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## **APSA of Illinois Legislative Update**

**February 22, 2019**

**IL - HB15 CRIMINAL CODE-CIVIL RIGHTS VIOLATION**

Last Action: To Sentencing, Penalties and Criminal Procedure Subcommittee (February 19, 2019)

Primary Sponsor: [Representative Mary E. Flowers \(D\)](#)

**Scheduled Hearing: [Judiciary - Criminal \(House\)](#) Date: February 26, 2019 Time: 3:00pm (CST)**

**Location: Room 118 Capitol Building Springfield, IL**

Summary: Amends the Criminal Code of 2012. Creates the offense of violation of civil rights. Provides that a person commits violation of civil rights when he or she knowingly: (1) denies to another the full and equal enjoyment of the facilities and services of a place of public accommodation because of unlawful discrimination; (2) as the operator of a place of public accommodation, directly or indirectly, publishes, circulates, displays, mails, or emails a written or electronic communication, except a private communication sent in response to a specific inquiry, which he or she knows is to the effect that a facility of the place of public accommodation will be denied to a person because of unlawful discrimination or that the patronage of a person is unwelcome, objectionable, or unacceptable for the purpose of unlawful discrimination; (3) as a public official, refuses to employ, or discriminates in the employment of another for a public contract or public works project because of unlawful discrimination; or (4) as a public official, denies or refuses to a person the full and equal enjoyment of the accommodations, advantages, facilities, or privileges of his or her office or services or of property under his or her care because of unlawful discrimination. Prohibits various private employment practices. Defines "unlawful discrimination". Provides that nothing in this provision shall be construed to impose criminal liability for actions that are exempt from civil liability under the Illinois Human Rights Act. Provides that a violation is a Class B misdemeanor. Effective immediately.

**IL - HB20 MIN WAGE-\$15 PER HOUR**

Last Action: To Wage Policy and Study Subcommittee (February 13, 2019)

Primary Sponsor: [Representative Mary E. Flowers \(D\)](#)

Summary: Amends the Minimum Wage Law. Increases the minimum wage to \$15 per hour on October 1, 2019. Effective immediately.

**IL - HB252 HUM RIGHTS-EMPLOYER-DEFINITION**

Last Action: Placed on Calendar 2nd Reading - Short Debate (February 21, 2019)

Primary Sponsor: [Representative Will Guzzardi \(D\)](#)

Committees: [Labor & Commerce \(House\)](#)

Summary: Amends the Illinois Human Rights Act. Provides that "employer" includes any person employing one (instead of 15) or more employees within Illinois during 20 or more calendar weeks within the calendar year of or preceding the alleged violation. Provides that "employer" does not include any place of worship with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by the place of worship of its activities.

**IL - HB270 LOCAL ROT-SOURCING-COLLECTION**

Last Action: To Sales, Amusement & Other Taxes Subcommittee (February 7, 2019)

Primary Sponsor: [Representative Mike Murphy \(R\)](#)

**Scheduled Hearings: [Sales, Amusement & Other Taxes \(House\)](#) Date: February 28, 2019 Time: 9:33am (CST) Location: Room 118 Capitol Building Springfield, IL**

Summary: Amends the Retailers' Occupation Tax Act. Provides that if a purchaser makes payment over the phone, in writing, or via the Internet, and the property is delivered to a location in this State, then the sale shall be sourced to the location where the property is delivered. Provides that the sale shall be deemed to have occurred at the customer's address if the property is delivered and the delivery location is unknown. Amends the Counties Code, the Illinois Municipal Code, the Flood Prevention District Act, the Local Mass Transit District Act, and the Regional Transportation Authority Act. Provides that a unit of local government may require a retailer to collect and remit certain use and occupation taxes if the retailer qualifies as a "retailer maintaining a place of business in this State" under certain provisions of the Use Tax Act.

### **[IL - HB834](#) EQUAL PAY ACT-WAGE HISTORY**

Last Action: Placed on Calendar 2nd Reading - Short Debate (February 21, 2019)

Primary Sponsor: [Representative Anna Moeller \(D\)](#)

Committees: [Labor & Commerce \(House\)](#)

Summary: Amends the Equal Pay Act of 2003. Prohibits an employer from: (i) screening job applicants based on their wage or salary history, (ii) requiring that an applicant's prior wages satisfy minimum or maximum criteria, and (iii) requesting or requiring as a condition of being interviewed or as a condition of continuing to be considered for an offer of employment that an applicant disclose prior wages or salary. Prohibits an employer from seeking the salary, including benefits or other compensation or salary history, of a job applicant from any current or former employer, with some exceptions. Limits defenses. Provides for penalties and injunctive relief.

### **[IL - HB1653](#) ANTI-WAGE THEFT-STATE CONTRACT**

Last Action: Chief Sponsor Changed to Rep. Celina Villanueva (February 14, 2019)

Primary Sponsor: [Representative Celina Villanueva \(D\)](#)

**Scheduled Hearing: [Labor & Commerce \(House\)](#) Date: February 27, 2019 Time: 2:00pm (CST) Location: Room 114 Capitol Building Springfield, IL**

Summary: Amends the Illinois Procurement Code. Prohibits any person or business that violates the Illinois Wage Payment and Collection Act, the Minimum Wage Law, the Illinois Worker Adjustment and Retraining Notification Act, the Employee Classification Act, the Day and Temporary Labor Services Act, the Fair Labor Standards Act of 1938, or any comparable state statute or regulation of any state which governs the payment of wages to do business with the State or any State agency or enter into a subcontract that is subject to the Code for a period of 5 years. Amends the Illinois Wage Payment and Collection Act. Provides that an employer that is able to pay wages and who refuses to pay is guilty of a Class 4 felony with respect to amounts of \$5,000 or less (rather than a Class B

misdemeanor) and of a Class 3 felony with respect to amounts greater than \$5,000 (rather than a Class A misdemeanor). Provides that a subsequent failure to pay within 5 years (rather than 2 years) of a prior conviction is a Class 3 felony (rather than a Class 4 felony).

### **IL - HB2080 VEHICLE CODE-INSPECTION STATIONS**

Last Action: Assigned to Energy & Environment Committee (February 19, 2019)

Primary Sponsor: [Representative Michael P. McAuliffe \(R\)](#)

**Scheduled Hearing: [Energy & Environment \(House\)](#) Date: February 26, 2019 Time: 3:00pm (CST) Location: Room 114 Capitol Building Springfield, IL**

Summary: Amends the Illinois Vehicle Code. Provides that the Environmental Protection Agency may not enter into new contracts or renew any contract previously made with one or more responsible parties to construct and operate official inspection stations, provide and maintain approved test equipment, administer tests, certify results, issue emission inspection stickers or certificates, maintain records, train personnel, provide information to the public concerning the program, or otherwise. Provides that any facility that performs maintenance or repair work on motor vehicles as a routine part of its business may apply to the Agency for certification as an official inspection station. Provides that the Agency shall authorize as an official inspection station any applicant that meets specific criteria.

### **IL - HB2343 HEALTHY WORKPLACE ACT**

Last Action: Referred to Rules Committee (February 13, 2019)

Primary Sponsor: [Representative Jehan Gordon-Booth \(D\)](#)

Committee: [Rules \(House\)](#)

Summary: Creates the Healthy Workplace Act and amends the State Finance Act. Requires employers to provide specified paid sick days to employees. Sets forth the purposes for and manner in which the sick days may be used. Contains provisions regarding employer responsibilities, unlawful employer practices, and other matters. Provides that the Department of Labor shall administer the Act. Authorizes the imposition of civil penalties. Authorizes individuals to file civil actions with respect to violations. Creates the Healthy Workplace Fund as a special fund in the State treasury. Effective immediately.

### **IL - HB2864 ALT PILOT MOTOR FUEL TAX**

Last Action: Tabled (February 21, 2019)

Primary Sponsor: [Representative Marcus C. Evans, Jr. \(D\)](#)

Committee: [Rules \(House\)](#)

Summary: Amends the Motor Fuel Tax Law. Creates the per-mile road usage charge pilot program. Provides that the registered owner of a motor vehicle that is approved to participate in the program shall, in lieu of the taxes imposed under the Motor Fuel Tax Law, pay a per-mile road usage charge for metered use by the subject vehicle of the highways in this State. Provides that the per-mile road usage charge is \$0.021 per mile. Effective immediately.

**IL - HB2900 INCOME TAX-WITHHOLDING**

Last Action: Referred to Rules Committee (February 14, 2019)

Primary Sponsor: [Representative Anthony DeLuca \(D\)](#)

Committee: [Rules \(House\)](#)

Summary: Amends the Illinois Income Tax Act if and only if Senate Bill 1 of the 101st General Assembly becomes law. Provides that a withholding tax credit for full-time equivalent employees created in Senate Bill 1 applies for reporting periods that begin on or after January 1, 2020 (in the bill, reporting periods that begin on or after January 1, 2020 and end on or before December 31, 2027). Provides that the maximum credit is determined by the Metropolitan and Nonmetropolitan area of the State that is the base of operations of the employee, as those areas are determined as of May 2017. Makes changes concerning the amount of the credit based on the Metropolitan and Nonmetropolitan area of the State. Effective immediately.

**IL - HB3233 VEHICLE CODE-SHARE ROAD-LARGE TRUCKS**

Last Action: Referred to Rules Committee (February 15, 2019)

Primary Sponsor: [Representative Marcus C. Evans, Jr. \(D\)](#)

Committee: [Rules \(House\)](#)

Summary: Amends the Illinois Vehicle Code. Provides that the Secretary of State shall include, in the Illinois Rules of the Road publication, information advising drivers how to safely share the road with large trucks, including how to safely pass a large truck, how to give trucks appropriate space when they are making a right-hand turn, and how to avoid the blind spots around a large truck known as the "No Zone".

**IL - HB3417 VEHICLE CODE-RELAY BOX POSSESSION**

Last Action: Referred to Rules Committee (February 15, 2019)

Primary Sponsor: [Representative Jaime M. Andrade, Jr. \(D\)](#)

Committee: [Rules \(House\)](#)

Summary: Amends the Illinois Vehicle Code. Defines "relay box". Provides that no person may possess a relay box in this State except for: (1) a mechanic; (2) a new vehicle dealer or used vehicle dealer licensed under the Code; (3) a locksmith licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004; (4) a repossession agent; or (5) a State or local law enforcement officer. Provides that a person who commits a violation of the new provisions is guilty of a Class A misdemeanor. Effective immediately.

**IL - HB3660 PRIVATE VEHICLE USE TAX**

Last Action: Referred to Rules Committee (February 15, 2019)

Primary Sponsor: [Representative Robert Martwick \(D\)](#)

Committee: [Rules \(House\)](#)

Summary: Amends the Illinois Vehicle Code. Increases the use tax rate for private sales of motor vehicles valued at \$30,000 or more from a flat rate of \$1,500 to the following rates: \$2,000 for a vehicle valued from \$30,000 to \$49,999; \$2,500 for a vehicle valued from \$50,000 to \$99,999; \$5,000 for a vehicle valued from \$100,000 to \$999,999; and \$10,000 for a vehicle valued at \$1,000,000 or more. Provides that the same motorcycles, motor driven cycles, and mopeds are subject to the same rates as other motor vehicles (currently a flat rate of \$25 is imposed regardless of value). Effective January 1, 2020.

### **IL - SB1 MINIMUM WAGE/INCOME TAX CREDIT**

Last Action: Public Act . . . . . 101-0001 (February 19, 2019)

Primary Sponsor: [Senator Kimberly A. Lightford \(D\)](#)

Summary: [Senate Amendment 001](#): Replaces everything after the enacting clause. Amends the Illinois Income Tax Act and the Minimum Wage Law. Provides for an increase in the minimum wage and for a credit against withholding payments in relation to the increase. Increases the minimum wage to \$9.25 per hour beginning January 1, 2020. Provides for annual increases in the minimum wage culminating in a minimum wage of \$15 per hour beginning on January 1, 2025. Provides to employers with 50 or fewer full-time equivalent employees a credit against tax withheld beginning January 1, 2020. Reduces the credit beginning January 1, 2021. Provides employers may claim the credit amount in effect on January 1, 2025 until December 31, 2026 and that employers with no more than 5 employees may claim that credit until December 31, 2027. Authorizes the Department of Labor to perform random audits of employer to ascertain compliance with the Minimum Wage Law. Authorizes a penalty of \$100 per employee for failure to maintain required records. Effective immediately.

### **IL - SB73 EQUAL PAY ACT-WAGE HISTORY**

Last Action: Referred to Assignments (January 23, 2019)

Primary Sponsor: [Senator Cristina Castro \(D\)](#)

Committee: [Assignments \(Senate\)](#)

Summary: Amends the Equal Pay Act of 2003. Prohibits an employer from: (i) screening job applicants based on their wage or salary history, (ii) requiring that an applicant's prior wages satisfy minimum or maximum criteria, and (iii) requesting or requiring as a condition of being interviewed or as a condition of continuing to be considered for an offer of employment that an applicant disclose prior wages or salary. Prohibits an employer from seeking the salary, including benefits or other compensation or salary history, of a job applicant from any current or former employer, with some exceptions. Limits defenses. Provides for penalties and injunctive relief. Effective 60 days after becoming law.

### **IL - SB87 VEHICLE CODE-TINTED LIGHTS**

Last Action: Placed on Calendar Order of 3rd Reading March 5, 2019 (February 21, 2019)



Primary Sponsor: [Senator Steve Stadelman \(D\)](#)

Committees: [Transportation \(Senate\)](#)

Summary: Amends the Illinois Vehicle Code. Provides that no person shall drive or move any motor vehicle or equipment upon any highway with any lighting or combination of lighting with a smoked or tinted lens or cover.

### **[IL - SB163](#) ANTI-WAGE THEFT-STATE CONTRACT**

Last Action: Referred to Assignments (January 30, 2019)

Primary Sponsor: [Senator Cristina Castro \(D\)](#)

Committee: [Assignments \(Senate\)](#)

Summary: Amends the Illinois Procurement Code. Prohibits any person or business that violates the Illinois Wage Payment and Collection Act, the Minimum Wage Law, the Illinois Worker Adjustment and Retraining Notification Act, the Employee Classification Act, the Day and Temporary Labor Services Act, the Fair Labor Standards Act of 1938, or any comparable statute or regulation of any state that governs the payment of wages to do business with the State or any State agency or enter into a subcontract that is subject to the Code for a period of 5 years. Amends the Illinois Wage Payment and Collection Act. Provides that every offer submitted to the State, every contract and subcontract executed by the State, and every submission to a vendor portal shall contain a certification that the certifying party is not barred from being awarded a contract or subcontract, and acknowledgment that the chief procurement officer may declare void the bid, offer, or contract on the basis that any of the certifications are false. Provides that any employee not timely paid wages, final compensation, or wage supplements by his or her employer shall be entitled to recover treble the amount of any such underpayments plus damages of 2% of the amount of any such underpayments for each month following the date of payment during which such underpayments remain unpaid. Provides that a subsequent failure to pay within 5 years (rather than 2 years) of a prior conviction is a Class 4 felony.

### **[IL - SB1509](#) VEHICLE CODE-NOTICE TO LIENHOLDERS**

Last Action: Referred to Assignments (February 15, 2019)

Primary Sponsor: [Senator Cristina Castro \(D\)](#)

Committee: [Assignments \(Senate\)](#)

Summary: Amends the Illinois Vehicle Code. Provides that a public sale of an unclaimed vehicle may proceed if a certified notification has been sent to the registered owner, lienholder, or other legally entitled persons and no response has been received by the law enforcement agency or towing service. Provides that a commercial vehicle relocater or other private towing service seeking to impose storage fees for a vehicle in its possession or foreclose on a vehicle in its possession may only do so 14 days after notice consistent with the Section is provided to the lienholder. Provides that, upon being given notice, a lienholder shall either take possession of the vehicle or execute a written waiver of lien.

**IL - SB1519 VEHICLE CODE-IMPOUNDED VEHICLES**

Last Action: Referred to Assignments (February 15, 2019)

Primary Sponsor: [Senator Emil Jones, III \(D\)](#)

Committee: [Assignments \(Senate\)](#)

Summary: Amends the Illinois Vehicle Code. Provides for the release of an impounded vehicle to a lessor of record in the same manner as a lienholder of record. Provides that vehicles not retrieved from the towing facility or storage facility within 10 (instead of 35) days after an administrative hearing officer issues a written decision shall be deemed abandoned and disposed of. Provides that, except in a municipality with a population of 1,000,000 or more, a lienholder of record or lessor of record may take possession of a vehicle impounded under any ordinance and defer payment of any applicable administrative fees upon submission of specified documentation to the municipality or its designated agent. Provides that no vehicle shall be released to the lienholder of record or lessor of record until payment of the associated towing, storage, and other applicable fees charged by the person, firm, or entity that tows and stores the impounded vehicle to the extent the lienholder of record or lessor of record was given notice. Provides that, upon the request of a lienholder of record or lessor of record to obtain possession of an impounded vehicle, the county or municipality, or its designated agent, shall: (1) provide the lienholder of record or lessor of record an opportunity to view the vehicle within 2 business days of the request; (2) provide a statement in writing setting forth the amount of the applicable administrative fees; and (3) provide a statement in writing setting forth the amount of the applicable towing, storage, and other fees. Effective 90 days after becoming law.

**IL - SB2104 VEHICLE AFTERMARKET CRASH PART**

Last Action: Referred to Assignments (February 15, 2019)

Primary Sponsor: [Senator Thomas Cullerton \(D\)](#)

Committee: [Assignments \(Senate\)](#)

Summary: Amends the Illinois Insurance Code. Provides that no vehicle repair facility or installer may use repair specifications or procedures that are not in compliance with the original equipment manufacturer for those parts. Amends the Automotive Collision Repair Act. Provides that no vehicle repair estimate may include the use of non-original equipment manufacturer aftermarket crash parts unless authorized by the customer in writing. Provides specifications of what estimates should include. Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that no person engaged in the business of performing services on merchandise shall advertise such services as factory authorized services unless, among other requirements, such services are repairs performed pursuant to original equipment manufacturer specifications subject to the Illinois Automotive Collision Repair Act. Provides that a violation of a Section in the Insurance Code concerning the regulation of the use of aftermarket crash parts constitutes an unlawful practice under the Act.