



Sen. Ram Villivalam

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1 AMENDMENT TO SENATE BILL 2906

2 AMENDMENT NO. _____. Amend Senate Bill 2906 by replacing
3 everything after the enacting clause with the following:

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

6 Section 2. Findings; legislative intent; construction.

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

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

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

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

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

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

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

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

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

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

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

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

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

5 "Bargaining unit" means one statewide unit of all of the
6 transportation network drivers performing transportation
7 network company services for a covered transportation network
8 company.

9 "Board" means the State Panel of the Illinois Labor
10 Relations Board created by Section 5 of the Illinois Public
11 Labor Relations Act.

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

1 implementing rules, or any other legal requirement.

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

4 (1) It has negotiated or been granted the right to
5 designate TNC drivers to be released with pay for the
6 purpose of providing representational services in
7 labor-management affairs on behalf of TNC drivers
8 represented by the TNC driver organization.

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

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

18 (4) It has received funds from a TNC for the
19 administration of benefits and services to TNC drivers
20 pursuant to a sectoral agreement in its capacity as the
21 exclusive bargaining representative.

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

1 (6) It has communicated with a TNC, it has received
2 data or driver information from a TNC, or a TNC has
3 facilitated any communication between TNDs and the TND
4 organization, prior to or after any certification.

5 "Covered transportation network company" and "covered TNC"
6 means a transportation network company designated pursuant to
7 the process established in Section 9.

8 "Department" means the Department of Labor.

9 "Exclusive bargaining representative" means a TND
10 organization certified by the Board, in accordance with this
11 Act, as the representative of TNDs in the bargaining unit.

12 "Mandatory subjects of bargaining" means those subjects of
13 bargaining related to compensation, benefits, and other terms
14 and conditions of work, including, but not limited to,
15 deactivations, deactivation process standards and dispute
16 resolution procedures for resolving claims alleging unjust
17 deactivation, reactivation standards, driver representation in
18 individual deactivation proceedings, earnings transparency
19 standards, and portable benefits contribution requirements.

20 "Person" includes one or more individuals, TNDs, TND
21 organizations, TNCs, network companies, labor organizations,
22 associations, corporations, legal representatives, trustees,
23 trustees in bankruptcy, or receivers.

24 "Sectoral agreement" means the recommendations to the
25 Department for TND standards in the bargaining unit made
26 either through the agreement between the exclusive bargaining

1 representative and the covered TNCs or through the interest
2 arbitration process, set forth in Section 12. The sectoral
3 agreement becomes effective and enforceable upon approval by
4 the Department.

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

16 "Transportation network company services" and "TNC
17 services" means transportation of a passenger between points
18 chosen by the passenger and prearranged with a transportation
19 network driver through the use of a TNC digital network or
20 software application. "Transportation network company
21 services" and "TNC services" do not include a taxicab,
22 for-hire vehicle, or street hail service.

23 "Transportation network driver", "transportation network
24 company driver", "TNC driver", and "TND" means an individual
25 who operates a motor vehicle that: (i) is owned, leased, or
26 otherwise authorized for use by the individual; (ii) is not a

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

14 "Transportation network driver organization" and "TND
15 organization" means any organization in which TNDs
16 participate, and which exists and is constituted for the
17 purpose, in whole or in part, of collective bargaining, or of
18 dealing with transportation network companies concerning
19 grievances, terms or conditions of work, or of other mutual
20 aid or protection, or of providing advocacy, including
21 legislative, regulatory, and public policy advocacy, and any
22 lawful activities in furtherance of such advocacy,
23 deactivation appeal assistance, education, legal assistance,
24 or other representational or support services to
25 transportation network drivers, and which is not a company
26 union as defined by this Act.

1 "Unfair work practices" means only those unfair work
2 practices set forth in Section 6.

3 Section 4. Powers of the Board. The Board shall have
4 jurisdiction over unfair work practices and collective
5 bargaining matters between transportation network companies
6 and transportation network driver organizations, except for
7 the determinations to be made by the Department under this
8 Act. The Board may contract with a neutral body to provide any
9 of the data or information collection, storage, management,
10 manipulation, analysis, certification, and election services
11 required under this Act. The Board may also contract for court
12 reporting services for any of the hearings required under this
13 Act. To the extent provided for in Section 1-10(b) (28) of the
14 Illinois Procurement Code, contracts for a neutral body or for
15 court reporting services under this Act shall be exempt from
16 the Illinois Procurement Code.

17 Section 4.5. Powers of the Department of Labor. The
18 Department shall have jurisdiction to set transportation
19 network driver standards through the procedures set forth in
20 Section 12 of this Act.

21 Section 5. Rights of TNDs. Transportation network drivers
22 shall have the right of self-organization, to form, join, or
23 assist TND organizations, to bargain collectively through

1 representatives of their own choosing, and to engage in
2 concerted activities, for the purpose of collective bargaining
3 or other mutual aid or protection, free from interference,
4 restraint, or coercion by TNCs, and shall also have the right
5 to refrain from any of these activities. Nothing contained in
6 this Act shall be interpreted to prohibit TNDs from exercising
7 the right to confer with TNCs at any time, provided that during
8 such conference there is no attempt by such TNC, directly or
9 indirectly, to interfere with, restrain, or coerce such
10 workers in the exercise of the rights guaranteed by this Act.

11 Section 6. Unfair work practices.

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

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

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

19 (3) Fail or refuse to negotiate in good faith with a
20 TND organization certified as an exclusive bargaining
21 representative of TNDs engaged with such TNC, concerning
22 mandatory subjects of bargaining.

23 (4) Fail or refuse to provide a TND organization,
24 certified as an exclusive bargaining representative of
25 TNDs engaged with such TNC, with information requested by

1 the TND organization that is relevant to, and necessary
2 for, purposes of bargaining and the performance of its
3 other duties required by this Act.

4 (5) Fail or refuse to continue all the terms of a
5 sectoral agreement approved by the Department pursuant to
6 this Act until a new sectoral agreement is approved,
7 unless in accordance with a recognized exception under the
8 law.

9 (6) Dominate or interfere with the formation,
10 existence, or administration of any TND organization, or
11 to contribute financial or other support to any such
12 organization, directly or indirectly, unless required by
13 this Act, by any rules implementing this Act, or by any
14 sectoral agreement approved by the Department, including,
15 but not limited to, the following:

16 (i) by participating or assisting in, supervising,
17 or controlling (A) the initiation or creation of any
18 such organization or (B) the meetings, management,
19 operation, elections, formulation or amendment of
20 constitution, rules, or policies, of any such
21 organization;

22 (ii) by offering incentives to TNDs to join any
23 such organization; or

24 (iii) by donating free services, equipment,
25 materials, office or meeting space or anything else of
26 value for the use of any such organization; provided

1 that a TNC may permit TNDs to perform representational
2 work protected under this Act during working hours
3 without loss of time or pay or allow agents of a TND
4 organization that is the exclusive representative of
5 its TNDs to meet with TNDs on its premises or
6 communicate with TNDs via the TNC's platform; and
7 provided further that any activity permitted to be
8 performed or conducted by a TNC with respect to a TND
9 by paragraphs (1) through (6) of the definition of
10 "company union" in Section 3 of this Act shall not be
11 deemed an unfair work practice under this paragraph
12 (6).

13 (7) Require a TND to join any company union or TND
14 organization or to require a TND to refrain from forming,
15 or joining or assisting a TND organization of their own
16 choosing.

17 (8) Encourage membership in any company union or
18 discourage membership in any TND organization, by
19 discrimination in regard to any term or condition of work.

20 (9) Deactivate or otherwise discriminate against a TND
21 because they have signed or filed any charge, affidavit,
22 petition, or complaint or given any information or
23 testimony under this Act.

24 (10) Distribute or circulate any blacklist of
25 individuals exercising any right created or confirmed by
26 this Act or of members of a TND organization, or to inform

1 any person of the exercise by any individual of such right
2 or of the membership of any individual in a TND
3 organization for the purpose of preventing individuals so
4 blacklisted or so named from obtaining or retaining
5 opportunities for remuneration.

6 (11) Perform any acts, other than those already
7 enumerated in this Section, which interfere with,
8 restrain, or coerce TNDs in the exercise of the rights
9 guaranteed by this Act.

10 (b) It is an unfair work practice for a TND organization
11 to:

12 (1) Fail or refuse to negotiate in good faith with a
13 TNC concerning mandatory subjects of bargaining, provided
14 that the TND organization is the certified exclusive
15 bargaining representative of the TNC's transportation
16 network drivers, including by refusing to provide
17 information requested by a TNC that is relevant and
18 necessary for the purposes of bargaining and the
19 performance of its other duties required by this Act.

20 (2) Restrain or coerce TNDs in the exercise of the
21 rights guaranteed by this Act, provided that this
22 paragraph shall not impair the right of a TND organization
23 to prescribe its own rules with respect to the acquisition
24 or retention of membership in the organization.

25 (3) Fail or refuse to fulfill its duty of fair
26 representation by intentional misconduct in representing

1 TNDs where it is the certified exclusive bargaining
2 representative.

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

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

9 (c) For the purposes of this Section, "to negotiate in
10 good faith" means the performance of the mutual obligation of
11 the transportation network companies or their agents or
12 representatives and the exclusive bargaining representative to
13 meet at reasonable times and negotiate in good faith with
14 respect to mandatory subjects of bargaining, or the
15 negotiation of a sectoral agreement under Section 12, or any
16 question arising thereunder, and to execute a written contract
17 incorporating any agreement reached if requested by either
18 party. However, this mutual obligation does not compel the
19 transportation network companies or the exclusive bargaining
20 representative to agree to a proposal or require the making of
21 a concession.

22 Section 7. Prevention of unfair work practices.

23 (a) The Board is empowered and directed to prevent any TNC
24 and any TND organization from engaging in any unfair work
25 practice described in this Act. This power shall not be

1 affected or impaired by any means of adjustment, mediation, or
2 conciliation in labor disputes that have been or may hereafter
3 be established by law or the approval of a sectoral agreement
4 provided for in subsection (i) of Section 12. In order to
5 prevent unfair work practices, each TNC shall, at least once
6 each year, send a text message and an email to each of its
7 active TNDs in a form determined by the Board notifying the
8 TNDs of their rights under this Act, and the procedure for
9 filing an unfair work practice charge. The TNC shall provide
10 the notice in all languages that the Board determines are
11 likely spoken by 5% or more of TNC drivers. The Board shall
12 also post a copy of this notice on its website.

13 (b) No complaint shall issue based upon any unfair work
14 practice occurring more than 6 months prior to the filing of a
15 charge with the Board and the service of a copy upon the person
16 against whom the charge is made. Notwithstanding the
17 provisions of this subsection, if the aggrieved party did not
18 reasonably have knowledge of the alleged unfair work practice,
19 the 6-month filing and service period shall begin to run when
20 the charging party knew, or reasonably should have known, of
21 the actions which constitute the alleged unfair work practice.

22 (c) Whenever it is charged that any person has engaged in,
23 or is engaging in, any unfair work practice, the Board, or any
24 agent designated by the Board for such purposes, shall conduct
25 an investigation of the charge. If after such investigation
26 the Board finds that the charge involves a dispositive issue

1 of law or fact, the Board shall issue a complaint and cause to
2 be served upon the person a complaint stating the charges,
3 accompanied by a notice of hearing before the Board or a member
4 designated by the Board, or before a qualified hearing officer
5 designated by the Board at the offices of the Board or such
6 other location as the Board deems appropriate, not less than 5
7 days after serving of such complaint. Any such complaint may
8 be amended by the member or hearing officer conducting the
9 hearing for the Board in their discretion at any time prior to
10 the issuance of an order based thereon. The person who is the
11 subject of the complaint has the right to file an answer to the
12 original or amended complaint and to appear in person or by a
13 representative and give testimony at the place and time fixed
14 in the complaint. In the discretion of the member or hearing
15 officer conducting the hearing or the Board, any other person
16 may be allowed to intervene in the proceeding and to present
17 testimony. In any hearing conducted by the Board, neither the
18 Board nor the member or agent conducting the hearing shall be
19 bound by the rules of evidence applicable to courts, except as
20 to the rules of privilege recognized by law.

21 (d) The Board shall have the power to issue subpoenas and
22 administer oaths. If any party willfully fails or neglects to
23 appear or testify or to produce books, papers, and records
24 pursuant to the issuance of a subpoena by the Board, the Board
25 may apply to a court of competent jurisdiction to request that
26 such party be ordered to appear before the Board to testify or

1 produce the requested evidence.

2 (e) Any testimony taken by the Board, or a member
3 designated by the Board or a hearing officer, must be reduced
4 to writing and filed with the Board. A full and complete record
5 shall be kept of all proceedings before the Board, and all
6 proceedings shall be transcribed by a reporter appointed by
7 the Board. The party on whom the burden of proof rests shall be
8 required to sustain such burden by a preponderance of the
9 evidence, and the charging party shall have the burden of
10 proving the unfair work practice accordingly. If, upon a
11 preponderance of the evidence taken, the Board is of the
12 opinion that any person named in the charge has engaged in or
13 is engaging in an unfair work practice, then it shall state its
14 findings of fact and shall issue and cause to be served upon
15 the person an order requiring them to cease and desist from the
16 unfair work practice, and to take such affirmative action as
17 will effectuate the provisions of this Act including, but not
18 limited to: (i) withdrawal of recognition from and refraining
19 from sectoral bargaining with any organization or association,
20 agency, or plan that is either defined in this Act as a company
21 union or established, maintained, or assisted by any action
22 defined in this Act as an unfair work practice; (ii) awarding
23 of back compensation without any reduction based on the TND's
24 interim earnings or failure to earn interim earnings and, upon
25 a showing of egregious misconduct, an additional amount as
26 liquidated damages equal to 2 times the amount of back

1 compensation awarded; (iii) requiring reengagement or
2 reestablishment of the TNC's preexisting relationship with an
3 improperly adversely affected TND with or without
4 compensation, or maintenance of a preferential list from which
5 such TND shall be reengaged or the relationship reestablished,
6 and such order may further require such respondent to make
7 reports from time to time showing the extent to which the order
8 has been complied with; (iv) requiring the TNC to recognize
9 and bargain with a TND organization if the Board determines
10 that the unfair work practice interfered with the TND's right
11 to form or join a TND organization; and (v) requiring the
12 respondent to comply with any other obligation of this Act.
13 The Board's order may in its discretion also include an
14 appropriate sanction, based on the Board's rules, and the
15 sanction may include an order to pay the other party or
16 parties' reasonable expenses including costs and reasonable
17 attorney's fees, if the other party has made allegations or
18 denials without reasonable cause and found to be untrue or has
19 engaged in frivolous litigation for the purpose of delay or
20 needless increase in the cost of litigation. If the Board
21 awards back compensation, damages, or monetary sanction, it
22 shall also award interest at the rate of 7% per annum. The
23 Board's order may further require the person to make reports
24 from time to time, and demonstrate the extent to which the
25 person has complied with the order. If there is no
26 preponderance of evidence to indicate to the Board that the

1 person named in the charge has engaged in or is engaging in the
2 unfair work practice, then the Board shall state its findings
3 of fact and shall issue an order dismissing the complaint.

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

8 (g) A charging party or any person aggrieved by a final
9 order of the Board granting or denying in whole or in part the
10 relief sought may apply for and obtain judicial review of an
11 order of the Board entered under this Act, in accordance with
12 the provisions of the Administrative Review Law, except that
13 such judicial review shall be afforded directly in the
14 Appellate Court for the district in which the aggrieved party
15 resides or transacts business, and such judicial review shall
16 not be available for the purpose of challenging a final order
17 issued by the Board pursuant to Section 10 for which judicial
18 review has been petitioned pursuant to subsection (f) of
19 Section 10. Any direct appeal to the Appellate Court shall be
20 filed within 35 days after the date that a copy of the decision
21 sought to be reviewed was served upon the party affected by the
22 decision. The filing of such an appeal to the Appellate Court
23 shall not automatically stay the enforcement of the Board's
24 order. An aggrieved party may apply to the Appellate Court for
25 a stay of the enforcement of the Board's order after the
26 aggrieved party has followed the procedure prescribed by

1 Supreme Court Rule 335. The Board in proceedings under this
2 Section shall request and may obtain an order of the court for
3 the enforcement of the Board's order.

4 (h) Whenever it appears that any person has violated a
5 final order of the Board issued pursuant to this Section, the
6 Board must commence an action in the name of the People of the
7 State of Illinois by petition, alleging the violation,
8 attaching a copy of the order of the Board, and praying for the
9 issuance of an order directing the person, the person's
10 officers, agents, servants, successors, and assigns to comply
11 with the order of the Board. The Board shall be represented in
12 this action by the Attorney General in accordance with the
13 Attorney General Act. The court may grant or refuse, in whole
14 or in part, the relief sought, provided that the court may stay
15 an order of the Board in accordance with the Administrative
16 Review Law, pending disposition of the proceedings. The court
17 may punish a violation of its order as in civil contempt. The
18 proceedings provided in this paragraph shall be commenced in
19 the Appellate Court for the district where the unfair work
20 practice which is the subject of the Board's order was
21 committed, or where a person required to cease and desist by
22 such order resides or transacts business. In case of the
23 enforcement of an order of the Board, the Appellate Court
24 shall have the power to issue any injunctive or equitable
25 remedy it finds appropriate, and in the case of a Board order
26 which requires the payment of money, the Appellate Court shall

1 have the power to enter judgment for the amount justified by
2 the record and for costs, which judgment may be enforced as
3 other judgments for the recovery of money.

4 (i) (1) A party filing an unfair work practice charge under
5 this Section may petition the Board to obtain injunctive
6 relief, pending a decision on the merits of the charge by the
7 Board, a member designated by the Board, or a hearing officer
8 designated by the Board, upon a showing that: (i) it is likely
9 to succeed on the merits; (ii) it is likely to suffer
10 irreparable harm in the absence of preliminary relief; (iii)
11 the balance of equities tips in its favor; and (iv) an
12 injunction is in the public interest. The immediate and
13 irreparable harm may include the chilling of TNDs in the
14 exercise of rights provided or protected by this Act.

15 (2) Within 60 days after the receipt by the Board of such
16 petition for injunctive relief, if the Board determines that a
17 charging party has made a sufficient showing pursuant to
18 paragraph (1), the Board, through the Attorney General, shall
19 petition the circuit court where the alleged unfair work
20 practice was allegedly committed, or where a person required
21 to cease and desist from such alleged unfair work practice
22 resides or transacts business, for appropriate temporary
23 relief or restraining order. The Board shall be represented in
24 such action by the Attorney General in accordance with the
25 Attorney General Act. If the Board fails to act within 60 days,
26 the Board shall be deemed to have made a final order

1 determining not to seek injunctive relief. If the Board
2 determines not to seek injunctive relief, or if the Board,
3 through the Attorney General, does not petition the circuit
4 court for such injunctive relief within 60 days after the
5 filing of the charging party's petition with the Board, the
6 charging party may seek injunctive relief by petition to the
7 circuit court, in which case the Board must be joined as a
8 necessary party.

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

26 (4) A decision on the merits of the unfair work practice

1 charge by the Board finding an unfair work practice to have
2 occurred shall continue the injunctive relief until either (i)
3 the respondent implements the remedy, or (ii) the Board's
4 order is set aside in an action for review of the Board's order
5 pursuant to the Administrative Review Law as set forth in
6 subsection (g).

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

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

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

23 (1) Upon the failure or refusal of a TNC to timely
24 submit the list to the Board required by Section 9, the
25 Board shall promptly issue a complaint charging the TNC
26 with an unfair work practice and, through the Attorney

1 General, petition a court of competent jurisdiction for
2 temporary relief to compel production of the list,
3 consistent with the procedures in subsection (i), except
4 that the Board shall have a mandatory, non-discretionary
5 duty to seek such injunctive relief. The Board shall be
6 represented in such action by the Attorney General in
7 accordance with the Attorney General Act. In the case of a
8 TNC's failure to provide the list to the Board required by
9 Section 9, immediate and irreparable injury, loss, or
10 damage shall be presumed.

11 (2) In addition to any other remedy provided by this
12 Act, a TNC found to have committed an unfair work practice
13 in violation of paragraph (2) of subsection (a) of Section
14 6 shall be subject to a civil penalty, payable to the
15 Board, not to exceed \$10,000 per day for each day after the
16 deadline that the list was not provided. The amount of the
17 penalty shall be determined by the Board through
18 application of the following criteria: (i) the size of the
19 TNC; (ii) the severity of the violation; and (iii) any
20 history of violations by the TNC. A TNC found to have
21 committed an unfair work practice in violation of
22 paragraph (2) of subsection (a) of Section 6 shall also be
23 required by the Board to pay the Board's or charging
24 party's attorney's fees and costs for any court proceeding
25 initiated by the Board or charging party to compel
26 production of the list.

1 Section 8. Determination of active TNDs.

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

9 (b) Each covered TNC shall provide this information within
10 2 weeks after the end of each calendar quarter (by April 14
11 provide TND information from rides originating between October
12 1 and March 31, by July 14 provide TND information from rides
13 originating between January 1 and June 30, by October 14
14 provide TND information from rides originating between April 1
15 and September 30, by January 14 provide TND information from
16 rides originating between July 1 and December 31).

17 (c) The information shall include only the name of the
18 TND, the TND driver's license number, and to the extent known
19 by a TNC, the TND's mobile phone number, mailing address,
20 email address, preferred language, and the number of rides the
21 TND completed through the covered TNC's platform in the
22 previous 6 months. A TND organization may use the information
23 in the list only for the purposes authorized by this Act, and
24 shall not provide the information to any third party unless
25 that party is acting as the TND organization's agent for the

1 purposes authorized by this Act. A covered TNC shall not be
2 liable for any damages caused by the TND organization's or the
3 Board's failure to safeguard the list as provided in Section
4 16 from a data or security breach.

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

24 Section 9. Determination of covered TNCs.

25 (a) Within 90 days after the effective date of this Act,

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

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

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

19 (1) The Board shall total all rides reported pursuant
20 to subsection (a).

21 (2) The Board shall then rank all TNCs by rideshare
22 volume in descending order. The Board shall begin with the
23 highest ranked TNC and continue down the list until the
24 Board has identified the TNCs whose rides collectively
25 equal or exceed 95% of the statewide total for the
26 preceding quarter. These TNCs shall be deemed covered TNCs

1 for the purposes of this Act.

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

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

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

20 (f) A TNC that becomes a covered TNC pursuant to this
21 Section shall remain a covered TNC for the remaining term of a
22 sectoral agreement.

23 (g) When a sectoral agreement is in effect, any TNC that is
24 not a covered TNC for the purposes of this Section may choose
25 to become bound to the sectoral agreement by providing written
26 notice to the Board, the certified exclusive bargaining

1 representative, and the covered TNCs. A TNC that chooses to
2 become bound to a sectoral agreement pursuant to this Section
3 shall be bound for the remaining term of the agreement. Such a
4 TNC shall not, on account of its exercise of the option
5 provided by this Section, become a covered TNC for the
6 purposes of negotiation of subsequent sectoral agreements or
7 coverage by subsequent sectoral agreements.

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

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

22 Section 10. Designation of bargaining representatives.

23 (a) For the purposes of this Act, each TND performing TNC
24 services for a covered TNC shall be included in one statewide
25 bargaining unit.

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

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

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

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

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

23 (c) The Board shall not adopt or impose any requirements
24 for designations or authorizations of representative in
25 addition to those specified in subsection (b), unless based on
26 objective evidence of fraud, the Board determines that

1 additional technical requirements are necessary to prevent
2 such fraud. Any such additional requirements shall be
3 consistent with the purpose of subsection (b) and shall not
4 require additional TND identifying information to be submitted
5 for the signature and authorization to be presumed valid. A
6 designation or authorization of representative shall not be
7 invalidated for typographical or other errors or omissions if
8 the intent of the signer is clear and the signer's identity can
9 be determined based on the totality of the information
10 presented.

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

18 (2) Within 30 days after the Board's determination that a
19 TND organization has been designated as the bargaining
20 representative of at least 10% of active TNDs in the
21 bargaining unit, the Board shall: (i) require each covered TNC
22 to send a notice, in a form determined by the Board, that the
23 TND organization is seeking to represent TNDs for the purpose
24 of initiating a bargaining process in order to establish terms
25 and conditions for the industry; and (ii) provide the TND
26 organization with a complete list of names, phone numbers,

1 mailing address, email addresses, and preferred language for
2 all active TNDs in the bargaining unit. The TNC shall provide
3 the notice in all languages that the Board determines are
4 likely spoken by 5% or more of TNC drivers. The Board will
5 provide the TND organization with an updated list each quarter
6 for the following 4 quarters. For 6 months from the date of the
7 Board's determination that a TND organization has met the 10%
8 threshold in a bargaining unit, and where such TND
9 organization is the first TND organization to meet such
10 threshold, no other TND organization may be certified as the
11 exclusive bargaining representative of those workers without
12 an election.

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

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

16 (2) If a TND organization seeking certification as the
17 exclusive bargaining representative without an election
18 provides evidence that shows that less than a majority of
19 active TNDs have designated the TND organization as their
20 bargaining representative, the Board shall wait 7 days before
21 certifying the TND organization as exclusive bargaining
22 representative. If, during those 7 days, another TND
23 organization provides evidence that at least 20% of active
24 TNDs in the bargaining unit have designated it as their
25 bargaining representative, then the Board shall hold an
26 election among all active TNDs in the bargaining unit. Such

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

1 exclusive bargaining representative of all TNDs in the
2 bargaining unit. If a majority of the valid votes cast are for
3 "no worker organization", then the Board will not certify any
4 worker organization as the exclusive bargaining
5 representative.

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

1 of active TNDs shall be based on the most recent quarterly list
2 provided by the covered TNCs in accordance with Section 8.

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

14 (5) A TND organization that has been certified as the
15 exclusive bargaining representative with respect to the
16 bargaining unit shall have a right to voluntary deduction of
17 dues, initiation fees, assessments, and other payments to the
18 TND organization, from payments to TNDs by a covered TNC, upon
19 presentation of deduction authorizations signed by individual
20 TNDs, which may be in electronic form. A covered TNC shall
21 commence making such deductions in accordance with the terms
22 of the deduction authorization as soon as practicable, but in
23 no case later than 30 days after receiving proof of a signed
24 deduction authorization, and amounts deducted shall be
25 submitted to the TND organization within 30 days after the
26 deduction. A covered TNC shall accept a signed deduction

1 authorization evidenced by electronic records or electronic
2 signatures as provided under Sections 7 and 8 of the Uniform
3 Electronic Transactions Act. The right to such deductions
4 shall remain in full force and effect until an individual TND
5 revokes the deduction authorization in writing in accordance
6 with the terms of the authorization.

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

19 (g) Upon agreement by a TND organization seeking such
20 determination or petition or a TND seeking such determination,
21 and the relevant covered TNC or TNCs, any of the numerical
22 thresholds or any of the elections in this Section shall be
23 determined or conducted by a neutral body, in accordance with
24 the provisions of this Act. The fees of the neutral body shall
25 be paid by the Board. The neutral body shall report the results
26 of such determination or election to the Board, which shall

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

7 Section 11. Rideshare Workers Support Fund.

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

23 (1) Within 14 days of the start of each month, each
24 covered TNC shall pay to the Secretary of State the fee
25 owing based on the trips originating within the State in

1 the previous month, and transmit to the Secretary of State
2 a certified report identifying the number of trips
3 originating within the State in the previous month. The
4 covered TNCs shall pay the fee and transmit the certified
5 report to the Secretary of State by electronic means as
6 directed by the Secretary of State.

7 (2) The Secretary of State shall create, and deposit
8 the fees collected pursuant to this Section in, the
9 Rideshare Workers Support Fund.

10 (b) Subject to appropriation, the Secretary of State shall
11 pay the funds in the Rideshare Workers Support Fund as
12 provided in this subsection. The Secretary of State shall pay
13 the funds collected in each calendar quarter within 60 days
14 after the close of each quarter.

15 (1) The amount equivalent to 3 cents per trip
16 originating in the State shall be used by the Secretary of
17 State for the purposes of administering its functions
18 under this Act.

19 (2) The amount equivalent to 1 cent per trip
20 originating in the State shall be paid to the Board for the
21 purposes of administering its functions under this Act.

22 (3) Effective upon the increase in the fee following
23 the certification of an exclusive bargaining
24 representative pursuant to subsection (a), and subject to
25 paragraphs (b)(1) and (2), the amount equivalent to 16
26 cents per trip shall be paid as a grant to the exclusive

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

12 (4) The amounts in this subsection (b) shall be
13 increased proportionally to any increase in the fee
14 pursuant to subsection (a).

15 (c) The purpose of the grant to the exclusive bargaining
16 representative is to ensure that TNDs are educated about their
17 rights under the Act and have the resources, through their
18 exclusive bargaining representative, to enforce their rights
19 under the Act and under any approved sectoral agreement
20 pursuant to this Act, and thereby to effectuate the purposes
21 of this Act set forth in Section 2. The exclusive bargaining
22 representative may use the funds granted pursuant to this
23 Section exclusively for the purposes of educating TNDs
24 regarding their rights under this Act, providing assistance in
25 enforcing those rights, negotiating a sectoral agreement, and
26 enforcing the terms of a sectoral agreement approved by the

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

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

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

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

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

14 (d) Secretary of State Enforcement Powers:

15 (1) The Secretary of State shall have the power to
16 issue administrative subpoenas, propound interrogatories,
17 and to conduct audits of covered TNCs and the exclusive
18 bargaining representative to ensure covered TNC compliance
19 with the payment of fees to the Secretary of State
20 required by subsection (a), and to ensure the exclusive
21 bargaining representative's compliance with the use of
22 funds restrictions set forth in subsection (c). The
23 Secretary of State may utilize the Secretary of State
24 Police Department to conduct such audits. If necessary,
25 the Secretary of State shall certify to the Attorney
26 General, for such action as the Attorney General may deem

1 appropriate, when the responses to the subpoenas,
2 interrogatories, and audits disclose a violation of any of
3 the provisions of this Section.

4 (2) The Secretary of State shall have the jurisdiction
5 and authority to enforce the provisions of this Section,
6 including (i) to order a covered TNC to pay the required
7 fees to the Secretary of State; (ii) to determine the
8 amount of fees required to be paid to the Secretary of
9 State by a covered TNC and to order such fees be paid;
10 (iii) to determine any delinquency by a covered TNC in the
11 fees to be paid to the Secretary of State and to order such
12 delinquency be remedied; (iv) to audit the exclusive
13 bargaining representative's use of funds disbursed under
14 subsection (b); (v) to deny, suspend, or terminate funding
15 to the exclusive bargaining representative as provided in
16 subsection (c); and (vi) to order the recoupment of any
17 funds used for purposes not permitted pursuant to
18 subsection (c). Upon any action, finding, order,
19 suspension, revocation or denial of one or more benefits
20 or privileges of Section 11 by the Secretary of State, an
21 aggrieved party, may submit a request to the Secretary of
22 State, or the Secretary of State may petition, to conduct
23 an administrative hearing. The Secretary of State shall
24 establish by rule the procedures, terms, and conditions
25 for such administrative hearing. The findings and
26 decisions upon an administrative hearing of the Secretary

1 shall be subject to judicial review in the Circuit Court
2 of the County of Sangamon or the County of Cook, and the
3 provisions of the Administrative Review Law, and all
4 amendments and modifications thereof and rules adopted
5 pursuant thereto, apply to and govern all such reviewable
6 matters.

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

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

1 (b) Each individual covered TNC shall retain exclusive
2 control over the development, maintenance, design, pricing,
3 and implementation of its product and product features,
4 software, contract terms, algorithm, and operations and areas
5 of service.

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

12 (1) Compensation.

13 (2) Benefits.

14 (3) Appeals process for deactivations.

15 (4) Representation of TNC drivers in deactivation
16 appeals.

17 (5) Paid leave.

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

21 (7) Grievance and arbitration procedures to resolve
22 disputes arising under the sectoral agreement. Such
23 arbitration provisions shall be subject to the Illinois
24 Uniform Arbitration Act unless otherwise provided in the
25 sectoral agreement.

26 (8) Safety mandates imposed by the covered TNCs that

1 require TNC drivers to purchase safety equipment or
2 purchase safety software, and safety features or protocols
3 proposed by the exclusive bargaining representative that
4 have a demonstrable purpose of reducing the risk of
5 physical assault or injury to TNC drivers. For the
6 purposes of this paragraph, "purchase" includes an
7 automatic withdrawal from TNC driver earnings.

8 (9) Labor-management committees.

9 (10) Reasonable access by the exclusive bargaining
10 representative to covered TNC-to-TNC driver communication
11 systems.

12 (11) Deduction of voluntary fees and dues from
13 payments to TNC drivers.

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

16 (13) Insurance coverage for occupational accidents or
17 injuries.

18 (14) Compensation or supplemental insurance for job
19 loss.

20 (15) Deactivation process requirements. Such
21 deactivation process requirements shall include, but not
22 be limited to, the right of TNDs to a written notice
23 stating the specific reason for deactivation, advanced
24 notice prior to deactivation, except where immediate
25 safety risks to passengers or the public require emergency
26 action, in which case the driver shall receive notice

1 promptly upon deactivation, and a meaningful opportunity
2 to respond.

3 (16) Earnings transparency requirements. Such earnings
4 transparency requirements shall include, but not be
5 limited to, the right of TNDs to (a) a weekly earnings
6 summary disclosing the total fares collected from
7 passengers, the total amount earned by the driver,
8 third-party expenses, refunds, tips, and service fees
9 charged by a TNC, and (b) within 24 hours of each completed
10 ride, an itemized per-trip receipt accessible through the
11 application, disclosing the total amount paid by the
12 passenger, all fees applied to the trip, the portion of
13 the fare paid to the driver, and the tip amount, if any.

14 (17) Portable benefits contributions, such as
15 contributions for health, disability, or retirement
16 benefits that would accrue to the TND.

17 (d) A sectoral agreement, including an agreement
18 recommended by an arbitrator pursuant to paragraph (6) of
19 subsection (h), shall not contain a provision that prevents an
20 individual covered TNC from exercising its autonomy pursuant
21 to subsection (b).

22 (e) The negotiated sectoral agreement shall be submitted
23 by the TND organization to a vote by all TNDs who have
24 completed at least 100 trips in the previous calendar quarter.
25 Such vote shall be conducted by the TND organization pursuant
26 to procedures determined at the discretion of the TND

1 organization. If approved by a majority of TNDs who vote, the
2 sectoral agreement shall be submitted to the Department for
3 approval. If a majority of valid votes cast by the TNDs are not
4 in favor of the sectoral agreement, the TND organization and
5 the covered TNCs will resume negotiating.

6 (f) For the purposes of this Section, an impasse may be
7 deemed to exist if the covered TNCs and exclusive bargaining
8 representative fail to achieve agreement by the end of a
9 210-day period from the date a TND organization has been
10 certified as the exclusive bargaining representative.
11 Bargaining for a successor sectoral agreement shall begin
12 either at the request of the exclusive bargaining
13 representative or covered TNCs at least 60 days before the
14 expiration date of the prior approved sectoral agreement. In
15 the case of bargaining for a successor sectoral agreement, an
16 impasse may be deemed to exist if the covered TNCs and
17 exclusive bargaining representative fail to achieve agreement
18 by the end of the 60-day period of negotiations preceding the
19 expiration date of the prior approved sectoral agreement.

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

23 (h) Upon receiving a timely request from an exclusive
24 bargaining representative or covered TNC for commencement of
25 an impasse proceeding, the Board shall aid the parties as
26 follows:

1 (1) To assist the parties to effect a voluntary
2 resolution of the dispute, the Board shall provide the
3 parties with a list of qualified mediators as maintained
4 by the Board within 7 days after the request for
5 commencement of impasse proceedings. Within 7 days after
6 receipt of such list, the parties shall either select a
7 mediator from the Board's list or select another mutually
8 agreed mediator. Each of the affected parties (affected
9 covered TNCs and the exclusive bargaining representative)
10 shall have an equal say in the selection of the mediator
11 and each of the affected parties shall share equally the
12 cost of the mediator. If the parties fail to select a
13 mediator and notify the Board of their selection, within 7
14 days after the date the Board provided the list of
15 mediators, the Board shall appoint a mediator from the
16 list. The Board shall make such an appointment and notify
17 the parties within 7 days. If the mediator is unable to
18 achieve agreement between the parties concerning an
19 appropriate resolution within 60 days after the Board has
20 provided the parties the list of mediators, any party may
21 petition the Board to refer the dispute to an arbitrator.

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

24 (3) Each of the affected parties (affected covered
25 TNCs and the exclusive bargaining representative) shall
26 have an equal say in the selection of the arbitrator and

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

22 (4) The arbitrator shall hold hearings on all matters
23 related to the dispute, concerning mandatory subjects of
24 bargaining, and any other subject agreed to be submitted
25 by the covered TNCs and the TND organization. The parties
26 may be heard either in person, by counsel, or by other

1 representatives, as they may respectively designate. The
2 arbitrator shall determine the order of presentation by
3 the parties, and shall have discretion and authority to
4 decide all procedural issues that may be raised.

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

17 (6) The arbitrator shall make a just and reasonable
18 determination of the matters in dispute, set forth in
19 paragraph (4) of subsection (h), and within 90 days after
20 the arbitrator's appointment shall issue a determination
21 that shall apply to all covered TNCs and the exclusive
22 bargaining representative. The time period for the
23 arbitrator's determination may be extended by the
24 arbitrator upon good cause shown, or by agreement by the
25 parties. In arriving at such determination, the arbitrator
26 shall specify the basis for the arbitrator's findings,

1 taking into consideration, in addition to any factors
2 recommended by the parties that the arbitrator finds to be
3 consistent with this Act, the following:

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

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

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

20 (iv) the establishment of a reasonable
21 deactivation appeals process that will allow TNDs a
22 reasonable expectation of uninterrupted work; and

23 (v) comparison of particularities in regard to
24 other trades or professions, including specifically,
25 hazards of work, physical qualifications, educational
26 qualifications, mental qualifications, job training,

1 and skills.

2 (i) Any sectoral agreement, whether agreed upon between
3 covered TNCs and the exclusive bargaining representative of
4 TNDs in the bargaining unit or as determined by an arbitrator,
5 under this Act shall be reviewed and approved or disapproved
6 by the Department. In deciding whether to grant approval to
7 such sectoral agreement, the Department's decision shall be
8 based on the factors specified in subsection (c) and in
9 paragraph (6) of subsection (h), and the policies set forth in
10 Section 2. Within 60 days after submission of the recommended
11 sectoral agreement, the Department shall approve or disapprove
12 the sectoral agreement. Upon approval by the Department, the
13 terms of the sectoral agreement shall be the effective
14 regulations of covered TNCs, the exclusive bargaining
15 representative, and TNDs in the bargaining unit, with respect
16 to TND standards, enforceable through the provisions of the
17 sectoral agreement and this Act. If the Department disapproves
18 of the sectoral agreement, the Department may make
19 recommendations for amendments to the sectoral agreement that
20 would cause the Department to approve the sectoral agreement.
21 Any new terms for the bargaining unit shall be set in
22 accordance with the procedures set forth in this Section.

23 (j) The exclusive bargaining representative and the
24 covered TNCs may mutually agree to recommend changes to an
25 approved sectoral agreement. Such recommended changes to an
26 approved sectoral agreement must be submitted to the

1 Department for approval or disapproval pursuant to subsection
2 (i) .

3 (k) After the exhaustion of any arbitration required by a
4 sectoral agreement, suits for violation of a sectoral
5 agreement approved by the Department may be brought by a
6 covered TNC or exclusive bargaining representative in the
7 circuit court in the county in which the covered TNC transacts
8 business or has its principal office.

9 Section 13. Compliance with other laws.

10 (a) Notwithstanding any other law, with respect to
11 transportation network company services performed by
12 transportation network drivers for a covered TNC, the
13 obligations imposed by the Illinois Secure Choice Savings
14 Program Act, the Minimum Wage Law, the Equal Wage Act, the
15 Equal Pay Act of 2003, the Illinois Wage Payment and
16 Collection Act, the Sales Representative Act, the Prevailing
17 Wage Act, the Burial Rights Act, the One Day Rest In Seven Act,
18 the Eight Hour Work Day Act, the School Visitation Rights Act,
19 the Civil Air Patrol Leave Act, the Employee Blood and Organ
20 Donation Leave Act, the Employee Medical Contribution Act, the
21 Military Leave Act, the Family Bereavement Leave Act, the
22 Employer as Lessee Bond Act, the Child Extended Bereavement
23 Leave Act, the Family Neonatal Intensive Care Leave Act, the
24 Employee Benefit Contribution Act, the Personal Service Wage
25 Refund Act, the Earned Income Tax Credit Information Act, the

1 Day and Temporary Labor Services Act, the Victims' Economic
2 Security and Safety Act, the Domestic Workers' Bill of Rights
3 Act, the Employee Classification Act, the Illinois Fringe
4 Benefit Portability and Continuity Act, the Employee Sick
5 Leave Act, the Paid Leave for All Workers Act, the Workers'
6 Compensation Act, the Workers' Occupational Diseases Act, and
7 the Unemployment Insurance Act shall be deemed satisfied and
8 not separately enforceable if the covered TNC is in good-faith
9 compliance with this Act or with any sectoral agreement
10 approved pursuant to this Act.

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

15 (c) With respect to transportation network company
16 services performed by a transportation network driver for a
17 covered transportation network company, the benefits, earnings
18 provisions, leave, or standards in an approved sectoral
19 agreement, if any, shall be enforceable exclusively pursuant
20 to the terms of the sectoral agreement or the provisions of
21 this Act.

22 (d) This Section is inoperative 5 years after the
23 effective date of this Act, unless prior to that date a
24 sectoral agreement has been approved by the Department
25 pursuant to the Act, in which case this Section shall not be
26 inoperative. If this Section is inoperative, no claims covered

1 by this Section shall have their statutes of limitations
2 tolled during the period this Section is operative.

3 Section 14. Home rule.

4 (a) Notwithstanding any other provision of law, the
5 regulation of transportation network driver labor relations is
6 an exclusive power and function of the State. A unit of local
7 government, including a home rule unit, may not regulate
8 transportation network driver labor relations. This subsection
9 is a denial and limitation of home rule powers and functions
10 under subsection (h) of Section 6 of Article VII of the
11 Illinois Constitution.

12 (b) Upon approval of a sectoral agreement pursuant to this
13 Act, the regulation of transportation network driver earnings,
14 benefits, or other conditions of work set forth in subsection
15 (c) of Section 12 is an exclusive power and function of the
16 State. Upon approval of a sectoral agreement pursuant to this
17 Act, a unit of local government, including a home rule unit,
18 may not regulate transportation network driver earnings,
19 benefits, or other conditions of work set forth in subsection
20 (c) of Section 12, and any such existing ordinance,
21 regulation, or measure shall be preempted by the approved
22 sectoral agreement. This subsection is a denial and limitation
23 of home rule powers and functions under subsection (h) of
24 Section 6 of Article VII of the Illinois Constitution.

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

6 Section 16. Rulemaking.

7 (a) The Board, the Department, and the Secretary of State
8 shall make such rules as may be appropriate to effectuate the
9 purposes and provisions of this Act. In order to provide for
10 the expeditious and timely implementation of the provisions of
11 this Act, such rules may be adopted by the Board, the
12 Department, or the Secretary of State as emergency rules
13 pursuant to Section 5-45 of the Illinois Administrative
14 Procedure Act within 6 months of the effective date of this
15 Act. The adoption of those emergency rules shall be considered
16 an emergency and necessary for the public interest, safety,
17 and welfare.

18 (b) The Board may apply, in its discretion, applicable
19 rules adopted under the Illinois Public Labor Relations Act to
20 the extent those procedures are not inconsistent with the
21 procedures specified in this Act. To effect that purpose, the
22 Board may, in its discretion, and to the extent doing so is not
23 inconsistent with the procedures specified in this Act,
24 interpret rules adopted under the Illinois Public Labor
25 Relations Act, referencing "employer" to include a

1 transportation network company, referencing "employee" to
2 include a transportation network driver, and referencing a
3 "labor organization" to include a transportation network
4 driver organization.

5 (c) The rules shall establish the obligations and
6 procedures for the Board and TND organizations to protect TND
7 data from public disclosure and unauthorized use, including:

8 (i) minimization of data collected to what is necessary under
9 this Act; (ii) encryption standards adhering to recognized
10 security protocols; (iii) access controls to ensure that only
11 authorized persons can view or process driver data; (iv) data
12 retention policy; (v) auditing and compliance monitoring; (vi)
13 data breach protocol; (vii) limitations on data use; and
14 (viii) limiting the disclosure of driver personal identifying
15 information to the confidential uses necessary to effectuate
16 this Act and not for the purpose of enforcing federal
17 immigration law or providing it to an agency that primarily
18 enforces immigration law, unless the Board is provided with a
19 lawful court order or judicial warrant signed by a judge
20 appointed pursuant to Article III of the United States
21 Constitution, a federal grand jury or trial subpoena, or as
22 otherwise required by federal law.

23 Section 17. Public records. Any record furnished to the
24 Board, Department, or other state agency by a TNC pursuant to
25 this Act including, but not limited to, TND records, shall not

1 be considered a public record as defined in subsection (c) of
2 Section 2 of the Freedom of Information Act. Such records are
3 confidential and shall not be disclosed by the Board or any
4 persons who may be authorized by the Board to process them
5 solely for the purposes of this Act.

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

8 (5 ILCS 100/5-45.71 new)

9 Sec. 5-45.71. Emergency rulemaking; Transportation Network
10 Driver Labor Relations Act. To provide for the expeditious and
11 timely implementation of the Transportation Network Driver
12 Labor Relations Act, emergency rules implementing the
13 Transportation Network Driver Labor Relations Act may be
14 adopted in accordance with Section 5-45 by the Illinois Labor
15 Relations Board, or the Department of Labor, or the Secretary
16 of State. The adoption of emergency rules authorized by
17 Section 5-45 and this Section is deemed to be necessary for the
18 public interest, safety, and welfare.

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

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

1 (5 ILCS 140/7.5)

2 (Text of Section before amendment by P.A. 104-441 and
3 104-457)

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

7 (a) All information determined to be confidential
8 under Section 4002 of the Technology Advancement and
9 Development Act.

10 (b) Library circulation and order records identifying
11 library users with specific materials under the Library
12 Records Confidentiality Act.

13 (c) Applications, related documents, and medical
14 records received by the Experimental Organ Transplantation
15 Procedures Board and any and all documents or other
16 records prepared by the Experimental Organ Transplantation
17 Procedures Board or its staff relating to applications it
18 has received.

19 (d) Information and records held by the Department of
20 Public Health and its authorized representatives relating
21 to known or suspected cases of sexually transmitted
22 infection or any information the disclosure of which is
23 restricted under the Illinois Sexually Transmitted
24 Infection Control Act.

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

1 (f) Firm performance evaluations under Section 55 of
2 the Architectural, Engineering, and Land Surveying
3 Qualifications Based Selection Act.

4 (g) Information the disclosure of which is restricted
5 and exempted under Section 50 of the Illinois Prepaid
6 Tuition Act.

7 (h) Information the disclosure of which is exempted
8 under the State Officials and Employees Ethics Act, and
9 records of any lawfully created State or local inspector
10 general's office that would be exempt if created or
11 obtained by an Executive Inspector General's office under
12 that Act.

13 (i) Information contained in a local emergency energy
14 plan submitted to a municipality in accordance with a
15 local emergency energy plan ordinance that is adopted
16 under Section 11-21.5-5 of the Illinois Municipal Code.

17 (j) Information and data concerning the distribution
18 of surcharge moneys collected and remitted by carriers
19 under the Emergency Telephone System Act.

20 (k) Law enforcement officer identification information
21 or driver identification information compiled by a law
22 enforcement agency or the Department of Transportation
23 under Section 11-212 of the Illinois Vehicle Code.

24 (l) Records and information provided to a residential
25 health care facility resident sexual assault and death
26 review team or the Executive Council under the Abuse

1 Prevention Review Team Act.

2 (m) Information provided to the predatory lending
3 database created pursuant to Article 3 of the Residential
4 Real Property Disclosure Act, except to the extent
5 authorized under that Article.

6 (n) Defense budgets and petitions for certification of
7 compensation and expenses for court appointed trial
8 counsel as provided under Sections 10 and 15 of the
9 Capital Crimes Litigation Act (repealed). This subsection
10 (n) shall apply until the conclusion of the trial of the
11 case, even if the prosecution chooses not to pursue the
12 death penalty prior to trial or sentencing.

13 (o) Information that is prohibited from being
14 disclosed under Section 4 of the Illinois Health and
15 Hazardous Substances Registry Act.

16 (p) Security portions of system safety program plans,
17 investigation reports, surveys, schedules, lists, data, or
18 information compiled, collected, or prepared by or for the
19 Department of Transportation under Sections 2705-300 and
20 2705-616 of the Department of Transportation Law of the
21 Civil Administrative Code of Illinois, the Regional
22 Transportation Authority under Section 2.11 of the
23 Regional Transportation Authority Act, or the St. Clair
24 County Transit District under the Bi-State Transit Safety
25 Act (repealed).

26 (q) Information prohibited from being disclosed by the

1 Personnel Record Review Act.

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

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

6 (t) (Blank).

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

10 (v) Names and information of people who have applied
11 for or received Firearm Owner's Identification Cards under
12 the Firearm Owners Identification Card Act or applied for
13 or received a concealed carry license under the Firearm
14 Concealed Carry Act, unless otherwise authorized by the
15 Firearm Concealed Carry Act; and databases under the
16 Firearm Concealed Carry Act, records of the Concealed
17 Carry Licensing Review Board under the Firearm Concealed
18 Carry Act, and law enforcement agency objections under the
19 Firearm Concealed Carry Act.

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

23 (w) Personally identifiable information which is
24 exempted from disclosure under subsection (g) of Section
25 19.1 of the Toll Highway Act.

26 (x) Information which is exempted from disclosure

1 under Section 5-1014.3 of the Counties Code or Section
2 8-11-21 of the Illinois Municipal Code.

3 (y) Confidential information under the Adult
4 Protective Services Act and its predecessor enabling
5 statute, the Elder Abuse and Neglect Act, including
6 information about the identity and administrative finding
7 against any caregiver of a verified and substantiated
8 decision of abuse, neglect, or financial exploitation of
9 an eligible adult maintained in the Registry established
10 under Section 7.5 of the Adult Protective Services Act.

11 (z) Records and information provided to a fatality
12 review team or the Illinois Fatality Review Team Advisory
13 Council under Section 15 of the Adult Protective Services
14 Act.

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

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

19 (cc) Recordings made under the Law Enforcement
20 Officer-Worn Body Camera Act, except to the extent
21 authorized under that Act.

22 (dd) Information that is prohibited from being
23 disclosed under Section 45 of the Condominium and Common
24 Interest Community Ombudsperson Act.

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

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

3 (gg) Information that is prohibited from being
4 disclosed under Section 7-603.5 of the Illinois Vehicle
5 Code.

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

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

11 (jj) Information and reports that are required to be
12 submitted to the Department of Labor by registering day
13 and temporary labor service agencies but are exempt from
14 disclosure under subsection (a-1) of Section 45 of the Day
15 and Temporary Labor Services Act.

16 (kk) Information prohibited from disclosure under the
17 Seizure and Forfeiture Reporting Act.

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

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

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

25 (oo) Communications, notes, records, and reports
26 arising out of a peer support counseling session

1 prohibited from disclosure under the First Responders
2 Suicide Prevention Act.

3 (pp) Names and all identifying information relating to
4 an employee of an emergency services provider or law
5 enforcement agency under the First Responders Suicide
6 Prevention Act.

7 (qq) Information and records held by the Department of
8 Public Health and its authorized representatives collected
9 under the Reproductive Health Act.

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

12 (ss) Data reported by an employer to the Department of
13 Human Rights pursuant to Section 2-108 of the Illinois
14 Human Rights Act.

15 (tt) Recordings made under the Children's Advocacy
16 Center Act, except to the extent authorized under that
17 Act.

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

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

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

25 (xx) Information that is exempt from disclosure or
26 information that shall not be made public under the

1 Illinois Insurance Code.

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

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

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

8 (bbb) Information that is prohibited from disclosure
9 by the Illinois Police Training Act and the Illinois State
10 Police Act.

11 (ccc) Records exempt from disclosure under Section
12 2605-304 of the Illinois State Police Law of the Civil
13 Administrative Code of Illinois.

14 (ddd) Information prohibited from being disclosed
15 under Section 35 of the Address Confidentiality for
16 Victims of Domestic Violence, Sexual Assault, Human
17 Trafficking, or Stalking Act.

18 (eee) Information prohibited from being disclosed
19 under subsection (b) of Section 75 of the Domestic
20 Violence Fatality Review Act.

21 (fff) Images from cameras under the Expressway Camera
22 Act and all automated license plate reader (ALPR)
23 information used and collected by the Illinois State
24 Police. "ALPR information" means information gathered by
25 an ALPR or created from the analysis of data generated by
26 an ALPR. This subsection (fff) is inoperative on and after

1 July 1, 2028.

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

5 (hhh) Information submitted to the Illinois State
6 Police in an affidavit or application for an assault
7 weapon endorsement, assault weapon attachment endorsement,
8 .50 caliber rifle endorsement, or .50 caliber cartridge
9 endorsement under the Firearm Owners Identification Card
10 Act.

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

13 (jjj) Information exempt from disclosure under Section
14 30 of the Insurance Data Security Law.

15 (kkk) Confidential business information prohibited
16 from disclosure under Section 45 of the Paint Stewardship
17 Act.

18 (lll) Data exempt from disclosure under Section
19 2-3.196 of the School Code.

20 (mmm) Information prohibited from being disclosed
21 under subsection (e) of Section 1-129 of the Illinois
22 Power Agency Act.

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

26 (ooo) Data or information provided pursuant to Section

1 20 of the Statewide Recycling Needs and Assessment Act.

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

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

6 (rrr) Information prohibited from being disclosed
7 under Section 4-2 of the Uniform Money Transmission
8 Modernization Act.

9 (sss) Information exempt from disclosure under Section
10 40 of the Student-Athlete Endorsement Rights Act.

11 (ttt) Audio recordings made under Section 30 of the
12 Illinois State Police Act, except to the extent authorized
13 under that Section.

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

16 (vvv) Information prohibited or exempt from being
17 disclosed under the Transportation Network Driver Labor
18 Relations Act.

19 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;
20 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.
21 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592,
22 eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24;
23 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff.
24 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081,
25 eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25;
26 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; revised

1 9-10-25.)

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

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

7 (a) All information determined to be confidential
8 under Section 4002 of the Technology Advancement and
9 Development Act.

10 (b) Library circulation and order records identifying
11 library users with specific materials under the Library
12 Records Confidentiality Act.

13 (c) Applications, related documents, and medical
14 records received by the Experimental Organ Transplantation
15 Procedures Board and any and all documents or other
16 records prepared by the Experimental Organ Transplantation
17 Procedures Board or its staff relating to applications it
18 has received.

19 (d) Information and records held by the Department of
20 Public Health and its authorized representatives relating
21 to known or suspected cases of sexually transmitted
22 infection or any information the disclosure of which is
23 restricted under the Illinois Sexually Transmitted
24 Infection Control Act.

25 (e) Information the disclosure of which is exempted

1 under Section 30 of the Radon Industry Licensing Act.

2 (f) Firm performance evaluations under Section 55 of
3 the Architectural, Engineering, and Land Surveying
4 Qualifications Based Selection Act.

5 (g) Information the disclosure of which is restricted
6 and exempted under Section 50 of the Illinois Prepaid
7 Tuition Act.

8 (h) Information the disclosure of which is exempted
9 under the State Officials and Employees Ethics Act, and
10 records of any lawfully created State or local inspector
11 general's office that would be exempt if created or
12 obtained by an Executive Inspector General's office under
13 that Act.

14 (i) Information contained in a local emergency energy
15 plan submitted to a municipality in accordance with a
16 local emergency energy plan ordinance that is adopted
17 under Section 11-21.5-5 of the Illinois Municipal Code.

18 (j) Information and data concerning the distribution
19 of surcharge moneys collected and remitted by carriers
20 under the Emergency Telephone System Act.

21 (k) Law enforcement officer identification information
22 or driver identification information compiled by a law
23 enforcement agency or the Department of Transportation
24 under Section 11-212 of the Illinois Vehicle Code.

25 (l) Records and information provided to a residential
26 health care facility resident sexual assault and death

1 review team or the Executive Council under the Abuse
2 Prevention Review Team Act.

3 (m) Information provided to the predatory lending
4 database created pursuant to Article 3 of the Residential
5 Real Property Disclosure Act, except to the extent
6 authorized under that Article.

7 (n) Defense budgets and petitions for certification of
8 compensation and expenses for court appointed trial
9 counsel as provided under Sections 10 and 15 of the
10 Capital Crimes Litigation Act (repealed). This subsection
11 (n) shall apply until the conclusion of the trial of the
12 case, even if the prosecution chooses not to pursue the
13 death penalty prior to trial or sentencing.

14 (o) Information that is prohibited from being
15 disclosed under Section 4 of the Illinois Health and
16 Hazardous Substances Registry Act.

17 (p) Security portions of system safety program plans,
18 investigation reports, surveys, schedules, lists, data, or
19 information compiled, collected, or prepared by or for the
20 Department of Transportation under Sections 2705-300 and
21 2705-616 of the Department of Transportation Law of the
22 Civil Administrative Code of Illinois, the Northern
23 Illinois Transit Authority under Section 2.11 of the
24 Northern Illinois Transit Authority Act, or the St. Clair
25 County Transit District under the Bi-State Transit Safety
26 Act (repealed).

1 (q) Information prohibited from being disclosed by the
2 Personnel Record Review Act.

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

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

7 (t) (Blank).

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

11 (v) Names and information of people who have applied
12 for or received Firearm Owner's Identification Cards under
13 the Firearm Owners Identification Card Act or applied for
14 or received a concealed carry license under the Firearm
15 Concealed Carry Act, unless otherwise authorized by the
16 Firearm Concealed Carry Act; and databases under the
17 Firearm Concealed Carry Act, records of the Concealed
18 Carry Licensing Review Board under the Firearm Concealed
19 Carry Act, and law enforcement agency objections under the
20 Firearm Concealed Carry Act.

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

24 (w) Personally identifiable information which is
25 exempted from disclosure under subsection (g) of Section
26 19.1 of the Toll Highway Act.

1 (x) Information which is exempted from disclosure
2 under Section 5-1014.3 of the Counties Code or Section
3 8-11-21 of the Illinois Municipal Code.

4 (y) Confidential information under the Adult
5 Protective Services Act and its predecessor enabling
6 statute, the Elder Abuse and Neglect Act, including
7 information about the identity and administrative finding
8 against any caregiver of a verified and substantiated
9 decision of abuse, neglect, or financial exploitation of
10 an eligible adult maintained in the Registry established
11 under Section 7.5 of the Adult Protective Services Act.

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

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

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

20 (cc) Recordings made under the Law Enforcement
21 Officer-Worn Body Camera Act, except to the extent
22 authorized under that Act.

23 (dd) Information that is prohibited from being
24 disclosed under Section 45 of the Condominium and Common
25 Interest Community Ombudsperson Act.

26 (ee) Information that is exempted from disclosure

1 under Section 30.1 of the Pharmacy Practice Act.

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

4 (gg) Information that is prohibited from being
5 disclosed under Section 7-603.5 of the Illinois Vehicle
6 Code.

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

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

12 (jj) Information and reports that are required to be
13 submitted to the Department of Labor by registering day
14 and temporary labor service agencies but are exempt from
15 disclosure under subsection (a-1) of Section 45 of the Day
16 and Temporary Labor Services Act.

17 (kk) Information prohibited from disclosure under the
18 Seizure and Forfeiture Reporting Act.

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

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

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

26 (oo) Communications, notes, records, and reports

1 arising out of a peer support counseling session
2 prohibited from disclosure under the First Responders
3 Suicide Prevention Act.

4 (pp) Names and all identifying information relating to
5 an employee of an emergency services provider or law
6 enforcement agency under the First Responders Suicide
7 Prevention Act.

8 (qq) Information and records held by the Department of
9 Public Health and its authorized representatives collected
10 under the Reproductive Health Act.

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

13 (ss) Data reported by an employer to the Department of
14 Human Rights pursuant to Section 2-108 of the Illinois
15 Human Rights Act.

16 (tt) Recordings made under the Children's Advocacy
17 Center Act, except to the extent authorized under that
18 Act.

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

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

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

26 (xx) Information that is exempt from disclosure or

1 information that shall not be made public under the
2 Illinois Insurance Code.

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

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

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

9 (bbb) Information that is prohibited from disclosure
10 by the Illinois Police Training Act and the Illinois State
11 Police Act.

12 (ccc) Records exempt from disclosure under Section
13 2605-304 of the Illinois State Police Law of the Civil
14 Administrative Code of Illinois.

15 (ddd) Information prohibited from being disclosed
16 under Section 35 of the Address Confidentiality for
17 Victims of Domestic Violence, Sexual Assault, Human
18 Trafficking, or Stalking Act.

19 (eee) Information prohibited from being disclosed
20 under subsection (b) of Section 75 of the Domestic
21 Violence Fatality Review Act.

22 (fff) Images from cameras under the Expressway Camera
23 Act and all automated license plate reader (ALPR)
24 information used and collected by the Illinois State
25 Police. "ALPR information" means information gathered by
26 an ALPR or created from the analysis of data generated by

1 an ALPR. This subsection (fff) is inoperative on and after
2 July 1, 2028.

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

6 (hhh) Information submitted to the Illinois State
7 Police in an affidavit or application for an assault
8 weapon endorsement, assault weapon attachment endorsement,
9 .50 caliber rifle endorsement, or .50 caliber cartridge
10 endorsement under the Firearm Owners Identification Card
11 Act.

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

14 (jjj) Information exempt from disclosure under Section
15 30 of the Insurance Data Security Law.

16 (kkk) Confidential business information prohibited
17 from disclosure under Section 45 of the Paint Stewardship
18 Act.

19 (lll) Data exempt from disclosure under Section
20 2-3.196 of the School Code.

21 (mmm) Information prohibited from being disclosed
22 under subsection (e) of Section 1-129 of the Illinois
23 Power Agency Act.

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25 and Economic Opportunity that are confidential under the
26 Music and Musicians Tax Credit and Jobs Act.

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2 20 of the Statewide Recycling Needs and Assessment Act.

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6 Section 7-101 of the Illinois Human Rights Act.

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9 Modernization Act.

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11 40 of the Student-Athlete Endorsement Rights Act.

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13 Illinois State Police Act, except to the extent authorized
14 under that Section.

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

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18 disclosed under the Transportation Network Driver Labor
19 Relations Act.

20 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;
21 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.
22 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592,
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25 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081,
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1 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; 104-457, eff.
2 6-1-26; revised 1-7-26.)

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15 Procedures Board and any and all documents or other
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21 to known or suspected cases of sexually transmitted
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23 restricted under the Illinois Sexually Transmitted
24 Infection Control Act.

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3 the Architectural, Engineering, and Land Surveying
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6 and exempted under Section 50 of the Illinois Prepaid
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10 records of any lawfully created State or local inspector
11 general's office that would be exempt if created or
12 obtained by an Executive Inspector General's office under
13 that Act.

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

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19 of surcharge moneys collected and remitted by carriers
20 under the Emergency Telephone System Act.

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22 or driver identification information compiled by a law
23 enforcement agency or the Department of Transportation
24 under Section 11-212 of the Illinois Vehicle Code.

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26 health care facility resident sexual assault and death

1 review team or the Executive Council under the Abuse
2 Prevention Review Team Act.

3 (m) Information provided to the predatory lending
4 database created pursuant to Article 3 of the Residential
5 Real Property Disclosure Act, except to the extent
6 authorized under that Article.

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8 compensation and expenses for court appointed trial
9 counsel as provided under Sections 10 and 15 of the
10 Capital Crimes Litigation Act (repealed). This subsection
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12 case, even if the prosecution chooses not to pursue the
13 death penalty prior to trial or sentencing.

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15 disclosed under Section 4 of the Illinois Health and
16 Hazardous Substances Registry Act.

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18 investigation reports, surveys, schedules, lists, data, or
19 information compiled, collected, or prepared by or for the
20 Department of Transportation under Sections 2705-300 and
21 2705-616 of the Department of Transportation Law of the
22 Civil Administrative Code of Illinois, the Northern
23 Illinois Transit Authority under Section 2.11 of the
24 Northern Illinois Transit Authority Act, or the St. Clair
25 County Transit District under the Bi-State Transit Safety
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4 Illinois School Student Records Act.

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6 under Section 5-108 of the Public Utilities Act.

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9 team of experts under the Developmental Disability and
10 Mental Health Safety Act (also known as Brian's Law).

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12 for or received Firearm Owner's Identification Cards under
13 the Firearm Owners Identification Card Act or applied for
14 or received a concealed carry license under the Firearm
15 Concealed Carry Act, unless otherwise authorized by the
16 Firearm Concealed Carry Act; and databases under the
17 Firearm Concealed Carry Act, records of the Concealed
18 Carry Licensing Review Board under the Firearm Concealed
19 Carry Act, and law enforcement agency objections under the
20 Firearm Concealed Carry Act.

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

24 (w) Personally identifiable information which is
25 exempted from disclosure under subsection (g) of Section
26 19.1 of the Toll Highway Act.

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2 under Section 5-1014.3 of the Counties Code or Section
3 8-11-21 of the Illinois Municipal Code.

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5 Protective Services Act and its predecessor enabling
6 statute, the Elder Abuse and Neglect Act, including
7 information about the identity and administrative finding
8 against any caregiver of a verified and substantiated
9 decision of abuse, neglect, or financial exploitation of
10 an eligible adult maintained in the Registry established
11 under Section 7.5 of the Adult Protective Services Act.

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

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

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

20 (cc) Recordings made under the Law Enforcement
21 Officer-Worn Body Camera Act, except to the extent
22 authorized under that Act.

23 (dd) Information that is prohibited from being
24 disclosed under Section 45 of the Condominium and Common
25 Interest Community Ombudsperson Act.

26 (ee) Information that is exempted from disclosure

1 under Section 30.1 of the Pharmacy Practice Act.

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

4 (gg) Information that is prohibited from being
5 disclosed under Section 7-603.5 of the Illinois Vehicle
6 Code.

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

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

12 (jj) Information and reports that are required to be
13 submitted to the Department of Labor by registering day
14 and temporary labor service agencies but are exempt from
15 disclosure under subsection (a-1) of Section 45 of the Day
16 and Temporary Labor Services Act.

17 (kk) Information prohibited from disclosure under the
18 Seizure and Forfeiture Reporting Act.

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

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

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

26 (oo) Communications, notes, records, and reports

1 arising out of a peer support counseling session
2 prohibited from disclosure under the First Responders
3 Suicide Prevention Act.

4 (pp) Names and all identifying information relating to
5 an employee of an emergency services provider or law
6 enforcement agency under the First Responders Suicide
7 Prevention Act.

8 (qq) Information and records held by the Department of
9 Public Health and its authorized representatives collected
10 under the Reproductive Health Act.

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

13 (ss) Data reported by an employer to the Department of
14 Human Rights pursuant to Section 2-108 of the Illinois
15 Human Rights Act.

16 (tt) Recordings made under the Children's Advocacy
17 Center Act, except to the extent authorized under that
18 Act.

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

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

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

26 (xx) Information that is exempt from disclosure or

1 information that shall not be made public under the
2 Illinois Insurance Code.

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

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

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

9 (bbb) Information that is prohibited from disclosure
10 by the Illinois Police Training Act and the Illinois State
11 Police Act.

12 (ccc) Records exempt from disclosure under Section
13 2605-304 of the Illinois State Police Law of the Civil
14 Administrative Code of Illinois.

15 (ddd) Information prohibited from being disclosed
16 under Section 35 of the Address Confidentiality for
17 Victims of Domestic Violence, Sexual Assault, Human
18 Trafficking, or Stalking Act.

19 (eee) Information prohibited from being disclosed
20 under subsection (b) of Section 75 of the Domestic
21 Violence Fatality Review Act.

22 (fff) Images from cameras under the Expressway Camera
23 Act and all automated license plate reader (ALPR)
24 information used and collected by the Illinois State
25 Police. "ALPR information" means information gathered by
26 an ALPR or created from the analysis of data generated by

1 an ALPR. This subsection (fff) is inoperative on and after
2 July 1, 2028.

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

6 (hhh) Information submitted to the Illinois State
7 Police in an affidavit or application for an assault
8 weapon endorsement, assault weapon attachment endorsement,
9 .50 caliber rifle endorsement, or .50 caliber cartridge
10 endorsement under the Firearm Owners Identification Card
11 Act.

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

14 (jjj) Information exempt from disclosure under Section
15 30 of the Insurance Data Security Law.

16 (kkk) Confidential business information prohibited
17 from disclosure under Section 45 of the Paint Stewardship
18 Act.

19 (lll) Data exempt from disclosure under Section
20 2-3.196 of the School Code.

21 (mmm) Information prohibited from being disclosed
22 under subsection (e) of Section 1-129 of the Illinois
23 Power Agency Act.

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

1 (ooo) Data or information provided pursuant to Section
2 20 of the Statewide Recycling Needs and Assessment Act.

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

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

7 (rrr) Information prohibited from being disclosed
8 under Section 4-2 of the Uniform Money Transmission
9 Modernization Act.

10 (sss) Information exempt from disclosure under Section
11 40 of the Student-Athlete Endorsement Rights Act.

12 (ttt) Audio recordings made under Section 30 of the
13 Illinois State Police Act, except to the extent authorized
14 under that Section.

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

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

20 (www) Information prohibited or exempt from being
21 disclosed under the Transportation Network Driver Labor
22 Relations Act.

23 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;
24 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.
25 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592,
26 eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24;

1 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff.
2 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081,
3 eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25;
4 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; 104-441, eff.
5 9-12-26; 104-457, eff. 6-1-26; revised 1-7-26.)

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

8 (30 ILCS 500/1-10)

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

10 Sec. 1-10. Application.

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

23 (b) This Code shall apply regardless of the source of the
24 funds with which the contracts are paid, including federal

1 assistance moneys. This Code shall not apply to:

2 (1) Contracts between the State and its political
3 subdivisions or other governments, or between State
4 governmental bodies, except as specifically provided in
5 this Code.

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

8 (3) Purchase of care, except as provided in Section
9 5-30.6 of the Illinois Public Aid Code and this Section.

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

14 (5) Collective bargaining contracts.

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

23 (7) Contracts necessary to prepare for anticipated
24 litigation, enforcement actions, or investigations,
25 provided that the chief legal counsel to the Governor
26 shall give his or her prior approval when the procuring

1 agency is one subject to the jurisdiction of the Governor,
2 and provided that the chief legal counsel of any other
3 procuring entity subject to this Code shall give his or
4 her prior approval when the procuring entity is not one
5 subject to the jurisdiction of the Governor.

6 (8) (Blank).

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

9 (10) (Blank).

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

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

25 (B) Contracts for legal and financial services entered
26 into by the Illinois Housing Development Authority in

1 connection with the issuance of bonds in which the State
2 of Illinois is not obligated. Such contracts shall be
3 awarded through a competitive process authorized by the
4 members of the Illinois Housing Development Authority and
5 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
6 and 50-37 of this Code, as well as the final approval by
7 the members of the Illinois Housing Development Authority
8 of the terms of the contract.

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

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

25 (14) Contracts for participation expenditures required
26 by a domestic or international trade show or exhibition of

1 an exhibitor, member, or sponsor.

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

24 (16) Procurement expenditures necessary for the
25 Department of Public Health to provide the delivery of
26 timely newborn screening services in accordance with the

1 Newborn Metabolic Screening Act.

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

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

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

23 (19) Acquisition of modifications or adjustments,
24 limited to assistive technology devices and assistive
25 technology services, adaptive equipment, repairs, and
26 replacement parts to provide reasonable accommodations (i)

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

14 For purposes of this paragraph (19):

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

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

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

1 (20) Procurement expenditures necessary for the
2 Illinois Commerce Commission to hire third-party
3 facilitators pursuant to Sections 16-105.17 and 16-108.18
4 of the Public Utilities Act or an ombudsman pursuant to
5 Section 16-107.5 of the Public Utilities Act, a
6 facilitator pursuant to Section 16-105.17 of the Public
7 Utilities Act, or a grid auditor pursuant to Section
8 16-105.10 of the Public Utilities Act.

9 (21) Procurement expenditures for the purchase,
10 renewal, and expansion of software, software licenses, or
11 software maintenance agreements that support the efforts
12 of the Illinois State Police to enforce, regulate, and
13 administer the Firearm Owners Identification Card Act, the
14 Firearm Concealed Carry Act, the Firearms Restraining
15 Order Act, the Firearm Dealer License Certification Act,
16 the Law Enforcement Agencies Data System (LEADS), the
17 Uniform Crime Reporting Act, the Criminal Identification
18 Act, the Illinois Uniform Conviction Information Act, and
19 the Gun Trafficking Information Act, or establish or
20 maintain record management systems necessary to conduct
21 human trafficking investigations or gun trafficking or
22 other stolen firearm investigations. This paragraph (21)
23 applies to contracts entered into on or after January 10,
24 2023 (the effective date of Public Act 102-1116) and the
25 renewal of contracts that are in effect on January 10,
26 2023 (the effective date of Public Act 102-1116).

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

12 (23) Procurements necessary for the Department of
13 Insurance to implement the Illinois Health Benefits
14 Exchange Law if the Department of Insurance has made a
15 good faith determination that it is necessary and
16 appropriate for the expenditure to fall within this
17 exemption. The procurement process shall be conducted in a
18 manner substantially in accordance with the requirements
19 of Sections 20-160 and 25-60 and Article 50 of this Code. A
20 copy of these contracts shall be made available to the
21 Chief Procurement Officer immediately upon request. This
22 paragraph is inoperative 5 years after June 27, 2023 (the
23 effective date of Public Act 103-103).

24 (24) Contracts for public education programming,
25 noncommercial sustaining announcements, public service
26 announcements, and public awareness and education

1 messaging with the nonprofit trade associations of the
2 providers of those services that inform the public on
3 immediate and ongoing health and safety risks and hazards.

4 (25) Procurements necessary for the Department of
5 Early Childhood to implement the Department of Early
6 Childhood Act if the Department has made a good faith
7 determination that it is necessary and appropriate for the
8 expenditure to fall within this exemption. This exemption
9 shall only be used for products and services procured
10 solely for use by the Department of Early Childhood. The
11 procurements may include those necessary to design and
12 build integrated, operational systems of programs and
13 services. The procurements may include, but are not
14 limited to, those necessary to align and update program
15 standards, integrate funding systems, design and establish
16 data and reporting systems, align and update models for
17 technical assistance and professional development, design
18 systems to manage grants and ensure compliance, design and
19 implement management and operational structures, and
20 establish new means of engaging with families, educators,
21 providers, and stakeholders. The procurement processes
22 shall be conducted in a manner substantially in accordance
23 with the requirements of Article 50 (ethics) and Sections
24 5-5 (Procurement Policy Board), 5-7 (Commission on Equity
25 and Inclusion), 20-80 (contract files), 20-120
26 (subcontractors), 20-155 (paperwork), 20-160

1 (ethics/campaign contribution prohibitions), 25-60
2 (prevailing wage), and 25-90 (prohibited and authorized
3 cybersecurity) of this Code. Beginning January 1, 2025,
4 the Department of Early Childhood shall provide a
5 quarterly report to the General Assembly detailing a list
6 of expenditures and contracts for which the Department
7 uses this exemption. This paragraph is inoperative on and
8 after July 1, 2027.

9 (26) Procurements that are necessary for increasing
10 the recruitment and retention of State employees,
11 particularly minority candidates for employment,
12 including:

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

15 (B) production of recruitment materials; and

16 (C) other services related to recruitment and
17 retention of State employees.

18 The exemption under this paragraph (26) applies only
19 if the State agency has made a good faith determination
20 that it is necessary and appropriate for the expenditure
21 to fall within this paragraph (26). The procurement
22 process under this paragraph (26) shall be conducted in a
23 manner substantially in accordance with the requirements
24 of Sections 20-160 and 25-60 and Article 50 of this Code. A
25 copy of these contracts shall be made available to the
26 Chief Procurement Officer immediately upon request.

1 Nothing in this paragraph (26) authorizes the replacement
2 or diminishment of State responsibilities in hiring or the
3 positions that effectuate that hiring. This paragraph (26)
4 is inoperative on and after June 30, 2029.

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

13 (28) Procurements necessary for the Illinois Labor
14 Relations Board to contract with a neutral body to provide
15 any of the data or information collection, storage,
16 management, manipulation, analysis, certification, and
17 election services required under the Transportation
18 Network Driver Labor Relations Act, and to contract for
19 court reporting services, required under the
20 Transportation Network Driver Labor Relations Act or the
21 Illinois Public Labor Relations Act, where the Illinois
22 Labor Relations Board determines in good faith such
23 services are necessary to carry out its statutory duties.
24 The procurement process shall be conducted in a manner
25 substantially in accordance with the requirements of
26 Sections 20-160 and Article 50 of this Code. A copy of any

1 contract entered into under this paragraph shall be made
2 available to the Chief Procurement Officer upon request.

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

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

22 (d) Except for Section 20-160 and Article 50 of this Code,
23 and as expressly required by Section 9.1 of the Illinois
24 Lottery Law, the provisions of this Code do not apply to the
25 procurement process provided for under Section 9.1 of the
26 Illinois Lottery Law.

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

12 (f) (Blank).

13 (g) (Blank).

14 (h) This Code does not apply to the process to procure or
15 contracts entered into in accordance with Sections 11-5.2 and
16 11-5.3 of the Illinois Public Aid Code.

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

22 (j) This Code does not apply to the process used by the
23 Capital Development Board to retain an artist or work or works
24 of art as required in Section 14 of the Capital Development
25 Board Act.

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

1 contracts, or contracts entered into, by the State Board of
2 Elections or the State Electoral Board for hearing officers
3 appointed pursuant to the Election Code.

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

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

18 (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;
19 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.
20 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,
21 eff. 6-16-25; 104-417, eff. 8-15-25)

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

23 Sec. 1-10. Application.

24 (a) This Code applies only to procurements for which
25 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, a grid auditor pursuant to Section
20 16-105.10 of the Public Utilities Act, a facilitator,
21 expert, or consultant pursuant to Sections 16-126.2 and
22 16-202 of the Public Utilities Act, a procurement monitor
23 pursuant to Section 16-111.5 of the Public Utilities Act,
24 an ombudsperson pursuant to Section 20-145 of the Public
25 Utilities Act, or consultants and experts pursuant to
26 Section 5-15 of the Utility Data Access Act.

1 (21) Procurement expenditures for the purchase,
2 renewal, and expansion of software, software licenses, or
3 software maintenance agreements that support the efforts
4 of the Illinois State Police to enforce, regulate, and
5 administer the Firearm Owners Identification Card Act, the
6 Firearm Concealed Carry Act, the Firearms Restraining
7 Order Act, the Firearm Dealer License Certification Act,
8 the Law Enforcement Agencies Data System (LEADS), the
9 Uniform Crime Reporting Act, the Criminal Identification
10 Act, the Illinois Uniform Conviction Information Act, and
11 the Gun Trafficking Information Act, or establish or
12 maintain record management systems necessary to conduct
13 human trafficking investigations or gun trafficking or
14 other stolen firearm investigations. This paragraph (21)
15 applies to contracts entered into on or after January 10,
16 2023 (the effective date of Public Act 102-1116) and the
17 renewal of contracts that are in effect on January 10,
18 2023 (the effective date of Public Act 102-1116).

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

1 Public Act 103-8) and the renewal of contracts that are in
2 effect on June 7, 2023 (the effective date of the changes
3 made to this Section by Public Act 103-8).

4 (23) Procurements necessary for the Department of
5 Insurance to implement the Illinois Health Benefits
6 Exchange Law if the Department of Insurance has made a
7 good faith determination that it is necessary and
8 appropriate for the expenditure to fall within this
9 exemption. The procurement process shall be conducted in a
10 manner substantially in accordance with the requirements
11 of Sections 20-160 and 25-60 and Article 50 of this Code. A
12 copy of these contracts shall be made available to the
13 Chief Procurement Officer immediately upon request. This
14 paragraph is inoperative 5 years after June 27, 2023 (the
15 effective date of Public Act 103-103).

16 (24) Contracts for public education programming,
17 noncommercial sustaining announcements, public service
18 announcements, and public awareness and education
19 messaging with the nonprofit trade associations of the
20 providers of those services that inform the public on
21 immediate and ongoing health and safety risks and hazards.

22 (25) Procurements necessary for the Department of
23 Early Childhood to implement the Department of Early
24 Childhood Act if the Department has made a good faith
25 determination that it is necessary and appropriate for the
26 expenditure to fall within this exemption. This exemption

1 shall only be used for products and services procured
2 solely for use by the Department of Early Childhood. The
3 procurements may include those necessary to design and
4 build integrated, operational systems of programs and
5 services. The procurements may include, but are not
6 limited to, those necessary to align and update program
7 standards, integrate funding systems, design and establish
8 data and reporting systems, align and update models for
9 technical assistance and professional development, design
10 systems to manage grants and ensure compliance, design and
11 implement management and operational structures, and
12 establish new means of engaging with families, educators,
13 providers, and stakeholders. The procurement processes
14 shall be conducted in a manner substantially in accordance
15 with the requirements of Article 50 (ethics) and Sections
16 5-5 (Procurement Policy Board), 5-7 (Commission on Equity
17 and Inclusion), 20-80 (contract files), 20-120
18 (subcontractors), 20-155 (paperwork), 20-160
19 (ethics/campaign contribution prohibitions), 25-60
20 (prevailing wage), and 25-90 (prohibited and authorized
21 cybersecurity) of this Code. Beginning January 1, 2025,
22 the Department of Early Childhood shall provide a
23 quarterly report to the General Assembly detailing a list
24 of expenditures and contracts for which the Department
25 uses this exemption. This paragraph is inoperative on and
26 after July 1, 2027.

1 (26) Procurements that are necessary for increasing
2 the recruitment and retention of State employees,
3 particularly minority candidates for employment,
4 including:

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

7 (B) production of recruitment materials; and

8 (C) other services related to recruitment and
9 retention of State employees.

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

23 (27) Procurements necessary for the Department of
24 Healthcare and Family Services to implement changes to the
25 State's Integrated Eligibility System to ensure the
26 system's compliance with federal implementation mandates

1 and deadlines, if the Department of Healthcare and Family
2 Services has made a good faith determination that it is
3 necessary and appropriate for the procurement to fall
4 within this exemption.

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

21 Notwithstanding any other provision of law, for contracts
22 with an annual value of more than \$100,000 entered into on or
23 after October 1, 2017 under an exemption provided in any
24 paragraph of this subsection (b), except paragraph (1), (2),
25 or (5), each State agency shall post to the appropriate
26 procurement bulletin the name of the contractor, a description

1 of the supply or service provided, the total amount of the
2 contract, the term of the contract, and the exception to the
3 Code utilized. The chief procurement officer shall submit a
4 report to the Governor and General Assembly no later than
5 November 1 of each year that shall include, at a minimum, an
6 annual summary of the monthly information reported to the
7 chief procurement officer.

8 (c) This Code does not apply to the electric power
9 procurement process provided for under Section 1-75 of the
10 Illinois Power Agency Act and Section 16-111.5 of the Public
11 Utilities Act. This Code does not apply to the procurement of
12 technical and policy experts pursuant to Section 1-129 of the
13 Illinois Power Agency Act.

14 (d) Except for Section 20-160 and Article 50 of this Code,
15 and as expressly required by Section 9.1 of the Illinois
16 Lottery Law, the provisions of this Code do not apply to the
17 procurement process provided for under Section 9.1 of the
18 Illinois Lottery Law.

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

1 costs, or the sequestration costs or monitoring the
2 construction of clean coal SNG brownfield facility for the
3 full duration of construction.

4 (f) (Blank).

5 (g) (Blank).

6 (h) This Code does not apply to the process to procure or
7 contracts entered into in accordance with Sections 11-5.2 and
8 11-5.3 of the Illinois Public Aid Code.

9 (i) Each chief procurement officer may access records
10 necessary to review whether a contract, purchase, or other
11 expenditure is or is not subject to the provisions of this
12 Code, unless such records would be subject to attorney-client
13 privilege.

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

18 (k) This Code does not apply to the process to procure
19 contracts, or contracts entered into, by the State Board of
20 Elections or the State Electoral Board for hearing officers
21 appointed pursuant to the Election Code.

22 (l) This Code does not apply to the processes used by the
23 Illinois Student Assistance Commission to procure supplies and
24 services paid for from the private funds of the Illinois
25 Prepaid Tuition Fund. As used in this subsection (l), "private
26 funds" means funds derived from deposits paid into the

1 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

2 (m) This Code shall apply regardless of the source of
3 funds with which contracts are paid, including federal
4 assistance moneys. Except as specifically provided in this
5 Code, this Code shall not apply to procurement expenditures
6 necessary for the Department of Public Health to conduct the
7 Healthy Illinois Survey in accordance with Section 2310-431 of
8 the Department of Public Health Powers and Duties Law of the
9 Civil Administrative Code of Illinois.

10 (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;
11 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.
12 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,
13 eff. 6-16-25; 104-417, eff. 8-15-25; 104-458, eff. 6-1-26;
14 revised 1-12-26.)

15 Section 910. The Labor Dispute Act is amended by changing
16 Section 1.3 as follows:

17 (820 ILCS 5/1.3)

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

19 "Employee" means any individual permitted to work by an
20 employer in an occupation. "Employee" includes any
21 transportation network driver, as that term is defined in the
22 Transportation Network Driver Labor Relations Act.

23 "Employer" means any individual, partnership, association,
24 corporation, business trust, governmental or

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

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

21 "Dispute" includes any controversy concerning terms or
22 conditions of employment, or concerning the association or
23 representation of persons in negotiating, fixing, maintaining,
24 changing, or seeking to arrange terms or conditions of
25 employment or other protest, regardless of whether or not the
26 disputants stand in the proximate relationship of employer and

1 employee.

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

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

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

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

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

21 Section 997. Severability. The provisions of this Act
22 shall be severable as provided in Section 1.31 of the Statute
23 on Statutes; notwithstanding that, if the definition of the
24 "transportation network driver" is held to be preempted by the

1 National Labor Relations Act, 29 U.S.C. 141 et seq., by a court
2 of competent jurisdiction and such determination is not
3 reversed after exhaustion of all appeals, no provision of this
4 Act shall be deemed valid or given force of law.

5 Section 999. Effective date. This Act takes effect upon
6 becoming law.".