



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5508

Introduced 2/13/2026, by Rep. Ann M. Williams

#### SYNOPSIS AS INTRODUCED:

820 ILCS 305/19

from Ch. 48, par. 138.19

Amends the Workers' Compensation Act. Provides that, on and after July 1, 2026, if a public employer files a petition to review an award of an arbitrator of the Commission, the award shall draw interest, retroactive to the date of the injury, at a rate equal to 10% or at a rate equal to the yield on indebtedness issued by the United States Government with a 26-week maturity next previously auctioned on the day on which the decision is filed, whichever is greater. Sets forth limitations on interest assessed under the provision. Defines "public employer". Effective July 1, 2026.

LRB104 17990 SPS 31427 b

1 AN ACT concerning employment.

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

4 Section 5. The Workers' Compensation Act is amended by  
5 changing Section 19 as follows:

6 (820 ILCS 305/19) (from Ch. 48, par. 138.19)

7 Sec. 19. Any disputed questions of law or fact shall be  
8 determined as herein provided.

9 (a) It shall be the duty of the Commission upon  
10 notification that the parties have failed to reach an  
11 agreement, to designate an Arbitrator.

12 1. Whenever any claimant misconceives his remedy and  
13 files an application for adjustment of claim under this  
14 Act and it is subsequently discovered, at any time before  
15 final disposition of such cause, that the claim for  
16 disability or death which was the basis for such  
17 application should properly have been made under the  
18 Workers' Occupational Diseases Act, then the provisions of  
19 Section 19, paragraph (a-1) of the Workers' Occupational  
20 Diseases Act having reference to such application shall  
21 apply.

22 2. Whenever any claimant misconceives his remedy and  
23 files an application for adjustment of claim under the

1 Workers' Occupational Diseases Act and it is subsequently  
2 discovered, at any time before final disposition of such  
3 cause that the claim for injury or death which was the  
4 basis for such application should properly have been made  
5 under this Act, then the application so filed under the  
6 Workers' Occupational Diseases Act may be amended in form,  
7 substance or both to assert claim for such disability or  
8 death under this Act and it shall be deemed to have been so  
9 filed as amended on the date of the original filing  
10 thereof, and such compensation may be awarded as is  
11 warranted by the whole evidence pursuant to this Act. When  
12 such amendment is submitted, further or additional  
13 evidence may be heard by the Arbitrator or Commission when  
14 deemed necessary. Nothing in this Section contained shall  
15 be construed to be or permit a waiver of any provisions of  
16 this Act with reference to notice but notice if given  
17 shall be deemed to be a notice under the provisions of this  
18 Act if given within the time required herein.

19 (b) The Arbitrator shall make such inquiries and  
20 investigations as he or they shall deem necessary and may  
21 examine and inspect all books, papers, records, places, or  
22 premises relating to the questions in dispute and hear such  
23 proper evidence as the parties may submit.

24 The hearings before the Arbitrator shall be held in the  
25 vicinity where the injury occurred after 10 days' notice of  
26 the time and place of such hearing shall have been given to

1 each of the parties or their attorneys of record.

2 The Arbitrator may find that the disabling condition is  
3 temporary and has not yet reached a permanent condition and  
4 may order the payment of compensation up to the date of the  
5 hearing, which award shall be reviewable and enforceable in  
6 the same manner as other awards, and in no instance be a bar to  
7 a further hearing and determination of a further amount of  
8 temporary total compensation or of compensation for permanent  
9 disability, but shall be conclusive as to all other questions  
10 except the nature and extent of said disability.

11 The decision of the Arbitrator shall be filed with the  
12 Commission which Commission shall immediately send to each  
13 party or his attorney a copy of such decision, together with a  
14 notification of the time when it was filed. As of the effective  
15 date of this amendatory Act of the 94th General Assembly, all  
16 decisions of the Arbitrator shall set forth in writing  
17 findings of fact and conclusions of law, separately stated, if  
18 requested by either party. Unless a petition for review is  
19 filed by either party within 30 days after the receipt by such  
20 party of the copy of the decision and notification of time when  
21 filed, and unless such party petitioning for a review shall  
22 within 35 days after the receipt by him of the copy of the  
23 decision, file with the Commission either an agreed statement  
24 of the facts appearing upon the hearing before the Arbitrator,  
25 or if such party shall so elect a correct transcript of  
26 evidence of the proceedings at such hearings, then the

1 decision shall become the decision of the Commission and in  
2 the absence of fraud shall be conclusive. The Petition for  
3 Review shall contain a statement of the petitioning party's  
4 specific exceptions to the decision of the arbitrator. The  
5 jurisdiction of the Commission to review the decision of the  
6 arbitrator shall not be limited to the exceptions stated in  
7 the Petition for Review. The Commission, or any member  
8 thereof, may grant further time not exceeding 30 days, in  
9 which to file such agreed statement or transcript of evidence.  
10 Such agreed statement of facts or correct transcript of  
11 evidence, as the case may be, shall be authenticated by the  
12 signatures of the parties or their attorneys, and in the event  
13 they do not agree as to the correctness of the transcript of  
14 evidence it shall be authenticated by the signature of the  
15 Arbitrator designated by the Commission.

16 Whether the employee is working or not, if the employee is  
17 not receiving or has not received medical, surgical, or  
18 hospital services or other services or compensation as  
19 provided in paragraph (a) of Section 8, or compensation as  
20 provided in paragraph (b) of Section 8, the employee may at any  
21 time petition for an expedited hearing by an Arbitrator on the  
22 issue of whether or not he or she is entitled to receive  
23 payment of the services or compensation. Provided the employer  
24 continues to pay compensation pursuant to paragraph (b) of  
25 Section 8, the employer may at any time petition for an  
26 expedited hearing on the issue of whether or not the employee

1 is entitled to receive medical, surgical, or hospital services  
2 or other services or compensation as provided in paragraph (a)  
3 of Section 8, or compensation as provided in paragraph (b) of  
4 Section 8. When an employer has petitioned for an expedited  
5 hearing, the employer shall continue to pay compensation as  
6 provided in paragraph (b) of Section 8 unless the arbitrator  
7 renders a decision that the employee is not entitled to the  
8 benefits that are the subject of the expedited hearing or  
9 unless the employee's treating physician has released the  
10 employee to return to work at his or her regular job with the  
11 employer or the employee actually returns to work at any other  
12 job. If the arbitrator renders a decision that the employee is  
13 not entitled to the benefits that are the subject of the  
14 expedited hearing, a petition for review filed by the employee  
15 shall receive the same priority as if the employee had filed a  
16 petition for an expedited hearing by an Arbitrator. Neither  
17 party shall be entitled to an expedited hearing when the  
18 employee has returned to work and the sole issue in dispute  
19 amounts to less than 12 weeks of unpaid compensation pursuant  
20 to paragraph (b) of Section 8.

21 Expedited hearings shall have priority over all other  
22 petitions and shall be heard by the Arbitrator and Commission  
23 with all convenient speed. Any party requesting an expedited  
24 hearing shall give notice of a request for an expedited  
25 hearing under this paragraph. A copy of the Application for  
26 Adjustment of Claim shall be attached to the notice. The

1 Commission shall adopt rules and procedures under which the  
2 final decision of the Commission under this paragraph is filed  
3 not later than 180 days from the date that the Petition for  
4 Review is filed with the Commission.

5 Where 2 or more insurance carriers, private self-insureds,  
6 or a group workers' compensation pool under Article V 3/4 of  
7 the Illinois Insurance Code dispute coverage for the same  
8 injury, any such insurance carrier, private self-insured, or  
9 group workers' compensation pool may request an expedited  
10 hearing pursuant to this paragraph to determine the issue of  
11 coverage, provided coverage is the only issue in dispute and  
12 all other issues are stipulated and agreed to and further  
13 provided that all compensation benefits including medical  
14 benefits pursuant to Section 8(a) continue to be paid to or on  
15 behalf of petitioner. Any insurance carrier, private  
16 self-insured, or group workers' compensation pool that is  
17 determined to be liable for coverage for the injury in issue  
18 shall reimburse any insurance carrier, private self-insured,  
19 or group workers' compensation pool that has paid benefits to  
20 or on behalf of petitioner for the injury.

21 (b-1) If the employee is not receiving medical, surgical  
22 or hospital services as provided in paragraph (a) of Section 8  
23 or compensation as provided in paragraph (b) of Section 8, the  
24 employee, in accordance with Commission Rules, may file a  
25 petition for an emergency hearing by an Arbitrator on the  
26 issue of whether or not he is entitled to receive payment of

1 such compensation or services as provided therein. Such  
2 petition shall have priority over all other petitions and  
3 shall be heard by the Arbitrator and Commission with all  
4 convenient speed.

5 Such petition shall contain the following information and  
6 shall be served on the employer at least 15 days before it is  
7 filed:

8 (i) the date and approximate time of accident;

9 (ii) the approximate location of the accident;

10 (iii) a description of the accident;

11 (iv) the nature of the injury incurred by the  
12 employee;

13 (v) the identity of the person, if known, to whom the  
14 accident was reported and the date on which it was  
15 reported;

16 (vi) the name and title of the person, if known,  
17 representing the employer with whom the employee conferred  
18 in any effort to obtain compensation pursuant to paragraph  
19 (b) of Section 8 of this Act or medical, surgical or  
20 hospital services pursuant to paragraph (a) of Section 8  
21 of this Act and the date of such conference;

22 (vii) a statement that the employer has refused to pay  
23 compensation pursuant to paragraph (b) of Section 8 of  
24 this Act or for medical, surgical or hospital services  
25 pursuant to paragraph (a) of Section 8 of this Act;

26 (viii) the name and address, if known, of each witness

1 to the accident and of each other person upon whom the  
2 employee will rely to support his allegations;

3 (ix) the dates of treatment related to the accident by  
4 medical practitioners, and the names and addresses of such  
5 practitioners, including the dates of treatment related to  
6 the accident at any hospitals and the names and addresses  
7 of such hospitals, and a signed authorization permitting  
8 the employer to examine all medical records of all  
9 practitioners and hospitals named pursuant to this  
10 paragraph;

11 (x) a copy of a signed report by a medical  
12 practitioner, relating to the employee's current inability  
13 to return to work because of the injuries incurred as a  
14 result of the accident or such other documents or  
15 affidavits which show that the employee is entitled to  
16 receive compensation pursuant to paragraph (b) of Section  
17 8 of this Act or medical, surgical or hospital services  
18 pursuant to paragraph (a) of Section 8 of this Act. Such  
19 reports, documents or affidavits shall state, if possible,  
20 the history of the accident given by the employee, and  
21 describe the injury and medical diagnosis, the medical  
22 services for such injury which the employee has received  
23 and is receiving, the physical activities which the  
24 employee cannot currently perform as a result of any  
25 impairment or disability due to such injury, and the  
26 prognosis for recovery;

1           (xi) complete copies of any reports, records,  
2 documents and affidavits in the possession of the employee  
3 on which the employee will rely to support his  
4 allegations, provided that the employer shall pay the  
5 reasonable cost of reproduction thereof;

6           (xii) a list of any reports, records, documents and  
7 affidavits which the employee has demanded by subpoena and  
8 on which he intends to rely to support his allegations;

9           (xiii) a certification signed by the employee or his  
10 representative that the employer has received the petition  
11 with the required information 15 days before filing.

12           Fifteen days after receipt by the employer of the petition  
13 with the required information the employee may file said  
14 petition and required information and shall serve notice of  
15 the filing upon the employer. The employer may file a motion  
16 addressed to the sufficiency of the petition. If an objection  
17 has been filed to the sufficiency of the petition, the  
18 arbitrator shall rule on the objection within 2 working days.  
19 If such an objection is filed, the time for filing the final  
20 decision of the Commission as provided in this paragraph shall  
21 be tolled until the arbitrator has determined that the  
22 petition is sufficient.

23           The employer shall, within 15 days after receipt of the  
24 notice that such petition is filed, file with the Commission  
25 and serve on the employee or his representative a written  
26 response to each claim set forth in the petition, including

1 the legal and factual basis for each disputed allegation and  
2 the following information: (i) complete copies of any reports,  
3 records, documents and affidavits in the possession of the  
4 employer on which the employer intends to rely in support of  
5 his response, (ii) a list of any reports, records, documents  
6 and affidavits which the employer has demanded by subpoena and  
7 on which the employer intends to rely in support of his  
8 response, (iii) the name and address of each witness on whom  
9 the employer will rely to support his response, and (iv) the  
10 names and addresses of any medical practitioners selected by  
11 the employer pursuant to Section 12 of this Act and the time  
12 and place of any examination scheduled to be made pursuant to  
13 such Section.

14 Any employer who does not timely file and serve a written  
15 response without good cause may not introduce any evidence to  
16 dispute any claim of the employee but may cross examine the  
17 employee or any witness brought by the employee and otherwise  
18 be heard.

19 No document or other evidence not previously identified by  
20 either party with the petition or written response, or by any  
21 other means before the hearing, may be introduced into  
22 evidence without good cause. If, at the hearing, material  
23 information is discovered which was not previously disclosed,  
24 the Arbitrator may extend the time for closing proof on the  
25 motion of a party for a reasonable period of time which may be  
26 more than 30 days. No evidence may be introduced pursuant to

1 this paragraph as to permanent disability. No award may be  
2 entered for permanent disability pursuant to this paragraph.  
3 Either party may introduce into evidence the testimony taken  
4 by deposition of any medical practitioner.

5 The Commission shall adopt rules, regulations and  
6 procedures whereby the final decision of the Commission is  
7 filed not later than 90 days from the date the petition for  
8 review is filed but in no event later than 180 days from the  
9 date the petition for an emergency hearing is filed with the  
10 Illinois Workers' Compensation Commission.

11 All service required pursuant to this paragraph (b-1) must  
12 be by personal service or by certified mail and with evidence  
13 of receipt. In addition for the purposes of this paragraph,  
14 all service on the employer must be at the premises where the  
15 accident occurred if the premises are owned or operated by the  
16 employer. Otherwise service must be at the employee's  
17 principal place of employment by the employer. If service on  
18 the employer is not possible at either of the above, then  
19 service shall be at the employer's principal place of  
20 business. After initial service in each case, service shall be  
21 made on the employer's attorney or designated representative.

22 (c)(1) At a reasonable time in advance of and in  
23 connection with the hearing under Section 19(e) or 19(h), the  
24 Commission may on its own motion order an impartial physical  
25 or mental examination of a petitioner whose mental or physical  
26 condition is in issue, when in the Commission's discretion it

1 appears that such an examination will materially aid in the  
2 just determination of the case. The examination shall be made  
3 by a member or members of a panel of physicians chosen for  
4 their special qualifications by the Illinois State Medical  
5 Society. The Commission shall establish procedures by which a  
6 physician shall be selected from such list.

7 (2) Should the Commission at any time during the hearing  
8 find that compelling considerations make it advisable to have  
9 an examination and report at that time, the commission may in  
10 its discretion so order.

11 (3) A copy of the report of examination shall be given to  
12 the Commission and to the attorneys for the parties.

13 (4) Either party or the Commission may call the examining  
14 physician or physicians to testify. Any physician so called  
15 shall be subject to cross-examination.

16 (5) The examination shall be made, and the physician or  
17 physicians, if called, shall testify, without cost to the  
18 parties. The Commission shall determine the compensation and  
19 the pay of the physician or physicians. The compensation for  
20 this service shall not exceed the usual and customary amount  
21 for such service.

22 (6) The fees and payment thereof of all attorneys and  
23 physicians for services authorized by the Commission under  
24 this Act shall, upon request of either the employer or the  
25 employee or the beneficiary affected, be subject to the review  
26 and decision of the Commission.

1           (d) If any employee shall persist in insanitary or  
2 injurious practices which tend to either imperil or retard his  
3 recovery or shall refuse to submit to such medical, surgical,  
4 or hospital treatment as is reasonably essential to promote  
5 his recovery, the Commission may, in its discretion, reduce or  
6 suspend the compensation of any such injured employee.  
7 However, when an employer and employee so agree in writing,  
8 the foregoing provision shall not be construed to authorize  
9 the reduction or suspension of compensation of an employee who  
10 is relying in good faith, on treatment by prayer or spiritual  
11 means alone, in accordance with the tenets and practice of a  
12 recognized church or religious denomination, by a duly  
13 accredited practitioner thereof.

14           (e) This paragraph shall apply to all hearings before the  
15 Commission. Such hearings may be held in its office or  
16 elsewhere as the Commission may deem advisable. The taking of  
17 testimony on such hearings may be had before any member of the  
18 Commission. If a petition for review and agreed statement of  
19 facts or transcript of evidence is filed, as provided herein,  
20 the Commission shall promptly review the decision of the  
21 Arbitrator and all questions of law or fact which appear from  
22 the statement of facts or transcript of evidence.

23           In all cases in which the hearing before the arbitrator is  
24 held after December 18, 1989, no additional evidence shall be  
25 introduced by the parties before the Commission on review of  
26 the decision of the Arbitrator. In reviewing decisions of an

1 arbitrator the Commission shall award such temporary  
2 compensation, permanent compensation and other payments as are  
3 due under this Act. The Commission shall file in its office its  
4 decision thereon, and shall immediately send to each party or  
5 his attorney a copy of such decision and a notification of the  
6 time when it was filed. Decisions shall be filed within 60 days  
7 after the Statement of Exceptions and Supporting Brief and  
8 Response thereto are required to be filed or oral argument  
9 whichever is later.

10 In the event either party requests oral argument, such  
11 argument shall be had before a panel of 3 members of the  
12 Commission (or before all available members pursuant to the  
13 determination of 7 members of the Commission that such  
14 argument be held before all available members of the  
15 Commission) pursuant to the rules and regulations of the  
16 Commission. A panel of 3 members, which shall be comprised of  
17 not more than one representative citizen of the employing  
18 class and not more than one representative from a labor  
19 organization recognized under the National Labor Relations Act  
20 or an attorney who has represented labor organizations or has  
21 represented employees in workers' compensation cases, shall  
22 hear the argument; provided that if all the issues in dispute  
23 are solely the nature and extent of the permanent partial  
24 disability, if any, a majority of the panel may deny the  
25 request for such argument and such argument shall not be held;  
26 and provided further that 7 members of the Commission may

1 determine that the argument be held before all available  
2 members of the Commission. A decision of the Commission shall  
3 be approved by a majority of Commissioners present at such  
4 hearing if any; provided, if no such hearing is held, a  
5 decision of the Commission shall be approved by a majority of a  
6 panel of 3 members of the Commission as described in this  
7 Section. The Commission shall give 10 days' notice to the  
8 parties or their attorneys of the time and place of such taking  
9 of testimony and of such argument.

10 In any case the Commission in its decision may find  
11 specially upon any question or questions of law or fact which  
12 shall be submitted in writing by either party whether ultimate  
13 or otherwise; provided that on issues other than nature and  
14 extent of the disability, if any, the Commission in its  
15 decision shall find specially upon any question or questions  
16 of law or fact, whether ultimate or otherwise, which are  
17 submitted in writing by either party; provided further that  
18 not more than 5 such questions may be submitted by either  
19 party. Any party may, within 20 days after receipt of notice of  
20 the Commission's decision, or within such further time, not  
21 exceeding 30 days, as the Commission may grant, file with the  
22 Commission either an agreed statement of the facts appearing  
23 upon the hearing, or, if such party shall so elect, a correct  
24 transcript of evidence of the additional proceedings presented  
25 before the Commission, in which report the party may embody a  
26 correct statement of such other proceedings in the case as

1 such party may desire to have reviewed, such statement of  
2 facts or transcript of evidence to be authenticated by the  
3 signature of the parties or their attorneys, and in the event  
4 that they do not agree, then the authentication of such  
5 transcript of evidence shall be by the signature of any member  
6 of the Commission.

7 If a reporter does not for any reason furnish a transcript  
8 of the proceedings before the Arbitrator in any case for use on  
9 a hearing for review before the Commission, within the  
10 limitations of time as fixed in this Section, the Commission  
11 may, in its discretion, order a trial de novo before the  
12 Commission in such case upon application of either party. The  
13 applications for adjustment of claim and other documents in  
14 the nature of pleadings filed by either party, together with  
15 the decisions of the Arbitrator and of the Commission and the  
16 statement of facts or transcript of evidence hereinbefore  
17 provided for in paragraphs (b) and (c) shall be the record of  
18 the proceedings of the Commission, and shall be subject to  
19 review as hereinafter provided.

20 At the request of either party or on its own motion, the  
21 Commission shall set forth in writing the reasons for the  
22 decision, including findings of fact and conclusions of law  
23 separately stated. The Commission shall by rule adopt a format  
24 for written decisions for the Commission and arbitrators. The  
25 written decisions shall be concise and shall succinctly state  
26 the facts and reasons for the decision. The Commission may

1 adopt in whole or in part, the decision of the arbitrator as  
2 the decision of the Commission. When the Commission does so  
3 adopt the decision of the arbitrator, it shall do so by order.  
4 Whenever the Commission adopts part of the arbitrator's  
5 decision, but not all, it shall include in the order the  
6 reasons for not adopting all of the arbitrator's decision.  
7 When a majority of a panel, after deliberation, has arrived at  
8 its decision, the decision shall be filed as provided in this  
9 Section without unnecessary delay, and without regard to the  
10 fact that a member of the panel has expressed an intention to  
11 dissent. Any member of the panel may file a dissent. Any  
12 dissent shall be filed no later than 10 days after the decision  
13 of the majority has been filed.

14 Decisions rendered by the Commission and dissents, if any,  
15 shall be published together by the Commission. The conclusions  
16 of law set out in such decisions shall be regarded as  
17 precedents by arbitrators for the purpose of achieving a more  
18 uniform administration of this Act.

19 (f) The decision of the Commission acting within its  
20 powers, according to the provisions of paragraph (d) of  
21 Section 4 and paragraph (e) of this Section shall, in the  
22 absence of fraud, be conclusive unless reviewed as in this  
23 paragraph hereinafter provided. However, the Arbitrator or the  
24 Commission may on his or its own motion, or on the motion of  
25 either party, correct any clerical error or errors in  
26 computation within 15 days after the date of receipt of any

1 award by such Arbitrator or any decision on review of the  
2 Commission and shall have the power to recall the original  
3 award on arbitration or decision on review, and issue in lieu  
4 thereof such corrected award or decision. Where such  
5 correction is made the time for review herein specified shall  
6 begin to run from the date of the receipt of the corrected  
7 award or decision.

8 (1) Except in cases of claims against the State of  
9 Illinois other than those claims under Section 18.1, in  
10 which case the decision of the Commission shall not be  
11 subject to judicial review, the Circuit Court of the  
12 county where any of the parties defendant may be found, or  
13 if none of the parties defendant can be found in this State  
14 then the Circuit Court of the county where the accident  
15 occurred, shall by summons to the Commission have power to  
16 review all questions of law and fact presented by such  
17 record.

18 A proceeding for review shall be commenced within 20  
19 days of the receipt of notice of the decision of the  
20 Commission. The summons shall be issued by the clerk of  
21 such court upon written request returnable on a designated  
22 return day, not less than 10 or more than 60 days from the  
23 date of issuance thereof, and the written request shall  
24 contain the last known address of other parties in  
25 interest and their attorneys of record who are to be  
26 served by summons. Service upon any member of the

1 Commission or the Secretary or the Assistant Secretary  
2 thereof shall be service upon the Commission, and service  
3 upon other parties in interest and their attorneys of  
4 record shall be by summons, and such service shall be made  
5 upon the Commission and other parties in interest by  
6 mailing notices of the commencement of the proceedings and  
7 the return day of the summons to the office of the  
8 Commission and to the last known place of residence of  
9 other parties in interest or their attorney or attorneys  
10 of record. The clerk of the court issuing the summons  
11 shall on the day of issue mail notice of the commencement  
12 of the proceedings which shall be done by mailing a copy of  
13 the summons to the office of the Commission, and a copy of  
14 the summons to the other parties in interest or their  
15 attorney or attorneys of record and the clerk of the court  
16 shall make certificate that he has so sent said notices in  
17 pursuance of this Section, which shall be evidence of  
18 service on the Commission and other parties in interest.

19 The Commission shall not be required to certify the  
20 record of their proceedings to the Circuit Court, unless  
21 the party commencing the proceedings for review in the  
22 Circuit Court as above provided, shall file with the  
23 Commission notice of intent to file for review in Circuit  
24 Court. It shall be the duty of the Commission upon such  
25 filing of notice of intent to file for review in the  
26 Circuit Court to prepare a true and correct copy of such

1 testimony and a true and correct copy of all other matters  
2 contained in such record and certified to by the Secretary  
3 or Assistant Secretary thereof. The changes made to this  
4 subdivision (f)(1) by this amendatory Act of the 98th  
5 General Assembly apply to any Commission decision entered  
6 after the effective date of this amendatory Act of the  
7 98th General Assembly.

8 No request for a summons may be filed and no summons  
9 shall issue unless the party seeking to review the  
10 decision of the Commission shall exhibit to the clerk of  
11 the Circuit Court proof of filing with the Commission of  
12 the notice of the intent to file for review in the Circuit  
13 Court or an affidavit of the attorney setting forth that  
14 notice of intent to file for review in the Circuit Court  
15 has been given in writing to the Secretary or Assistant  
16 Secretary of the Commission.

17 (2) No such summons shall issue unless the one against  
18 whom the Commission shall have rendered an award for the  
19 payment of money shall upon the filing of his written  
20 request for such summons file with the clerk of the court a  
21 bond conditioned that if he shall not successfully  
22 prosecute the review, he will pay the award and the costs  
23 of the proceedings in the courts. The amount of the bond  
24 shall be fixed by any member of the Commission and the  
25 surety or sureties of the bond shall be approved by the  
26 clerk of the court. The acceptance of the bond by the clerk

1 of the court shall constitute evidence of his approval of  
2 the bond.

3 The following shall not be required to file a bond to  
4 secure the payment of the award and the costs of the  
5 proceedings in the court to authorize the court to issue  
6 such summons:

7 (1) the State Treasurer, for a fund administered  
8 by the State Treasurer ex officio against whom the  
9 Commission shall have rendered an award for the  
10 payment of money; and

11 (2) a county, city, town, township, incorporated  
12 village, school district, body politic, or municipal  
13 corporation against whom the Commission shall have  
14 rendered an award for the payment of money.

15 The court may confirm or set aside the decision of the  
16 Commission. If the decision is set aside and the facts  
17 found in the proceedings before the Commission are  
18 sufficient, the court may enter such decision as is  
19 justified by law, or may remand the cause to the  
20 Commission for further proceedings and may state the  
21 questions requiring further hearing, and give such other  
22 instructions as may be proper. If the court affirms the  
23 Commission's decision imposing fines on the employer under  
24 subsection (d) of Section 4, the court shall enter  
25 judgment against the employer in the amount of the fines  
26 assessed by the Commission. Appeals shall be taken to the

1 Appellate Court in accordance with Supreme Court Rules  
2 22(g) and 303. Appeals shall be taken from the Appellate  
3 Court to the Supreme Court in accordance with Supreme  
4 Court Rule 315.

5 It shall be the duty of the clerk of any court  
6 rendering a decision affecting or affirming an award of  
7 the Commission to promptly furnish the Commission with a  
8 copy of such decision, without charge.

9 The decision of a majority of the members of the panel  
10 of the Commission, shall be considered the decision of the  
11 Commission.

12 (g) Except in the case of a claim against the State of  
13 Illinois, either party may present a certified copy of the  
14 award of the Arbitrator, or a certified copy of the decision of  
15 the Commission when the same has become final, when no  
16 proceedings for review are pending, providing for the payment  
17 of compensation according to this Act, to the Circuit Court of  
18 the county in which such accident occurred or either of the  
19 parties are residents, whereupon the court shall enter a  
20 judgment in accordance therewith. In a case where the employer  
21 refuses to pay compensation according to such final award or  
22 such final decision upon which such judgment is entered the  
23 court shall in entering judgment thereon, tax as costs against  
24 him the reasonable costs and attorney fees in the arbitration  
25 proceedings and in the court entering the judgment for the  
26 person in whose favor the judgment is entered, which judgment

1 and costs taxed as therein provided shall, until and unless  
2 set aside, have the same effect as though duly entered in an  
3 action duly tried and determined by the court, and shall with  
4 like effect, be entered and docketed. The Circuit Court shall  
5 have power at any time upon application to make any such  
6 judgment conform to any modification required by any  
7 subsequent decision of the Supreme Court upon appeal, or as  
8 the result of any subsequent proceedings for review, as  
9 provided in this Act.

10 Judgment shall not be entered until 15 days' notice of the  
11 time and place of the application for the entry of judgment  
12 shall be served upon the employer by filing such notice with  
13 the Commission, which Commission shall, in case it has on file  
14 the address of the employer or the name and address of its  
15 agent upon whom notices may be served, immediately send a copy  
16 of the notice to the employer or such designated agent.

17 (h) An agreement or award under this Act providing for  
18 compensation in installments, may at any time within 18 months  
19 after such agreement or award be reviewed by the Commission at  
20 the request of either the employer or the employee, on the  
21 ground that the disability of the employee has subsequently  
22 recurred, increased, diminished or ended.

23 However, as to accidents occurring subsequent to July 1,  
24 1955, which are covered by any agreement or award under this  
25 Act providing for compensation in installments made as a  
26 result of such accident, such agreement or award may at any

1 time within 30 months, or 60 months in the case of an award  
2 under Section 8(d)1, after such agreement or award be reviewed  
3 by the Commission at the request of either the employer or the  
4 employee on the ground that the disability of the employee has  
5 subsequently recurred, increased, diminished or ended.

6 On such review, compensation payments may be  
7 re-established, increased, diminished or ended. The Commission  
8 shall give 15 days' notice to the parties of the hearing for  
9 review. Any employee, upon any petition for such review being  
10 filed by the employer, shall be entitled to one day's notice  
11 for each 100 miles necessary to be traveled by him in attending  
12 the hearing of the Commission upon the petition, and 3 days in  
13 addition thereto. Such employee shall, at the discretion of  
14 the Commission, also be entitled to 5 cents per mile  
15 necessarily traveled by him within the State of Illinois in  
16 attending such hearing, not to exceed a distance of 300 miles,  
17 to be taxed by the Commission as costs and deposited with the  
18 petition of the employer.

19 When compensation which is payable in accordance with an  
20 award or settlement contract approved by the Commission, is  
21 ordered paid in a lump sum by the Commission, no review shall  
22 be had as in this paragraph mentioned.

23 (i) Each party, upon taking any proceedings or steps  
24 whatsoever before any Arbitrator, Commission or court, shall  
25 file with the Commission his address, or the name and address  
26 of any agent upon whom all notices to be given to such party

1 shall be served, either personally or by registered mail,  
2 addressed to such party or agent at the last address so filed  
3 with the Commission. In the event such party has not filed his  
4 address, or the name and address of an agent as above provided,  
5 service of any notice may be had by filing such notice with the  
6 Commission.

7 (j) Whenever in any proceeding testimony has been taken or  
8 a final decision has been rendered and after the taking of such  
9 testimony or after such decision has become final, the injured  
10 employee dies, then in any subsequent proceedings brought by  
11 the personal representative or beneficiaries of the deceased  
12 employee, such testimony in the former proceeding may be  
13 introduced with the same force and effect as though the  
14 witness having so testified were present in person in such  
15 subsequent proceedings and such final decision, if any, shall  
16 be taken as final adjudication of any of the issues which are  
17 the same in both proceedings.

18 (k) In case where there has been any unreasonable or  
19 vexatious delay of payment or intentional underpayment of  
20 compensation, or proceedings have been instituted or carried  
21 on by the one liable to pay the compensation, which do not  
22 present a real controversy, but are merely frivolous or for  
23 delay, then the Commission may award compensation additional  
24 to that otherwise payable under this Act equal to 50% of the  
25 amount payable at the time of such award. Failure to pay  
26 compensation in accordance with the provisions of Section 8,

1 paragraph (b) of this Act, shall be considered unreasonable  
2 delay.

3 When determining whether this subsection (k) shall apply,  
4 the Commission shall consider whether an Arbitrator has  
5 determined that the claim is not compensable or whether the  
6 employer has made payments under Section 8(j).

7 (l) If the employee has made written demand for payment of  
8 benefits under Section 8(a) or Section 8(b), the employer  
9 shall have 14 days after receipt of the demand to set forth in  
10 writing the reason for the delay. In the case of demand for  
11 payment of medical benefits under Section 8(a), the time for  
12 the employer to respond shall not commence until the  
13 expiration of the allotted 30 days specified under Section  
14 8.2(d). In case the employer or his or her insurance carrier  
15 shall without good and just cause fail, neglect, refuse, or  
16 unreasonably delay the payment of benefits under Section 8(a)  
17 or Section 8(b), the Arbitrator or the Commission shall allow  
18 to the employee additional compensation in the sum of \$30 per  
19 day for each day that the benefits under Section 8(a) or  
20 Section 8(b) have been so withheld or refused, not to exceed  
21 \$10,000. A delay in payment of 14 days or more shall create a  
22 rebuttable presumption of unreasonable delay.

23 (m) If the commission finds that an accidental injury was  
24 directly and proximately caused by the employer's wilful  
25 violation of a health and safety standard under the Health and  
26 Safety Act or the Occupational Safety and Health Act in force

1 at the time of the accident, the arbitrator or the Commission  
2 shall allow to the injured employee or his dependents, as the  
3 case may be, additional compensation equal to 25% of the  
4 amount which otherwise would be payable under the provisions  
5 of this Act exclusive of this paragraph. The additional  
6 compensation herein provided shall be allowed by an  
7 appropriate increase in the applicable weekly compensation  
8 rate.

9 (n) Except as provided in subsection (n-5), after ~~After~~  
10 June 30, 1984, decisions of the Illinois Workers' Compensation  
11 Commission reviewing an award of an arbitrator of the  
12 Commission shall draw interest at a rate equal to the yield on  
13 indebtedness issued by the United States Government with a  
14 26-week maturity next previously auctioned on the day on which  
15 the decision is filed. Said rate of interest shall be set forth  
16 in the Arbitrator's Decision. Interest shall be drawn from the  
17 date of the arbitrator's award on all accrued compensation due  
18 the employee through the day prior to the date of payments.  
19 However, when an employee appeals an award of an Arbitrator or  
20 the Commission, and the appeal results in no change or a  
21 decrease in the award, interest shall not further accrue from  
22 the date of such appeal.

23 The employer or his insurance carrier may tender the  
24 payments due under the award to stop the further accrual of  
25 interest on such award notwithstanding the prosecution by  
26 either party of review, certiorari, appeal to the Supreme

1 Court or other steps to reverse, vacate or modify the award.

2 (n-5) On and after July 1, 2026, if a public employer files  
3 a petition to review an award of an arbitrator of the  
4 Commission, the award shall draw interest, retroactive to the  
5 date of the injury, at a rate equal to 10% or at a rate equal  
6 to the yield on indebtedness issued by the United States  
7 Government with a 26-week maturity next previously auctioned  
8 on the date of the injury on the day on which the decision is  
9 filed, whichever is greater. The rate of interest shall be set  
10 forth in the Arbitrator's Decision. Interest shall be drawn  
11 from the date of the injury on all accrued compensation due the  
12 employee through the day prior to the date of payments.

13 The public employer or the public employer's insurance  
14 carrier may tender the payments due under the award to stop the  
15 further accrual of interest on the award notwithstanding the  
16 prosecution by either party of review, certiorari, appeal to  
17 the Supreme Court, or other steps to reverse, vacate, or  
18 modify the award.

19 This subsection applies to all cases in which a petition  
20 for review filed by a public employer is pending on July 1,  
21 2026.

22 As used in this subsection, "public employer" means the  
23 State, unit of local government, or school district, or any  
24 agency or instrumentality thereof.

25 (o) By the 15th day of each month each insurer providing  
26 coverage for losses under this Act shall notify each insured

1 employer of any compensable claim incurred during the  
2 preceding month and the amounts paid or reserved on the claim  
3 including a summary of the claim and a brief statement of the  
4 reasons for compensability. A cumulative report of all claims  
5 incurred during a calendar year or continued from the previous  
6 year shall be furnished to the insured employer by the insurer  
7 within 30 days after the end of that calendar year.

8 The insured employer may challenge, in proceeding before  
9 the Commission, payments made by the insurer without  
10 arbitration and payments made after a case is determined to be  
11 noncompensable. If the Commission finds that the case was not  
12 compensable, the insurer shall purge its records as to that  
13 employer of any loss or expense associated with the claim,  
14 reimburse the employer for attorneys' fees arising from the  
15 challenge and for any payment required of the employer to the  
16 Rate Adjustment Fund or the Second Injury Fund, and may not  
17 reflect the loss or expense for rate making purposes. The  
18 employee shall not be required to refund the challenged  
19 payment. The decision of the Commission may be reviewed in the  
20 same manner as in arbitrated cases. No challenge may be  
21 initiated under this paragraph more than 3 years after the  
22 payment is made. An employer may waive the right of challenge  
23 under this paragraph on a case by case basis.

24 (p) After filing an application for adjustment of claim  
25 but prior to the hearing on arbitration the parties may  
26 voluntarily agree to submit such application for adjustment of

1 claim for decision by an arbitrator under this subsection (p)  
2 where such application for adjustment of claim raises only a  
3 dispute over temporary total disability, permanent partial  
4 disability or medical expenses. Such agreement shall be in  
5 writing in such form as provided by the Commission.  
6 Applications for adjustment of claim submitted for decision by  
7 an arbitrator under this subsection (p) shall proceed  
8 according to rule as established by the Commission. The  
9 Commission shall promulgate rules including, but not limited  
10 to, rules to ensure that the parties are adequately informed  
11 of their rights under this subsection (p) and of the voluntary  
12 nature of proceedings under this subsection (p). The findings  
13 of fact made by an arbitrator acting within his or her powers  
14 under this subsection (p) in the absence of fraud shall be  
15 conclusive. However, the arbitrator may on his own motion, or  
16 the motion of either party, correct any clerical errors or  
17 errors in computation within 15 days after the date of receipt  
18 of such award of the arbitrator and shall have the power to  
19 recall the original award on arbitration, and issue in lieu  
20 thereof such corrected award. The decision of the arbitrator  
21 under this subsection (p) shall be considered the decision of  
22 the Commission and proceedings for review of questions of law  
23 arising from the decision may be commenced by either party  
24 pursuant to subsection (f) of Section 19. The Advisory Board  
25 established under Section 13.1 shall compile a list of  
26 certified Commission arbitrators, each of whom shall be

1 approved by at least 7 members of the Advisory Board. The  
2 chairman shall select 5 persons from such list to serve as  
3 arbitrators under this subsection (p). By agreement, the  
4 parties shall select one arbitrator from among the 5 persons  
5 selected by the chairman except that if the parties do not  
6 agree on an arbitrator from among the 5 persons, the parties  
7 may, by agreement, select an arbitrator of the American  
8 Arbitration Association, whose fee shall be paid by the State  
9 in accordance with rules promulgated by the Commission.  
10 Arbitration under this subsection (p) shall be voluntary.  
11 (Source: P.A. 102-775, eff. 5-13-22; 103-590, eff. 6-5-24.)

12 Section 99. Effective date. This Act takes effect July 1,  
13 2026.