

1 AN ACT in relation to workers' compensation.

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 adding Sections 26.5, 26.6, 26.7, and 26.8 as follows:

6 (820 ILCS 305/26.5 new)

7 Sec. 26.5. Ineligibility to receive benefits. Any person
8 convicted of committing workers' compensation insurance fraud
9 under Section 46-1, 46-1.1, 46-2, 46-3, or 46-4 of the
10 Criminal Code of 1961 is ineligible to receive or retain any
11 compensation, disability, or medical benefit as defined in
12 this Act, if that compensation, disability, or medical
13 benefit was owed or received as a result of a violation of
14 Section 46-1, 46-1.1, 46-2, 46-3, or 46-4 of the Criminal
15 Code of 1961 for which the recipient of the compensation,
16 disability, or medical benefit was convicted.

17 (820 ILCS 305/26.6 new)

18 Sec. 26.6. Advertisements; notice of penalties;
19 requirements.

20 (a) The purpose of this Section is to assure truthful
21 and adequate disclosure of all material and relevant
22 information in the advertising that solicits persons to file
23 workers' compensation claims or to engage or consult counsel
24 or a medical care provider or clinic to consider a workers'
25 compensation claim.

26 (b) Any advertisement that solicits persons to file
27 workers' compensation claims or to engage or consult counsel
28 or a medical care provider or clinic to consider a workers'
29 compensation claim in any newspaper, magazine, circular, form
30 letter, or open publication that is published, distributed,

1 or circulated in this State or on any billboard, card, label,
2 transit advertisement or other written advertising medium
3 shall state at the top or bottom on the front side or surface
4 of the document in at least 12-point roman boldface type
5 font, except on any billboard, which shall be in type whose
6 letters are 12 inches in height, any transit advertisement,
7 which shall be in type whose letters are 7 inches in height,
8 any television announcement, which shall be in 12-point roman
9 boldface type font and appear in a dark background and remain
10 on the screen for a minimum of 5 seconds, and for any radio
11 announcement, which shall be read at an understandable pace
12 with no loud music or sound effects, or both, to complete for
13 the listener's attention, the following:

14 "NOTICE

15 Making a false or fraudulent workers' compensation claim is a
16 felony subject to up to 5 years in prison or a fine of up to
17 \$50,000 or double the value of the fraud, whichever is
18 greater, or both imprisonment and fine."

19 (c) Any television or radio announcement published or
20 disseminated in this State that solicits persons to file
21 workers' compensation claims or to engage or consult counsel
22 to consider a workers' compensation claim under this Act
23 shall include the following spoken statement by the announcer
24 of the advertisement:

25 "Making a false or fraudulent workers' compensation claim
26 is a felony subject to up to 5 years in prison or a fine of
27 up to \$50,000 or double the value of the fraud, whichever is
28 greater, or both imprisonment and fine"

29 (d) This Section does not supersede or repeal any rule
30 that governs advertising under this Act and those rules shall
31 continue to be in force in addition to this Section.

32 (e) For purposes of subsections (b) and (c), the notice
33 or statement shall be written or spoken in English. In those
34 cases in which the preponderance of the listening or reading

1 public receives information other than in the English
2 language, the written notice or spoken statement shall be in
3 those other languages.

4 (820 ILCS 305/26.7 new)

5 Sec. 26.7. Advertisements; disclosure; deceptive use of
6 names; prohibited advertisements.

7 (a) Any advertisement or other device designed to
8 produce leads based on a response from a person to file a
9 workers' compensation claim or to engage or consult counsel
10 or a medical care provider or clinic shall disclose that an
11 agent may contact the individual if that is the fact. In
12 addition, an individual who makes contact with a person as a
13 result of acquiring that individual's name from a lead
14 generating device shall disclose that fact in the initial
15 contact with that person.

16 (b) No person shall solicit a person to file a workers'
17 compensation claim or to engage or consult counsel or a
18 medical care provider or clinic to consider a workers'
19 compensation claim through the use of a true or fictitious
20 name that is deceptive or misleading with regard to the
21 status, character, or proprietary or representative capacity
22 of the entity or person, or to the true purpose of the
23 advertisement.

24 (c) For purposes of this Section, an advertisement
25 includes a solicitation in any newspaper, magazine, circular,
26 form letter, or open publication, published, distributed, or
27 circulated in this State or on any billboard, card, label,
28 transit advertisement, or other written advertising medium,
29 and includes envelopes, stationary, business cards, or other
30 material designed to encourage the filing of a workers'
31 compensation claim.

32 (d) Advertisements shall not employ words, initials,
33 letters, symbols, or other devices that are so similar to

1 those used by a governmental agency, a nonprofit or
2 charitable institution, or other entity that could have the
3 capacity or tendency to mislead the public. Examples of
4 misleading materials include, but are not limited to, those
5 that imply any of the following:

6 (1) The advertiser is in some way provided by or is
7 endorsed by a governmental agency or charitable
8 institution.

9 (2) The advertisement is the same as, is connected
10 with, or is endorsed by a governmental agency or
11 charitable institution.

12 (e) Advertisements may not use any name of a state or
13 political subdivision of a state in an advertising
14 solicitation.

15 (f) Advertisements may not use any name, service mark,
16 slogan, symbol, or any device in any manner that implies that
17 the advertiser, or any person or entity associated with the
18 advertiser, or that any agency who may call upon the person
19 in response to the advertisement, is connected with a
20 governmental agency.

21 (g) Advertisements may not imply that the reader,
22 listener, or viewer may lose a right, privilege, or benefit
23 under federal, state, or local law if he or she fails to
24 respond to the advertisement.

25 (820 ILCS 305/26.8 new)

26 Sec. 26.8. Violation; Class 4 felony.

27 (a) An advertiser who violates Section 26.6, 26.7, or
28 26.8 is guilty of a Class 4 felony.

29 (b) For the purposes of Sections 26.6, 26.7, or 26.8,
30 "advertiser" means any person who provides workers'
31 compensation claims services that are described in the
32 written or broadcast advertisements, any person to whom
33 persons solicited by the advertisements are directed to for

1 inquiries or the provision of workers' compensation claims
2 related services, or any person paying for the preparation,
3 broadcast, printing, dissemination, or placement of the
4 advertisements.