

# SB1305



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1305

Introduced 2/3/2023, by Sen. Laura M. Murphy

### SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-45.35 new  
820 ILCS 305/8.1 new

Amends the Workers' Compensation Act. Provides that an accidental injury that results from repetitive or cumulative trauma and occurs within 6 months after the employee begins employment shall not be considered by a workers' compensation insurer in setting rates. Provides for contribution by prior employers with respect to awards for repetitive or cumulative injuries. Amends the Illinois Administrative Procedure Act to authorize emergency rulemaking.

LRB103 26154 DTM 52512 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 1. The Illinois Administrative Procedure Act is  
5 amended by adding Section 5-45.35 as follows:

6 (5 ILCS 100/5-45.35 new)

7 Sec. 5-45.35. Emergency rulemaking; Workers' compensation;  
8 repetitive and cumulative injuries. To provide for the  
9 expeditious and timely implementation of Section 8.1 of the  
10 Workers' Compensation Act, emergency rules implementing that  
11 Section may be adopted in accordance with Section 5-45 by the  
12 Illinois Workers' Compensation Commission. The adoption of  
13 emergency rules authorized by Section 5-45 and this Section is  
14 deemed to be necessary for the public interest, safety, and  
15 welfare.

16 This Section is repealed one year after the effective date  
17 of this amendatory Act of the 103rd General Assembly.

18 Section 5. The Workers' Compensation Act is amended by  
19 adding Section 8.1 as follows:

20 (820 ILCS 305/8.1 new)

21 Sec. 8.1. Repetitive and cumulative injuries; right of

1 contribution.

2 (a) Any accidental injury which results from repetitive or  
3 cumulative trauma and occurs within 6 months after the  
4 employee begins his or her employment shall not be considered  
5 by a workers' compensation insurer in setting the premium rate  
6 for the employer.

7 (b) If an award is made for benefits in connection with  
8 repetitive or cumulative injury resulting from employment with  
9 more than one employer, the employer liable for award or its  
10 insurer is entitled to contributions or reimbursement from  
11 each of the employee's prior employers which are subject to  
12 this Act or their insurers for the prior employer's pro rata  
13 share of responsibility as determined by the Commission. The  
14 right to contribution or reimbursement under this Section  
15 shall not delay, diminish, restrict, or alter in any way the  
16 benefits to which the employee or his or her dependents are  
17 entitled under this Act. At any time within one year after the  
18 Commission or the Arbitrator has made an award for benefits in  
19 connection with repetitive or cumulative injury, the employer  
20 liable under the award or its insurer may institute  
21 proceedings before the Commission for the purpose of  
22 determining the right of contribution or reimbursement. The  
23 proceeding shall not delay, diminish, restrict, or alter in  
24 any way the benefits to which the employee or his or her  
25 dependents are entitled under this Act, but shall be limited  
26 to a determination of the respective contribution or

1 reimbursement rights and the responsibilities of all the  
2 employers joined in the proceeding. The employee has the duty  
3 of rendering reasonable cooperation in any of such  
4 proceedings.

5 (c) No contribution or reimbursement may be sought for any  
6 payment of benefits more than 2 years after the employer  
7 seeking contribution or reimbursement has made the payment.

8 (d) This Section shall apply only to injuries occurring on  
9 or after the effective date of this amendatory Act of the 103rd  
10 General Assembly.

11 (e) The Commission shall adopt emergency rules under  
12 Section 5-45 of the Illinois Administrative Procedure Act to  
13 implement the provisions of this Section.