

1 AMENDMENT TO SENATE BILL 1975

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1975 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by changing  
5 Section 5.306 as follows:

6 (30 ILCS 105/5.306) (from Ch. 127, par. 141.306)  
7 Sec. 5.306. The Child Labor and Day Labor Enforcement  
8 Fund.  
9 (Source: P.A. 87-139; 87-895.)

10 Section 10. The Day Labor Services Act is amended by  
11 changing Section 45 and by adding Sections 55, 60, 65, 70,  
12 75, and 80 as follows:

13 (820 ILCS 175/45)  
14 Sec. 45. Registration; Department of Labor. A day labor  
15 service agency shall register with the Department of Labor in  
16 accordance with rules adopted by the Department for day labor  
17 service agencies that operate within the State. The  
18 Department may assess each agency a non-refundable  
19 registration fee not exceeding \$250 per year. The fee may be  
20 paid by check or money order and the Department may not

1 refuse to accept a check on the basis that it is not a  
2 certified check or a cashier's check. The Department may  
3 charge an additional fee to be paid by an agency if the  
4 agency, or any person on the agency's behalf, issues or  
5 delivers a check to the Department that is not honored by the  
6 financial institution upon which it is drawn. The Department  
7 shall also adopt rules for violation hearings and penalties  
8 for violations of this Act or the Department's rules in  
9 conjunction with the fines and penalties set forth in this  
10 Act. The Department shall cause to be posted in each agency  
11 a notice which informs the public of a toll-free telephone  
12 number for day laborers and the public to file wage dispute  
13 complaints and other alleged violations by day labor service  
14 agencies.

15 (Source: P.A. 91-579, eff. 1-1-00.)

16 (820 ILCS 175/55 new)

17 Sec. 55. Enforcement. It shall be the duty of the  
18 Department to enforce the provisions of this Act. The  
19 Department shall have the power to conduct investigations in  
20 connection with the administration and enforcement of this  
21 Act and any investigator with the Department shall be  
22 authorized to visit and inspect, at all reasonable times, any  
23 places covered by this Act. The Department shall conduct  
24 hearings in accordance with the Illinois Administrative  
25 Procedure Act, as amended, upon written complaint by an  
26 investigator of the Department or any interested person of a  
27 violation of the Act. After the hearing, if supported by the  
28 evidence, the Department may (i) issue and cause to be served  
29 on any party an order to cease and desist from further  
30 violation of the Act, (ii) take affirmative or other action  
31 as deemed reasonable to eliminate the effect of the  
32 violation, (iii) deny, suspend, or revoke any registration  
33 under this Act, and (iv) determine the amount of any civil

1 penalty allowed by the Act. The Director of Labor or his or  
2 her representative may compel, by subpoena, the attendance  
3 and testimony of witnesses and the production of books,  
4 payrolls, records, papers, and other evidence in any  
5 investigation or hearing and may administer oaths to  
6 witnesses.

7 (820 ILCS 175/60 new)

8 Sec. 60. Review under Administrative Review Law. Any  
9 party to a proceeding under this Act may apply for and obtain  
10 judicial review of an order of the Department entered under  
11 this Act in accordance with the provisions of the  
12 Administrative Review Law, as amended, and the Department in  
13 proceedings under the Act may obtain an order from the court  
14 for the enforcement of its order.

15 (820 ILCS 175/65 new)

16 Sec. 65. Contempt. Whenever it appears that any day  
17 labor service agency has violated a valid order of the  
18 Department issued under this Act, the Director of Labor may  
19 commence an action and obtain from the court an order  
20 commanding the day labor service agency to obey the order of  
21 the Department or be adjudged guilty of contempt of court and  
22 punished accordingly.

23 (820 ILCS 175/70 new)

24 Sec. 70. Fines; penalties. A day labor service agency  
25 that violates any of the provisions of this Act or any rule  
26 adopted by the Department shall be subject to a civil penalty  
27 not to exceed \$5,000 for each violation. In determining the  
28 amount of the penalty, the Director shall consider the  
29 appropriateness of the penalty to the size of the business of  
30 the day labor service agency charged and the gravity of the  
31 violation. The amount of the penalty, when finally determined

1 may be:

2 (1) Recovered in a civil action brought by the Director  
3 of Labor in any circuit court. In this litigation, the  
4 Director of Labor shall be represented by the Attorney  
5 General.

6 (2) Ordered by the court, in action brought for  
7 violation under this Act, to be paid to the Director of  
8 Labor.

9 Any administrative determination by the Department as to  
10 the amount of each penalty shall be final unless reviewed as  
11 provided in Section 60 of this Act.

12 (820 ILCS 175/75 new)

13 Sec. 75. Willful violations. Whoever willfully violates  
14 any of the provisions of this Act or any rule adopted under  
15 this Act, or whoever obstructs the Department of Labor, its  
16 inspectors or deputies, or any other person authorized to  
17 inspect places of employment under this Act shall be guilty  
18 of a Class A misdemeanor. Each day during which a violation  
19 of this Act continues shall constitute a separate and  
20 distinct offense, and the employment of any person in  
21 violation of the Act shall, with respect to each person so  
22 employed, constitute a separate and distinct offense.  
23 Whenever, in the opinion of the Department, a violation of  
24 the Act has occurred, the Department shall report the  
25 violation to the Attorney General of this State who shall  
26 prosecute all reported violations.

27 (820 ILCS 175/80 new)

28 Sec. 80. Child Labor and Day Labor Enforcement Fund. All  
29 moneys received as fees and civil penalties under this Act  
30 shall be deposited into the Child Labor and Day Labor  
31 Enforcement Fund and may be used for activities or purposes  
32 related to the enforcement of this Act or for the activities

1 or purposes related to the enforcement of the Child Labor  
2 Law.

3 Section 15. The Child Labor Law is amended by changing  
4 Section 17.3 as follows:

5 (820 ILCS 205/17.3) (from Ch. 48, par. 31.17-3)

6 Sec. 17.3. Any employer who violates any of the  
7 provisions of this Act or any rule or regulation issued under  
8 the Act shall be subject to a civil penalty of not to exceed  
9 \$5,000 for each such violation. In determining the amount of  
10 such penalty, the appropriateness of such penalty to the size  
11 of the business of the employer charged and the gravity of  
12 the violation shall be considered. The amount of such  
13 penalty, when finally determined, may be

14 (1) recovered in a civil action brought by the  
15 Director of Labor in any circuit court, in which  
16 litigation the Director of Labor shall be represented by  
17 the Attorney General;

18 (2) ordered by the court, in an action brought for  
19 violation under Section 19, to be paid to the Director of  
20 Labor.

21 Any administrative determination by the Department of  
22 Labor of the amount of each penalty shall be final unless  
23 reviewed as provided in Section 17.1 of this Act.

24 Civil penalties recovered under this Section shall be  
25 paid into the Child Labor and Day Labor Enforcement Fund, a  
26 special fund which is hereby created in the State treasury.  
27 Moneys ~~Menies~~ in the Fund may ~~shall~~ be used, subject to  
28 appropriation, for exemplary programs, demonstration  
29 projects, and other activities or purposes related to the  
30 enforcement of this Act or for the activities or purposes  
31 related to the enforcement of the Day Labor Services Act.

32 (Source: P.A. 87-139; 88-365.)

1           Section 99.   Effective date.   This Act takes effect  
2   January 1, 2003.".