



Sen. David Koehler

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10400SB0454sam001

LRB104 06695 SPS 36744 a

1 AMENDMENT TO SENATE BILL 454

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 454 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Minimum Wage Law is amended by changing  
5 Section 3 as follows:

6 (820 ILCS 105/3) (from Ch. 48, par. 1003)

7 Sec. 3. As used in this Act:

8 (a) "Director" means the Director of the Department of  
9 Labor, and "Department" means the Department of Labor.

10 (b) "Wages" means compensation due to an employee by  
11 reason of his employment, including allowances determined by  
12 the Director in accordance with the provisions of this Act for  
13 gratuities and, when furnished by the employer, for meals and  
14 lodging actually used by the employee.

15 (c) "Employer" includes any individual, partnership,  
16 association, corporation, limited liability company, business

1 trust, governmental or quasi-governmental body, or any person  
2 or group of persons acting directly or indirectly in the  
3 interest of an employer in relation to an employee, for which  
4 one or more persons are gainfully employed on some day within a  
5 calendar year. An employer is subject to this Act in a calendar  
6 year on and after the first day in such calendar year in which  
7 he employs one or more persons, and for the following calendar  
8 year.

9 (d) "Employee" includes any individual permitted to work  
10 by an employer in an occupation, and includes, notwithstanding  
11 subdivision (1) of this subsection (d), one or more domestic  
12 workers as defined in Section 10 of the Domestic Workers' Bill  
13 of Rights Act, but does not include any individual permitted  
14 to work:

15 (1) For an employer employing fewer than 4 employees  
16 exclusive of the employer's parent, spouse or child or  
17 other members of his immediate family.

18 (2) As an employee employed in agriculture or  
19 aquaculture (A) if such employee is employed by an  
20 employer who did not, during any calendar quarter during  
21 the preceding calendar year, use more than 500 man-days of  
22 agricultural or aquacultural labor, (B) if such employee  
23 is the parent, spouse or child, or other member of the  
24 employer's immediate family, (C) if such employee (i) is  
25 employed as a hand harvest laborer and is paid on a piece  
26 rate basis in an operation which has been, and is

1 customarily and generally recognized as having been, paid  
2 on a piece rate basis in the region of employment, (ii)  
3 commutes daily from his permanent residence to the farm on  
4 which he is so employed, and (iii) has been employed in  
5 agriculture less than 13 weeks during the preceding  
6 calendar year, (D) if such employee (other than an  
7 employee described in clause (C) of this subparagraph):  
8 (i) is 16 years of age or under and is employed as a hand  
9 harvest laborer, is paid on a piece rate basis in an  
10 operation which has been, and is customarily and generally  
11 recognized as having been, paid on a piece rate basis in  
12 the region of employment, (ii) is employed on the same  
13 farm as his parent or person standing in the place of his  
14 parent, and (iii) is paid at the same piece rate as  
15 employees over 16 are paid on the same farm.

16 (3) (Blank).

17 (4) As an outside salesman.

18 (5) As a member of a religious corporation or  
19 organization.

20 (6) At an accredited Illinois college or university  
21 employed by the college or university at which he is a  
22 student who is covered under the provisions of the Fair  
23 Labor Standards Act of 1938, as heretofore or hereafter  
24 amended.

25 (7) For a motor carrier and with respect to whom the  
26 U.S. Secretary of Transportation has the power to

1 establish qualifications and maximum hours of service  
2 under the provisions of Title 49 U.S.C. or the State of  
3 Illinois under Section 18b-105 (Title 92 of the Illinois  
4 Administrative Code, Part 395 - Hours of Service of  
5 Drivers) of the Illinois Vehicle Code.

6 (8) As an employee employed as a player who is 28 years  
7 old or younger, a manager, a coach, or an athletic trainer  
8 by a minor league professional baseball team not  
9 affiliated with a major league baseball club, if (A) the  
10 minor league professional baseball team does not operate  
11 for more than 7 months in any calendar year or (B) during  
12 the preceding calendar year, the minor league professional  
13 baseball team's average receipts for any 6-month period of  
14 the year were not more than 33 1/3% of its average receipts  
15 for the other 6 months of the year.

16 (9) As an individual permitted to work as a baseball  
17 player at the minor league level who is (i) under contract  
18 and (ii) compensated pursuant to the terms of a collective  
19 bargaining agreement that expressly provides for wages and  
20 working conditions. This paragraph does not apply to  
21 subsection (b) of Section 4.

22 The above exclusions from the term "employee" may be  
23 further defined by regulations of the Director.

24 (e) "Occupation" means an industry, trade, business or  
25 class of work in which employees are gainfully employed.

26 (f) "Gratuities" means voluntary monetary contributions to

1 an employee from a guest, patron or customer in connection  
2 with services rendered.

3 (g) "Outside salesman" means an employee regularly engaged  
4 in making sales or obtaining orders or contracts for services  
5 where a major portion of such duties are performed away from  
6 his employer's place of business.

7 (h) "Day camp" means a seasonal recreation program in  
8 operation for no more than 16 weeks intermittently throughout  
9 the calendar year, accommodating for profit or under  
10 philanthropic or charitable auspices, 5 or more children under  
11 18 years of age, not including overnight programs. The term  
12 "day camp" does not include a "day care agency", "child care  
13 facility" or "foster family home" as licensed by the Illinois  
14 Department of Children and Family Services.

15 (Source: P.A. 99-758, eff. 1-1-17; 100-192, eff. 8-18-17.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law."