treasurer of a corporation who
14 voluntarily elects to withdraw. For the purpose of this
15 paragraph, "corporate officer" does not include a sole
16 proprietor.

17 18. On and after July 1, 1980, but not before, any
18 household or residence wherein domestic workers are employed
19 for a total of 40 or more hours per week for a period of 13 or
20 more weeks during a calendar year.

21 19. Nothing contained in this Act shall be construed to
22 apply to any agricultural enterprise, including aquaculture,
23 employing less than 400 working days of agricultural or
24 aquacultural labor per quarter during the preceding calendar
25 year, exclusive of working hours of the employer's spouse and
26 other members of his or her immediate family residing with him

1 or her.

2 20. (Blank). ~~Nothing contained in this Act shall be~~
3 ~~construed to apply to any sole proprietor or partner or member~~
4 ~~of a limited liability company who elects not to provide and~~
5 ~~pay compensation for accidental injuries sustained by himself,~~
6 ~~arising out of and in the course of the employment according to~~
7 ~~the provisions of this Act.~~

8 (Source: P.A. 91-591, eff. 8-14-99.)