



Rep. Yolonda Morris

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LRB104 20444 SPS 35366 a

1 AMENDMENT TO HOUSE BILL 4743

2 AMENDMENT NO. _____. Amend House Bill 4743 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Transportation Network Driver Labor Relations Act.

6 Section 2. Findings; legislative intent; construction.

7 (a) The General Assembly finds that the growing rate of
8 technological advancement has fundamentally altered the way
9 that many people work within the State in the transportation
10 sector, in which companies connect, through an online
11 application, persons seeking passenger transportation services
12 to persons willing to supply those transportation services.
13 These persons willing to supply those transportation services,
14 known as transportation network drivers, often suffer poor
15 pay, inadequate health coverage, and lack of other benefits.
16 It is hereby declared that the best interests of the people of

1 this State are served by providing transportation network
2 drivers the opportunity to self-organize, designate
3 representatives of their own choosing, and bargain
4 collectively on a sectoral basis in order to obtain
5 sustainable wages, benefits, and working conditions, subject
6 to approval and ongoing supervision by the State. It is
7 further declared that the best interests of the people of this
8 State are served by the prevention or prompt resolution of
9 disputes between transportation network companies and the
10 transportation network drivers who supply the labor to
11 effectuate those services through collective bargaining on a
12 sectoral basis, subject to approval and ongoing supervision by
13 the State. This Act shall be deemed an exercise of the police
14 power of the State for the protection of the public welfare,
15 prosperity, health, and peace of the people of the State, and
16 shall be liberally construed for the accomplishment of its
17 purposes.

18 (b) The General Assembly finds that it is in the public
19 policy interests of the State to displace competition with
20 regulation of the terms and conditions of work for
21 transportation network drivers; and, consistent with this
22 policy, to exempt from federal and State antitrust laws any
23 conduct authorized under this Act, including the formation of
24 transportation network driver organizations and multi-company
25 associations for the purposes of collective bargaining on a
26 sectoral basis between transportation network companies and

1 transportation network drivers on an industry-wide basis, and
2 to supervise, evaluate, and if approved, implement the
3 resulting sectoral agreements concerning industry regulations
4 for the terms and conditions of work for all transportation
5 network drivers in an industry when such sectoral agreements
6 are found by the Department of Labor to advance the public
7 purposes stated in this Section and are then made binding,
8 regardless of the anticompetitive consequences.

9 (c) It is the intent and policy of the State:

10 (1) To grant transportation network drivers the right
11 to form, join, or assist transportation network driver
12 organizations, to be represented through representatives
13 of their own choosing, and to engage in other concerted
14 activities for the purpose of bargaining with
15 transportation network companies and to create negotiated
16 recommendations in the form of a sectoral agreement, which
17 shall form the basis for industry regulations, and for the
18 purpose of other mutual aid or protection; and

19 (2) To grant transportation network companies the
20 right to form multi-company associations to represent them
21 while bargaining with a transportation network driver
22 organization to create negotiated recommendations in the
23 form of a sectoral agreement, which shall form the basis
24 for industry regulations.

25 (d) The intent and policy of the State is for the statutory
26 and non-statutory labor exemptions from the federal antitrust

1 laws and analogous State laws to apply to transportation
2 network drivers who choose to form, join, or assist labor
3 organizations in labor activity, to transportation network
4 driver organizations who organize and represent such drivers,
5 and to transportation network companies who may choose to form
6 an industry association to negotiate on their behalf or
7 otherwise engage in labor activity, permitted by this Act.

8 (e) The intent and policy of the State in authorizing and
9 regulating transportation network companies, transportation
10 network drivers engaging in labor activity, and transportation
11 network driver organizations, permitted by this Act, is that
12 state action immunity apply to this Act, including the
13 sectoral agreement approved by the Department of Labor, and
14 that such transportation network companies, transportation
15 network drivers, and transportation network driver
16 organizations be immune from the federal and State antitrust
17 laws to the fullest extent possible in their conduct pursuant
18 to this Act.

19 (f) The State shall actively supervise the qualified labor
20 activity permitted by this Act conducted by transportation
21 network companies, transportation network drivers, and
22 transportation network driver organizations pursuant to this
23 Act to ensure that the conduct permitted by this Act protects
24 the rights of workers and companies, encourages collective
25 bargaining on a sectoral basis and labor peace, and otherwise
26 advances the purposes of this Act.

1 Section 3. Definitions. As used in this Act:

2 "Active transportation network driver" and "active TND"
3 means a transportation network driver designated pursuant to
4 the process established in Section 8.

5 "Board" means the State Panel of the Illinois Labor
6 Relations Board created by Section 5 of the Illinois Public
7 Labor Relations Act.

8 "Company union" means any committee, driver representation
9 plan, or association of workers or others that exists for the
10 purpose, in whole or in part, of dealing with TNCs concerning
11 grievances or terms and conditions of work for TNDs: (i) which
12 a TNC has initiated or created or whose initiation or creation
13 it has suggested or participated in; (ii) which a TNC
14 participates in, supervises, or conducts the formulation of
15 governing rules or policies, management, operations, or
16 elections; or (iii) which the TNC maintains, finances,
17 controls, dominates, or assists in maintaining or financing,
18 whether by compensating anyone for services performed in its
19 behalf or by donating free services, equipment, materials,
20 office or meeting space, or anything else of value, or by any
21 other means, unless required to do so by this Act, its
22 implementing rules, or any other legal requirement.

23 A TNC driver organization shall not be deemed a company
24 union solely because any of the following are true:

25 (1) It has negotiated or been granted the right to

1 designate TNC drivers to be released with pay for the
2 purpose of providing representational services in
3 labor-management affairs on behalf of TNC drivers
4 represented by the TNC driver organization.

5 (2) In the course of providing representational
6 services to workers for whom it is the exclusive
7 bargaining representative, a TNC has allowed agents of the
8 TNC driver organization to meet with drivers at the TNC's
9 premises or communicate with TNDs via the TNC's platform.

10 (3) It has received from a TNC the voluntary
11 membership dues deductions of TNC drivers or the TNC has
12 processed or transmitted membership dues pursuant to
13 paragraph (5) of subsection (e) of Section 10.

14 (4) It has received funds from a TNC for the
15 administration of benefits and services to TNC drivers
16 pursuant to a sectoral agreement in its capacity as the
17 exclusive bargaining representative.

18 (5) It has negotiated with a TNC, before or after
19 certification as the exclusive bargaining representative,
20 for the right and requisite resources to communicate or
21 meet with TNDs for any purpose permitted under this Act,
22 including via the TNC's platform.

23 "Covered transportation network company" and "covered TNC"
24 means a transportation network company designated pursuant to
25 the process established in Section 9.

26 "Department" means the Department of Labor.

1 "Exclusive bargaining representative" means a TND
2 organization certified by the Board, in accordance with this
3 Act, as the representative of TNDs in a bargaining unit.

4 "Mandatory subjects of bargaining" means those subjects of
5 bargaining related to compensation, benefits, and other terms
6 and conditions of work, including, but not limited to,
7 deactivations, and dispute resolution procedures for resolving
8 claims alleging unjust deactivation.

9 "Person" includes one or more individuals, TNDs, TND
10 organizations, TNCs, network companies, labor organizations,
11 associations, corporations, legal representatives, trustees,
12 trustees in bankruptcy, or receivers.

13 "Transportation network company" and "TNC" means an entity
14 operating in the State that uses a digital network or software
15 application service to connect passengers to transportation
16 network company services provided by transportation network
17 drivers. For the purposes of this paragraph, all digital
18 networks or software application services that any related
19 corporate entities under common control maintain shall be
20 considered a single TNC. A TNC is not deemed to own, control,
21 operate, or manage the vehicles used by transportation network
22 drivers, and is not a taxicab association or a for-hire
23 vehicle owner.

24 "Transportation network company services" and "TNC
25 services" means transportation of a passenger between points
26 chosen by the passenger and prearranged with a transportation

1 network driver through the use of a TNC digital network or
2 software application. "Transportation network company
3 services" and "TNC services" do not include a taxicab,
4 for-hire vehicle, or street hail service.

5 "Transportation network driver", "transportation network
6 company driver", "TNC driver", and "TND" means an individual
7 who operates a motor vehicle that: (i) is owned, leased, or
8 otherwise authorized for use by the individual; (ii) is not a
9 taxicab or for-hire public passenger vehicle; (iii) is used to
10 provide transportation network company services; and (iv)
11 operates under the TNC license of the TNC. "Transportation
12 network driver", "transportation network company driver", "TNC
13 driver", and "TND" do not include any individual who, with
14 respect to the provision of TNC services is: (i) determined by
15 a final order of a court of competent jurisdiction to be an
16 employee within the meaning of Section 2(3) of the National
17 Labor Relations Act, 29 U.S.C. 152(3), or within the meaning
18 of 26 CFR 31.3121(d)-1 or 31.3401(c)-1; or (ii) declared by a
19 TNC to be an employee within the meaning of Section 2(3) of the
20 National Labor Relations Act, 29 U.S.C. 152(3) and within the
21 meaning of 26 CFR 31.3121(d)-1 or 31.3401(c)-1.

22 "Transportation network driver organization" and "TND
23 organization" means any organization in which TNDs
24 participate, and which exists and is constituted for the
25 purpose, in whole or in part, of collective bargaining, or of
26 dealing with transportation network companies concerning

1 grievances, terms or conditions of work, or of other mutual
2 aid or protection and which is not a company union as defined
3 by this Act.

4 "Unfair work practices" means only those unfair work
5 practices set forth in Section 6.

6 Section 4. Powers of the Board. The Board shall have
7 jurisdiction over unfair work practices and collective
8 bargaining matters between transportation network companies
9 and transportation network driver organizations, except for
10 the determinations to be made by the Department under this
11 Act.

12 Section 5. Rights of TNDs. Transportation network drivers
13 shall have the right of self-organization, to form, join, or
14 assist TND organizations, to bargain collectively through
15 representatives of their own choosing, and to engage in
16 concerted activities, for the purpose of collective bargaining
17 or other mutual aid or protection, free from interference,
18 restraint, or coercion by TNCs, and shall also have the right
19 to refrain from any of these activities. Nothing contained in
20 this Act shall be interpreted to prohibit TNDs from exercising
21 the right to confer with TNCs at any time, provided that during
22 such conference there is no attempt by such TNC, directly or
23 indirectly, to interfere with, restrain, or coerce such
24 workers in the exercise of the rights guaranteed by this Act.

1 Section 6. Unfair work practices.

2 (a) It is an unfair work practice for a TNC to:

3 (1) Fail or refuse to provide the Board or a TND
4 organization with an accurate list of the names, trips
5 made, and contact information for TNDs, as required by
6 this Act.

7 (2) Fail or refuse to submit the list to the Board
8 required by Section 9.

9 (3) Fail or refuse to negotiate in good faith with a
10 TND organization certified as an exclusive bargaining
11 representative of TNDs engaged with such TNC, concerning
12 mandatory subjects of bargaining.

13 (4) Fail or refuse to provide a TND organization,
14 certified as an exclusive bargaining representative of
15 TNDs engaged with such TNC, with information requested by
16 the TND organization that is relevant to, and necessary
17 for, purposes of bargaining and the performance of its
18 other duties required by this Act.

19 (5) Fail or refuse to continue all the terms of a
20 determination of terms and conditions of work approved or
21 prescribed by the Department pursuant to this Act until a
22 new determination is approved or prescribed, unless in
23 accordance with a recognized exception under the law.

24 (6) Dominate or interfere with the formation,
25 existence, or administration of any TND organization, or

1 to contribute financial or other support to any such
2 organization, directly or indirectly, unless required by
3 this Act or by any rules implementing this Act, including,
4 but not limited to, the following:

5 (i) by participating or assisting in, supervising,
6 or controlling (1) the initiation or creation of any
7 such organization or (2) the meetings, management,
8 operation, elections, formulation or amendment of
9 constitution, rules, or policies, of any such
10 organization;

11 (ii) by offering incentives to TNDs to join any
12 such organization; or

13 (iii) by donating free services, equipment,
14 materials, office or meeting space or anything else of
15 value for the use of any such organization; provided
16 that a TNC may permit TNDs to perform representational
17 work protected under this Act during working hours
18 without loss of time or pay or allow agents of a TND
19 organization that is the exclusive representative of
20 its TNDs to meet with TNDs on its premises or
21 communicate with TNDs via the TNC's platform.

22 (7) Require a TND to join any company union or TND
23 organization or to require a TND to refrain from forming,
24 or joining or assisting a TND organization of their own
25 choosing.

26 (8) Encourage membership in any company union or

1 discourage membership in any TND organization, by
2 discrimination in regard to any term or condition of work.

3 (9) Deactivate or otherwise discriminate against a TND
4 because they have signed or filed any charge, affidavit,
5 petition, or complaint or given any information or
6 testimony under this Act.

7 (10) Distribute or circulate any blacklist of
8 individuals exercising any right created or confirmed by
9 this Act or of members of a TND organization, or to inform
10 any person of the exercise by any individual of such right
11 or of the membership of any individual in a TND
12 organization for the purpose of preventing individuals so
13 blacklisted or so named from obtaining or retaining
14 opportunities for remuneration.

15 (11) Perform any acts, other than those already
16 enumerated in this Section, which interfere with,
17 restrain, or coerce TNDs in the exercise of the rights
18 guaranteed by this Act.

19 (b) It is an unfair work practice for a TND organization
20 to:

21 (1) Fail or refuse to negotiate in good faith with a
22 TNC concerning mandatory subjects of bargaining, provided
23 that the TND organization is the certified exclusive
24 bargaining representative of the TNC's transportation
25 network drivers, including by refusing to provide
26 information requested by a TNC that is relevant and

1 necessary for the purposes of bargaining and the
2 performance of its other duties required by this Act.

3 (2) Restrain or coerce TNDs in the exercise of the
4 rights guaranteed by this Act, provided that this
5 paragraph shall not impair the right of a TND organization
6 to prescribe its own rules with respect to the acquisition
7 or retention of membership in the organization.

8 (3) Fail or refuse to fulfill its duty of fair
9 representation by intentional misconduct in representing
10 TNDs where it is the certified exclusive bargaining
11 representative.

12 (4) Restrain or coerce a TNC in the selection of its
13 representatives for the purpose of bargaining or the
14 adjustment of grievances.

15 (5) Cause or attempt to cause a TNC to discriminate
16 against a TND in violation of paragraph (9) of subsection
17 (a) of Section 6.

18 (c) For the purposes of this Section, "to negotiate in
19 good faith" means the performance of the mutual obligation of
20 the transportation network companies or their agents or
21 representatives and the exclusive bargaining representative to
22 meet at reasonable times and negotiate in good faith with
23 respect to mandatory subjects of bargaining, or the
24 negotiation of a sectoral agreement under Section 12, or any
25 question arising thereunder, and to execute a written contract
26 incorporating any agreement reached if requested by either

1 party. However, this mutual obligation does not compel the
2 transportation network companies or the exclusive bargaining
3 representative to agree to a proposal or require the making of
4 a concession.

5 Section 7. Prevention of unfair work practices.

6 (a) The Board is empowered and directed to prevent any TNC
7 and any TND organization from engaging in any unfair work
8 practice described in this Act. This power shall not be
9 affected or impaired by any means of adjustment, mediation, or
10 conciliation in labor disputes that have been or may hereafter
11 be established by law or by the determination provided for in
12 subsection (i) of Section 12. In order to prevent unfair work
13 practices, each TNC shall, at least once each year, send a text
14 message and an email to each of its active TNDs in a form
15 determined by the Board notifying the TNDs of their rights
16 under this Act, and the procedure for filing an unfair work
17 practice charge. The TNC shall provide the notice in all
18 languages that the Board determines are likely spoken by 5% or
19 more of TNC drivers. The Board shall also post a copy of this
20 notice on its website.

21 (b) No complaint shall issue based upon any unfair work
22 practice occurring more than 6 months prior to the filing of a
23 charge with the Board and the service of a copy upon the person
24 against whom the charge is made. Notwithstanding the
25 provisions of this subsection, if the aggrieved party did not

1 reasonably have knowledge of the alleged unfair work practice,
2 the 6-month filing and service period shall begin to run when
3 the charging party knew, or reasonably should have known, of
4 the actions which constitute the alleged unfair work practice.

5 (c) Whenever it is charged that any person has engaged in,
6 or is engaging in, any unfair work practice, the Board, or any
7 agent or agency designated by the Board for such purposes,
8 shall conduct an investigation of the charge. If after such
9 investigation the Board finds that the charge involves a
10 dispositive issue of law or fact, the Board shall issue a
11 complaint and cause to be served upon the person a complaint
12 stating the charges, accompanied by a notice of hearing before
13 the Board or a member designated by the Board, or before a
14 qualified hearing officer designated by the Board at the
15 offices of the Board or such other location as the Board deems
16 appropriate, not less than 5 days after serving of such
17 complaint. Any such complaint may be amended by the member or
18 hearing officer conducting the hearing for the Board in their
19 discretion at any time prior to the issuance of an order based
20 thereon. The person who is the subject of the complaint has the
21 right to file an answer to the original or amended complaint
22 and to appear in person or by a representative and give
23 testimony at the place and time fixed in the complaint. In the
24 discretion of the member or hearing officer conducting the
25 hearing or the Board, any other person may be allowed to
26 intervene in the proceeding and to present testimony. In any

1 hearing conducted by the Board, neither the Board nor the
2 member or agent conducting the hearing shall be bound by the
3 rules of evidence applicable to courts, except as to the rules
4 of privilege recognized by law.

5 (d) The Board shall have the power to issue subpoenas and
6 administer oaths. If any party willfully fails or neglects to
7 appear or testify or to produce books, papers, and records
8 pursuant to the issuance of a subpoena by the Board, the Board
9 may apply to a court of competent jurisdiction to request that
10 such party be ordered to appear before the Board to testify or
11 produce the requested evidence.

12 (e) Any testimony taken by the Board, or a member
13 designated by the Board or a hearing officer, must be reduced
14 to writing and filed with the Board. A full and complete record
15 shall be kept of all proceedings before the Board, and all
16 proceedings shall be transcribed by a reporter appointed by
17 the Board. The party on whom the burden of proof rests shall be
18 required to sustain such burden by a preponderance of the
19 evidence, and the charging party shall have the burden of
20 proving the unfair work practice accordingly. If, upon a
21 preponderance of the evidence taken, the Board is of the
22 opinion that any person named in the charge has engaged in or
23 is engaging in an unfair work practice, then it shall state its
24 findings of fact and shall issue and cause to be served upon
25 the person an order requiring them to cease and desist from the
26 unfair work practice, and to take such affirmative action as

1 will effectuate the provisions of this Act including, but not
2 limited to: (i) withdrawal of recognition from and refraining
3 from sectoral bargaining with any organization or association,
4 agency, or plan that is either defined in this Act as a company
5 union or established, maintained, or assisted by any action
6 defined in this Act as an unfair work practice; (ii) awarding
7 of back compensation without any reduction based on the TND's
8 interim earnings or failure to earn interim earnings and, upon
9 a showing of egregious misconduct, an additional amount as
10 liquidated damages equal to 2 times the amount of back
11 compensation awarded; (iii) requiring reengagement or
12 reestablishment of the TNC's preexisting relationship with an
13 improperly adversely affected TND with or without
14 compensation, or maintenance of a preferential list from which
15 such TND shall be reengaged or the relationship reestablished,
16 and such order may further require such respondent to make
17 reports from time to time showing the extent to which the order
18 has been complied with; (iv) requiring the TNC to recognize
19 and bargain with a TND organization if the Board determines
20 that the unfair work practice interfered with the TND's right
21 to form or join a TND organization; and (v) requiring the
22 respondent to comply with any other obligation of this Act.
23 The Board's order may in its discretion also include an
24 appropriate sanction, based on the Board's rules, and the
25 sanction may include an order to pay the other party or
26 parties' reasonable expenses including costs and reasonable

1 attorney's fees, if the other party has made allegations or
2 denials without reasonable cause and found to be untrue or has
3 engaged in frivolous litigation for the purpose of delay or
4 needless increase in the cost of litigation. If the Board
5 awards back compensation, damages, or monetary sanction, it
6 shall also award interest at the rate of 7% per annum. The
7 Board's order may further require the person to make reports
8 from time to time, and demonstrate the extent to which the
9 person has complied with the order. If there is no
10 preponderance of evidence to indicate to the Board that the
11 person named in the charge has engaged in or is engaging in the
12 unfair work practice, then the Board shall state its findings
13 of fact and shall issue an order dismissing the complaint.

14 (f) Until the record in a case has been filed in court, the
15 Board at any time, upon reasonable notice and in such manner as
16 it deems proper, may modify or set aside, in whole or in part,
17 any finding or order made or issued by it.

18 (g) A charging party or any person aggrieved by a final
19 order of the Board granting or denying in whole or in part the
20 relief sought may apply for and obtain judicial review of an
21 order of the Board entered under this Act, in accordance with
22 the provisions of the Administrative Review Law, except that
23 such judicial review shall be afforded directly in the
24 Appellate Court for the district in which the aggrieved party
25 resides or transacts business, and such judicial review shall
26 not be available for the purpose of challenging a final order

1 issued by the Board pursuant to Section 10 for which judicial
2 review has been petitioned pursuant to subsection (f) of
3 Section 10. Any direct appeal to the Appellate Court shall be
4 filed within 35 days after the date that a copy of the decision
5 sought to be reviewed was served upon the party affected by the
6 decision. The filing of such an appeal to the Appellate Court
7 shall not automatically stay the enforcement of the Board's
8 order. An aggrieved party may apply to the Appellate Court for
9 a stay of the enforcement of the Board's order after the
10 aggrieved party has followed the procedure prescribed by
11 Supreme Court Rule 335. The Board in proceedings under this
12 Section shall request and may obtain an order of the court for
13 the enforcement of the Board's order.

14 (h) Whenever it appears that any person has violated a
15 final order of the Board issued pursuant to this Section, the
16 Board must commence an action in the name of the People of the
17 State of Illinois by petition, alleging the violation,
18 attaching a copy of the order of the Board, and praying for the
19 issuance of an order directing the person, the person's
20 officers, agents, servants, successors, and assigns to comply
21 with the order of the Board. The Board shall be represented in
22 this action by the Attorney General in accordance with the
23 Attorney General Act. The court may grant or refuse, in whole
24 or in part, the relief sought, provided that the court may stay
25 an order of the Board in accordance with the Administrative
26 Review Law, pending disposition of the proceedings. The court

1 may punish a violation of its order as in civil contempt. The
2 proceedings provided in this paragraph shall be commenced in
3 the Appellate Court for the district where the unfair work
4 practice which is the subject of the Board's order was
5 committed, or where a person required to cease and desist by
6 such order resides or transacts business. In case of the
7 enforcement of an order of the Board, the Appellate Court
8 shall have the power to issue any injunctive or equitable
9 remedy it finds appropriate, and in the case of a Board order
10 which requires the payment of money, the Appellate Court shall
11 have the power to enter judgment for the amount justified by
12 the record and for costs, which judgment may be enforced as
13 other judgments for the recovery of money.

14 (i) (1) A party filing an unfair work practice charge under
15 this Section may petition the Board to obtain injunctive
16 relief, pending a decision on the merits of the charge by the
17 Board, a member designated by the Board, or a hearing officer
18 designated by the Board, upon a showing that: (i) it is likely
19 to succeed on the merits; (ii) it is likely to suffer
20 irreparable harm in the absence of preliminary relief; (iii)
21 the balance of equities tips in its favor; and (iv) an
22 injunction is in the public interest. The immediate and
23 irreparable harm may include the chilling of TNDs in the
24 exercise of rights provided or protected by this Act.

25 (2) Within 30 days after the receipt by the Board of such
26 petition for injunctive relief, if the Board determines that a

1 charging party has made a sufficient showing pursuant to
2 paragraph (1) the Board, through the Attorney General, shall
3 petition the circuit court where the alleged unfair work
4 practice was allegedly committed, or where a person required
5 to cease and desist from such alleged unfair work practice
6 resides or transacts business, for appropriate temporary
7 relief or restraining order. If the Board fails to act within
8 10 days, the Board shall be deemed to have made a final order
9 determining not to seek injunctive relief. If the Board
10 determines not to seek injunctive relief, or if the Board or
11 Attorney General do not petition the circuit court for such
12 injunctive relief within 30 days after the filing of the
13 charging party's petition with the Board, the charging party
14 may seek injunctive relief by petition to the circuit court,
15 in which case the Board must be joined as a necessary party.

16 (3) Upon the filing of any petition for injunctive relief
17 as provided in the preceding paragraph, such injunctive relief
18 may be granted by the court, after hearing all parties, if it
19 determines that there is a sufficient showing under paragraph
20 (1). The relief shall expire on decision by the Board, a member
21 designated by the Board, or a hearing officer designated by
22 the Board finding no unfair work practice to have occurred,
23 successful appeal of the grant of injunctive relief, or
24 successful motion to vacate or modify such injunctive relief
25 pursuant to the Code of Civil Procedure. Any injunctive relief
26 in effect pending a decision by the Board (i) shall expire upon

1 a decision by the Board finding no unfair work practice to have
2 occurred, of which the Board shall notify the court
3 immediately, or (ii) shall remain in effect only to the extent
4 it implements any remedial order issued by the Board in its
5 decision, of which the Board shall notify the court
6 immediately.

7 (4) A decision on the merits of the unfair work practice
8 charge by the Board finding an unfair work practice to have
9 occurred shall continue the injunctive relief until either (i)
10 the respondent implements the remedy, or (ii) the Board's
11 order is set aside in an action for review of the Board's order
12 pursuant to the Administrative Review Law as set forth in
13 subsection (g).

14 (5) The appeal of any order granting, denying, modifying,
15 or vacating injunctive relief ordered by the court pursuant to
16 this subsection shall be made in accordance with the Code of
17 Civil Procedure and Supreme Court Rules.

18 (6) The Board or, where applicable, the charging party,
19 shall not be required to give any undertakings or bond and
20 shall not be liable for any damages or costs which may have
21 been sustained by reason of any injunctive relief ordered. In
22 the case of a TNC's failure to provide an accurate list of
23 names, mobile phone numbers, email addresses, and mailing
24 addresses of TNDs, immediate and irreparable injury, loss, or
25 damage shall be presumed.

26 (j) In addition to, and without limiting, any other

1 procedure provided in this Section, the Board is empowered and
2 directed to enforce, and prevent violations of paragraph (2)
3 of subsection (a) of Section 6 as follows.

4 (1) Upon the failure or refusal of a TNC to timely
5 submit the list to the Board required by Section 9, the
6 Board shall promptly issue a complaint charging the TNC
7 with an unfair work practice and petition a court of
8 competent jurisdiction for temporary relief to compel
9 production of the list, consistent with the procedures in
10 subsection (i), except that the Board shall have a
11 mandatory, non-discretionary duty to seek such injunctive
12 relief. In the case of a TNC's failure to provide the list
13 to the Board required by Section 9, immediate and
14 irreparable injury, loss, or damage shall be presumed.

15 (2) In addition to any other remedy provided by this
16 Act, a TNC found to have committed an unfair work practice
17 in violation of paragraph (2) of subsection (a) of Section
18 6 shall be subject to a civil penalty, payable to the
19 Board, not to exceed \$10,000 per day for each day after the
20 deadline that the list was not provided. The amount of the
21 penalty shall be determined by the Board through
22 application of the following criteria: (i) the size of the
23 TNC; (ii) the severity of the violation; and (iii) any
24 history of violations by the TNC. A TNC found to have
25 committed an unfair work practice in violation of
26 paragraph (2) of subsection (a) of Section 6 shall also be

1 required by the Board to pay the Board's or charging
2 party's attorney's fees and costs for any court proceeding
3 initiated by the Board or charging party to compel
4 production of the list.

5 Section 8. Determination of active TNDs.

6 (a) Within 90 days after the effective date of this Act,
7 and once each calendar quarter thereafter, each covered
8 transportation network company shall provide the Board, in an
9 electronic format determined by the Board, with information
10 that identifies all transportation network drivers who
11 completed 10 or more rides that originate in the State on the
12 covered TNC's platform in the previous 6 months.

13 (b) Each covered TNC shall provide this information within
14 2 weeks after the end of each calendar quarter (by April 14
15 provide TND information from rides originating between October
16 1 and March 31, by July 14 provide TND information from rides
17 originating between January 1 and June 30, by October 14
18 provide TND information from rides originating between April 1
19 and September 30, by January 14 provide TND information from
20 rides originating between July 1 and December 31).

21 (c) The information shall include only the name of the
22 TND, the TND driver's license number, and to the extent known
23 by a TNC, the TND's mobile phone number, mailing address,
24 email address, preferred language, and the number of rides the
25 TND completed through the covered TNC's platform in the

1 previous 6 months. A TND organization may use the information
2 in the list only for the purposes authorized by this Act, and
3 shall not provide the information to any third party unless
4 that party is acting as the TND organization's agent for the
5 purposes authorized by this Act. A covered TNC shall not be
6 liable for any damages caused by the TND organization's or the
7 Board's failure to safeguard the list as provided in Section
8 16 from a data or security breach.

9 (d) Within 14 days after the deadline for submission of
10 the information from covered TNCs required in this Section,
11 the Board shall combine the data provided by all covered TNCs
12 to determine the distribution of the number of rides completed
13 by all TNDs for which data has been submitted, and then shall
14 determine the median number of rides across TNDs for whom data
15 has been submitted in the previous 6 months. Any TND who
16 completed greater than or equal to the median number of rides
17 shall be considered an active transportation network driver in
18 the rideshare industry. The information required to be
19 provided to the Board in this Section shall be produced in a
20 manipulable electronic format, such as a spreadsheet program
21 consisting of cells organized by lettered columns and numbered
22 rows with each data point in a separate cell that allows users
23 to sort and perform calculations and analysis. The Board may
24 require that the information be provided in a specified
25 software program. The records and information provided to the
26 Board by transportation network companies are exempt from

1 disclosure under the Freedom of Information Act.

2 Section 9. Determination of covered TNCs.

3 (a) Within 90 days after the effective date of this Act,
4 and within 2 weeks after the end of each calendar quarter, each
5 TNC shall electronically submit to the Board a single
6 statewide total of the rides performed during the prior
7 quarter by transportation network drivers on its
8 online-enabled application or platform. For the purposes of
9 this Section, all digital networks or software application
10 services that any related corporate entities under common
11 control maintain shall be considered a single TNC.

12 (b) The information required by subsection (a) shall be
13 produced in a manipulable electronic format, such as a
14 spreadsheet program consisting of cells organized by lettered
15 columns and numbered rows with each data point in a separate
16 cell that allows users to sort and perform calculations and
17 analysis. The Board may require that the information be
18 provided in a specified software program.

19 (c) Within 14 days after the deadline set forth in
20 subsection (a), the Board shall designate the covered TNCs
21 through the following procedure.

22 (1) The Board shall total all rides reported pursuant
23 to subsection (a).

24 (2) The Board shall then rank all TNCs by rideshare
25 volume in descending order. The Board shall begin with the

1 highest ranked TNC and continue down the list until the
2 Board has identified the TNCs whose rides collectively
3 equal or exceed 95% of the statewide total for the
4 preceding quarter. These TNCs shall be deemed covered TNCs
5 for the purposes of this Act.

6 (3) For the purposes of this Section, all TNCs under
7 common ownership or control shall be considered to be a
8 single TNC. The Board shall publish the list of covered
9 TNCs and noncovered TNCs and rideshare volume information
10 on its website. The Board shall notify each TNC as to
11 whether the TNC is a covered TNC.

12 (d) The failure of a TNC to submit the list required by
13 subsection (a) shall not prevent the Board from providing a
14 list of covered and noncovered TNCs to the extent the Board
15 concludes that the missing information cannot reasonably be
16 expected to change whether those TNCs are covered or
17 noncovered TNCs.

18 (e) A TNC that was not a covered TNC when a sectoral
19 agreement took effect but whose rideshare volume in a later
20 quarter brings it within the 95% threshold identified in
21 paragraph (2) of subsection (c) shall become a covered TNC,
22 and be bound by all terms of the sectoral agreement
23 immediately.

24 (f) A TNC that becomes a covered TNC pursuant to this
25 Section shall remain a covered TNC for the remaining term of a
26 sectoral agreement.

1 (g) When a sectoral agreement is in effect, any TNC that is
2 not a covered TNC for the purposes of this Section may choose
3 to become bound to the sectoral agreement by providing written
4 notice to the Board, the certified exclusive bargaining
5 representative, and the covered TNCs. A TNC that chooses to
6 become bound to a sectoral agreement pursuant to this Section
7 shall be bound for the remaining term of the agreement. Such a
8 TNC shall not, on account of its exercise of the option
9 provided by this Section, become a covered TNC for the
10 purposes of negotiation of subsequent sectoral agreements or
11 coverage by subsequent sectoral agreements.

12 (h) It is unlawful for any TNC that is not a covered TNC or
13 voluntarily bound by the terms of the sectoral agreement as
14 provided by this Section to make any statement, advertisement,
15 or imply in any official communication that such TNC is bound
16 by the terms of the sectoral agreement.

17 (i) During the time that a noncovered TNC is bound by the
18 terms of the sectoral agreement pursuant to this Section, the
19 certified exclusive bargaining representative shall represent
20 the TNC drivers who drive for the noncovered TNC for the
21 purposes of this Act. The noncovered TNC shall have the same
22 obligations as a covered TNC to provide information to the
23 Board necessary to administer this Act and to provide
24 information to the exclusive bargaining representative
25 necessary for representation of the TNC drivers.

1 Section 10. Designation of bargaining representatives.

2 (a) For the purposes of this Act, each TND performing TNC
3 services on a covered TNC shall be included in an
4 industry-wide bargaining unit of all TNDs in the State.

5 (b) A TND organization may demonstrate that it has been
6 designated as a bargaining representative by presenting to the
7 Board cards, petitions, or other evidence, which may be in
8 electronic form, sufficient to show the TND has authorized the
9 TND organization to act as the worker's bargaining
10 representative. A TND may demonstrate that TNDs do not wish to
11 be represented by a TND organization by presenting to the
12 Board cards, petitions, or other evidence, which may be in
13 electronic form, sufficient to show the TND does not authorize
14 any TND organization to act as the worker's exclusive
15 bargaining representative. The Board shall deem valid any such
16 card, petition, or other evidence that includes (i) the
17 signature of the TND, (ii) the date of execution, (iii) a
18 statement indicating the TND's authorization of the TND
19 organization to act as the TND's exclusive bargaining
20 representative or alternatively the TND's wish to not be
21 represented by a TND organization, and (iv) the name of at
22 least one TNC for whom the TND performs services. In order to
23 be valid, such card, petition, or other evidence must have
24 been executed by the TND within one year of the date that the
25 TND organization, or TND, submits the evidence to the Board.
26 The authorizations or designations of representatives may be

1 evidenced by electronic records or electronic signatures as
2 provided under Sections 7 and 8 of the Uniform Electronic
3 Transactions Act. The Board shall accept electronic signatures
4 as a means to support such authorizations or designations of
5 representatives where, as with handwritten signatures, the
6 electronic signature method chosen by the party provides the
7 Board with prima facie evidence (1) that a TND has
8 electronically signed a document purporting to state the TND's
9 views regarding representation and (2) that the petitioner has
10 accurately transmitted that document to the Board. The
11 authorizations or designations of representative shall be
12 presumed to be valid unless called into question by the
13 presence of objective evidence. The Board may adopt rules for
14 verification of electronic signatures to effectuate this
15 Section consistent with the following:

16 (1) Submissions supported by electronic signature must
17 contain the following: (i) the signer's name; (ii) the
18 signer's email address or other known contact information,
19 such as a social media account; (iii) the signer's
20 telephone number; (iv) the authorization language to which
21 the signer has agreed; (v) the date the electronic
22 signature was submitted; and (vi) the name of at least one
23 TNC for whom the TND performs services. The Board shall
24 not require any additional TND identifying information to
25 be submitted for the signature and authorization to be
26 presumed valid. If the submission does not identify at

1 least one TNC for whom the TND performs services, then at
2 the time the submission is provided to the Board, the
3 petitioner may attest, in writing, that the TND currently
4 provides services for at least one identified TNC.

5 (2) A party submitting either electronic or digital
6 signatures must submit a declaration: (i) identifying what
7 electronic or digital signature technology was used and
8 explaining how its controls ensure that the electronic or
9 digital signature is that of the signatory TND and that
10 the TND signed the document; and (ii) that the
11 electronically transmitted information regarding what and
12 when the TNDs signed is the same information seen and
13 signed by the TND.

14 (3) When the electronic signature technology being
15 used does not support digital signatures that can be
16 independently verified by a third party, the submitting
17 party must submit evidence that, after the electronic
18 signature was obtained, the submitting party promptly
19 transmitted a communication stating and confirming all the
20 information listed in paragraph (1) (the "Confirmation
21 Transmission"). The Confirmation Transmission must be sent
22 to an individual account, such as an email address, text
23 message via mobile phone, or social media account provided
24 by the signer. If any responses to the Confirmation
25 Transmission are received by the time of submission to the
26 Board, those responses must also be provided to the Board.

1 (c) The Board shall not adopt or impose any requirements
2 for designations or authorizations of representative in
3 addition to those specified in subsection (b), unless based on
4 objective evidence of fraud, the Board determines that
5 additional technical requirements are necessary to prevent
6 such fraud. Any such additional requirements shall be
7 consistent with the purpose of subsection (b) and shall not
8 require additional TND identifying information to be submitted
9 for the signature and authorization to be presumed valid. A
10 designation or authorization of representative shall not be
11 invalidated for typographical or other errors or omissions if
12 the intent of the signer is clear and the signer's identity can
13 be determined based on the totality of the information
14 presented.

15 (d)(1) Within 30 days after the petition of any TND
16 organization, the Board shall make a determination that such
17 organization has been designated as bargaining representative
18 by at least 10% of active TNDs in the bargaining unit. For the
19 purposes of this paragraph, the operative list of active TNDs
20 shall be based on the most recent quarterly list provided by
21 the covered TNCs to the Board in accordance with Section 8.

22 (2) Within 30 days after the Board's determination that a
23 TND organization has been designated as the bargaining
24 representative of at least 10% of active TNDs in the
25 bargaining unit, the Board shall: (i) require each covered TNC
26 to send a notice, in a form determined by the Board, that the

1 TND organization is seeking to represent TNDs for the purpose
2 of initiating a bargaining process in order to establish terms
3 and conditions for the industry; and (ii) provide the TND
4 organization with a complete list of names, phone numbers,
5 mailing address, email addresses, and preferred language for
6 all active TNDs in the bargaining unit. The TNC shall provide
7 the notice in all languages that the Board determines are
8 likely spoken by 5% or more of TNC drivers. The Board will
9 provide the TND organization with an updated list each quarter
10 for the following 4 quarters. For 6 months from the date of the
11 Board's determination that a TND organization has met the 10%
12 threshold in a bargaining unit, and where such TND
13 organization is the first TND organization to meet such
14 threshold, no other TND organization may be certified as the
15 exclusive bargaining representative of those workers without
16 an election.

17 (e) (1) A TND organization that provides evidence to the
18 Board that it has been designated as bargaining representative
19 by 30% of active TNDs in the bargaining unit shall be certified
20 as the exclusive bargaining representative of all TNDs in the
21 bargaining unit. The Board shall make such determination of
22 exclusive bargaining representative status within 30 days
23 after the petition. In the alternative, a TND organization
24 that has been designated as the bargaining representative of
25 at least 10% of active TNDs in the bargaining unit, pursuant to
26 a petition filed under subsections (d) or (e), may petition

1 the Board to conduct an election. The TND organization may
2 petition for such election at any time within one year of the
3 Board's determination that it has been designated as the
4 bargaining representative of at least 10% of active TNDs. The
5 election shall be conducted as expeditiously as possible, but
6 in no event more than 60 days after the TND organization's
7 petition for election. If the TND organization receives a
8 majority of valid votes cast in such election, the Board shall
9 certify the TND organization as the exclusive bargaining
10 representative. For the purposes of this paragraph and for
11 petitions filed by a TND organization within 6 months of
12 having been designated as a representative by 10% of active
13 TNDs pursuant to paragraph (2) of subsection (d), the
14 operative list of active TNDs shall be based on the first list
15 of active TNDs provided to the TND organization by the Board
16 pursuant to paragraph (2) of subsection (d). For the purposes
17 of all other petitions under this paragraph, the operative
18 list of active TNDs shall be the most recent quarterly list
19 provided by the covered TNCs in accordance with Section 8.

20 (2) If a TND organization seeking certification as the
21 exclusive bargaining representative without an election
22 provides evidence that shows that less than a majority of
23 active TNDs have designated the TND organization as their
24 bargaining representative, the Board shall wait 7 days before
25 certifying the TND organization as exclusive bargaining
26 representative. If, during those 7 days, another TND

1 organization provides evidence that at least 20% of active
2 TNDs in the bargaining unit have designated it as their
3 bargaining representative, then the Board shall hold an
4 election among all active TNDs in the bargaining unit. Such
5 election shall be conducted as expeditiously as possible, but
6 in no event more than 60 days after the petition of the
7 original TND seeking certification as exclusive bargaining
8 representative. For the purposes of such election and for
9 petitions filed by a TND organization within 6 months of
10 having been designated as representative by 10% of active TNDs
11 pursuant to paragraph (2) of subsection (d), the operative
12 list of active TNDs shall be based on the first list of active
13 TNDs provided to the TND organization by the Board pursuant to
14 paragraph (2) of subsection (d). For the purposes of all other
15 elections under this paragraph, the operative list of active
16 TNDs shall be the most recent quarterly list provided by the
17 covered TNCs in accordance with Section 8. A TND organization
18 receiving a majority of the valid votes cast shall be
19 certified as the exclusive bargaining representative of all
20 TNDs in the bargaining unit. When 2 or more TND organizations
21 are on the ballot and none of the choices (the TND
22 organizations or "no worker organization") receives a majority
23 of the valid votes cast, there shall be a runoff election
24 between the 2 choices receiving the largest and second largest
25 number of votes, to be conducted within 45 days after the
26 determination that no choice had received a majority of valid

1 votes cast. The TNDs eligible to vote in the runoff election
2 shall be the same TNDs eligible to vote in the initial
3 election. A TND organization receiving a majority of the valid
4 votes cast in the runoff election shall be certified as the
5 exclusive bargaining representative of all TNDs in the
6 bargaining unit. If a majority of the valid votes cast are for
7 "no worker organization", then the Board will not certify any
8 worker organization as the exclusive bargaining
9 representative.

10 (3) A TND organization certified as the exclusive
11 bargaining representative shall have the exclusive authority
12 to represent the TNDs in the bargaining unit, without
13 challenge by another TND organization, and not subject to
14 decertification by the procedures in this subsection, for the
15 greater of (i) one year following certification or (ii) the
16 length of time that a final determination rendered by the
17 Department under subsection (i) of Section 12 is in effect,
18 provided that such period shall not be longer than 3 years
19 following the date of issuance of such final determination.
20 During the times when an exclusive bargaining representative
21 is subject to challenge, TNDs may file for a decertification
22 election upon a showing that at least 25% of the active TNDs in
23 the bargaining unit have demonstrated support for the
24 decertification. The Board will then schedule an election to
25 determine whether the TND organization has retained its status
26 as exclusive bargaining representative. The TND organization

1 shall retain its status as exclusive bargaining representative
2 if it receives a majority of valid votes cast by active TNDs in
3 the bargaining unit. For the purposes of this paragraph, the
4 operative list of active TNDs shall be based on the most recent
5 quarterly list provided by the covered TNCs in accordance with
6 Section 8.

7 (4) If a TND organization has been certified as the
8 exclusive bargaining representative with respect to the
9 bargaining unit, only that TND organization shall be entitled
10 to: (i) immediately upon certification, and, quarterly
11 thereafter, receive from the Board the data provided by the
12 covered TNCs to the Board pursuant to Section 8, to be used
13 solely for the purposes of bargaining and the performance of
14 its other duties as the TND's bargaining representative; and
15 (ii) to engage in bargaining with the covered TNCs for a
16 sectoral agreement to be recommended to the Department
17 concerning mandatory subjects of bargaining.

18 (5) A TND organization that has been certified as the
19 exclusive bargaining representative with respect to the
20 bargaining unit shall have a right to voluntary deduction of
21 dues, initiation fees, assessments, and other payments to the
22 TND organization, from payments to TNDs by a covered TNC, upon
23 presentation of deduction authorizations signed by individual
24 TNDs, which may be in electronic form. A covered TNC shall
25 commence making such deductions in accordance with the terms
26 of the deduction authorization as soon as practicable, but in

1 no case later than 30 days after receiving proof of a signed
2 deduction authorization, and amounts deducted shall be
3 submitted to the TND organization within 30 days after the
4 deduction. A covered TNC shall accept a signed deduction
5 authorization evidenced by electronic records or electronic
6 signatures as provided under Sections 7 and 8 of the Uniform
7 Electronic Transactions Act. The right to such deductions
8 shall remain in full force and effect until an individual TND
9 revokes the deduction authorization in writing in accordance
10 with the terms of the authorization.

11 (f) An order of the Board dismissing a representation
12 petition or determining, certifying, or decertifying a TND
13 organization as an exclusive bargaining representative is a
14 final order. Any person aggrieved by any such final order may
15 apply for and obtain judicial review in accordance with the
16 provisions of the Administrative Review Law, except that such
17 review shall be afforded directly in the Appellate Court for
18 the district in which the aggrieved party resides or transacts
19 business. Any direct appeal to the Appellate Court shall be
20 filed within 35 days after the date that a copy of the decision
21 sought to be reviewed was served upon the party affected by the
22 decision.

23 (g) Upon agreement by a TND organization seeking such
24 determination or petition or a TND seeking such determination,
25 and the relevant covered TNC or TNCs, any of the numerical
26 thresholds or any of the elections in this Section shall be

1 determined or conducted by a neutral body, in accordance with
2 the provisions of this Act. The fees of the neutral body shall
3 be paid by the Board. The neutral body shall report the results
4 of such determination or election to the Board, which shall
5 certify the results if it is satisfied that the determination
6 was made or election was conducted in accordance with the
7 provisions of this Act. If no neutral body has been agreed to
8 within 10 days after a TND organization's or TND's notice of
9 its request for a determination or its petition, the Board may
10 designate a neutral body or perform such functions itself.

11 Section 11. Administrative fees.

12 (a) Beginning on the date that a TND organization is
13 certified as the exclusive bargaining representative, each
14 covered TNC shall impose a fee of 20 cents per trip, which the
15 Board shall collect. The Board shall use such fees to issue
16 grants to the exclusive bargaining representative to educate
17 TNDs regarding their rights under this Act, to provide
18 assistance in enforcing those rights, and to enforce the terms
19 of an agreement or determination approved by the Department
20 under this Act.

21 (b) The fee shall be 20 cents per ride on each trip
22 originating in the State performed by a TND. Beginning on the
23 first January 1st after a TND organization has been certified
24 as an exclusive bargaining representative for at least 12
25 months, and each January 1st thereafter, the fee shall be

1 adjusted to the nearest penny to reflect any increase in
2 inflation as measured by the Consumer Price Index for All
3 Urban Consumers published by the United States Bureau of Labor
4 Statistics. The Board shall calculate and publish the
5 adjustments required by this subsection.

6 (c) The fee shall be displayed to customers as a "Labor
7 Relations Administrative Fee".

8 (d) The Board shall adopt by rule an exclusive bargaining
9 representative grant application and criteria for evaluating
10 such grant applications, including criteria to ensure that the
11 exclusive bargaining representative has the capacity and
12 expertise to provide education and enforcement support to
13 TNDs. If the exclusive bargaining representative meets the
14 criteria established by the Board, the Board shall approve the
15 grant application and remit the fees to the exclusive
16 bargaining representative on a monthly basis, with each
17 payment occurring no more than 30 days following the end of the
18 month. The fees shall be used by the TND organization solely to
19 educate TNDs regarding the rights protected by this Act, to
20 provide assistance in enforcing those rights, to negotiate the
21 sectoral agreement as provided in this Act, and to enforce the
22 terms of any agreement or determination approved by the
23 Department under this Act. No portion of such fees shall be
24 used for political contributions or lobbying. If no such grant
25 is awarded or if the fees collected exceed the grant awarded,
26 the Board shall use such fees for educational or enforcement

1 activities regarding the provisions of this Act.

2 (e) Each exclusive bargaining representative shall submit
3 an annual report to the Board in a form to be determined by the
4 Board setting forth how the fees have been utilized. The Board
5 shall review each annual report and certify whether the
6 exclusive bargaining representative is utilizing the fees for
7 appropriate activities and continues to meet the grant
8 application criteria. The Board shall adopt rules to establish
9 a process by which it may suspend or revoke grants based on the
10 failure to utilize the fees for educational or enforcement
11 activities or the failure to meet the grant application
12 criteria. If the Board finds that the exclusive bargaining
13 representative does not meet the grant application criteria,
14 the Board may utilize the fees for its own educational and
15 enforcement activities, and the exclusive bargaining
16 representative may reapply for a grant in the following year.

17 Section 12. Bargaining, impasse resolution procedures, and
18 final determination by the Department.

19 (a) Once the Board certifies that a TND organization is
20 the exclusive bargaining representative for the bargaining
21 unit, the Board shall notify all covered TNCs, and all covered
22 TNCs shall be required to bargain with the exclusive
23 bargaining representative concerning mandatory subjects of
24 bargaining. The covered TNCs and TND organization may bargain
25 concerning other subjects agreed to by the parties. To

1 facilitate negotiations, the covered TNCs may form an industry
2 association to negotiate on their behalf. If the covered TNCs
3 choose not to form an association, any recommended agreement
4 must be approved by (i) at least 2 industry member covered TNCs
5 and (ii) member covered TNCs representing at least 80% of the
6 market share of that industry in the State, with votes
7 determined in proportion to the number of rides completed by
8 TNDs contracting directly with the covered TNC in the 2
9 calendar quarters preceding the certification of the exclusive
10 bargaining representative.

11 (b) Each individual covered TNC shall retain exclusive
12 control over the development, maintenance, design, pricing,
13 and implementation of its product and product features,
14 software, contract terms, algorithm, and operations and areas
15 of service.

16 (c) A sectoral agreement submitted to the Department for
17 approval pursuant to subsection (i) shall address, at minimum,
18 the following subjects, each of which must be set forth
19 separately in the sectoral agreement, unless a subject is
20 expressly waived by mutual agreement of the exclusive
21 bargaining representative and the covered TNCs:

22 (1) Compensation.

23 (2) Benefits.

24 (3) Appeals process for deactivations.

25 (4) Representation of TNC drivers in deactivation
26 appeals.

1 (5) Paid leave.

2 (6) Information disclosed to TNC drivers about trips
3 on per-trip, weekly, and monthly earnings receipts and
4 summaries, and on initial ride offers.

5 (7) Grievance and arbitration procedures to resolve
6 disputes arising under the sectoral agreement.

7 (8) Safety mandates imposed by the covered TNCs that
8 require TNC drivers to purchase safety equipment or
9 purchase safety software, and safety features or protocols
10 proposed by the exclusive bargaining representative that
11 have a demonstrable purpose of reducing the risk of
12 physical assault or injury to TNC drivers. For the
13 purposes of this paragraph, "purchase" includes an
14 automatic withdrawal from TNC driver earnings.

15 (9) Labor-TNC partnerships.

16 (10) Reasonable access by the exclusive bargaining
17 representative to covered TNC-to-TNC driver communication
18 systems.

19 (11) Deduction of voluntary fees and dues from
20 payments to TNC drivers.

21 (12) Duration of the sectoral agreement, which shall
22 be between 3 and 5 years.

23 (13) Insurance coverage for occupational accidents or
24 injuries.

25 (14) Compensation or supplemental insurance for job
26 loss.

1 (d) A sectoral agreement, including an agreement
2 recommended by an arbitrator pursuant to paragraph (6) of
3 subsection (h), shall not contain a provision that prevents an
4 individual covered TNC from exercising its autonomy pursuant
5 to subsection (b).

6 (e) The negotiated sectoral agreement shall be submitted
7 by the TND organization to a vote by all TNDs who have
8 completed at least 100 trips in the previous calendar quarter.
9 Such vote shall be conducted by the TND organization pursuant
10 to procedures determined at the discretion of the TND
11 organization. If approved by a majority of TNDs who vote, the
12 sectoral agreement shall be submitted to the Department for
13 approval. If a majority of valid votes cast by the TNDs are not
14 in favor of the sectoral agreement, the TND organization and
15 the covered TNCs will resume negotiating.

16 (f) For the purposes of this Section, an impasse may be
17 deemed to exist if the covered TNCs and exclusive bargaining
18 representative fail to achieve agreement by the end of a
19 210-day period from the date a TND organization has been
20 certified as the exclusive bargaining representative. In the
21 case of bargaining for a successor sectoral agreement, an
22 impasse may be deemed to exist if the covered TNCs and
23 exclusive bargaining representative fail to achieve agreement
24 by the end of a 60-day period preceding the expiration date of
25 a prior determination by the Department as provided for in
26 subsection (i).

1 (g) Upon impasse, any of the affected covered TNCs or the
2 exclusive bargaining representative may request the Board to
3 render assistance as provided in this Section.

4 (h) Upon receiving a timely request from an exclusive
5 bargaining representative or covered TNC for commencement of
6 an impasse proceeding, the Board shall aid the parties as
7 follows:

8 (1) To assist the parties to effect a voluntary
9 resolution of the dispute, the Board shall provide the
10 parties with a list of qualified mediators as maintained
11 by the Board within 7 days after the request for
12 commencement of impasse proceedings. Within 7 days after
13 receipt of such list, the parties shall either select a
14 mediator from the Board's list or select another mutually
15 agreed mediator. If the parties fail to select a mediator
16 and notify the Board of their selection, within 7 days
17 after the date the Board provided the list of mediators,
18 the Board shall appoint a mediator from the list. The
19 Board shall make such an appointment and notify the
20 parties within 7 days. If the mediator is unable to
21 achieve agreement between the parties concerning an
22 appropriate resolution within 60 days after the Board has
23 provided the parties the list of mediators, any party may
24 petition the Board to refer the dispute to an arbitrator.

25 (2) Upon timely petition of either party, the Board
26 shall refer the dispute to an arbitrator as provided.

1 (3) Each of the affected parties (affected covered
2 TNCs and the exclusive bargaining representative) shall
3 have an equal say in the selection of the arbitrator and
4 each of the affected parties shall share equally the cost
5 of the arbitrator. If the parties are unable to agree upon
6 the arbitrator within 7 days after the Board notifies the
7 covered TNCs of the need to appoint an arbitrator, the
8 Board shall submit to the parties a list of qualified,
9 disinterested persons for the selection of an arbitrator.
10 A representative of each of the parties shall alternately
11 strike from the list one of the names with the order of
12 striking determined by lot, until the remaining one person
13 shall be designated as the arbitrator. Each party shall
14 select its representative for this purpose as it sees fit.
15 A party's failure to agree upon the designation of its
16 representative shall result in the failure of the striking
17 procedure, but shall not impede the Board's appointment of
18 the arbitrator upon such failure. The striking process
19 shall be completed within 5 days after receipt of the
20 Board's list. The representatives who undertake the
21 striking shall notify the Board of the designated
22 arbitrator. If the parties are unable to select the
23 arbitrator within 5 days following receipt of this list,
24 the Board shall appoint the arbitrator.

25 (4) The arbitrator shall hold hearings on all matters
26 related to the dispute, concerning mandatory subjects of

1 bargaining, and any other subject agreed to be submitted
2 by the covered TNCs and the TND organization. The parties
3 may be heard either in person, by counsel, or by other
4 representatives, as they may respectively designate. The
5 arbitrator shall determine the order of presentation by
6 the parties, and shall have discretion and authority to
7 decide all procedural issues that may be raised.

8 (5) The parties may present, either orally or in
9 writing, or both, statements of fact, supporting witnesses
10 and other evidence, and argument of their respective
11 positions with respect to each case. The arbitrator shall
12 have authority to require the production of such
13 additional evidence, either oral or written as they may
14 desire from the parties and shall provide at the request
15 of either party that a full and complete record be kept of
16 any such hearings, the cost of such record to be borne by
17 the requesting party. If such a record is created, it
18 shall be shared with all parties regardless of which party
19 paid for it.

20 (6) The arbitrator shall make a just and reasonable
21 determination of the matters in dispute, set forth in
22 paragraph (4) of subsection (h), and within 90 days after
23 the arbitrator's appointment shall issue a determination
24 that shall apply to all covered TNCs and the exclusive
25 bargaining representative. The time period for the
26 arbitrator's determination may be extended by the

1 arbitrator upon good cause shown, or by agreement by the
2 parties. In arriving at such determination, the arbitrator
3 shall specify the basis for the arbitrator's findings,
4 taking into consideration, in addition to any factors
5 recommended by the parties that the arbitrator finds to be
6 consistent with this Act, the following:

7 (i) whether the compensation, benefits, and
8 conditions of work of the TNDs achieve the policy
9 goals set forth in Section 2; such compensation and
10 benefits must take into account the real cost of
11 living, and may substantially exceed any statutory
12 minimum wage, and should be a sufficient amount such
13 that the TNDs do not need to rely upon any public
14 benefits;

15 (ii) whether the most efficient way to provide
16 benefits is through a portable benefits fund, and if
17 so, how to best assess each covered TNC a portion of
18 the costs of providing those benefits;

19 (iii) the financial ability of the affected
20 covered TNCs to pay for the compensation and benefits
21 in question and the impact on the delivery of services
22 provided by the covered TNCs;

23 (iv) the establishment of a reasonable
24 deactivation appeals process that will allow TNDs a
25 reasonable expectation of uninterrupted work; and

26 (v) comparison of particularities in regard to

1 other trades or professions, including specifically,
2 hazards of work, physical qualifications, educational
3 qualifications, mental qualifications, job training,
4 and skills.

5 (i) Any sectoral agreement, whether agreed upon between
6 covered TNCs and a TND organization acting as exclusive
7 bargaining representative of TNDs in the bargaining unit or as
8 determined by an arbitrator, under this Act shall be reviewed
9 and approved or disapproved by the Department. In deciding
10 whether to grant approval to such sectoral agreement, the
11 Department's decision shall be based on the factors specified
12 in paragraph (6) of subsection (h), and the policies set forth
13 in Section 2. In deciding whether to approve such sectoral
14 agreement, the Department shall afford the exclusive
15 representative, all covered TNCs, and TNDs no more than 30
16 days to submit comments and arguments concerning whether
17 approval is warranted. Within 60 days after the deadline for
18 submitting comments, the Department shall approve or
19 disapprove the sectoral agreement. If the Department
20 disapproves of the sectoral agreement, the Department may make
21 recommendations for amendments to the sectoral agreement that
22 would cause the Department to approve and afford the parties
23 an opportunity to respond to those recommendations. If, during
24 the period of time the sectoral agreement is in effect, the
25 Department determines that market conditions have changed, the
26 Department shall give the exclusive bargaining representative,

1 all covered TNCs, and TNDs the opportunity to submit comments
2 and arguments concerning whether the final determination
3 should be modified, and after receiving those comments, the
4 Department may modify the final determination. Any new terms
5 for the bargaining unit shall be set in accordance with the
6 procedures set forth in this Section.

7 (j) A final determination by the Department under this
8 Section is a final order. Any covered TNC or exclusive
9 bargaining representative aggrieved by any such final order
10 may apply for and obtain judicial review in accordance with
11 the provisions of the Administrative Review Law, except that
12 such review shall be afforded directly in the Appellate Court
13 for the district in which the aggrieved party resides or
14 transacts business, and provided that such final orders of the
15 Department shall only be overturned if found to be an abuse of
16 discretion. Any direct appeal to the Appellate Court shall be
17 filed within 35 days after the date that a copy of the decision
18 sought to be reviewed was served upon the party affected by the
19 decision. Except in a proceeding brought to review a final
20 order of the Department, the determination of an arbitrator
21 under this Section shall not be subject to judicial review.

22 Section 13. Compliance with other laws.

23 (a) Notwithstanding any other law, with respect to
24 transportation network company services performed by
25 transportation network drivers for a covered TNC, the

1 obligations imposed by the Illinois Secure Choice Savings
2 Program Act, the Minimum Wage Law, the Equal Wage Act, the
3 Equal Pay Act of 2003, the Illinois Wage Payment and
4 Collection Act, the Sales Representative Act, the Prevailing
5 Wage Act, the Burial Rights Act, the One Day Rest In Seven Act,
6 the Eight Hour Work Day Act, the School Visitation Rights Act,
7 the Civil Air Patrol Leave Act, the Employee Blood and Organ
8 Donation Leave Act, the Employee Medical Contribution Act, the
9 Military Leave Act, the Family Bereavement Leave Act, the
10 Employer as Lessee Bond Act, the Child Extended Bereavement
11 Leave Act, the Family Neonatal Intensive Care Leave Act, the
12 Employee Benefit Contribution Act, the Personal Service Wage
13 Refund Act, the Earned Income Tax Credit Information Act, the
14 Day and Temporary Labor Services Act, the Victims' Economic
15 Security and Safety Act, the Domestic Workers' Bill of Rights
16 Act, the Employee Classification Act, the Illinois Fringe
17 Benefit Portability and Continuity Act, the Employee Sick
18 Leave Act, the Paid Leave for All Workers Act, the Workers'
19 Compensation Act, the Workers' Occupational Diseases Act, and
20 the Unemployment Insurance Act shall be deemed satisfied and
21 not separately enforceable if the covered TNC is in
22 substantial compliance with this Act or with any sectoral
23 bargaining agreement approved pursuant to this Act.

24 (b) Compliance with this Act or with an approved sectoral
25 agreement shall not establish or give rise to a presumption of
26 an employment relationship between a TNC and a TND for any

1 purpose under State or local law.

2 (c) With respect to transportation network company
3 services performed by a transportation network driver for a
4 covered transportation network company, the benefits, earnings
5 provisions, leave, or standards in an approved sectoral
6 agreement, if any, shall be enforceable exclusively pursuant
7 to the terms of the sectoral agreement or the provisions of
8 this Act.

9 (d) This Section is inoperative 5 years after the
10 effective date of this Act, unless prior to that date a
11 sectoral agreement has been approved by the Department
12 pursuant to the Act, in which case this Section shall not be
13 inoperative. If this Section is inoperative, no claims covered
14 by this Section shall have their statutes of limitations
15 tolled during the period this Section is operative.

16 Section 14. Home rule.

17 (a) Notwithstanding any other provision of law, the
18 regulation of transportation network driver labor relations is
19 an exclusive power and function of the State. A unit of local
20 government, including a home rule unit, may not regulate
21 transportation network driver labor relations. This subsection
22 is a denial and limitation of home rule powers and functions
23 under subsection (h) of Section 6 of Article VII of the
24 Illinois Constitution.

25 (b) Upon approval of a sectoral agreement pursuant to this

1 Act, the regulation of transportation network driver earnings,
2 benefits, or other conditions of work set forth in subsection
3 (c) of Section 12 is an exclusive power and function of the
4 State. Upon approval of a sectoral agreement pursuant to this
5 Act, a unit of local government, including a home rule unit,
6 may not regulate transportation network driver earnings,
7 benefits, or other conditions of work set forth in subsection
8 (c) of Section 12. This subsection is a denial and limitation
9 of home rule powers and functions under subsection (h) of
10 Section 6 of Article VII of the Illinois Constitution.

11 Section 15. Applicability of other labor standards. Other
12 than as established in this Act, no sectoral agreement,
13 arbitrator's determination, or final determination by the
14 Department made pursuant to this Act shall diminish or erode
15 any minimum labor standard that would otherwise apply to a
16 TND.

17 Section 16. Rulemaking.

18 (a) The Board and the Department shall make such rules as
19 may be appropriate to effectuate the purposes and provisions
20 of this Act. In order to provide for the expeditious and timely
21 implementation of the provisions of this Act, such rules may
22 be adopted by the Board or the Department as emergency rules
23 pursuant to Section 5-45 of the Illinois Administrative
24 Procedure Act within 6 months of the effective date of this

1 Act. The adoption of those emergency rules shall be considered
2 an emergency and necessary for the public interest, safety,
3 and welfare.

4 (b) The Board may apply, in its discretion, applicable
5 rules adopted under the Illinois Public Labor Relations Act to
6 the extent those procedures are not inconsistent with the
7 procedures specified in this Act. To effect that purpose, the
8 Board may, in its discretion, and to the extent doing so is not
9 inconsistent with the procedures specified in this Act,
10 interpret rules adopted under the Illinois Public Labor
11 Relations Act, referencing "employer" to include a
12 transportation network company, referencing "employee" to
13 include a transportation network driver, and referencing a
14 "labor organization" to include a transportation network
15 driver organization.

16 (c) The rules shall establish the obligations and
17 procedures for the Board and TND organizations to protect TND
18 data from public disclosure and unauthorized use, including:
19 (i) minimization of data collected to what is necessary under
20 this Act; (ii) encryption standards adhering to recognized
21 security protocols; (iii) access controls to ensure that only
22 authorized persons can view or process driver data; (iv) data
23 retention policy; (v) auditing and compliance monitoring; (vi)
24 data breach protocol; (vii) limitations on data use; and
25 (viii) limiting the disclosure of driver personal identifying
26 information to the confidential uses necessary to effectuate

1 this Act and not for the purpose of enforcing federal
2 immigration law or providing it to an agency that primarily
3 enforces immigration law, unless the Board is provided with a
4 lawful court order or judicial warrant signed by a judge
5 appointed pursuant to Article III of the United States
6 Constitution, a federal grand jury or trial subpoena, or as
7 otherwise required by federal law.

8 Section 17. Public records. Any record furnished to the
9 Board, Department, or other state agency by a TNC pursuant to
10 this Act including, but not limited to, TND records, shall not
11 be considered a public record as defined in subsection (c) of
12 Section 2 of the Freedom of Information Act. Such records are
13 confidential and shall not be disclosed by the Board or any
14 persons who may be authorized by the Board to process them
15 solely for the purposes of this Act.

16 Section 900. The Illinois Administrative Procedure Act is
17 amended by adding Section 5-45.71 as follows:

18 (5 ILCS 100/5-45.71 new)

19 Sec. 5-45.71. Emergency rulemaking; Transportation Network
20 Driver Labor Relations Act. To provide for the expeditious and
21 timely implementation of the Transportation Network Driver
22 Labor Relations Act, emergency rules implementing the
23 Transportation Network Driver Labor Relations Act may be

1 adopted in accordance with Section 5-45 by the Illinois Labor
2 Relations Board or the Department of Labor. The adoption of
3 emergency rules authorized by Section 5-45 and this Section is
4 deemed to be necessary for the public interest, safety, and
5 welfare.

6 This Section is repealed one year after the effective date
7 of this amendatory Act of the 104th General Assembly.

8 Section 905. The Freedom of Information Act is amended by
9 changing Section 7.5 as follows:

10 (5 ILCS 140/7.5)

11 (Text of Section before amendment by P.A. 104-441 and
12 104-457)

13 Sec. 7.5. Statutory exemptions. To the extent provided for
14 by the statutes referenced below, the following shall be
15 exempt from inspection and copying:

16 (a) All information determined to be confidential
17 under Section 4002 of the Technology Advancement and
18 Development Act.

19 (b) Library circulation and order records identifying
20 library users with specific materials under the Library
21 Records Confidentiality Act.

22 (c) Applications, related documents, and medical
23 records received by the Experimental Organ Transplantation
24 Procedures Board and any and all documents or other

1 records prepared by the Experimental Organ Transplantation
2 Procedures Board or its staff relating to applications it
3 has received.

4 (d) Information and records held by the Department of
5 Public Health and its authorized representatives relating
6 to known or suspected cases of sexually transmitted
7 infection or any information the disclosure of which is
8 restricted under the Illinois Sexually Transmitted
9 Infection Control Act.

10 (e) Information the disclosure of which is exempted
11 under Section 30 of the Radon Industry Licensing Act.

12 (f) Firm performance evaluations under Section 55 of
13 the Architectural, Engineering, and Land Surveying
14 Qualifications Based Selection Act.

15 (g) Information the disclosure of which is restricted
16 and exempted under Section 50 of the Illinois Prepaid
17 Tuition Act.

18 (h) Information the disclosure of which is exempted
19 under the State Officials and Employees Ethics Act, and
20 records of any lawfully created State or local inspector
21 general's office that would be exempt if created or
22 obtained by an Executive Inspector General's office under
23 that Act.

24 (i) Information contained in a local emergency energy
25 plan submitted to a municipality in accordance with a
26 local emergency energy plan ordinance that is adopted

1 under Section 11-21.5-5 of the Illinois Municipal Code.

2 (j) Information and data concerning the distribution
3 of surcharge moneys collected and remitted by carriers
4 under the Emergency Telephone System Act.

5 (k) Law enforcement officer identification information
6 or driver identification information compiled by a law
7 enforcement agency or the Department of Transportation
8 under Section 11-212 of the Illinois Vehicle Code.

9 (l) Records and information provided to a residential
10 health care facility resident sexual assault and death
11 review team or the Executive Council under the Abuse
12 Prevention Review Team Act.

13 (m) Information provided to the predatory lending
14 database created pursuant to Article 3 of the Residential
15 Real Property Disclosure Act, except to the extent
16 authorized under that Article.

17 (n) Defense budgets and petitions for certification of
18 compensation and expenses for court appointed trial
19 counsel as provided under Sections 10 and 15 of the
20 Capital Crimes Litigation Act (repealed). This subsection
21 (n) shall apply until the conclusion of the trial of the
22 case, even if the prosecution chooses not to pursue the
23 death penalty prior to trial or sentencing.

24 (o) Information that is prohibited from being
25 disclosed under Section 4 of the Illinois Health and
26 Hazardous Substances Registry Act.

1 (p) Security portions of system safety program plans,
2 investigation reports, surveys, schedules, lists, data, or
3 information compiled, collected, or prepared by or for the
4 Department of Transportation under Sections 2705-300 and
5 2705-616 of the Department of Transportation Law of the
6 Civil Administrative Code of Illinois, the Regional
7 Transportation Authority under Section 2.11 of the
8 Regional Transportation Authority Act, or the St. Clair
9 County Transit District under the Bi-State Transit Safety
10 Act (repealed).

11 (q) Information prohibited from being disclosed by the
12 Personnel Record Review Act.

13 (r) Information prohibited from being disclosed by the
14 Illinois School Student Records Act.

15 (s) Information the disclosure of which is restricted
16 under Section 5-108 of the Public Utilities Act.

17 (t) (Blank).

18 (u) Records and information provided to an independent
19 team of experts under the Developmental Disability and
20 Mental Health Safety Act (also known as Brian's Law).

21 (v) Names and information of people who have applied
22 for or received Firearm Owner's Identification Cards under
23 the Firearm Owners Identification Card Act or applied for
24 or received a concealed carry license under the Firearm
25 Concealed Carry Act, unless otherwise authorized by the
26 Firearm Concealed Carry Act; and databases under the

1 Firearm Concealed Carry Act, records of the Concealed
2 Carry Licensing Review Board under the Firearm Concealed
3 Carry Act, and law enforcement agency objections under the
4 Firearm Concealed Carry Act.

5 (v-5) Records of the Firearm Owner's Identification
6 Card Review Board that are exempted from disclosure under
7 Section 10 of the Firearm Owners Identification Card Act.

8 (w) Personally identifiable information which is
9 exempted from disclosure under subsection (g) of Section
10 19.1 of the Toll Highway Act.

11 (x) Information which is exempted from disclosure
12 under Section 5-1014.3 of the Counties Code or Section
13 8-11-21 of the Illinois Municipal Code.

14 (y) Confidential information under the Adult
15 Protective Services Act and its predecessor enabling
16 statute, the Elder Abuse and Neglect Act, including
17 information about the identity and administrative finding
18 against any caregiver of a verified and substantiated
19 decision of abuse, neglect, or financial exploitation of
20 an eligible adult maintained in the Registry established
21 under Section 7.5 of the Adult Protective Services Act.

22 (z) Records and information provided to a fatality
23 review team or the Illinois Fatality Review Team Advisory
24 Council under Section 15 of the Adult Protective Services
25 Act.

26 (aa) Information which is exempted from disclosure

1 under Section 2.37 of the Wildlife Code.

2 (bb) Information which is or was prohibited from
3 disclosure by the Juvenile Court Act of 1987.

4 (cc) Recordings made under the Law Enforcement
5 Officer-Worn Body Camera Act, except to the extent
6 authorized under that Act.

7 (dd) Information that is prohibited from being
8 disclosed under Section 45 of the Condominium and Common
9 Interest Community Ombudsperson Act.

10 (ee) Information that is exempted from disclosure
11 under Section 30.1 of the Pharmacy Practice Act.

12 (ff) Information that is exempted from disclosure
13 under the Revised Uniform Unclaimed Property Act.

14 (gg) Information that is prohibited from being
15 disclosed under Section 7-603.5 of the Illinois Vehicle
16 Code.

17 (hh) Records that are exempt from disclosure under
18 Section 1A-16.7 of the Election Code.

19 (ii) Information which is exempted from disclosure
20 under Section 2505-800 of the Department of Revenue Law of
21 the Civil Administrative Code of Illinois.

22 (jj) Information and reports that are required to be
23 submitted to the Department of Labor by registering day
24 and temporary labor service agencies but are exempt from
25 disclosure under subsection (a-1) of Section 45 of the Day
26 and Temporary Labor Services Act.

1 (kk) Information prohibited from disclosure under the
2 Seizure and Forfeiture Reporting Act.

3 (ll) Information the disclosure of which is restricted
4 and exempted under Section 5-30.8 of the Illinois Public
5 Aid Code.

6 (mm) Records that are exempt from disclosure under
7 Section 4.2 of the Crime Victims Compensation Act.

8 (nn) Information that is exempt from disclosure under
9 Section 70 of the Higher Education Student Assistance Act.

10 (oo) Communications, notes, records, and reports
11 arising out of a peer support counseling session
12 prohibited from disclosure under the First Responders
13 Suicide Prevention Act.

14 (pp) Names and all identifying information relating to
15 an employee of an emergency services provider or law
16 enforcement agency under the First Responders Suicide
17 Prevention Act.

18 (qq) Information and records held by the Department of
19 Public Health and its authorized representatives collected
20 under the Reproductive Health Act.

21 (rr) Information that is exempt from disclosure under
22 the Cannabis Regulation and Tax Act.

23 (ss) Data reported by an employer to the Department of
24 Human Rights pursuant to Section 2-108 of the Illinois
25 Human Rights Act.

26 (tt) Recordings made under the Children's Advocacy

1 Center Act, except to the extent authorized under that
2 Act.

3 (uu) Information that is exempt from disclosure under
4 Section 50 of the Sexual Assault Evidence Submission Act.

5 (vv) Information that is exempt from disclosure under
6 subsections (f) and (j) of Section 5-36 of the Illinois
7 Public Aid Code.

8 (ww) Information that is exempt from disclosure under
9 Section 16.8 of the State Treasurer Act.

10 (xx) Information that is exempt from disclosure or
11 information that shall not be made public under the
12 Illinois Insurance Code.

13 (yy) Information prohibited from being disclosed under
14 the Illinois Educational Labor Relations Act.

15 (zz) Information prohibited from being disclosed under
16 the Illinois Public Labor Relations Act.

17 (aaa) Information prohibited from being disclosed
18 under Section 1-167 of the Illinois Pension Code.

19 (bbb) Information that is prohibited from disclosure
20 by the Illinois Police Training Act and the Illinois State
21 Police Act.

22 (ccc) Records exempt from disclosure under Section
23 2605-304 of the Illinois State Police Law of the Civil
24 Administrative Code of Illinois.

25 (ddd) Information prohibited from being disclosed
26 under Section 35 of the Address Confidentiality for

1 Victims of Domestic Violence, Sexual Assault, Human
2 Trafficking, or Stalking Act.

3 (eee) Information prohibited from being disclosed
4 under subsection (b) of Section 75 of the Domestic
5 Violence Fatality Review Act.

6 (fff) Images from cameras under the Expressway Camera
7 Act and all automated license plate reader (ALPR)
8 information used and collected by the Illinois State
9 Police. "ALPR information" means information gathered by
10 an ALPR or created from the analysis of data generated by
11 an ALPR. This subsection (fff) is inoperative on and after
12 July 1, 2028.

13 (ggg) Information prohibited from disclosure under
14 paragraph (3) of subsection (a) of Section 14 of the Nurse
15 Agency Licensing Act.

16 (hhh) Information submitted to the Illinois State
17 Police in an affidavit or application for an assault
18 weapon endorsement, assault weapon attachment endorsement,
19 .50 caliber rifle endorsement, or .50 caliber cartridge
20 endorsement under the Firearm Owners Identification Card
21 Act.

22 (iii) Data exempt from disclosure under Section 50 of
23 the School Safety Drill Act.

24 (jjj) Information exempt from disclosure under Section
25 30 of the Insurance Data Security Law.

26 (kkk) Confidential business information prohibited

1 from disclosure under Section 45 of the Paint Stewardship
2 Act.

3 (lll) Data exempt from disclosure under Section
4 2-3.196 of the School Code.

5 (mmm) Information prohibited from being disclosed
6 under subsection (e) of Section 1-129 of the Illinois
7 Power Agency Act.

8 (nnn) Materials received by the Department of Commerce
9 and Economic Opportunity that are confidential under the
10 Music and Musicians Tax Credit and Jobs Act.

11 (ooo) Data or information provided pursuant to Section
12 20 of the Statewide Recycling Needs and Assessment Act.

13 (ppp) Information that is exempt from disclosure under
14 Section 28-11 of the Lawful Health Care Activity Act.

15 (qqq) Information that is exempt from disclosure under
16 Section 7-101 of the Illinois Human Rights Act.

17 (rrr) Information prohibited from being disclosed
18 under Section 4-2 of the Uniform Money Transmission
19 Modernization Act.

20 (sss) Information exempt from disclosure under Section
21 40 of the Student-Athlete Endorsement Rights Act.

22 (ttt) Audio recordings made under Section 30 of the
23 Illinois State Police Act, except to the extent authorized
24 under that Section.

25 (uuu) Information prohibited from being disclosed
26 under Section 30-5 of the Digital Assets Regulation Act.

1 (vvv) Information prohibited or exempt from being
2 disclosed under the Transportation Network Driver Labor
3 Relations Act.

4 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;
5 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.
6 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592,
7 eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24;
8 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff.
9 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081,
10 eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25;
11 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; revised
12 9-10-25.)

13 (Text of Section after amendment by P.A. 104-457 but
14 before 104-441)

15 Sec. 7.5. Statutory exemptions. To the extent provided for
16 by the statutes referenced below, the following shall be
17 exempt from inspection and copying:

18 (a) All information determined to be confidential
19 under Section 4002 of the Technology Advancement and
20 Development Act.

21 (b) Library circulation and order records identifying
22 library users with specific materials under the Library
23 Records Confidentiality Act.

24 (c) Applications, related documents, and medical
25 records received by the Experimental Organ Transplantation

1 Procedures Board and any and all documents or other
2 records prepared by the Experimental Organ Transplantation
3 Procedures Board or its staff relating to applications it
4 has received.

5 (d) Information and records held by the Department of
6 Public Health and its authorized representatives relating
7 to known or suspected cases of sexually transmitted
8 infection or any information the disclosure of which is
9 restricted under the Illinois Sexually Transmitted
10 Infection Control Act.

11 (e) Information the disclosure of which is exempted
12 under Section 30 of the Radon Industry Licensing Act.

13 (f) Firm performance evaluations under Section 55 of
14 the Architectural, Engineering, and Land Surveying
15 Qualifications Based Selection Act.

16 (g) Information the disclosure of which is restricted
17 and exempted under Section 50 of the Illinois Prepaid
18 Tuition Act.

19 (h) Information the disclosure of which is exempted
20 under the State Officials and Employees Ethics Act, and
21 records of any lawfully created State or local inspector
22 general's office that would be exempt if created or
23 obtained by an Executive Inspector General's office under
24 that Act.

25 (i) Information contained in a local emergency energy
26 plan submitted to a municipality in accordance with a

1 local emergency energy plan ordinance that is adopted
2 under Section 11-21.5-5 of the Illinois Municipal Code.

3 (j) Information and data concerning the distribution
4 of surcharge moneys collected and remitted by carriers
5 under the Emergency Telephone System Act.

6 (k) Law enforcement officer identification information
7 or driver identification information compiled by a law
8 enforcement agency or the Department of Transportation
9 under Section 11-212 of the Illinois Vehicle Code.

10 (l) Records and information provided to a residential
11 health care facility resident sexual assault and death
12 review team or the Executive Council under the Abuse
13 Prevention Review Team Act.

14 (m) Information provided to the predatory lending
15 database created pursuant to Article 3 of the Residential
16 Real Property Disclosure Act, except to the extent
17 authorized under that Article.

18 (n) Defense budgets and petitions for certification of
19 compensation and expenses for court appointed trial
20 counsel as provided under Sections 10 and 15 of the
21 Capital Crimes Litigation Act (repealed). This subsection
22 (n) shall apply until the conclusion of the trial of the
23 case, even if the prosecution chooses not to pursue the
24 death penalty prior to trial or sentencing.

25 (o) Information that is prohibited from being
26 disclosed under Section 4 of the Illinois Health and

1 Hazardous Substances Registry Act.

2 (p) Security portions of system safety program plans,
3 investigation reports, surveys, schedules, lists, data, or
4 information compiled, collected, or prepared by or for the
5 Department of Transportation under Sections 2705-300 and
6 2705-616 of the Department of Transportation Law of the
7 Civil Administrative Code of Illinois, the Northern
8 Illinois Transit Authority under Section 2.11 of the
9 Northern Illinois Transit Authority Act, or the St. Clair
10 County Transit District under the Bi-State Transit Safety
11 Act (repealed).

12 (q) Information prohibited from being disclosed by the
13 Personnel Record Review Act.

14 (r) Information prohibited from being disclosed by the
15 Illinois School Student Records Act.

16 (s) Information the disclosure of which is restricted
17 under Section 5-108 of the Public Utilities Act.

18 (t) (Blank).

19 (u) Records and information provided to an independent
20 team of experts under the Developmental Disability and
21 Mental Health Safety Act (also known as Brian's Law).

22 (v) Names and information of people who have applied
23 for or received Firearm Owner's Identification Cards under
24 the Firearm Owners Identification Card Act or applied for
25 or received a concealed carry license under the Firearm
26 Concealed Carry Act, unless otherwise authorized by the

1 Firearm Concealed Carry Act; and databases under the
2 Firearm Concealed Carry Act, records of the Concealed
3 Carry Licensing Review Board under the Firearm Concealed
4 Carry Act, and law enforcement agency objections under the
5 Firearm Concealed Carry Act.

6 (v-5) Records of the Firearm Owner's Identification
7 Card Review Board that are exempted from disclosure under
8 Section 10 of the Firearm Owners Identification Card Act.

9 (w) Personally identifiable information which is
10 exempted from disclosure under subsection (g) of Section
11 19.1 of the Toll Highway Act.

12 (x) Information which is exempted from disclosure
13 under Section 5-1014.3 of the Counties Code or Section
14 8-11-21 of the Illinois Municipal Code.

15 (y) Confidential information under the Adult
16 Protective Services Act and its predecessor enabling
17 statute, the Elder Abuse and Neglect Act, including
18 information about the identity and administrative finding
19 against any caregiver of a verified and substantiated
20 decision of abuse, neglect, or financial exploitation of
21 an eligible adult maintained in the Registry established
22 under Section 7.5 of the Adult Protective Services Act.

23 (z) Records and information provided to a fatality
24 review team or the Illinois Fatality Review Team Advisory
25 Council under Section 15 of the Adult Protective Services
26 Act.

1 (aa) Information which is exempted from disclosure
2 under Section 2.37 of the Wildlife Code.

3 (bb) Information which is or was prohibited from
4 disclosure by the Juvenile Court Act of 1987.

5 (cc) Recordings made under the Law Enforcement
6 Officer-Worn Body Camera Act, except to the extent
7 authorized under that Act.

8 (dd) Information that is prohibited from being
9 disclosed under Section 45 of the Condominium and Common
10 Interest Community Ombudsperson Act.

11 (ee) Information that is exempted from disclosure
12 under Section 30.1 of the Pharmacy Practice Act.

13 (ff) Information that is exempted from disclosure
14 under the Revised Uniform Unclaimed Property Act.

15 (gg) Information that is prohibited from being
16 disclosed under Section 7-603.5 of the Illinois Vehicle
17 Code.

18 (hh) Records that are exempt from disclosure under
19 Section 1A-16.7 of the Election Code.

20 (ii) Information which is exempted from disclosure
21 under Section 2505-800 of the Department of Revenue Law of
22 the Civil Administrative Code of Illinois.

23 (jj) Information and reports that are required to be
24 submitted to the Department of Labor by registering day
25 and temporary labor service agencies but are exempt from
26 disclosure under subsection (a-1) of Section 45 of the Day

1 and Temporary Labor Services Act.

2 (kk) Information prohibited from disclosure under the
3 Seizure and Forfeiture Reporting Act.

4 (ll) Information the disclosure of which is restricted
5 and exempted under Section 5-30.8 of the Illinois Public
6 Aid Code.

7 (mm) Records that are exempt from disclosure under
8 Section 4.2 of the Crime Victims Compensation Act.

9 (nn) Information that is exempt from disclosure under
10 Section 70 of the Higher Education Student Assistance Act.

11 (oo) Communications, notes, records, and reports
12 arising out of a peer support counseling session
13 prohibited from disclosure under the First Responders
14 Suicide Prevention Act.

15 (pp) Names and all identifying information relating to
16 an employee of an emergency services provider or law
17 enforcement agency under the First Responders Suicide
18 Prevention Act.

19 (qq) Information and records held by the Department of
20 Public Health and its authorized representatives collected
21 under the Reproductive Health Act.

22 (rr) Information that is exempt from disclosure under
23 the Cannabis Regulation and Tax Act.

24 (ss) Data reported by an employer to the Department of
25 Human Rights pursuant to Section 2-108 of the Illinois
26 Human Rights Act.

1 (tt) Recordings made under the Children's Advocacy
2 Center Act, except to the extent authorized under that
3 Act.

4 (uu) Information that is exempt from disclosure under
5 Section 50 of the Sexual Assault Evidence Submission Act.

6 (vv) Information that is exempt from disclosure under
7 subsections (f) and (j) of Section 5-36 of the Illinois
8 Public Aid Code.

9 (ww) Information that is exempt from disclosure under
10 Section 16.8 of the State Treasurer Act.

11 (xx) Information that is exempt from disclosure or
12 information that shall not be made public under the
13 Illinois Insurance Code.

14 (yy) Information prohibited from being disclosed under
15 the Illinois Educational Labor Relations Act.

16 (zz) Information prohibited from being disclosed under
17 the Illinois Public Labor Relations Act.

18 (aaa) Information prohibited from being disclosed
19 under Section 1-167 of the Illinois Pension Code.

20 (bbb) Information that is prohibited from disclosure
21 by the Illinois Police Training Act and the Illinois State
22 Police Act.

23 (ccc) Records exempt from disclosure under Section
24 2605-304 of the Illinois State Police Law of the Civil
25 Administrative Code of Illinois.

26 (ddd) Information prohibited from being disclosed

1 under Section 35 of the Address Confidentiality for
2 Victims of Domestic Violence, Sexual Assault, Human
3 Trafficking, or Stalking Act.

4 (eee) Information prohibited from being disclosed
5 under subsection (b) of Section 75 of the Domestic
6 Violence Fatality Review Act.

7 (fff) Images from cameras under the Expressway Camera
8 Act and all automated license plate reader (ALPR)
9 information used and collected by the Illinois State
10 Police. "ALPR information" means information gathered by
11 an ALPR or created from the analysis of data generated by
12 an ALPR. This subsection (fff) is inoperative on and after
13 July 1, 2028.

14 (ggg) Information prohibited from disclosure under
15 paragraph (3) of subsection (a) of Section 14 of the Nurse
16 Agency Licensing Act.

17 (hhh) Information submitted to the Illinois State
18 Police in an affidavit or application for an assault
19 weapon endorsement, assault weapon attachment endorsement,
20 .50 caliber rifle endorsement, or .50 caliber cartridge
21 endorsement under the Firearm Owners Identification Card
22 Act.

23 (iii) Data exempt from disclosure under Section 50 of
24 the School Safety Drill Act.

25 (jjj) Information exempt from disclosure under Section
26 30 of the Insurance Data Security Law.

1 (kkk) Confidential business information prohibited
2 from disclosure under Section 45 of the Paint Stewardship
3 Act.

4 (lll) Data exempt from disclosure under Section
5 2-3.196 of the School Code.

6 (mmm) Information prohibited from being disclosed
7 under subsection (e) of Section 1-129 of the Illinois
8 Power Agency Act.

9 (nnn) Materials received by the Department of Commerce
10 and Economic Opportunity that are confidential under the
11 Music and Musicians Tax Credit and Jobs Act.

12 (ooo) Data or information provided pursuant to Section
13 20 of the Statewide Recycling Needs and Assessment Act.

14 (ppp) Information that is exempt from disclosure under
15 Section 28-11 of the Lawful Health Care Activity Act.

16 (qqq) Information that is exempt from disclosure under
17 Section 7-101 of the Illinois Human Rights Act.

18 (rrr) Information prohibited from being disclosed
19 under Section 4-2 of the Uniform Money Transmission
20 Modernization Act.

21 (sss) Information exempt from disclosure under Section
22 40 of the Student-Athlete Endorsement Rights Act.

23 (ttt) Audio recordings made under Section 30 of the
24 Illinois State Police Act, except to the extent authorized
25 under that Section.

26 (uuu) Information prohibited from being disclosed

1 under Section 30-5 of the Digital Assets Regulation Act.

2 (vuv) Information prohibited or exempt from being
3 disclosed under the Transportation Network Driver Labor
4 Relations Act.

5 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;
6 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.
7 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592,
8 eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24;
9 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff.
10 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081,
11 eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25;
12 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; 104-457, eff.
13 6-1-26; revised 1-7-26.)

14 (Text of Section after amendment by P.A. 104-441)

15 Sec. 7.5. Statutory exemptions. To the extent provided for
16 by the statutes referenced below, the following shall be
17 exempt from inspection and copying:

18 (a) All information determined to be confidential
19 under Section 4002 of the Technology Advancement and
20 Development Act.

21 (b) Library circulation and order records identifying
22 library users with specific materials under the Library
23 Records Confidentiality Act.

24 (c) Applications, related documents, and medical
25 records received by the Experimental Organ Transplantation

1 Procedures Board and any and all documents or other
2 records prepared by the Experimental Organ Transplantation
3 Procedures Board or its staff relating to applications it
4 has received.

5 (d) Information and records held by the Department of
6 Public Health and its authorized representatives relating
7 to known or suspected cases of sexually transmitted
8 infection or any information the disclosure of which is
9 restricted under the Illinois Sexually Transmitted
10 Infection Control Act.

11 (e) Information the disclosure of which is exempted
12 under Section 30 of the Radon Industry Licensing Act.

13 (f) Firm performance evaluations under Section 55 of
14 the Architectural, Engineering, and Land Surveying
15 Qualifications Based Selection Act.

16 (g) Information the disclosure of which is restricted
17 and exempted under Section 50 of the Illinois Prepaid
18 Tuition Act.

19 (h) Information the disclosure of which is exempted
20 under the State Officials and Employees Ethics Act, and
21 records of any lawfully created State or local inspector
22 general's office that would be exempt if created or
23 obtained by an Executive Inspector General's office under
24 that Act.

25 (i) Information contained in a local emergency energy
26 plan submitted to a municipality in accordance with a

1 local emergency energy plan ordinance that is adopted
2 under Section 11-21.5-5 of the Illinois Municipal Code.

3 (j) Information and data concerning the distribution
4 of surcharge moneys collected and remitted by carriers
5 under the Emergency Telephone System Act.

6 (k) Law enforcement officer identification information
7 or driver identification information compiled by a law
8 enforcement agency or the Department of Transportation
9 under Section 11-212 of the Illinois Vehicle Code.

10 (l) Records and information provided to a residential
11 health care facility resident sexual assault and death
12 review team or the Executive Council under the Abuse
13 Prevention Review Team Act.

14 (m) Information provided to the predatory lending
15 database created pursuant to Article 3 of the Residential
16 Real Property Disclosure Act, except to the extent
17 authorized under that Article.

18 (n) Defense budgets and petitions for certification of
19 compensation and expenses for court appointed trial
20 counsel as provided under Sections 10 and 15 of the
21 Capital Crimes Litigation Act (repealed). This subsection
22 (n) shall apply until the conclusion of the trial of the
23 case, even if the prosecution chooses not to pursue the
24 death penalty prior to trial or sentencing.

25 (o) Information that is prohibited from being
26 disclosed under Section 4 of the Illinois Health and

1 Hazardous Substances Registry Act.

2 (p) Security portions of system safety program plans,
3 investigation reports, surveys, schedules, lists, data, or
4 information compiled, collected, or prepared by or for the
5 Department of Transportation under Sections 2705-300 and
6 2705-616 of the Department of Transportation Law of the
7 Civil Administrative Code of Illinois, the Northern
8 Illinois Transit Authority under Section 2.11 of the
9 Northern Illinois Transit Authority Act, or the St. Clair
10 County Transit District under the Bi-State Transit Safety
11 Act (repealed).

12 (q) Information prohibited from being disclosed by the
13 Personnel Record Review Act.

14 (r) Information prohibited from being disclosed by the
15 Illinois School Student Records Act.

16 (s) Information the disclosure of which is restricted
17 under Section 5-108 of the Public Utilities Act.

18 (t) (Blank).

19 (u) Records and information provided to an independent
20 team of experts under the Developmental Disability and
21 Mental Health Safety Act (also known as Brian's Law).

22 (v) Names and information of people who have applied
23 for or received Firearm Owner's Identification Cards under
24 the Firearm Owners Identification Card Act or applied for
25 or received a concealed carry license under the Firearm
26 Concealed Carry Act, unless otherwise authorized by the

1 Firearm Concealed Carry Act; and databases under the
2 Firearm Concealed Carry Act, records of the Concealed
3 Carry Licensing Review Board under the Firearm Concealed
4 Carry Act, and law enforcement agency objections under the
5 Firearm Concealed Carry Act.

6 (v-5) Records of the Firearm Owner's Identification
7 Card Review Board that are exempted from disclosure under
8 Section 10 of the Firearm Owners Identification Card Act.

9 (w) Personally identifiable information which is
10 exempted from disclosure under subsection (g) of Section
11 19.1 of the Toll Highway Act.

12 (x) Information which is exempted from disclosure
13 under Section 5-1014.3 of the Counties Code or Section
14 8-11-21 of the Illinois Municipal Code.

15 (y) Confidential information under the Adult
16 Protective Services Act and its predecessor enabling
17 statute, the Elder Abuse and Neglect Act, including
18 information about the identity and administrative finding
19 against any caregiver of a verified and substantiated
20 decision of abuse, neglect, or financial exploitation of
21 an eligible adult maintained in the Registry established
22 under Section 7.5 of the Adult Protective Services Act.

23 (z) Records and information provided to a fatality
24 review team or the Illinois Fatality Review Team Advisory
25 Council under Section 15 of the Adult Protective Services
26 Act.

1 (aa) Information which is exempted from disclosure
2 under Section 2.37 of the Wildlife Code.

3 (bb) Information which is or was prohibited from
4 disclosure by the Juvenile Court Act of 1987.

5 (cc) Recordings made under the Law Enforcement
6 Officer-Worn Body Camera Act, except to the extent
7 authorized under that Act.

8 (dd) Information that is prohibited from being
9 disclosed under Section 45 of the Condominium and Common
10 Interest Community Ombudsperson Act.

11 (ee) Information that is exempted from disclosure
12 under Section 30.1 of the Pharmacy Practice Act.

13 (ff) Information that is exempted from disclosure
14 under the Revised Uniform Unclaimed Property Act.

15 (gg) Information that is prohibited from being
16 disclosed under Section 7-603.5 of the Illinois Vehicle
17 Code.

18 (hh) Records that are exempt from disclosure under
19 Section 1A-16.7 of the Election Code.

20 (ii) Information which is exempted from disclosure
21 under Section 2505-800 of the Department of Revenue Law of
22 the Civil Administrative Code of Illinois.

23 (jj) Information and reports that are required to be
24 submitted to the Department of Labor by registering day
25 and temporary labor service agencies but are exempt from
26 disclosure under subsection (a-1) of Section 45 of the Day

1 and Temporary Labor Services Act.

2 (kk) Information prohibited from disclosure under the
3 Seizure and Forfeiture Reporting Act.

4 (ll) Information the disclosure of which is restricted
5 and exempted under Section 5-30.8 of the Illinois Public
6 Aid Code.

7 (mm) Records that are exempt from disclosure under
8 Section 4.2 of the Crime Victims Compensation Act.

9 (nn) Information that is exempt from disclosure under
10 Section 70 of the Higher Education Student Assistance Act.

11 (oo) Communications, notes, records, and reports
12 arising out of a peer support counseling session
13 prohibited from disclosure under the First Responders
14 Suicide Prevention Act.

15 (pp) Names and all identifying information relating to
16 an employee of an emergency services provider or law
17 enforcement agency under the First Responders Suicide
18 Prevention Act.

19 (qq) Information and records held by the Department of
20 Public Health and its authorized representatives collected
21 under the Reproductive Health Act.

22 (rr) Information that is exempt from disclosure under
23 the Cannabis Regulation and Tax Act.

24 (ss) Data reported by an employer to the Department of
25 Human Rights pursuant to Section 2-108 of the Illinois
26 Human Rights Act.

1 (tt) Recordings made under the Children's Advocacy
2 Center Act, except to the extent authorized under that
3 Act.

4 (uu) Information that is exempt from disclosure under
5 Section 50 of the Sexual Assault Evidence Submission Act.

6 (vv) Information that is exempt from disclosure under
7 subsections (f) and (j) of Section 5-36 of the Illinois
8 Public Aid Code.

9 (ww) Information that is exempt from disclosure under
10 Section 16.8 of the State Treasurer Act.

11 (xx) Information that is exempt from disclosure or
12 information that shall not be made public under the
13 Illinois Insurance Code.

14 (yy) Information prohibited from being disclosed under
15 the Illinois Educational Labor Relations Act.

16 (zz) Information prohibited from being disclosed under
17 the Illinois Public Labor Relations Act.

18 (aaa) Information prohibited from being disclosed
19 under Section 1-167 of the Illinois Pension Code.

20 (bbb) Information that is prohibited from disclosure
21 by the Illinois Police Training Act and the Illinois State
22 Police Act.

23 (ccc) Records exempt from disclosure under Section
24 2605-304 of the Illinois State Police Law of the Civil
25 Administrative Code of Illinois.

26 (ddd) Information prohibited from being disclosed

1 under Section 35 of the Address Confidentiality for
2 Victims of Domestic Violence, Sexual Assault, Human
3 Trafficking, or Stalking Act.

4 (eee) Information prohibited from being disclosed
5 under subsection (b) of Section 75 of the Domestic
6 Violence Fatality Review Act.

7 (fff) Images from cameras under the Expressway Camera
8 Act and all automated license plate reader (ALPR)
9 information used and collected by the Illinois State
10 Police. "ALPR information" means information gathered by
11 an ALPR or created from the analysis of data generated by
12 an ALPR. This subsection (fff) is inoperative on and after
13 July 1, 2028.

14 (ggg) Information prohibited from disclosure under
15 paragraph (3) of subsection (a) of Section 14 of the Nurse
16 Agency Licensing Act.

17 (hhh) Information submitted to the Illinois State
18 Police in an affidavit or application for an assault
19 weapon endorsement, assault weapon attachment endorsement,
20 .50 caliber rifle endorsement, or .50 caliber cartridge
21 endorsement under the Firearm Owners Identification Card
22 Act.

23 (iii) Data exempt from disclosure under Section 50 of
24 the School Safety Drill Act.

25 (jjj) Information exempt from disclosure under Section
26 30 of the Insurance Data Security Law.

1 (kkk) Confidential business information prohibited
2 from disclosure under Section 45 of the Paint Stewardship
3 Act.

4 (lll) Data exempt from disclosure under Section
5 2-3.196 of the School Code.

6 (mmm) Information prohibited from being disclosed
7 under subsection (e) of Section 1-129 of the Illinois
8 Power Agency Act.

9 (nnn) Materials received by the Department of Commerce
10 and Economic Opportunity that are confidential under the
11 Music and Musicians Tax Credit and Jobs Act.

12 (ooo) Data or information provided pursuant to Section
13 20 of the Statewide Recycling Needs and Assessment Act.

14 (ppp) Information that is exempt from disclosure under
15 Section 28-11 of the Lawful Health Care Activity Act.

16 (qqq) Information that is exempt from disclosure under
17 Section 7-101 of the Illinois Human Rights Act.

18 (rrr) Information prohibited from being disclosed
19 under Section 4-2 of the Uniform Money Transmission
20 Modernization Act.

21 (sss) Information exempt from disclosure under Section
22 40 of the Student-Athlete Endorsement Rights Act.

23 (ttt) Audio recordings made under Section 30 of the
24 Illinois State Police Act, except to the extent authorized
25 under that Section.

26 (uuu) Information prohibited from being disclosed

1 under Section 30-5 of the Digital Assets Regulation Act.

2 (vvv) ~~(uuu)~~ Information exempt from disclosure under
3 Section 70 of the End-of-Life Options for Terminally Ill
4 Patients Act.

5 (www) Information prohibited or exempt from being
6 disclosed under the Transportation Network Driver Labor
7 Relations Act.

8 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;
9 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.
10 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592,
11 eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24;
12 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff.
13 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081,
14 eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25;
15 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; 104-441, eff.
16 9-12-26; 104-457, eff. 6-1-26; revised 1-7-26.)

17 Section 910. The Labor Dispute Act is amended by changing
18 Section 1.3 as follows:

19 (820 ILCS 5/1.3)

20 Sec. 1.3. Definitions. As used in Section 1.2 through 1.5:

21 "Employee" means any individual permitted to work by an
22 employer in an occupation. For the purpose of Sections 1.2
23 through 1.5, "employee" includes any transportation network
24 driver, as that term is defined in the Transportation Network

1 Driver Labor Relations Act.

2 "Employer" means any individual, partnership, association,
3 corporation, business trust, governmental or
4 quasi-governmental body, or any person or group of persons
5 that employs any person to work, labor, or exercise skill in
6 connection with the operation of any business, industry,
7 vocation, or occupation. For the purpose of Sections 1.2
8 through 1.5, "employer" includes any transportation network
9 company, as defined in the Transportation Network Driver Labor
10 Relations Act, with respect to its engagement or contracting
11 of transportation network drivers. With respect to
12 transportation network drivers and transportation network
13 companies, the term "employment" includes the engagement or
14 contracting of a transportation network driver by a
15 transportation network company to provide transportation
16 network company services, as those terms are defined in the
17 Transportation Network Driver Labor Relations Act.

18 "Picketing" means the stationing of a person for an
19 organization to apprise the public by signs or other means of
20 the existence of a dispute pursuant to the National Labor
21 Relations Act, 29 U.S.C. 151 et seq., ~~and~~ the Labor Management
22 Relations Act, 29 U.S.C. 141 et seq., and the Transportation
23 Network Driver Labor Relations Act.

24 "Dispute" includes any controversy concerning terms or
25 conditions of employment, or concerning the association or
26 representation of persons in negotiating, fixing, maintaining,

1 changing, or seeking to arrange terms or conditions of
2 employment or other protest, regardless of whether or not the
3 disputants stand in the proximate relationship of employer and
4 employee.

5 "Public right of way" means that portion of the highway or
6 street adjacent to the roadway for accommodating stopped
7 vehicles or for emergency use; or that portion of a street
8 between the curb lines, or the lateral lines of a roadway, and
9 the adjacent property lines.

10 "Temporary sign" means a sign or other display or device
11 that is not permanently affixed and is capable of being
12 removed at the end of each day or shift.

13 "Temporary shelter" means a tent or shelter that is not
14 permanently affixed and is capable of being removed at the end
15 of each day or shift, not to exceed 300 square feet in size.

16 (Source: P.A. 94-321, eff. 1-1-06.)

17 Section 995. No acceleration or delay. Where this Act
18 makes changes in a statute that is represented in this Act by
19 text that is not yet or no longer in effect (for example, a
20 Section represented by multiple versions), the use of that
21 text does not accelerate or delay the taking effect of (i) the
22 changes made by this Act or (ii) provisions derived from any
23 other Public Act.

24 Section 997. Severability. The provisions of this Act

1 shall be severable as provided in Section 1.31 of the Statute
2 on Statutes; notwithstanding that, if the definition of the
3 "transportation network driver" is held to be preempted by the
4 National Labor Relations Act, 29 U.S.C. 141 et seq., by a court
5 of competent jurisdiction and such determination is not
6 reversed after exhaustion of all appeals, no provision of this
7 Act shall be deemed valid or given force of law.

8 Section 999. Effective date. This Act takes effect upon
9 becoming law."