

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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 this 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
17 this State are served by providing transportation network
18 drivers the opportunity to self-organize, designate
19 representatives of their own choosing, and bargain
20 collectively on a sectoral basis in order to obtain
21 sustainable wages, benefits, and working conditions, subject
22 to approval and ongoing supervision by the State. It is
23 further declared that the best interests of the people of this

1 State are served by the prevention or prompt resolution of
2 disputes between transportation network companies and the
3 transportation network drivers who supply the labor to
4 effectuate those services through collective bargaining on a
5 sectoral basis, subject to approval and ongoing supervision by
6 the State. This Act shall be deemed an exercise of the police
7 power of the State for the protection of the public welfare,
8 prosperity, health, and peace of the people of the State, and
9 shall be liberally construed for the accomplishment of its
10 purposes.

11 (b) The General Assembly finds that it is in the public
12 policy interests of the State to displace competition with
13 regulation of the terms and conditions of work for
14 transportation network drivers; and, consistent with this
15 policy, to exempt from federal and State antitrust laws any
16 conduct authorized under this Act, including the formation of
17 transportation network driver organizations and multi-company
18 associations for the purposes of collective bargaining on a
19 sectoral basis between transportation network companies and
20 transportation network drivers on an industry-wide basis, and
21 to supervise, evaluate, and if approved, implement the
22 resulting sectoral agreements concerning industry regulations
23 for the terms and conditions of work for all transportation
24 network drivers in an industry when such sectoral agreements
25 are found by the Department of Labor to advance the public
26 purposes stated in this Section and are then made binding,

1 regardless of the anticompetitive consequences.

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

3 (1) To grant transportation network drivers the right
4 to form, join, or assist transportation network driver
5 organizations, to be represented through representatives
6 of their own choosing, and to engage in other concerted
7 activities for the purpose of bargaining with
8 transportation network companies and to create negotiated
9 recommendations in the form of a sectoral agreement, which
10 shall form the basis for industry regulations, and for the
11 purpose of other mutual aid or protection; and

12 (2) To grant transportation network companies the
13 right to form multi-company associations to represent the
14 transportation network companies while bargaining with a
15 transportation network driver organization to create
16 negotiated recommendations in the form of a sectoral
17 agreement, which shall form the basis for industry
18 regulations.

19 (d) The intent and policy of the State is for the statutory
20 and non-statutory labor exemptions from the federal antitrust
21 laws and analogous State laws to apply to transportation
22 network drivers who choose to form, join, or assist labor
23 organizations in labor activity, to transportation network
24 driver organizations who organize and represent such drivers,
25 and to transportation network companies who may choose to form
26 an industry association to negotiate on their behalf or

1 otherwise engage in labor activity permitted by this Act.

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

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

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

22 "Active transportation network driver" and "active TND"
23 means a transportation network driver designated under the
24 process established in Section 8.

25 "Bargaining unit" means one statewide unit of all of the

1 transportation network drivers performing transportation
2 network company services on a covered transportation network
3 company.

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

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

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

21 (1) It has negotiated or been granted the right to
22 designate TNC drivers to be released with pay for the
23 purpose of providing representational services in
24 labor-management affairs on behalf of TNC drivers
25 represented by the TNC driver organization.

26 (2) In the course of providing representational

1 services to workers for whom it is the exclusive
2 bargaining representative, a TNC has allowed agents of the
3 TNC driver organization to meet with drivers at the TNC's
4 premises or communicate with TNDs via the TNC's platform.

5 (3) It has received from a TNC the voluntary
6 membership dues deductions of TNC drivers or the TNC has
7 processed or transmitted membership dues in accordance
8 with paragraph (5) of subsection (e) of Section 10.

9 (4) It has received funds from a TNC for the
10 administration of benefits and services to TNC drivers
11 pursuant to a sectoral agreement in its capacity as the
12 exclusive bargaining representative.

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

18 (6) It has communicated with a TNC, it has received
19 data, driver information, or meeting space from a TNC, or
20 a TNC has facilitated any communication between TNDs and
21 the TND organization, prior to or after any certification.

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

25 "Department" means the Department of Labor.

26 "Exclusive bargaining representative" means a TND

1 organization certified by the Board, in accordance with this
2 Act, as the representative of TNDs in the bargaining unit.

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

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 "Sectoral agreement" means the recommendations to the
14 Department for TND standards in the bargaining unit made
15 either through the agreement between the exclusive bargaining
16 representative and the covered TNCs or through the interest
17 arbitration process, set forth in Section 12. The sectoral
18 agreement becomes effective and enforceable upon approval by
19 the Department.

20 "Transportation network company" and "TNC" means an entity
21 operating in the State that uses a digital network or software
22 application service to connect passengers to transportation
23 network company services provided by transportation network
24 drivers. For the purposes of this paragraph, all digital
25 networks or software application services that any related
26 corporate entities under common control maintain shall be

1 considered a single TNC. A TNC is not deemed to own, control,
2 operate, or manage the vehicles used by transportation network
3 drivers, and is not a taxicab association or a for-hire
4 vehicle owner.

5 "Transportation network company services" and "TNC
6 services" means transportation of a passenger between points
7 chosen by the passenger and prearranged with a transportation
8 network driver through the use of a TNC digital network or
9 software application. "Transportation network company
10 services" and "TNC services" do not include a taxicab,
11 for-hire vehicle, or street hail service.

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

1 National Labor Relations Act, 29 U.S.C. 152(3) and within the
2 meaning of 26 CFR 31.3121(d)-1 or 31.3401(c)-1.

3 "Transportation network driver organization" and "TND
4 organization" means any organization in which TNDs
5 participate, and that exists and is constituted for the
6 purpose, in whole or in part, of collective bargaining, or of
7 dealing with transportation network companies concerning
8 grievances, terms or conditions of work, or of other mutual
9 aid or protection, deactivation appeal assistance, education,
10 or other representational or support services to
11 transportation network drivers for rights conferred under this
12 Act, and that is not a company union.

13 "Unfair work practices" means only those unfair work
14 practices set forth in Section 6.

15 Section 4. Powers of the Board. The Board shall have
16 jurisdiction over unfair work practices and collective
17 bargaining matters between transportation network companies
18 and transportation network driver organizations, except for
19 the determinations to be made by the Department under this
20 Act. The Board may contract with a neutral body to provide any
21 of the data or information collection, storage, management,
22 manipulation, analysis, certification, and election services
23 required under this Act. Any such neutral body shall be
24 subject to the requirements of the Personal Information
25 Protection Act and rules adopted under subsection (c) of

1 Section 16. The Board may also contract for court reporting
2 services for any of the hearings required under this Act. To
3 the extent provided for in paragraph (28) of subsection (b) of
4 Section 1-10 of the Illinois Procurement Code, contracts for a
5 neutral body or for court reporting services under this Act
6 shall be exempt from the Illinois Procurement Code.

7 Section 4.5. Powers of the Department of Labor. The
8 Department shall have jurisdiction to approve or disapprove
9 sectoral agreements as provided in Section 12.

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

23 Section 6. Unfair work practices.

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

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

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

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

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

18 (5) Fail or refuse to continue all the terms of a
19 sectoral agreement approved by the Department under this
20 Act until a new sectoral agreement is approved, unless in
21 accordance with a recognized exception under the law.

22 (6) Dominate or interfere with the formation,
23 existence, or administration of any TND organization, or
24 to contribute financial or other support to any such
25 organization, directly or indirectly, unless required by
26 this Act, by any rules implementing this Act, or by any

1 sectoral agreement approved by the Department, including,
2 but not limited to, the following:

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

9 (ii) by offering incentives to TNDs to join any
10 such organization; or

11 (iii) by donating free services, equipment,
12 materials, office or meeting space or anything else of
13 value for the use of any such organization; provided
14 that a TNC may permit TNDs to perform representational
15 work protected under this Act during working hours
16 without loss of time or pay or allow agents of a TND
17 organization that is the exclusive representative of
18 its TNDs to meet with TNDs on its premises or
19 communicate with TNDs via the TNC's platform; and
20 provided further that any activity permitted to be
21 performed or conducted by a TNC with respect to a TND
22 by paragraphs (1) through (6) of the definition of
23 "company union" in Section 3 shall not be deemed an
24 unfair work practice under this paragraph.

25 (7) Require a TND to join any company union or TND
26 organization or to require a TND to refrain from forming,

1 or joining or assisting a TND organization of the TND's
2 choosing.

3 (8) Encourage membership in any company union or
4 discourage membership in any TND organization, by
5 discrimination in regard to any term or condition of work.

6 (9) Deactivate or otherwise discriminate against a TND
7 because the TND has signed or filed any charge, affidavit,
8 petition, or complaint or given any information or
9 testimony under this Act.

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

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

22 (b) It is an unfair work practice for a TND organization
23 to:

24 (1) Fail or refuse to negotiate in good faith with a
25 TNC concerning mandatory subjects of bargaining, provided
26 that the TND organization is the certified exclusive

1 bargaining representative of the TNC's transportation
2 network drivers, including by refusing to provide
3 information requested by a TNC that is relevant and
4 necessary for the purposes of bargaining and the
5 performance of its other duties required by this Act.

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

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

15 (4) Restrain or coerce a TNC in the selection of its
16 representatives for the purpose of bargaining or the
17 adjustment of grievances.

18 (5) Cause or attempt to cause a TNC to discriminate
19 against a TND in violation of paragraph (9) of subsection
20 (a) of this Section.

21 (c) For the purposes of this Section, "to negotiate in
22 good faith" means the performance of the mutual obligation of
23 the transportation network companies or their agents or
24 representatives and the exclusive bargaining representative to
25 meet at reasonable times and negotiate in good faith with
26 respect to mandatory subjects of bargaining, or the

1 negotiation of a sectoral agreement under Section 12, or any
2 question arising thereunder, and to execute a written contract
3 incorporating any agreement reached if requested by either
4 party. However, this mutual obligation does not compel the
5 transportation network companies or the exclusive bargaining
6 representative to agree to a proposal or require the making of
7 a concession.

8 Section 7. Prevention of unfair work practices.

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

24 (b) No complaint shall issue based upon any unfair work
25 practice occurring more than 6 months prior to the filing of a

1 charge with the Board and the service of a copy upon the person
2 against whom the charge is made. Notwithstanding the
3 provisions of this subsection, if the aggrieved party did not
4 reasonably have knowledge of the alleged unfair work practice,
5 the 6-month filing and service period shall begin to run when
6 the charging party knew, or reasonably should have known, of
7 the actions which constitute the alleged unfair work practice.

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

1 hearing officer conducting the hearing or the Board, any other
2 person may be allowed to intervene in the proceeding and to
3 present testimony. In any hearing conducted by the Board,
4 neither the Board nor the member or agent conducting the
5 hearing shall be bound by the rules of evidence applicable to
6 courts, except as to the rules of privilege recognized by law.

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

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

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

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

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

20 (g) A charging party or any person aggrieved by a final
21 order of the Board granting or denying in whole or in part the
22 relief sought may apply for and obtain judicial review of an
23 order of the Board entered under this Act, in accordance with
24 the provisions of the Administrative Review Law, except that
25 judicial review shall be afforded directly in the Appellate
26 Court for the district in which the aggrieved party resides or

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

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

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

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

1 (2) Within 60 days after the receipt by the Board of the
2 petition for injunctive relief, if the Board determines that a
3 charging party has made a sufficient showing in accordance
4 with paragraph (1), the Board, through the Attorney General,
5 shall petition the circuit court where the alleged unfair work
6 practice was allegedly committed, or where a person required
7 to cease and desist from the alleged unfair work practice
8 resides or transacts business, for appropriate temporary
9 relief or restraining order. The Board shall be represented in
10 the action by the Attorney General in accordance with the
11 Attorney General Act. If the Board fails to act within 60 days,
12 the Board shall be deemed to have made a final order
13 determining not to seek injunctive relief. If the Board
14 determines not to seek injunctive relief, or if the Board,
15 through the Attorney General, does not petition the circuit
16 court for injunctive relief within 60 days after the filing of
17 the charging party's petition with the Board, the charging
18 party may seek injunctive relief by petition to the circuit
19 court, in which case the Board must be joined as a necessary
20 party.

21 (3) Upon the filing of any petition for injunctive relief
22 as provided in the preceding paragraph, the injunctive relief
23 may be granted by the court, after hearing all parties, if it
24 determines that there is a sufficient showing under paragraph
25 (1). The relief shall expire on decision by the Board, a member
26 designated by the Board, or a hearing officer designated by

1 the Board finding no unfair work practice to have occurred,
2 successful appeal of the grant of injunctive relief, or
3 successful motion to vacate or modify the injunctive relief
4 under the Code of Civil Procedure. Any injunctive relief in
5 effect pending a decision by the Board (i) shall expire upon a
6 decision by the Board finding no unfair work practice to have
7 occurred, of which the Board shall notify the court
8 immediately, or (ii) shall remain in effect only to the extent
9 it implements any remedial order issued by the Board in its
10 decision, of which the Board shall notify the court
11 immediately.

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

18 (5) The appeal of any order granting, denying, modifying,
19 or vacating injunctive relief ordered by the court under this
20 subsection shall be made in accordance with the Code of Civil
21 Procedure and Supreme Court Rules.

22 (6) The Board or, where applicable, the charging party,
23 shall not be required to give any undertakings or bond and
24 shall not be liable for any damages or costs which may have
25 been sustained by reason of any injunctive relief ordered. In
26 the case of a TNC's failure to provide an accurate list of

1 names, mobile phone numbers, email addresses, and mailing
2 addresses of TNDs, immediate and irreparable injury, loss, or
3 damage shall be presumed.

4 (j) In addition to, and without limiting, any other
5 procedure provided in this Section, the Board is empowered and
6 directed to enforce, and prevent violations of paragraph (2)
7 of subsection (a) of Section 6 as follows.

8 (1) Upon the failure or refusal of a TNC to timely
9 submit the list to the Board required by Section 9, the
10 Board shall promptly issue a complaint charging the TNC
11 with an unfair work practice and, through the Attorney
12 General, petition a court of competent jurisdiction for
13 temporary relief to compel production of the list,
14 consistent with the procedures in subsection (i), except
15 that the Board shall have a mandatory, nondiscretionary
16 duty to seek injunctive relief. The Board shall be
17 represented in the action by the Attorney General in
18 accordance with the Attorney General Act. In the case of a
19 TNC's failure to provide the list to the Board required by
20 Section 9, immediate and irreparable injury, loss, or
21 damage shall be presumed.

22 (2) In addition to any other remedy provided by this
23 Act, a TNC found to have committed an unfair work practice
24 in violation of paragraph (2) of subsection (a) of Section
25 6 shall be subject to a civil penalty, payable to the
26 Board, not to exceed \$10,000 per day for each day after the

1 deadline that the list was not provided. The amount of the
2 penalty shall be determined by the Board through
3 application of the following criteria: (i) the size of the
4 TNC; (ii) the severity of the violation; and (iii) any
5 history of violations by the TNC. A TNC found to have
6 committed an unfair work practice in violation of
7 paragraph (2) of subsection (a) of Section 6 shall also be
8 required by the Board to pay the Board's or charging
9 party's attorney's fees and costs for any court proceeding
10 initiated by the Board or charging party to compel
11 production of the list.

12 Section 8. Determination of active TNDs.

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

20 (b) Each covered TNC shall provide this information within
21 2 weeks after the end of each calendar quarter (by April 14
22 provide TND information from rides originating between October
23 1 and March 31, by July 14 provide TND information from rides
24 originating between January 1 and June 30, by October 14
25 provide TND information from rides originating between April 1

1 and September 30, by January 14 provide TND information from
2 rides originating between July 1 and December 31).

3 (c) The information shall include only the name of the
4 TND, the TND driver's license number, and to the extent known
5 by a TNC, the TND's mobile phone number, mailing address,
6 email address, preferred language, and the number of rides the
7 TND completed through the covered TNC's platform in the
8 previous 6 months. A TND organization may use the information
9 in the list only for the purposes authorized by this Act, and
10 shall not provide the information to any third party unless
11 that party is acting as the TND organization's agent for the
12 purposes authorized by this Act. A covered TNC shall not be
13 liable for any damages caused by the TND organization's or the
14 Board's failure to safeguard the list as provided in Section
15 16 from a data or security breach.

16 (d) Within 14 days after the deadline for submission of
17 the information from covered TNCs required in this Section,
18 the Board shall combine the data provided by all covered TNCs
19 to determine the distribution of the number of rides completed
20 by all TNDs for which data has been submitted, and then shall
21 determine the median number of rides across TNDs for whom data
22 has been submitted in the previous 6 months. Any TND who
23 completed greater than or equal to the median number of rides
24 shall be considered an active transportation network driver in
25 the rideshare industry. The Board shall make publicly
26 available both the total number of active transportation

1 network drivers in the rideshare industry and the median
2 number of rides used to make that determination. The
3 information required to be provided to the Board in this
4 Section shall be produced in a manipulable electronic format,
5 such as a spreadsheet program consisting of cells organized by
6 lettered columns and numbered rows with each data point in a
7 separate cell that allows users to sort and perform
8 calculations and analysis. The Board may require that the
9 information be provided in a specified software program. The
10 records and information provided to the Board by
11 transportation network companies are exempt from disclosure
12 under the Freedom of Information Act.

13 Section 9. Determination of covered TNCs.

14 (a) Within 90 days after the effective date of this Act,
15 and within 2 weeks after the end of each calendar quarter, each
16 TNC shall electronically submit to the Board a single
17 statewide total of the rides performed during the prior
18 quarter by transportation network drivers on its
19 online-enabled application or platform. For the purposes of
20 this Section, all digital networks or software application
21 services that any related corporate entities under common
22 control maintain shall be considered a single TNC.

23 (b) The information required by subsection (a) shall be
24 produced in a manipulable electronic format, such as a
25 spreadsheet program consisting of cells organized by lettered

1 columns and numbered rows with each data point in a separate
2 cell that allows users to sort and perform calculations and
3 analysis. The Board may require that the information be
4 provided in a specified software program.

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

8 (1) The Board shall total all rides reported under
9 subsection (a).

10 (2) The Board shall then rank all TNCs by rideshare
11 volume in descending order. The Board shall begin with the
12 highest ranked TNC and continue down the list until the
13 Board has identified the TNCs whose rides collectively
14 equal or exceed 95% of the statewide total for the
15 preceding quarter. These TNCs shall be deemed covered TNCs
16 for the purposes of this Act.

17 (3) For the purposes of this Section, all TNCs under
18 common ownership or control shall be considered to be a
19 single TNC. The Board shall publish the list of covered
20 TNCs and noncovered TNCs and rideshare volume information
21 on its website. The Board shall notify each TNC as to
22 whether the TNC is a covered TNC.

23 (d) The failure of a TNC to submit the list required by
24 subsection (a) shall not prevent the Board from providing a
25 list of covered and noncovered TNCs to the extent the Board
26 concludes that the missing information cannot reasonably be

1 expected to change whether those TNCs are covered or
2 noncovered TNCs.

3 (e) A TNC that was not a covered TNC when a sectoral
4 agreement took effect but whose rideshare volume in a later
5 quarter brings it within the 95% threshold identified in
6 paragraph (2) of subsection (c) shall become a covered TNC,
7 and be bound by all terms of the sectoral agreement
8 immediately.

9 (f) A TNC that becomes a covered TNC in accordance with
10 this Section shall remain a covered TNC for the remaining term
11 of a sectoral agreement.

12 (g) When a sectoral agreement is in effect, any TNC that is
13 not a covered TNC for the purposes of this Section may choose
14 to become bound to the sectoral agreement by providing written
15 notice to the Board, the certified exclusive bargaining
16 representative, and the covered TNCs. A TNC that chooses to
17 become bound to a sectoral agreement under this Section shall
18 be bound for the remaining term of the agreement. The TNC shall
19 not, on account of its exercise of the option provided by this
20 Section, become a covered TNC for the purposes of negotiation
21 of subsequent sectoral agreements or coverage by subsequent
22 sectoral agreements.

23 (h) It is unlawful for any TNC that is not a covered TNC or
24 voluntarily bound by the terms of the sectoral agreement as
25 provided by this Section to make any statement, advertisement,
26 or imply in any official communication that the TNC is bound by

1 the terms of the sectoral agreement.

2 (i) During the time that a noncovered TNC is bound by the
3 terms of the sectoral agreement under this Section, the
4 certified exclusive bargaining representative shall represent
5 the TNC drivers who drive for the noncovered TNC for the
6 purposes of this Act. The noncovered TNC shall have the same
7 obligations as a covered TNC to provide information to the
8 Board necessary to administer this Act and to provide
9 information to the exclusive bargaining representative
10 necessary for representation of the TNC drivers.

11 Section 10. Designation of bargaining representatives.

12 (a) For the purposes of this Act, each TND performing TNC
13 services on a covered TNC shall be included in the bargaining
14 unit.

15 (b) A TND organization may demonstrate that it has been
16 designated as a bargaining representative by presenting to the
17 Board cards, petitions, or other evidence, which may be in
18 electronic form, sufficient to show the TND has authorized the
19 TND organization to act as the worker's bargaining
20 representative. A TND may demonstrate that TNDs do not wish to
21 be represented by a TND organization by presenting to the
22 Board cards, petitions, or other evidence, which may be in
23 electronic form, sufficient to show the TND does not authorize
24 any TND organization to act as the worker's exclusive
25 bargaining representative. The Board shall deem valid any such

1 card, petition, or other evidence that includes (i) the
2 signature of the TND, (ii) the date of execution, (iii) a
3 statement indicating the TND's authorization of the TND
4 organization to act as the TND's exclusive bargaining
5 representative or alternatively the TND's wish to not be
6 represented by a TND organization, and (iv) the name of at
7 least one TNC for whom the TND performs services. No card,
8 petition, or other evidence of designation of bargaining
9 representative shall be deemed valid for the purposes of this
10 Section unless it was executed on or after the effective date
11 of this Act. In order to be valid, the card, petition, or other
12 evidence must have been executed by the TND within one year of
13 the date that the TND organization, or TND, submits the
14 evidence to the Board. The authorizations or designations of
15 representatives may be evidenced by electronic records or
16 electronic signatures as provided under Sections 7 and 8 of
17 the Uniform Electronic Transactions Act. The Board shall
18 accept electronic signatures as a means to support the
19 authorizations or designations of representatives where, as
20 with handwritten signatures, the electronic signature method
21 chosen by the party provides the Board with prima facie
22 evidence (1) that a TND has electronically signed a document
23 purporting to state the TND's views regarding representation
24 and (2) that the petitioner has accurately transmitted that
25 document to the Board. The authorizations or designations of
26 representative shall be presumed to be valid unless called

1 into question by the presence of objective evidence. The Board
2 may adopt rules for verification of electronic signatures to
3 effectuate this Section consistent with the following:

4 (1) Submissions supported by electronic signature must
5 contain the following: (i) the signer's name; (ii) the
6 signer's email address or other known contact information,
7 such as a social media account; (iii) the signer's
8 telephone number; (iv) the authorization language to which
9 the signer has agreed; (v) the date the electronic
10 signature was submitted; and (vi) the name of at least one
11 TNC for whom the TND performs services. The Board shall
12 not require any additional TND identifying information to
13 be submitted for the signature and authorization to be
14 presumed valid. If the submission does not identify at
15 least one TNC for whom the TND performs services, then at
16 the time the submission is provided to the Board, the
17 petitioner may attest, in writing, that the TND currently
18 provides services for at least one identified TNC.

19 (2) A party submitting either electronic or digital
20 signatures must submit a declaration: (i) identifying what
21 electronic or digital signature technology was used and
22 explaining how its controls ensure that the electronic or
23 digital signature is that of the signatory TND and that
24 the TND signed the document; and (ii) that the
25 electronically transmitted information regarding what and
26 when the TNDs signed is the same information seen and

1 signed by the TND.

2 (3) When the electronic signature technology being
3 used does not support digital signatures that can be
4 independently verified by a third party, the submitting
5 party must submit evidence that, after the electronic
6 signature was obtained, the submitting party promptly
7 transmitted a communication stating and confirming all the
8 information listed in paragraph (1) (the "Confirmation
9 Transmission"). The Confirmation Transmission must be sent
10 to an individual account, such as an email address, text
11 message via mobile phone, or social media account provided
12 by the signer. If any responses to the Confirmation
13 Transmission are received by the time of submission to the
14 Board, those responses must also be provided to the Board.

15 (c) The Board shall not adopt or impose any requirements
16 for designations or authorizations of representative in
17 addition to those specified in subsection (b), unless based on
18 objective evidence of fraud, the Board determines that
19 additional technical requirements are necessary to prevent the
20 fraud. Any additional requirements shall be consistent with
21 the purpose of subsection (b) and shall not require additional
22 TND identifying information to be submitted for the signature
23 and authorization to be presumed valid. A designation or
24 authorization of representative shall not be invalidated for
25 typographical or other errors or omissions if the intent of
26 the signer is clear and the signer's identity can be

1 determined based on the totality of the information presented.

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

10 (2) Within 30 days after the Board's determination that a
11 TND organization has been designated as the bargaining
12 representative of at least 10% of active TNDs in the
13 bargaining unit, the Board shall: (i) require each covered TNC
14 to send a notice, in a form determined by the Board, that the
15 TND organization is seeking to represent TNDs for the purpose
16 of initiating a bargaining process in order to establish terms
17 and conditions for the industry; and (ii) provide the TND
18 organization with a complete list of names, phone numbers,
19 mailing address, email addresses, and preferred language for
20 all active TNDs in the bargaining unit. The TNC shall provide
21 the notice in all languages that the Board determines are
22 likely spoken by 5% or more of TNC drivers. The Board will
23 provide the TND organization with an updated list each quarter
24 for the following 4 quarters.

25 (e)(1) A TND organization that provides evidence to the
26 Board that it has been designated as bargaining representative

1 by 30% of active TNDs in the bargaining unit shall be certified
2 as the exclusive bargaining representative of all TNDs in the
3 bargaining unit. The Board shall make such determination of
4 exclusive bargaining representative status within 30 days
5 after the petition. In the alternative, a TND organization
6 that has been designated as the bargaining representative of
7 at least 10% of active TNDs in the bargaining unit, pursuant to
8 a petition filed under subsection (d) or (e), may petition the
9 Board to conduct an election. The TND organization may
10 petition for such election at any time within one year of the
11 Board's determination that it has been designated as the
12 bargaining representative of at least 10% of active TNDs. The
13 Board shall publicly announce the petition for election and
14 require each covered TNC to provide notice, in a form
15 determined by the Board, to all active TNDs of the petition for
16 election. The election shall be conducted as expeditiously as
17 possible, but in no event more than 60 days after the TND
18 organization's petition for election. Any other TND
19 organization that provides evidence to the Board that it has
20 been designated as the bargaining representative of at least
21 10% of active TNDs in the bargaining unit may, within 30 days
22 after the Board's public announcement of the original petition
23 for election, intervene and participate in the election. For
24 the purposes of this paragraph and for petitions filed by a TND
25 organization within 6 months of having been designated as a
26 representative by 10% of active TNDs under paragraph (2) of

1 subsection (d), the operative list of active TNDs shall be
2 based on the first list of active TNDs provided to the TND
3 organization by the Board under paragraph (2) of subsection
4 (d). For the purposes of all other petitions under this
5 paragraph, the operative list of active TNDs shall be the most
6 recent quarterly list provided by the covered TNCs in
7 accordance with Section 8.

8 (2) If a TND organization seeking certification as the
9 exclusive bargaining representative without an election
10 provides evidence that shows that less than a majority of
11 active TNDs have designated the TND organization as their
12 bargaining representative, the Board shall wait 7 days before
13 certifying the TND organization as the exclusive bargaining
14 representative. If, during those 7 days, another TND
15 organization provides evidence to the Board that at least 20%
16 of active TNDs in the bargaining unit have designated it as
17 their bargaining representative, then the Board shall hold an
18 election among all active TNDs in the bargaining unit. Such
19 election shall be conducted as expeditiously as possible, but
20 in no event more than 60 days after the petition of the
21 original TND seeking certification as the exclusive bargaining
22 representative. For the purposes of such election and for
23 petitions filed by a TND organization within 6 months of
24 having been designated as representative by 10% of active TNDs
25 under paragraph (2) of subsection (d), the operative list of
26 active TNDs shall be based on the first list of active TNDs

1 provided to the TND organization by the Board under paragraph
2 (2) of subsection (d). For the purposes of all other elections
3 under this paragraph, the operative list of active TNDs shall
4 be the most recent quarterly list provided by the covered TNCs
5 in accordance with Section 8.

6 (2.5) For purposes of any election conducted under
7 paragraph (1) or (2) of this subsection, if the TND
8 organization receives a majority of valid votes cast in the
9 election, the Board shall certify the TND organization as the
10 exclusive bargaining representative. When 2 or more TND
11 organizations are on the ballot and none of the choices (the
12 TND organizations or "no worker organization") receives a
13 majority of the valid votes cast, there shall be a runoff
14 election between the 2 choices receiving the largest and
15 second largest number of votes, to be conducted within 45 days
16 after the determination that no choice had received a majority
17 of valid votes cast. The TNDs eligible to vote in the runoff
18 election shall be the same TNDs eligible to vote in the initial
19 election. A TND organization receiving a majority of the valid
20 votes cast in the runoff election shall be certified as the
21 exclusive bargaining representative of all TNDs in the
22 bargaining unit. If a majority of the valid votes cast are for
23 "no worker organization", then the Board shall not certify any
24 worker organization as the exclusive bargaining
25 representative.

26 (3) A TND organization certified as the exclusive

1 bargaining representative shall have the exclusive authority
2 to represent the TNDs in the bargaining unit, without
3 challenge by another TND organization, and not subject to
4 decertification by the procedures in this subsection, for the
5 greater of (i) one year following certification or (ii) the
6 length of time that a sectoral agreement approved by the
7 Department under subsection (i) of Section 12 is in effect,
8 provided that the period shall not be longer than 3 years
9 following the date of the Department's approval of the
10 sectoral agreement. During the times when an exclusive
11 bargaining representative is subject to challenge, TNDs may
12 file for a decertification election upon a showing that at
13 least 25% of the active TNDs in the bargaining unit have
14 demonstrated support for the decertification. The Board will
15 then schedule an election to determine whether the TND
16 organization has retained its status as the exclusive
17 bargaining representative. The TND organization shall retain
18 its status as the exclusive bargaining representative if it
19 receives a majority of valid votes cast by active TNDs in the
20 bargaining unit. For the purposes of this paragraph, the
21 operative list of active TNDs shall be based on the most recent
22 quarterly list provided by the covered TNCs in accordance with
23 Section 8.

24 (4) If a TND organization has been certified as the
25 exclusive bargaining representative with respect to the
26 bargaining unit, only that TND organization shall be entitled

1 to: (i) immediately upon certification, and, quarterly
2 thereafter, receive from the Board the data provided by the
3 covered TNCs to the Board under Section 8, to be used solely
4 for the purposes of bargaining and the performance of its
5 other duties as the TND's bargaining representative; and (ii)
6 to engage in bargaining with the covered TNCs for a sectoral
7 agreement to be recommended to the Department concerning
8 mandatory subjects of bargaining.

9 (5) A TND organization that has been certified as the
10 exclusive bargaining representative with respect to the
11 bargaining unit shall have a right to voluntary deduction of
12 dues, initiation fees, assessments, and other payments to the
13 TND organization, from payments to TNDs by a covered TNC, upon
14 presentation of deduction authorizations signed by individual
15 TNDs, which may be in electronic form. A covered TNC shall
16 commence making such deductions in accordance with the terms
17 of the deduction authorization as soon as practicable, but in
18 no case later than 30 days after receiving proof of a signed
19 deduction authorization, and amounts deducted shall be
20 submitted to the TND organization within 30 days after the
21 deduction. A covered TNC shall accept a signed deduction
22 authorization evidenced by electronic records or electronic
23 signatures as provided under Sections 7 and 8 of the Uniform
24 Electronic Transactions Act. The right to such deductions
25 shall remain in full force and effect until an individual TND
26 revokes the deduction authorization in writing in accordance

1 with the terms of the authorization.

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

14 (g) Upon agreement by a TND organization seeking such
15 determination or petition or a TND seeking such determination,
16 and the relevant covered TNC or TNCs, any of the numerical
17 thresholds or any of the elections in this Section shall be
18 determined or conducted by a neutral body, in accordance with
19 the provisions of this Act. The fees of the neutral body shall
20 be paid by the Board. The neutral body shall report the results
21 of such determination or election to the Board, which shall
22 certify the results if it is satisfied that the determination
23 was made or election was conducted in accordance with the
24 provisions of this Act. If no neutral body has been agreed to
25 within 10 days after a TND organization's or TND's notice of
26 its request for a determination or its petition, the Board may

1 designate a neutral body or perform such functions itself.

2 Section 11. Rideshare Workers Support Fund.

3 (a) Beginning 90 days after the effective date of this
4 Act, each covered TNC shall be required to pay a fee equal to 4
5 cents for each trip originating within this State to the
6 Secretary of State to be deposited into the Rideshare Workers
7 Support Fund. Beginning 30 days after the certification of an
8 exclusive bargaining representative under Section 10, the fee
9 set forth in this subsection shall be increased to an amount
10 equal to 20 cents for each trip originating within this State.
11 Beginning on January 1, 2028, and each January 1 thereafter,
12 the fee set forth in this subsection shall be adjusted to the
13 nearest penny for each trip originating in this State to
14 reflect any increase in inflation as measured by the Consumer
15 Price Index for All Urban Consumers published by the United
16 States Bureau of Labor Statistics. The Secretary of State
17 shall calculate and publish the adjusted fee required by this
18 subsection.

19 (1) Within 14 days after the start of each month, each
20 covered TNC shall pay to the Secretary of State the fee
21 required under subsection (a) for the previous month and
22 transmit to the Secretary of State a certified report
23 identifying the number of trips originating within this
24 State in the previous month. The covered TNCs shall pay
25 the fee and transmit the certified report to the Secretary

1 of State by electronic means as directed by the Secretary
2 of State.

3 (2) The Secretary of State shall create the Rideshare
4 Workers Support Fund and deposit the fees collected under
5 this Section into the fund.

6 (b) Subject to appropriation, the Secretary of State shall
7 use the funds in the Rideshare Workers Support Fund as
8 provided in this subsection. The Secretary of State shall use
9 the funds collected in each calendar quarter within 60 days
10 after the close of each quarter as follows:

11 (1) The amount equivalent to 3 cents for each trip
12 originating in this State shall be used by the Secretary
13 of State for the purposes of administering its functions
14 under this Act.

15 (2) The amount equivalent to 1 cent for each trip
16 originating in this State shall be paid to the Board for
17 the purposes of administering its functions under this
18 Act.

19 (3) Effective upon the increase in the fee following
20 the certification of an exclusive bargaining
21 representative under Section 10, and subject to paragraphs
22 (1) and (2) of subsection (b), the amount equivalent to 16
23 cents for each trip originating in this State shall be
24 paid as a grant to the exclusive bargaining
25 representative, subject to the conditions and restrictions
26 set forth in subsection (c). If, for a given period, there

1 is no certified exclusive bargaining representative or the
2 Secretary of State has determined to suspend or terminate
3 disbursements to the exclusive bargaining representative
4 as provided in subsection (c), the funds that would
5 otherwise have been paid to the exclusive bargaining
6 representative for that period shall be used by the Board
7 for the purposes of administering its functions under this
8 Act and for other educational and enforcement purposes
9 consistent with this Act.

10 The amounts set forth in this subsection shall be
11 recalculated proportionally to any increase in the fee under
12 subsection (a). A TNC required to pay a fee under this Section
13 shall not impose the cost of the fee on any consumer, including
14 as an itemized line or surcharge.

15 (c) The purpose of the grant to the exclusive bargaining
16 representative provided under paragraph (3) of subsection (b)
17 shall be to ensure that TNDs are educated about their rights
18 under this Act and have the resources, through their exclusive
19 bargaining representative, to enforce their rights under this
20 Act and under any approved sectoral agreement under this Act.
21 The exclusive bargaining representative may use the funds
22 granted under this Section exclusively for the purposes of
23 educating TNDs regarding their rights under this Act,
24 providing assistance in enforcing those rights, negotiating a
25 sectoral agreement, and enforcing the terms of a sectoral
26 agreement approved by the Department under this Act. The

1 exclusive bargaining representative shall not use any portion
2 of the funds granted under this Section for political
3 contributions or lobbying.

4 (1) An exclusive bargaining representative shall be
5 eligible to receive funds under this Section only if the
6 Secretary of State determines that the exclusive
7 bargaining representative has the capacity and expertise
8 to fulfill the educational and enforcement functions
9 required by this subsection and the proposed use of the
10 funds is consistent with the purposes of this Act. The
11 Secretary of State may adopt administrative rules for the
12 evaluation of requested grants and to establish the
13 criteria to determine the capacity and expertise of the
14 exclusive bargaining representative required by this
15 subsection.

16 (2) The exclusive bargaining representative shall
17 submit an annual report to the Secretary of State in a form
18 to be determined by the Secretary of State setting forth
19 how the exclusive bargaining representative has used the
20 funds received under this Section. The Secretary of State
21 shall review each annual report and certify whether the
22 exclusive bargaining representative is using the funds for
23 appropriate activities permitted by this Section. The
24 Secretary of State shall adopt administrative rules to
25 establish a process by which it may suspend or terminate
26 the payment of funds to the exclusive bargaining

1 representative based on the failure to use funds for the
2 permissible activities set forth in this subsection, the
3 failure to submit the report required by this subsection,
4 or the failure to otherwise comply with this Section. If
5 funding to the exclusive bargaining representative is not
6 granted or is suspended or terminated in any given year,
7 the exclusive bargaining representative may reapply for
8 the payment of funds in the following year.

9 (3) The payment of funds to the exclusive bargaining
10 representative shall not be subject to the provisions of
11 the Grant Accountability and Transparency Act.

12 (d)(1) The Secretary of State may issue administrative
13 subpoenas, propound interrogatories, and conduct audits of
14 covered TNCs and the exclusive bargaining representative to
15 ensure that covered TNCs comply with the payment of fees to the
16 Secretary of State required under subsection (a) and to ensure
17 that the exclusive bargaining representative complies with the
18 use of funds restrictions set forth in subsection (c). The
19 Secretary of State may use the Secretary of State Police
20 Department to conduct the audits. If necessary, the Secretary
21 of State shall certify to the Attorney General, for such
22 action as the Attorney General may deem appropriate, when the
23 responses to the subpoenas, interrogatories, and audits
24 disclose a violation of any of the provisions of this Section.

25 (2) The Secretary of State shall have the jurisdiction and
26 authority to enforce the provisions of this Section,

1 including:

2 (A) to order a covered TNC to pay the required fees to
3 the Secretary of State;

4 (B) to determine the amount of fees required to be
5 paid to the Secretary of State by a covered TNC and to
6 order the fees be paid;

7 (C) to determine any delinquency by a covered TNC in
8 the fees to be paid to the Secretary of State and to order
9 such delinquency be remedied;

10 (D) to audit the exclusive bargaining representative's
11 use of funds disbursed under subsection (b);

12 (E) to deny, suspend, or terminate funding to the
13 exclusive bargaining representative as provided under
14 subsection (c); and

15 (F) to order the recoupment of any funds used for
16 purposes not permitted under subsection (c).

17 Upon any action, finding, order, suspension, revocation,
18 or denial of one or more benefits or privileges under this
19 Section by the Secretary of State, an aggrieved party, may
20 submit a request to the Secretary of State, or the Secretary of
21 State may petition, to conduct an administrative hearing. The
22 Secretary of State shall establish by rule the procedures,
23 terms, and conditions for the administrative hearing. The
24 findings and decisions made by the Secretary as part of an
25 administrative hearing shall be subject to judicial review in
26 the Circuit Court of Sangamon or Cook County. The

1 Administrative Review Law and any rules adopted under the
2 Administrative Review Law shall apply to and govern all
3 reviewable matters.

4 Section 12. Bargaining, impasse resolution procedures, and
5 approval of sectoral agreement by the Department.

6 (a) Once the Board certifies that a TND organization is
7 the exclusive bargaining representative for the bargaining
8 unit, the Board shall notify all covered TNCs, and all covered
9 TNCs shall be required to bargain with the exclusive
10 bargaining representative concerning mandatory subjects of
11 bargaining. The covered TNCs and TND organization may bargain
12 concerning other subjects agreed to by the parties. To
13 facilitate negotiations, the covered TNCs may form an industry
14 association to negotiate on their behalf. If the covered TNCs
15 choose not to form an association, any recommended agreement
16 must be approved by (i) at least 2 industry member covered TNCs
17 and (ii) member covered TNCs representing at least 80% of the
18 market share of that industry in the State, with votes
19 determined in proportion to the number of rides completed by
20 TNDs contracting directly with the covered TNC in the 2
21 calendar quarters preceding the certification of the exclusive
22 bargaining representative.

23 (b) Each individual covered TNC shall retain exclusive
24 control over the development, maintenance, design, pricing,
25 and implementation of its product and product features,

1 software, contract terms, algorithm, and operations and areas
2 of service.

3 (c) A sectoral agreement submitted to the Department for
4 approval under subsection (i) shall address, at minimum, the
5 following subjects, each of which must be set forth separately
6 in the sectoral agreement, unless a subject is expressly
7 waived by mutual agreement of the exclusive bargaining
8 representative and the covered TNCs:

9 (1) Compensation.

10 (2) Benefits.

11 (3) Appeals process for deactivations.

12 (4) Representation of TNC drivers in deactivation
13 appeals.

14 (5) Paid leave.

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

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

20 (8) Safety mandates imposed by the covered TNCs that
21 require TNC drivers to purchase safety equipment or
22 purchase safety software, and safety features or protocols
23 proposed by the exclusive bargaining representative that
24 have a demonstrable purpose of reducing the risk of
25 physical assault or injury to TNC drivers. For the
26 purposes of this paragraph, "purchase" includes an

1 automatic withdrawal from TNC driver earnings.

2 (9) Labor-management committees.

3 (10) Reasonable access by the exclusive bargaining
4 representative to covered TNC-to-TNC driver communication
5 systems.

6 (11) Deduction of voluntary fees and dues from
7 payments to TNC drivers.

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

10 (13) Insurance coverage for occupational accidents or
11 injuries.

12 (14) Compensation or supplemental insurance for job
13 loss.

14 (15) Deactivation process requirements, including:

15 (A) written notice to drivers of specific reasons
16 for deactivation;

17 (B) a reactivation standard following a finding
18 that the driver did not violate the deactivation
19 policy or remedied any violation;

20 (C) agreed upon application of deactivation
21 policies across similarly situated drivers; and

22 (D) driver access to representation by the
23 exclusive bargaining representative in deactivation
24 proceedings.

25 (16) Earnings transparency requirements, including:

26 (A) a weekly earnings summary disclosing the total

1 fares collected from passengers, the total amount
2 earned by the driver, third-party expenses, refunds,
3 tips, and service fees charged by a TNC; and

4 (B) within 24 hours of each completed ride, an
5 itemized per-trip receipt accessible through the
6 application, disclosing the total amount paid by the
7 passenger, all fees applied to the trip, the portion
8 of the fare paid to the driver, and the tip amount, if
9 any.

10 (d) A sectoral agreement, including an agreement
11 recommended by an arbitrator under paragraph (6) of subsection
12 (h), shall not contain a provision that prevents an individual
13 covered TNC from exercising its autonomy under subsection (b).

14 (e) The negotiated sectoral agreement shall be submitted
15 by the TND organization to a vote by all TNDs who have
16 completed at least 100 trips in the previous calendar quarter.
17 Such vote shall be conducted by the TND organization pursuant
18 to procedures determined at the discretion of the TND
19 organization. If approved by a majority of TNDs who vote, the
20 sectoral agreement shall be submitted to the Department for
21 approval. If a majority of valid votes cast by the TNDs are not
22 in favor of the sectoral agreement, the TND organization and
23 the covered TNCs will resume negotiating.

24 (f) For the purposes of this Section, an impasse may be
25 deemed to exist if the covered TNCs and the exclusive
26 bargaining representative fail to achieve agreement by the end

1 of a 210-day period from the date a TND organization has been
2 certified as the exclusive bargaining representative.
3 Bargaining for a successor sectoral agreement shall begin
4 either at the request of the exclusive bargaining
5 representative or covered TNCs no more than 180 days before
6 the expiration date of the prior approved sectoral agreement.
7 In the case of bargaining for a successor sectoral agreement,
8 an impasse may be deemed to exist if the covered TNCs and the
9 exclusive bargaining representative fail to achieve agreement
10 by the end of the period of negotiations preceding the
11 expiration date of the prior approved sectoral agreement.

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

15 (h) Upon receiving a timely request from an exclusive
16 bargaining representative or covered TNC for commencement of
17 an impasse proceeding, the Board shall aid the parties as
18 follows:

19 (1) To assist the parties to effect a voluntary
20 resolution of the dispute, the Board shall provide the
21 parties with a list of qualified mediators as maintained
22 by the Board within 7 days after the request for
23 commencement of impasse proceedings. Within 7 days after
24 receipt of such list, the parties shall either select a
25 mediator from the Board's list or select another mutually
26 agreed mediator. Each of the affected parties (affected

1 covered TNCs and the exclusive bargaining representative)
2 shall have an equal say in the selection of the mediator
3 and each of the affected parties shall share equally the
4 cost of the mediator. If the parties fail to select a
5 mediator and notify the Board of their selection within 7
6 days after the date the Board provides the list of
7 mediators, the Board shall appoint a mediator from the
8 list. The Board shall make such an appointment and notify
9 the parties within 7 days. If the mediator is unable to
10 achieve agreement between the parties concerning an
11 appropriate resolution within 60 days after the Board has
12 provided the parties the list of mediators, any party may
13 petition the Board to refer the dispute to an arbitrator.

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

16 (3) Each of the affected parties (affected covered
17 TNCs and the exclusive bargaining representative) shall
18 have an equal say in the selection of the arbitrator and
19 each of the affected parties shall share equally the cost
20 of the arbitrator. If the parties are unable to agree upon
21 the arbitrator within 7 days after the Board notifies the
22 covered TNCs of the need to appoint an arbitrator, the
23 Board shall submit to the parties a list of qualified,
24 disinterested persons for the selection of an arbitrator.
25 A representative of each of the parties shall alternately
26 strike from the list one of the names with the order of

1 striking determined by lot, until the remaining one person
2 shall be designated as the arbitrator. Each party shall
3 select its representative for this purpose as it sees fit.
4 A party's failure to agree upon the designation of its
5 representative shall result in the failure of the striking
6 procedure, but shall not impede the Board's appointment of
7 the arbitrator upon such failure. The striking process
8 shall be completed within 5 days after receipt of the
9 Board's list. The representatives who undertake the
10 striking shall notify the Board of the designated
11 arbitrator. If the parties are unable to select the
12 arbitrator within 5 days following receipt of this list,
13 the Board shall appoint the arbitrator.

14 (4) The arbitrator shall hold hearings on all matters
15 related to the dispute, concerning mandatory subjects of
16 bargaining, and any other subject agreed to be submitted
17 by the covered TNCs and the TND organization. The parties
18 may be heard either in person, by counsel, or by other
19 representatives, as the parties may respectively
20 designate. The arbitrator shall determine the order of
21 presentation by the parties, and shall have discretion and
22 authority to decide all procedural issues that may be
23 raised.

24 (5) The parties may present, either orally or in
25 writing, or both, statements of fact, supporting witnesses
26 and other evidence, and argument of their respective

1 positions with respect to each case. The arbitrator shall
2 have authority to require the production of additional
3 evidence, either oral or written as the arbitrator may
4 desire from the parties and shall provide at the request
5 of either party that a full and complete record be kept of
6 any such hearings, the cost of such record to be borne by
7 the requesting party. If such a record is created, it
8 shall be shared with all parties regardless of which party
9 paid for it.

10 (6) The arbitrator shall make a just and reasonable
11 determination of the matters in dispute, set forth in
12 paragraph (4), and within 90 days after the arbitrator's
13 appointment shall issue a determination that shall apply
14 to all covered TNCs and the exclusive bargaining
15 representative. The time period for the arbitrator's
16 determination may be extended by the arbitrator upon good
17 cause shown, or by agreement by the parties. In arriving
18 at such determination, the arbitrator shall specify the
19 basis for the arbitrator's findings, taking into
20 consideration, in addition to any factors recommended by
21 the parties that the arbitrator finds to be consistent
22 with this Act, the following:

23 (i) whether the compensation, benefits, and
24 conditions of work of the TNDs achieve the policy
25 goals set forth in Section 2; such compensation and
26 benefits must take into account the real cost of

1 living, and may substantially exceed any statutory
2 minimum wage, and should be a sufficient amount such
3 that the TNDs do not need to rely upon any public
4 benefits;

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

9 (iii) the financial ability of the affected
10 covered TNCs to pay for the compensation and benefits
11 in question and the impact on the delivery of services
12 provided by the covered TNCs;

13 (iv) the establishment of a reasonable
14 deactivation appeals process that will allow TNDs a
15 reasonable expectation of uninterrupted work; and

16 (v) comparison of particularities in regard to
17 other trades or professions, including specifically,
18 hazards of work, physical qualifications, educational
19 qualifications, mental qualifications, job training,
20 and skills.

21 (i) Any sectoral agreement, whether agreed upon between
22 covered TNCs and the exclusive bargaining representative of
23 TNDs in the bargaining unit or as determined by an arbitrator,
24 under this Act shall be reviewed and approved or disapproved
25 by the Department. In deciding whether to grant approval to
26 such sectoral agreement, the Department's decision shall be

1 based on the factors specified in subsection (c) and in
2 paragraph (6) of subsection (h), and the policies set forth in
3 Section 2. Within 60 days after submission of the recommended
4 sectoral agreement, the Department shall approve or disapprove
5 the sectoral agreement. Upon approval by the Department, the
6 terms of the sectoral agreement shall be effective and
7 enforceable through the provisions of the sectoral agreement
8 and this Act. If the Department disapproves of the sectoral
9 agreement, the Department may make recommendations for
10 amendments to the sectoral agreement that would cause the
11 Department to approve the sectoral agreement. Any new terms
12 for the bargaining unit shall be set in accordance with the
13 procedures set forth in this Section.

14 (j) The exclusive bargaining representative and the
15 covered TNCs may mutually agree to recommend changes to an
16 approved sectoral agreement. Such recommended changes to an
17 approved sectoral agreement must be submitted to the
18 Department for approval or disapproval under subsection (i).

19 Section 13. Compliance with other laws.

20 (a) Notwithstanding any other law, with respect to
21 transportation network company services performed by
22 transportation network drivers for a covered TNC, the
23 obligations imposed by the Illinois Secure Choice Savings
24 Program Act, the Minimum Wage Law, the Equal Wage Act, the
25 Equal Pay Act of 2003, the Illinois Wage Payment and

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

22 (b) Compliance with this Act or with an approved sectoral
23 agreement shall not establish or give rise to a presumption of
24 an employment relationship between a TNC and a TND for any
25 purpose under State or local law.

26 (c) With respect to transportation network company

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

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

14 Section 14. Home rule.

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

23 (b) Upon approval of a sectoral agreement under this Act,
24 the regulation of transportation network driver earnings,
25 benefits, or other conditions of work set forth in subsection

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

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

16 Section 16. Rulemaking.

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

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

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

15 (c) The applicable rules shall establish the obligations
16 and procedures for the Board and TND organizations to protect
17 TND data from public disclosure and unauthorized use,
18 including: (i) minimization of data collected to what is
19 necessary under this Act; (ii) auditing and compliance
20 monitoring; (iii) limitations on data use; and (iv) limiting
21 the disclosure of driver personal identifying information to
22 the confidential uses necessary to effectuate this Act and not
23 for the purpose of enforcing federal immigration law or
24 providing it to an agency that primarily enforces immigration
25 law, unless the Board is provided with a lawful court order or
26 judicial warrant signed by a judge appointed pursuant to

1 Article III of the United States Constitution, a federal grand
2 jury or trial subpoena, or as otherwise required by federal
3 law.

4 Section 17. Public records. Any record furnished to the
5 Board, Department, or other State agency by a TNC under this
6 Act, including, but not limited to, TND records, are exempt
7 from disclosure under the Freedom of Information Act. The
8 records are confidential and shall not be disclosed by the
9 Board or any persons who may be authorized by the Board to
10 process the records solely for the purposes of this Act.

11 Section 18. Construction. Nothing in this Act shall be
12 construed to affect the determination under State law, whether
13 in statute or common law, of whether and under what
14 circumstances a transportation network company may be
15 considered a common carrier.

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

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

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

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

11 (5 ILCS 140/7.5)

12 (Text of Section before amendment by P.A. 104-441 and
13 104-457)

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

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

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

23 (c) Applications, related documents, and medical
24 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 Regional
8 Transportation Authority under Section 2.11 of the
9 Regional Transportation 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 (wv) 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 (www) 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; revised
13 9-10-25.)

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

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

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

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

25 (c) Applications, related documents, and medical

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

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

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

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

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

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

26 (i) Information contained in a local emergency energy

1 plan submitted to a municipality in accordance with a
2 local emergency energy plan ordinance that is adopted
3 under Section 11-21.5-5 of the Illinois Municipal Code.

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

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

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

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

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

26 (o) Information that is prohibited from being

1 disclosed under Section 4 of the Illinois Health and
2 Hazardous Substances Registry Act.

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

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

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

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

19 (t) (Blank).

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

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

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

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

10 (w) Personally identifiable information which is
11 exempted from disclosure under subsection (g) of Section
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure
14 under Section 5-1014.3 of the Counties Code or Section
15 8-11-21 of the Illinois Municipal Code.

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

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

1 Act.

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

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

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

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

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

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

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

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

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

24 (jj) Information and reports that are required to be
25 submitted to the Department of Labor by registering day
26 and temporary labor service agencies but are exempt from

1 disclosure under subsection (a-1) of Section 45 of the Day
2 and Temporary Labor Services Act.

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

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

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

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

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

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

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

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

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

1 Human Rights Act.

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

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

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

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

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

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

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

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

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

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

1 (ddd) Information prohibited from being disclosed
2 under Section 35 of the Address Confidentiality for
3 Victims of Domestic Violence, Sexual Assault, Human
4 Trafficking, or Stalking Act.

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

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

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

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

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

26 (jjj) Information exempt from disclosure under Section

1 30 of the Insurance Data Security Law.

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

5 (lll) Data exempt from disclosure under Section
6 2-3.196 of the School Code.

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

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

13 (ooo) Data or information provided pursuant to Section
14 20 of the Statewide Recycling Needs and Assessment Act.

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

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

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

22 (sss) Information exempt from disclosure under Section
23 40 of the Student-Athlete Endorsement Rights Act.

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

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

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

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

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

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

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

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

25 (c) Applications, related documents, and medical

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

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

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

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

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

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

26 (i) Information contained in a local emergency energy

1 plan submitted to a municipality in accordance with a
2 local emergency energy plan ordinance that is adopted
3 under Section 11-21.5-5 of the Illinois Municipal Code.

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

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

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

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

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

26 (o) Information that is prohibited from being

1 disclosed under Section 4 of the Illinois Health and
2 Hazardous Substances Registry Act.

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

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

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

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

19 (t) (Blank).

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

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

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

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

10 (w) Personally identifiable information which is
11 exempted from disclosure under subsection (g) of Section
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure
14 under Section 5-1014.3 of the Counties Code or Section
15 8-11-21 of the Illinois Municipal Code.

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

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

1 Act.

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

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

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

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

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

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

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

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

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

24 (jj) Information and reports that are required to be
25 submitted to the Department of Labor by registering day
26 and temporary labor service agencies but are exempt from

1 disclosure under subsection (a-1) of Section 45 of the Day
2 and Temporary Labor Services Act.

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

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

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

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

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

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

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

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

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

1 Human Rights Act.

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

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

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

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

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

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

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

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

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

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

1 (ddd) Information prohibited from being disclosed
2 under Section 35 of the Address Confidentiality for
3 Victims of Domestic Violence, Sexual Assault, Human
4 Trafficking, or Stalking Act.

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

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

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

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

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

26 (jjj) Information exempt from disclosure under Section

1 30 of the Insurance Data Security Law.

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

5 (lll) Data exempt from disclosure under Section
6 2-3.196 of the School Code.

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

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

13 (ooo) Data or information provided pursuant to Section
14 20 of the Statewide Recycling Needs and Assessment Act.

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

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

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

22 (sss) Information exempt from disclosure under Section
23 40 of the Student-Athlete Endorsement Rights Act.

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

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

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

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

9 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;
10 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.
11 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592,
12 eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24;
13 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff.
14 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081,
15 eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25;
16 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; 104-441, eff.
17 9-12-26; 104-457, eff. 6-1-26; revised 1-7-26.)

18 Section 908. The Illinois Procurement Code is amended by
19 changing Section 1-10 as follows:

20 (30 ILCS 500/1-10)

21 (Text of Section before amendment by P.A. 104-458)

22 Sec. 1-10. Application.

23 (a) This Code applies only to procurements for which
24 bidders, offerors, potential contractors, or contractors were

1 first solicited on or after July 1, 1998. This Code shall not
2 be construed to affect or impair any contract, or any
3 provision of a contract, entered into based on a solicitation
4 prior to the implementation date of this Code as described in
5 Article 99, including, but not limited to, any covenant
6 entered into with respect to any revenue bonds or similar
7 instruments. All procurements for which contracts are
8 solicited between the effective date of Articles 50 and 99 and
9 July 1, 1998 shall be substantially in accordance with this
10 Code and its intent.

11 (b) This Code shall apply regardless of the source of the
12 funds with which the contracts are paid, including federal
13 assistance moneys. This Code shall not apply to:

14 (1) Contracts between the State and its political
15 subdivisions or other governments, or between State
16 governmental bodies, except as specifically provided in
17 this Code.

18 (2) Grants, except for the filing requirements of
19 Section 20-80.

20 (3) Purchase of care, except as provided in Section
21 5-30.6 of the Illinois Public Aid Code and this Section.

22 (4) Hiring of an individual as an employee and not as
23 an independent contractor, whether pursuant to an
24 employment code or policy or by contract directly with
25 that individual.

26 (5) Collective bargaining contracts.

1 (6) Purchase of real estate, except that notice of
2 this type of contract with a value of more than \$25,000
3 must be published in the Procurement Bulletin within 10
4 calendar days after the deed is recorded in the county of
5 jurisdiction. The notice shall identify the real estate
6 purchased, the names of all parties to the contract, the
7 value of the contract, and the effective date of the
8 contract.

9 (7) Contracts necessary to prepare for anticipated
10 litigation, enforcement actions, or investigations,
11 provided that the chief legal counsel to the Governor
12 shall give his or her prior approval when the procuring
13 agency is one subject to the jurisdiction of the Governor,
14 and provided that the chief legal counsel of any other
15 procuring entity subject to this Code shall give his or
16 her prior approval when the procuring entity is not one
17 subject to the jurisdiction of the Governor.

18 (8) (Blank).

19 (9) Procurement expenditures by the Illinois
20 Conservation Foundation when only private funds are used.

21 (10) (Blank).

22 (11) Public-private agreements entered into according
23 to the procurement requirements of Section 20 of the
24 Public-Private Partnerships for Transportation Act and
25 design-build agreements entered into according to the
26 procurement requirements of Section 25 of the

1 Public-Private Partnerships for Transportation Act.

2 (12) (A) Contracts for legal, financial, and other
3 professional and artistic services entered into by the
4 Illinois Finance Authority in which the State of Illinois
5 is not obligated. Such contracts shall be awarded through
6 a competitive process authorized by the members of the
7 Illinois Finance Authority and are subject to Sections
8 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
9 as well as the final approval by the members of the
10 Illinois Finance Authority of the terms of the contract.

11 (B) Contracts for legal and financial services entered
12 into by the Illinois Housing Development Authority in
13 connection with the issuance of bonds in which the State
14 of Illinois is not obligated. Such contracts shall be
15 awarded through a competitive process authorized by the
16 members of the Illinois Housing Development Authority and
17 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
18 and 50-37 of this Code, as well as the final approval by
19 the members of the Illinois Housing Development Authority
20 of the terms of the contract.

21 (13) Contracts for services, commodities, and
22 equipment to support the delivery of timely forensic
23 science services in consultation with and subject to the
24 approval of the Chief Procurement Officer as provided in
25 subsection (d) of Section 5-4-3a of the Unified Code of
26 Corrections, except for the requirements of Sections

1 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
2 Code; however, the Chief Procurement Officer may, in
3 writing with justification, waive any certification
4 required under Article 50 of this Code. For any contracts
5 for services which are currently provided by members of a
6 collective bargaining agreement, the applicable terms of
7 the collective bargaining agreement concerning
8 subcontracting shall be followed.

9 On and after January 1, 2019, this paragraph (13),
10 except for this sentence, is inoperative.

11 (14) Contracts for participation expenditures required
12 by a domestic or international trade show or exhibition of
13 an exhibitor, member, or sponsor.

14 (15) Contracts with a railroad or utility that
15 requires the State to reimburse the railroad or utilities
16 for the relocation of utilities for construction or other
17 public purpose. Contracts included within this paragraph
18 (15) shall include, but not be limited to, those
19 associated with: relocations, crossings, installations,
20 and maintenance. For the purposes of this paragraph (15),
21 "railroad" means any form of non-highway ground
22 transportation that runs on rails or electromagnetic
23 guideways and "utility" means: (1) public utilities as
24 defined in Section 3-105 of the Public Utilities Act, (2)
25 telecommunications carriers as defined in Section 13-202
26 of the Public Utilities Act, (3) electric cooperatives as

1 defined in Section 3.4 of the Electric Supplier Act, (4)
2 telephone or telecommunications cooperatives as defined in
3 Section 13-212 of the Public Utilities Act, (5) rural
4 water or wastewater ~~waste-water~~ systems with 10,000
5 connections or less, (6) a holder as defined in Section
6 21-201 of the Public Utilities Act, and (7) municipalities
7 owning or operating utility systems consisting of public
8 utilities as that term is defined in Section 11-117-2 of
9 the Illinois Municipal Code.

10 (16) Procurement expenditures necessary for the
11 Department of Public Health to provide the delivery of
12 timely newborn screening services in accordance with the
13 Newborn Metabolic Screening Act.

14 (17) Procurement expenditures necessary for the
15 Department of Agriculture, the Department of Financial and
16 Professional Regulation, the Department of Human Services,
17 and the Department of Public Health to implement the
18 Compassionate Use of Medical Cannabis Program and Opioid
19 Alternative Pilot Program requirements and ensure access
20 to medical cannabis for patients with debilitating medical
21 conditions in accordance with the Compassionate Use of
22 Medical Cannabis Program Act.

23 (18) This Code does not apply to any procurements
24 necessary for the Department of Agriculture, the
25 Department of Financial and Professional Regulation, the
26 Department of Human Services, the Department of Commerce

1 and Economic Opportunity, and the Department of Public
2 Health to implement the Cannabis Regulation and Tax Act if
3 the applicable agency has made a good faith determination
4 that it is necessary and appropriate for the expenditure
5 to fall within this exemption and if the process is
6 conducted in a manner substantially in accordance with the
7 requirements of Sections 20-160, 25-60, 30-22, 50-5,
8 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
9 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
10 Section 50-35, compliance applies only to contracts or
11 subcontracts over \$100,000. Notice of each contract
12 entered into under this paragraph (18) that is related to
13 the procurement of goods and services identified in
14 paragraph (1) through (9) of this subsection shall be
15 published in the Procurement Bulletin within 14 calendar
16 days after contract execution. The Chief Procurement
17 Officer shall prescribe the form and content of the
18 notice. Each agency shall provide the Chief Procurement
19 Officer, on a monthly basis, in the form and content
20 prescribed by the Chief Procurement Officer, a report of
21 contracts that are related to the procurement of goods and
22 services identified in this subsection. At a minimum, this
23 report shall include the name of the contractor, a
24 description of the supply or service provided, the total
25 amount of the contract, the term of the contract, and the
26 exception to this Code utilized. A copy of any or all of

1 these contracts shall be made available to the Chief
2 Procurement Officer immediately upon request. The Chief
3 Procurement Officer shall submit a report to the Governor
4 and General Assembly no later than November 1 of each year
5 that includes, at a minimum, an annual summary of the
6 monthly information reported to the Chief Procurement
7 Officer. This exemption becomes inoperative 5 years after
8 June 25, 2019 (the effective date of Public Act 101-27).

9 (19) Acquisition of modifications or adjustments,
10 limited to assistive technology devices and assistive
11 technology services, adaptive equipment, repairs, and
12 replacement parts to provide reasonable accommodations (i)
13 that enable a qualified applicant with a disability to
14 complete the job application process and be considered for
15 the position such qualified applicant desires, (ii) that
16 modify or adjust the work environment to enable a
17 qualified current employee with a disability to perform
18 the essential functions of the position held by that
19 employee, (iii) to enable a qualified current employee
20 with a disability to enjoy equal benefits and privileges
21 of employment as are enjoyed by other similarly situated
22 employees without disabilities, and (iv) that allow a
23 customer, client, claimant, or member of the public
24 seeking State services full use and enjoyment of and
25 access to its programs, services, or benefits.

26 For purposes of this paragraph (19):

1 "Assistive technology devices" means any item, piece
2 of equipment, or product system, whether acquired
3 commercially off the shelf, modified, or customized, that
4 is used to increase, maintain, or improve functional
5 capabilities of individuals with disabilities.

6 "Assistive technology services" means any service that
7 directly assists an individual with a disability in
8 selection, acquisition, or use of an assistive technology
9 device.

10 "Qualified" has the same meaning and use as provided
11 under the federal Americans with Disabilities Act when
12 describing an individual with a disability.

13 (20) Procurement expenditures necessary for the
14 Illinois Commerce Commission to hire third-party
15 facilitators pursuant to Sections 16-105.17 and 16-108.18
16 of the Public Utilities Act or an ombudsman pursuant to
17 Section 16-107.5 of the Public Utilities Act, a
18 facilitator pursuant to Section 16-105.17 of the Public
19 Utilities Act, or a grid auditor pursuant to Section
20 16-105.10 of the Public Utilities Act.

21 (21) Procurement expenditures for the purchase,
22 renewal, and expansion of software, software licenses, or
23 software maintenance agreements that support the efforts
24 of the Illinois State Police to enforce, regulate, and
25 administer the Firearm Owners Identification Card Act, the
26 Firearm Concealed Carry Act, the Firearms Restraining

1 Order Act, the Firearm Dealer License Certification Act,
2 the Law Enforcement Agencies Data System (LEADS), the
3 Uniform Crime Reporting Act, the Criminal Identification
4 Act, the Illinois Uniform Conviction Information Act, and
5 the Gun Trafficking Information Act, or establish or
6 maintain record management systems necessary to conduct
7 human trafficking investigations or gun trafficking or
8 other stolen firearm investigations. This paragraph (21)
9 applies to contracts entered into on or after January 10,
10 2023 (the effective date of Public Act 102-1116) and the
11 renewal of contracts that are in effect on January 10,
12 2023 (the effective date of Public Act 102-1116).

13 (22) Contracts for project management services and
14 system integration services required for the completion of
15 the State's enterprise resource planning project. This
16 exemption becomes inoperative 5 years after June 7, 2023
17 (the effective date of the changes made to this Section by
18 Public Act 103-8). This paragraph (22) applies to
19 contracts entered into on or after June 7, 2023 (the
20 effective date of the changes made to this Section by
21 Public Act 103-8) and the renewal of contracts that are in
22 effect on June 7, 2023 (the effective date of the changes
23 made to this Section by Public Act 103-8).

24 (23) Procurements necessary for the Department of
25 Insurance to implement the Illinois Health Benefits
26 Exchange Law if the Department of Insurance has made a

1 good faith determination that it is necessary and
2 appropriate for the expenditure to fall within this
3 exemption. The procurement process shall be conducted in a
4 manner substantially in accordance with the requirements
5 of Sections 20-160 and 25-60 and Article 50 of this Code. A
6 copy of these contracts shall be made available to the
7 Chief Procurement Officer immediately upon request. This
8 paragraph is inoperative 5 years after June 27, 2023 (the
9 effective date of Public Act 103-103).

10 (24) Contracts for public education programming,
11 noncommercial sustaining announcements, public service
12 announcements, and public awareness and education
13 messaging with the nonprofit trade associations of the
14 providers of those services that inform the public on
15 immediate and ongoing health and safety risks and hazards.

16 (25) Procurements necessary for the Department of
17 Early Childhood to implement the Department of Early
18 Childhood Act if the Department has made a good faith
19 determination that it is necessary and appropriate for the
20 expenditure to fall within this exemption. This exemption
21 shall only be used for products and services procured
22 solely for use by the Department of Early Childhood. The
23 procurements may include those necessary to design and
24 build integrated, operational systems of programs and
25 services. The procurements may include, but are not
26 limited to, those necessary to align and update program

1 standards, integrate funding systems, design and establish
2 data and reporting systems, align and update models for
3 technical assistance and professional development, design
4 systems to manage grants and ensure compliance, design and
5 implement management and operational structures, and
6 establish new means of engaging with families, educators,
7 providers, and stakeholders. The procurement processes
8 shall be conducted in a manner substantially in accordance
9 with the requirements of Article 50 (ethics) and Sections
10 5-5 (Procurement Policy Board), 5-7 (Commission on Equity
11 and Inclusion), 20-80 (contract files), 20-120
12 (subcontractors), 20-155 (paperwork), 20-160
13 (ethics/campaign contribution prohibitions), 25-60
14 (prevailing wage), and 25-90 (prohibited and authorized
15 cybersecurity) of this Code. Beginning January 1, 2025,
16 the Department of Early Childhood shall provide a
17 quarterly report to the General Assembly detailing a list
18 of expenditures and contracts for which the Department
19 uses this exemption. This paragraph is inoperative on and
20 after July 1, 2027.

21 (26) Procurements that are necessary for increasing
22 the recruitment and retention of State employees,
23 particularly minority candidates for employment,
24 including:

25 (A) procurements related to registration fees for
26 job fairs and other outreach and recruitment events;

1 (B) production of recruitment materials; and

2 (C) other services related to recruitment and
3 retention of State employees.

4 The exemption under this paragraph (26) applies only
5 if the State agency has made a good faith determination
6 that it is necessary and appropriate for the expenditure
7 to fall within this paragraph (26). The procurement
8 process under this paragraph (26) shall be conducted in a
9 manner substantially in accordance with the requirements
10 of Sections 20-160 and 25-60 and Article 50 of this Code. A
11 copy of these contracts shall be made available to the
12 Chief Procurement Officer immediately upon request.
13 Nothing in this paragraph (26) authorizes the replacement
14 or diminishment of State responsibilities in hiring or the
15 positions that effectuate that hiring. This paragraph (26)
16 is inoperative on and after June 30, 2029.

17 (27) Procurements necessary for the Department of
18 Healthcare and Family Services to implement changes to the
19 State's Integrated Eligibility System to ensure the
20 system's compliance with federal implementation mandates
21 and deadlines, if the Department of Healthcare and Family
22 Services has made a good faith determination that it is
23 necessary and appropriate for the procurement to fall
24 within this exemption.

25 (28) Procurements necessary for the Illinois Labor
26 Relations Board to contract with a neutral body to provide

1 any of the data or information collection, storage,
2 management, manipulation, analysis, certification, and
3 election services required under the Transportation
4 Network Driver Labor Relations Act, and to contract for
5 court reporting services, required under the
6 Transportation Network Driver Labor Relations Act or the
7 Illinois Public Labor Relations Act, where the Illinois
8 Labor Relations Board determines in good faith such
9 services are necessary to carry out its statutory duties.
10 The procurement process shall be conducted in a manner
11 substantially in accordance with the requirements of
12 Sections 20-160 and Article 50 of this Code. A copy of any
13 contract entered into under this paragraph shall be made
14 available to the Chief Procurement Officer upon request.

15 Notwithstanding any other provision of law, for contracts
16 with an annual value of more than \$100,000 entered into on or
17 after October 1, 2017 under an exemption provided in any
18 paragraph of this subsection (b), except paragraph (1), (2),
19 or (5), each State agency shall post to the appropriate
20 procurement bulletin the name of the contractor, a description
21 of the supply or service provided, the total amount of the
22 contract, the term of the contract, and the exception to the
23 Code utilized. The chief procurement officer shall submit a
24 report to the Governor and General Assembly no later than
25 November 1 of each year that shall include, at a minimum, an
26 annual summary of the monthly information reported to the

1 chief procurement officer.

2 (c) This Code does not apply to the electric power
3 procurement process provided for under Section 1-75 of the
4 Illinois Power Agency Act and Section 16-111.5 of the Public
5 Utilities Act. This Code does not apply to the procurement of
6 technical and policy experts pursuant to Section 1-129 of the
7 Illinois Power Agency Act.

8 (d) Except for Section 20-160 and Article 50 of this Code,
9 and as expressly required by Section 9.1 of the Illinois
10 Lottery Law, the provisions of this Code do not apply to the
11 procurement process provided for under Section 9.1 of the
12 Illinois Lottery Law.

13 (e) This Code does not apply to the process used by the
14 Capital Development Board to retain a person or entity to
15 assist the Capital Development Board with its duties related
16 to the determination of costs of a clean coal SNG brownfield
17 facility, as defined by Section 1-10 of the Illinois Power
18 Agency Act, as required in subsection (h-3) of Section 9-220
19 of the Public Utilities Act, including calculating the range
20 of capital costs, the range of operating and maintenance
21 costs, or the sequestration costs or monitoring the
22 construction of clean coal SNG brownfield facility for the
23 full duration of construction.

24 (f) (Blank).

25 (g) (Blank).

26 (h) This Code does not apply to the process to procure or

1 contracts entered into in accordance with Sections 11-5.2 and
2 11-5.3 of the Illinois Public Aid Code.

3 (i) Each chief procurement officer may access records
4 necessary to review whether a contract, purchase, or other
5 expenditure is or is not subject to the provisions of this
6 Code, unless such records would be subject to attorney-client
7 privilege.

8 (j) This Code does not apply to the process used by the
9 Capital Development Board to retain an artist or work or works
10 of art as required in Section 14 of the Capital Development
11 Board Act.

12 (k) This Code does not apply to the process to procure
13 contracts, or contracts entered into, by the State Board of
14 Elections or the State Electoral Board for hearing officers
15 appointed pursuant to the Election Code.

16 (l) This Code does not apply to the processes used by the
17 Illinois Student Assistance Commission to procure supplies and
18 services paid for from the private funds of the Illinois
19 Prepaid Tuition Fund. As used in this subsection (l), "private
20 funds" means funds derived from deposits paid into the
21 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

22 (m) This Code shall apply regardless of the source of
23 funds with which contracts are paid, including federal
24 assistance moneys. Except as specifically provided in this
25 Code, this Code shall not apply to procurement expenditures
26 necessary for the Department of Public Health to conduct the

1 Healthy Illinois Survey in accordance with Section 2310-431 of
2 the Department of Public Health Powers and Duties Law of the
3 Civil Administrative Code of Illinois.

4 (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;
5 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.
6 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,
7 eff. 6-16-25; 104-417, eff. 8-15-25)

8 (Text of Section after amendment by P.A. 104-458)

9 Sec. 1-10. Application.

10 (a) This Code applies only to procurements for which
11 bidders, offerors, potential contractors, or contractors were
12 first solicited on or after July 1, 1998. This Code shall not
13 be construed to affect or impair any contract, or any
14 provision of a contract, entered into based on a solicitation
15 prior to the implementation date of this Code as described in
16 Article 99, including, but not limited to, any covenant
17 entered into with respect to any revenue bonds or similar
18 instruments. All procurements for which contracts are
19 solicited between the effective date of Articles 50 and 99 and
20 July 1, 1998 shall be substantially in accordance with this
21 Code and its intent.

22 (b) This Code shall apply regardless of the source of the
23 funds with which the contracts are paid, including federal
24 assistance moneys. This Code shall not apply to:

25 (1) Contracts between the State and its political

1 subdivisions or other governments, or between State
2 governmental bodies, except as specifically provided in
3 this Code.

4 (2) Grants, except for the filing requirements of
5 Section 20-80.

6 (3) Purchase of care, except as provided in Section
7 5-30.6 of the Illinois Public Aid Code and this Section.

8 (4) Hiring of an individual as an employee and not as
9 an independent contractor, whether pursuant to an
10 employment code or policy or by contract directly with
11 that individual.

12 (5) Collective bargaining contracts.

13 (6) Purchase of real estate, except that notice of
14 this type of contract with a value of more than \$25,000
15 must be published in the Procurement Bulletin within 10
16 calendar days after the deed is recorded in the county of
17 jurisdiction. The notice shall identify the real estate
18 purchased, the names of all parties to the contract, the
19 value of the contract, and the effective date of the
20 contract.

21 (7) Contracts necessary to prepare for anticipated
22 litigation, enforcement actions, or investigations,
23 provided that the chief legal counsel to the Governor
24 shall give his or her prior approval when the procuring
25 agency is one subject to the jurisdiction of the Governor,
26 and provided that the chief legal counsel of any other

1 procuring entity subject to this Code shall give his or
2 her prior approval when the procuring entity is not one
3 subject to the jurisdiction of the Governor.

4 (8) (Blank).

5 (9) Procurement expenditures by the Illinois
6 Conservation Foundation when only private funds are used.

7 (10) (Blank).

8 (11) Public-private agreements entered into according
9 to the procurement requirements of Section 20 of the
10 Public-Private Partnerships for Transportation Act and
11 design-build agreements entered into according to the
12 procurement requirements of Section 25 of the
13 Public-Private Partnerships for Transportation Act.

14 (12) (A) Contracts for legal, financial, and other
15 professional and artistic services entered into by the
16 Illinois Finance Authority in which the State of Illinois
17 is not obligated. Such contracts shall be awarded through
18 a competitive process authorized by the members of the
19 Illinois Finance Authority and are subject to Sections
20 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
21 as well as the final approval by the members of the
22 Illinois Finance Authority of the terms of the contract.

23 (B) Contracts for legal and financial services entered
24 into by the Illinois Housing Development Authority in
25 connection with the issuance of bonds in which the State
26 of Illinois is not obligated. Such contracts shall be

1 awarded through a competitive process authorized by the
2 members of the Illinois Housing Development Authority and
3 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
4 and 50-37 of this Code, as well as the final approval by
5 the members of the Illinois Housing Development Authority
6 of the terms of the contract.

7 (13) Contracts for services, commodities, and
8 equipment to support the delivery of timely forensic
9 science services in consultation with and subject to the
10 approval of the Chief Procurement Officer as provided in
11 subsection (d) of Section 5-4-3a of the Unified Code of
12 Corrections, except for the requirements of Sections
13 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
14 Code; however, the Chief Procurement Officer may, in
15 writing with justification, waive any certification
16 required under Article 50 of this Code. For any contracts
17 for services which are currently provided by members of a
18 collective bargaining agreement, the applicable terms of
19 the collective bargaining agreement concerning
20 subcontracting shall be followed.

21 On and after January 1, 2019, this paragraph (13),
22 except for this sentence, is inoperative.

23 (14) Contracts for participation expenditures required
24 by a domestic or international trade show or exhibition of
25 an exhibitor, member, or sponsor.

26 (15) Contracts with a railroad or utility that

1 requires the State to reimburse the railroad or utilities
2 for the relocation of utilities for construction or other
3 public purpose. Contracts included within this paragraph
4 (15) shall include, but not be limited to, those
5 associated with: relocations, crossings, installations,
6 and maintenance. For the purposes of this paragraph (15),
7 "railroad" means any form of non-highway ground
8 transportation that runs on rails or electromagnetic
9 guideways and "utility" means: (1) public utilities as
10 defined in Section 3-105 of the Public Utilities Act, (2)
11 telecommunications carriers as defined in Section 13-202
12 of the Public Utilities Act, (3) electric cooperatives as
13 defined in Section 3.4 of the Electric Supplier Act, (4)
14 telephone or telecommunications cooperatives as defined in
15 Section 13-212 of the Public Utilities Act, (5) rural
16 water or wastewater ~~waste-water~~ systems with 10,000
17 connections or less, (6) a holder as defined in Section
18 21-201 of the Public Utilities Act, and (7) municipalities
19 owning or operating utility systems consisting of public
20 utilities as that term is defined in Section 11-117-2 of
21 the Illinois Municipal Code.

22 (16) Procurement expenditures necessary for the
23 Department of Public Health to provide the delivery of
24 timely newborn screening services in accordance with the
25 Newborn Metabolic Screening Act.

26 (17) Procurement expenditures necessary for the

1 Department of Agriculture, the Department of Financial and
2 Professional Regulation, the Department of Human Services,
3 and the Department of Public Health to implement the
4 Compassionate Use of Medical Cannabis Program and Opioid
5 Alternative Pilot Program requirements and ensure access
6 to medical cannabis for patients with debilitating medical
7 conditions in accordance with the Compassionate Use of
8 Medical Cannabis Program Act.

9 (18) This Code does not apply to any procurements
10 necessary for the Department of Agriculture, the
11 Department of Financial and Professional Regulation, the
12 Department of Human Services, the Department of Commerce
13 and Economic Opportunity, and the Department of Public
14 Health to implement the Cannabis Regulation and Tax Act if
15 the applicable agency has made a good faith determination
16 that it is necessary and appropriate for the expenditure
17 to fall within this exemption and if the process is
18 conducted in a manner substantially in accordance with the
19 requirements of Sections 20-160, 25-60, 30-22, 50-5,
20 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
21 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
22 Section 50-35, compliance applies only to contracts or
23 subcontracts over \$100,000. Notice of each contract
24 entered into under this paragraph (18) that is related to
25 the procurement of goods and services identified in
26 paragraph (1) through (9) of this subsection shall be

1 published in the Procurement Bulletin within 14 calendar
2 days after contract execution. The Chief Procurement
3 Officer shall prescribe the form and content of the
4 notice. Each agency shall provide the Chief Procurement
5 Officer, on a monthly basis, in the form and content
6 prescribed by the Chief Procurement Officer, a report of
7 contracts that are related to the procurement of goods and
8 services identified in this subsection. At a minimum, this
9 report shall include the name of the contractor, a
10 description of the supply or service provided, the total
11 amount of the contract, the term of the contract, and the
12 exception to this Code utilized. A copy of any or all of
13 these contracts shall be made available to the Chief
14 Procurement Officer immediately upon request. The Chief
15 Procurement Officer shall submit a report to the Governor
16 and General Assembly no later than November 1 of each year
17 that includes, at a minimum, an annual summary of the
18 monthly information reported to the Chief Procurement
19 Officer. This exemption becomes inoperative 5 years after
20 June 25, 2019 (the effective date of Public Act 101-27).

21 (19) Acquisition of modifications or adjustments,
22 limited to assistive technology devices and assistive
23 technology services, adaptive equipment, repairs, and
24 replacement parts to provide reasonable accommodations (i)
25 that enable a qualified applicant with a disability to
26 complete the job application process and be considered for

1 the position such qualified applicant desires, (ii) that
2 modify or adjust the work environment to enable a
3 qualified current employee with a disability to perform
4 the essential functions of the position held by that
5 employee, (iii) to enable a qualified current employee
6 with a disability to enjoy equal benefits and privileges
7 of employment as are enjoyed by other similarly situated
8 employees without disabilities, and (iv) that allow a
9 customer, client, claimant, or member of the public
10 seeking State services full use and enjoyment of and
11 access to its programs, services, or benefits.

12 For purposes of this paragraph (19):

13 "Assistive technology devices" means any item, piece
14 of equipment, or product system, whether acquired
15 commercially off the shelf, modified, or customized, that
16 is used to increase, maintain, or improve functional
17 capabilities of individuals with disabilities.

18 "Assistive technology services" means any service that
19 directly assists an individual with a disability in
20 selection, acquisition, or use of an assistive technology
21 device.

22 "Qualified" has the same meaning and use as provided
23 under the federal Americans with Disabilities Act when
24 describing an individual with a disability.

25 (20) Procurement expenditures necessary for the
26 Illinois Commerce Commission to hire third-party

1 facilitators pursuant to Sections 16-105.17 and 16-108.18
2 of the Public Utilities Act or an ombudsman pursuant to
3 Section 16-107.5 of the Public Utilities Act, a
4 facilitator pursuant to Section 16-105.17 of the Public
5 Utilities Act, a grid auditor pursuant to Section
6 16-105.10 of the Public Utilities Act, a facilitator,
7 expert, or consultant pursuant to Sections 16-126.2 and
8 16-202 of the Public Utilities Act, a procurement monitor
9 pursuant to Section 16-111.5 of the Public Utilities Act,
10 an ombudsperson pursuant to Section 20-145 of the Public
11 Utilities Act, or consultants and experts pursuant to
12 Section 5-15 of the Utility Data Access Act.

13 (21) Procurement expenditures for the purchase,
14 renewal, and expansion of software, software licenses, or
15 software maintenance agreements that support the efforts
16 of the Illinois State Police to enforce, regulate, and
17 administer the Firearm Owners Identification Card Act, the
18 Firearm Concealed Carry Act, the Firearms Restraining
19 Order Act, the Firearm Dealer License Certification Act,
20 the Law Enforcement Agencies Data System (LEADS), the
21 Uniform Crime Reporting Act, the Criminal Identification
22 Act, the Illinois Uniform Conviction Information Act, and
23 the Gun Trafficking Information Act, or establish or
24 maintain record management systems necessary to conduct
25 human trafficking investigations or gun trafficking or
26 other stolen firearm investigations. This paragraph (21)

1 applies to contracts entered into on or after January 10,
2 2023 (the effective date of Public Act 102-1116) and the
3 renewal of contracts that are in effect on January 10,
4 2023 (the effective date of Public Act 102-1116).

5 (22) Contracts for project management services and
6 system integration services required for the completion of
7 the State's enterprise resource planning project. This
8 exemption becomes inoperative 5 years after June 7, 2023
9 (the effective date of the changes made to this Section by
10 Public Act 103-8). This paragraph (22) applies to
11 contracts entered into on or after June 7, 2023 (the
12 effective date of the changes made to this Section by
13 Public Act 103-8) and the renewal of contracts that are in
14 effect on June 7, 2023 (the effective date of the changes
15 made to this Section by Public Act 103-8).

16 (23) Procurements necessary for the Department of
17 Insurance to implement the Illinois Health Benefits
18 Exchange Law if the Department of Insurance has made a
19 good faith determination that it is necessary and
20 appropriate for the expenditure to fall within this
21 exemption. The procurement process shall be conducted in a
22 manner substantially in accordance with the requirements
23 of Sections 20-160 and 25-60 and Article 50 of this Code. A
24 copy of these contracts shall be made available to the
25 Chief Procurement Officer immediately upon request. This
26 paragraph is inoperative 5 years after June 27, 2023 (the

1 effective date of Public Act 103-103).

2 (24) Contracts for public education programming,
3 noncommercial sustaining announcements, public service
4 announcements, and public awareness and education
5 messaging with the nonprofit trade associations of the
6 providers of those services that inform the public on
7 immediate and ongoing health and safety risks and hazards.

8 (25) Procurements necessary for the Department of
9 Early Childhood to implement the Department of Early
10 Childhood Act if the Department has made a good faith
11 determination that it is necessary and appropriate for the
12 expenditure to fall within this exemption. This exemption
13 shall only be used for products and services procured
14 solely for use by the Department of Early Childhood. The
15 procurements may include those necessary to design and
16 build integrated, operational systems of programs and
17 services. The procurements may include, but are not
18 limited to, those necessary to align and update program
19 standards, integrate funding systems, design and establish
20 data and reporting systems, align and update models for
21 technical assistance and professional development, design
22 systems to manage grants and ensure compliance, design and
23 implement management and operational structures, and
24 establish new means of engaging with families, educators,
25 providers, and stakeholders. The procurement processes
26 shall be conducted in a manner substantially in accordance

1 with the requirements of Article 50 (ethics) and Sections
2 5-5 (Procurement Policy Board), 5-7 (Commission on Equity
3 and Inclusion), 20-80 (contract files), 20-120
4 (subcontractors), 20-155 (paperwork), 20-160
5 (ethics/campaign contribution prohibitions), 25-60
6 (prevailing wage), and 25-90 (prohibited and authorized
7 cybersecurity) of this Code. Beginning January 1, 2025,
8 the Department of Early Childhood shall provide a
9 quarterly report to the General Assembly detailing a list
10 of expenditures and contracts for which the Department
11 uses this exemption. This paragraph is inoperative on and
12 after July 1, 2027.

13 (26) Procurements that are necessary for increasing
14 the recruitment and retention of State employees,
15 particularly minority candidates for employment,
16 including:

17 (A) procurements related to registration fees for
18 job fairs and other outreach and recruitment events;

19 (B) production of recruitment materials; and

20 (C) other services related to recruitment and
21 retention of State employees.

22 The exemption under this paragraph (26) applies only
23 if the State agency has made a good faith determination
24 that it is necessary and appropriate for the expenditure
25 to fall within this paragraph (26). The procurement
26 process under this paragraph (26) shall be conducted in a

1 manner substantially in accordance with the requirements
2 of Sections 20-160 and 25-60 and Article 50 of this Code. A
3 copy of these contracts shall be made available to the
4 Chief Procurement Officer immediately upon request.
5 Nothing in this paragraph (26) authorizes the replacement
6 or diminishment of State responsibilities in hiring or the
7 positions that effectuate that hiring. This paragraph (26)
8 is inoperative on and after June 30, 2029.

9 (27) Procurements necessary for the Department of
10 Healthcare and Family Services to implement changes to the
11 State's Integrated Eligibility System to ensure the
12 system's compliance with federal implementation mandates
13 and deadlines, if the Department of Healthcare and Family
14 Services has made a good faith determination that it is
15 necessary and appropriate for the procurement to fall
16 within this exemption.

17 (28) Procurements necessary for the Illinois Labor
18 Relations Board to contract with a neutral body to provide
19 any of the data or information collection, storage,
20 management, manipulation, analysis, certification, and
21 election services required under the Transportation
22 Network Driver Labor Relations Act, and to contract for
23 court reporting services, required under the
24 Transportation Network Driver Labor Relations Act or the
25 Illinois Public Labor Relations Act, where the Illinois
26 Labor Relations Board determines in good faith such

1 services are necessary to carry out its statutory duties.
2 The procurement process shall be conducted in a manner
3 substantially in accordance with the requirements of
4 Sections 20-160 and Article 50 of this Code. A copy of any
5 contract entered into under this paragraph shall be made
6 available to the Chief Procurement Officer upon request.

7 Notwithstanding any other provision of law, for contracts
8 with an annual value of more than \$100,000 entered into on or
9 after October 1, 2017 under an exemption provided in any
10 paragraph of this subsection (b), except paragraph (1), (2),
11 or (5), each State agency shall post to the appropriate
12 procurement bulletin the name of the contractor, a description
13 of the supply or service provided, the total amount of the
14 contract, the term of the contract, and the exception to the
15 Code utilized. The chief procurement officer shall submit a
16 report to the Governor and General Assembly no later than
17 November 1 of each year that shall include, at a minimum, an
18 annual summary of the monthly information reported to the
19 chief procurement officer.

20 (c) This Code does not apply to the electric power
21 procurement process provided for under Section 1-75 of the
22 Illinois Power Agency Act and Section 16-111.5 of the Public
23 Utilities Act. This Code does not apply to the procurement of
24 technical and policy experts pursuant to Section 1-129 of the
25 Illinois Power Agency Act.

26 (d) Except for Section 20-160 and Article 50 of this Code,

1 and as expressly required by Section 9.1 of the Illinois
2 Lottery Law, the provisions of this Code do not apply to the
3 procurement process provided for under Section 9.1 of the
4 Illinois Lottery Law.

5 (e) This Code does not apply to the process used by the
6 Capital Development Board to retain a person or entity to
7 assist the Capital Development Board with its duties related
8 to the determination of costs of a clean coal SNG brownfield
9 facility, as defined by Section 1-10 of the Illinois Power
10 Agency Act, as required in subsection (h-3) of Section 9-220
11 of the Public Utilities Act, including calculating the range
12 of capital costs, the range of operating and maintenance
13 costs, or the sequestration costs or monitoring the
14 construction of clean coal SNG brownfield facility for the
15 full duration of construction.

16 (f) (Blank).

17 (g) (Blank).

18 (h) This Code does not apply to the process to procure or
19 contracts entered into in accordance with Sections 11-5.2 and
20 11-5.3 of the Illinois Public Aid Code.

21 (i) Each chief procurement officer may access records
22 necessary to review whether a contract, purchase, or other
23 expenditure is or is not subject to the provisions of this
24 Code, unless such records would be subject to attorney-client
25 privilege.

26 (j) This Code does not apply to the process used by the

1 Capital Development Board to retain an artist or work or works
2 of art as required in Section 14 of the Capital Development
3 Board Act.

4 (k) This Code does not apply to the process to procure
5 contracts, or contracts entered into, by the State Board of
6 Elections or the State Electoral Board for hearing officers
7 appointed pursuant to the Election Code.

8 (l) This Code does not apply to the processes used by the
9 Illinois Student Assistance Commission to procure supplies and
10 services paid for from the private funds of the Illinois
11 Prepaid Tuition Fund. As used in this subsection (l), "private
12 funds" means funds derived from deposits paid into the
13 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

14 (m) This Code shall apply regardless of the source of
15 funds with which contracts are paid, including federal
16 assistance moneys. Except as specifically provided in this
17 Code, this Code shall not apply to procurement expenditures
18 necessary for the Department of Public Health to conduct the
19 Healthy Illinois Survey in accordance with Section 2310-431 of
20 the Department of Public Health Powers and Duties Law of the
21 Civil Administrative Code of Illinois.

22 (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;
23 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.
24 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,
25 eff. 6-16-25; 104-417, eff. 8-15-25; 104-458, eff. 6-1-26;
26 revised 1-12-26.)

1 Section 910. The Labor Dispute Act is amended by changing
2 Section 1.3 as follows:

3 (820 ILCS 5/1.3)

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

5 "Employee" means any individual permitted to work by an
6 employer in an occupation. For the purpose of Sections 1.2
7 through 1.5, "employee" includes any transportation network
8 driver, as that term is defined in the Transportation Network
9 Driver Labor Relations Act.

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

1 Labor Relations Act.

2 "Picketing" means the stationing of a person for an
3 organization to apprise the public by signs or other means of
4 the existence of a dispute pursuant to the National Labor
5 Relations Act, 29 U.S.C. 151 et seq., ~~and~~ the Labor Management
6 Relations Act, 29 U.S.C. 141 et seq., and the Transportation
7 Network Driver Labor Relations Act.

8 "Dispute" includes any controversy concerning terms or
9 conditions of employment, or concerning the association or
10 representation of persons in negotiating, fixing, maintaining,
11 changing, or seeking to arrange terms or conditions of
12 employment or other protest, regardless of whether or not the
13 disputants stand in the proximate relationship of employer and
14 employee.

15 "Public right of way" means that portion of the highway or
16 street adjacent to the roadway for accommodating stopped
17 vehicles or for emergency use; or that portion of a street
18 between the curb lines, or the lateral lines of a roadway, and
19 the adjacent property lines.

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

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

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

1 Section 995. No acceleration or delay. Where this Act
2 makes changes in a statute that is represented in this Act by
3 text that is not yet or no longer in effect (for example, a
4 Section represented by multiple versions), the use of that
5 text does not accelerate or delay the taking effect of (i) the
6 changes made by this Act or (ii) provisions derived from any
7 other Public Act.

8 Section 997. Severability. The provisions of this Act
9 shall be severable as provided in Section 1.31 of the Statute
10 on Statutes; notwithstanding that, if the definition of the
11 "transportation network driver" is held to be preempted by the
12 National Labor Relations Act, 29 U.S.C. 141 et seq., by a court
13 of competent jurisdiction and such determination is not
14 reversed after exhaustion of all appeals, no provision of this
15 Act shall be deemed valid or given force of law.

16 Section 999. Effective date. This Act takes effect upon
17 becoming law.