



Rep. Jay Hoffman

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09900HB1287ham006

LRB099 05153 SXM 36496 a

1 AMENDMENT TO HOUSE BILL 1287

2 AMENDMENT NO. _____. Amend House Bill 1287, AS AMENDED, by
3 inserting the following in its proper numeric sequence in the
4 bill:

5 "Section 7. The Workers' Compensation Act is amended by
6 adding Section 35 as follows:

7 (820 ILCS 305/35 new)

8 Sec. 35. Repetitive and cumulative injuries; right of
9 contribution.

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

15 (b) If an award is made for benefits in connection with
16 repetitive or cumulative injury resulting from employment with

1 more than one employer, the employer liable for award or its
2 insurer is entitled to contributions or reimbursement from each
3 of the employee's prior employers which are subject to this Act
4 or their insurers for the prior employer's pro rata share of
5 responsibility as determined by the Commission. The right to
6 contribution or reimbursement under this Section shall not
7 delay, diminish, restrict, or alter in any way the benefits to
8 which the employee or his or her dependents are entitled under
9 this Act. At any time within one year after the Commission or
10 the Arbitrator has made an award for benefits in connection
11 with repetitive or cumulative injury, the employer liable under
12 the award or its insurer may institute proceedings before the
13 Commission for the purpose of determining the right of
14 contribution or reimbursement. The proceeding shall not delay,
15 diminish, restrict, or alter in any way the benefits to which
16 the employee or his or her dependents are entitled under this
17 Act, but shall be limited to a determination of the respective
18 contribution or reimbursement rights and the responsibilities
19 of all the employers joined in the proceeding. The employee has
20 the duty of rendering reasonable cooperation in any of such
21 proceeding.

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

25 (d) This Section shall apply only to injuries occurring on
26 or after the effective date of this amendatory Act of the 99th

1 General Assembly.

2 (e) The Commission shall adopt emergency rules under
3 Section 5-45 of the Illinois Administrative Procedure Act to
4 implement the provisions of this Section to implement this
5 Section."