



Rep. Ronald A. Wait

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09600HB5601ham001

LRB096 16344 WGH 39150 a

1 AMENDMENT TO HOUSE BILL 5601

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5601 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Unemployment Insurance Act is amended by  
5 adding Section 1802 and changing Section 2800 as follows:

6 (820 ILCS 405/1802 new)

7 Sec. 1802. Services that do not constitute employment;  
8 notice.

9 A. If, on or after the effective date of this amendatory  
10 Act of the 96th General Assembly, an employing unit offers an  
11 individual a position that involves the performance of services  
12 that do not constitute employment for purposes of this Act, and  
13 the individual accepts the position, the employing unit must  
14 give the individual a written notice, either before the  
15 individual begins performing those services or on the first day  
16 that the individual performs those services, that the

1 individual will not be eligible for unemployment insurance on  
2 the basis of the services to be performed by the individual for  
3 the employing unit.

4 B. An employing unit is not required to give a notice under  
5 this Section to an individual if paragraphs A through C of  
6 Section 212 apply with respect to the individual's performance  
7 of those services.

8 (820 ILCS 405/2800) (from Ch. 48, par. 780)

9 Sec. 2800. Violations and penalties.

10 A. It shall be unlawful for any person or employing unit  
11 to--

12 1. Make a false statement or representation or fail to  
13 disclose a material fact:

14 a. To obtain, or increase, or prevent, or reduce any  
15 benefit or payment under the provisions of this Act, or under  
16 the unemployment compensation law of any State or the Federal  
17 Government, either for himself or for any other person; or

18 b. To avoid or reduce any contribution or other payment  
19 required from an employing unit under this Act.

20 2. Fail to pay a contribution due under the provisions of  
21 this Act.

22 3. Fail to furnish any report, audit, or information duly  
23 required by the Director under this Act.

24 4. Refuse to allow the Director or his duly authorized  
25 representative to inspect or copy the pay roll or other records

1 or documents relative to the enforcement of this Act or  
2 required by this Act.

3 5. Make any deduction from the wages of any individual in  
4 its employ because of its liability for the payment of  
5 contributions required by this Act.

6 6. Knowingly fail to furnish to any individual in its  
7 employ any notice, report, or information duly required under  
8 the provisions of this Act or the rules or regulations of the  
9 Director or knowingly fail to comply with Section 1802.

10 7. Attempt to induce any individual, directly or indirectly  
11 (by promise of re-employment or by threat not to employ or not  
12 to re-employ or by any other means), to refrain from claiming  
13 or accepting benefits or to waive any other rights under this  
14 Act; or to maintain a rehiring policy which discriminates  
15 against former individuals in its employ by reason of their  
16 having claimed benefits.

17 8. Pay contributions upon wages for services not rendered  
18 for such employing unit if the purpose of such payment is  
19 either to reduce the amount of contributions due or to become  
20 due from any employing unit or to affect the benefit rights of  
21 any individual.

22 9. Solicit, or aid or abet the solicitation of, information  
23 from any individual concerning his place of employment,  
24 residence, assets or earnings, by any means which are intended  
25 to mislead such individual to believe that the person or  
26 employing unit seeking such information is the Department or

1 one of its Divisions or branches, or a representative thereof.

2 B. Any employing unit or person who willfully violates any  
3 provision of this Section or any other provision of this Act or  
4 any rule or regulation promulgated thereunder, or does any act  
5 prohibited by this Act, or who fails, neglects, or refuses to  
6 perform any duty required by any provision of this Act or rule  
7 or regulation of the Director, within the time prescribed by  
8 the Director, for which no penalty has been specifically  
9 provided, or who fails, neglects, or refuses to obey any lawful  
10 order given or made by the Director, shall be guilty of a Class  
11 B misdemeanor, and each such act, failure, neglect, or refusal  
12 shall constitute a separate and distinct offense. If such  
13 person or employing unit is a corporation, the president, the  
14 secretary, and the treasurer, and any other officer exercising  
15 corresponding functions, shall each be subject to the aforesaid  
16 penalties for the violation of any provisions of this Section  
17 of which he or they had or, in the exercise of his or their  
18 duties, ought to have had knowledge.

19 (Source: P.A. 77-2439.)".