



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 this State in the transportation
10 sector, in which companies connect, through an online
11 application, persons seeking passenger transportation services
12 to persons willing to supply those transportation services.
13 These persons willing to supply those transportation services,
14 known as transportation network drivers, often suffer poor
15 pay, inadequate health coverage, and lack of other benefits.
16 It is hereby declared that the best interests of the people of

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 the
21 transportation network companies while bargaining with a
22 transportation network driver organization to create
23 negotiated recommendations in the form of a sectoral
24 agreement, which shall form the basis for industry
25 regulations.

26 (d) The intent and policy of the State is for the statutory

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

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

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

1 advances the purposes of this Act.

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

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

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

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

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

25 A TNC driver organization shall not be deemed a company

1 union solely because any of the following are true:

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

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

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

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

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

25 (6) It has communicated with a TNC, it has received
26 data, driver information, or meeting space from a TNC, or

1 a TNC has facilitated any communication between TNDs and
2 the TND organization, prior to or after any certification.

3 "Covered transportation network company" and "covered TNC"
4 means a transportation network company designated under the
5 process established in Section 9.

6 "Department" means the Department of Labor.

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

10 "Mandatory subjects of bargaining" means those subjects of
11 bargaining related to compensation, benefits, and other terms
12 and conditions of work, including, but not limited to,
13 deactivations, deactivation notice and process standards,
14 dispute resolution procedures for resolving claims alleging
15 unjust deactivation, and earnings transparency.

16 "Person" includes one or more individuals, TNDs, TND
17 organizations, TNCs, network companies, labor organizations,
18 associations, corporations, legal representatives, trustees,
19 trustees in bankruptcy, or receivers.

20 "Sectoral agreement" means the recommendations to the
21 Department for TND standards in the bargaining unit made
22 either through the agreement between the exclusive bargaining
23 representative and the covered TNCs or through the interest
24 arbitration process, set forth in Section 12. The sectoral
25 agreement becomes effective and enforceable upon approval by
26 the Department.

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

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

19 "Transportation network driver", "transportation network
20 company driver", "TNC driver", and "TND" means an individual
21 who operates a motor vehicle that: (i) is owned, leased, or
22 otherwise authorized for use by the individual; (ii) is not a
23 taxicab or for-hire public passenger vehicle; (iii) is used to
24 provide transportation network company services; and (iv)
25 operates under the TNC license of the TNC. "Transportation
26 network driver", "transportation network company driver", "TNC

1 driver", and "TND" do not include any individual who, with
2 respect to the provision of TNC services is: (i) determined by
3 a final order of a court of competent jurisdiction to be an
4 employee within the meaning of Section 2(3) of the National
5 Labor Relations Act, 29 U.S.C. 152(3), or within the meaning
6 of 26 CFR 31.3121(d)-1 or 31.3401(c)-1; or (ii) declared by a
7 TNC to be an employee within the meaning of Section 2(3) of the
8 National Labor Relations Act, 29 U.S.C. 152(3) and within the
9 meaning of 26 CFR 31.3121(d)-1 or 31.3401(c)-1.

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

20 "Unfair work practices" means only those unfair work
21 practices set forth in Section 6.

22 Section 4. Powers of the Board. The Board shall have
23 jurisdiction over unfair work practices and collective
24 bargaining matters between transportation network companies
25 and transportation network driver organizations, except for

1 the determinations to be made by the Department under this
2 Act. The Board may contract with a neutral body to provide any
3 of the data or information collection, storage, management,
4 manipulation, analysis, certification, and election services
5 required under this Act. Any such neutral body shall be
6 subject to the requirements of the Personal Information
7 Protection Act and rules adopted under subsection (c) of
8 Section 16. The Board may also contract for court reporting
9 services for any of the hearings required under this Act. To
10 the extent provided for in paragraph (28) of subsection (b) of
11 Section 1-10 of the Illinois Procurement Code, contracts for a
12 neutral body or for court reporting services under this Act
13 shall be exempt from the Illinois Procurement Code.

14 Section 4.5. Powers of the Department of Labor. The
15 Department shall have jurisdiction to approve or disapprove
16 sectoral agreements as provided in Section 12.

17 Section 5. Rights of TNDs. Transportation network drivers
18 shall have the right of self-organization, to form, join, or
19 assist TND organizations, to bargain collectively through
20 representatives of the TND's choosing, and to engage in
21 concerted activities, for the purpose of collective bargaining
22 or other mutual aid or protection, free from interference,
23 restraint, or coercion by TNCs, and shall also have the right
24 to refrain from any of these activities. Nothing contained in

1 this Act shall be interpreted to prohibit TNDs from exercising
2 the right to confer with TNCs at any time, provided that during
3 the conference there is no attempt by the TNC, directly or
4 indirectly, to interfere with, restrain, or coerce the workers
5 in the exercise of the rights guaranteed by this Act.

6 Section 6. Unfair work practices.

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

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

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

14 (3) Fail or refuse to negotiate in good faith with a
15 TND organization certified as an exclusive bargaining
16 representative of TNDs engaged with the TNC, concerning
17 mandatory subjects of bargaining.

18 (4) Fail or refuse to provide a TND organization,
19 certified as an exclusive bargaining representative of
20 TNDs engaged with the TNC, with information requested by
21 the TND organization that is relevant to, and necessary
22 for, purposes of bargaining and the performance of its
23 other duties required by this Act.

24 (5) Fail or refuse to continue all the terms of a
25 sectoral agreement approved by the Department under this

1 Act until a new sectoral agreement is approved, unless in
2 accordance with a recognized exception under the law.

3 (6) Dominate or interfere with the formation,
4 existence, or administration of any TND organization, or
5 to contribute financial or other support to any such
6 organization, directly or indirectly, unless required by
7 this Act, by any rules implementing this Act, or by any
8 sectoral agreement approved by the Department, including,
9 but not limited to, the following:

10 (i) by participating or assisting in, supervising,
11 or controlling (A) the initiation or creation of any
12 such organization or (B) the meetings, management,
13 operation, elections, formulation or amendment of
14 constitution, rules, or policies, of any such
15 organization;

16 (ii) by offering incentives to TNDs to join any
17 such organization; or

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

1 provided further that any activity permitted to be
2 performed or conducted by a TNC with respect to a TND
3 by paragraphs (1) through (6) of the definition of
4 "company union" in Section 3 shall not be deemed an
5 unfair work practice under this paragraph.

6 (7) Require a TND to join any company union or TND
7 organization or to require a TND to refrain from forming,
8 or joining or assisting a TND organization of the TND's
9 choosing.

10 (8) Encourage membership in any company union or
11 discourage membership in any TND organization, by
12 discrimination in regard to any term or condition of work.

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

17 (10) Distribute or circulate any blacklist of
18 individuals exercising any right created or confirmed by
19 this Act or of members of a TND organization, or to inform
20 any person of the exercise by any individual of the right
21 or of the membership of any individual in a TND
22 organization for the purpose of preventing individuals so
23 blacklisted or so named from obtaining or retaining
24 opportunities for remuneration.

25 (11) Perform any acts, other than those already
26 enumerated in this Section, which interfere with,

1 restrain, or coerce TNDs in the exercise of the rights
2 guaranteed by this Act.

3 (b) It is an unfair work practice for a TND organization
4 to:

5 (1) Fail or refuse to negotiate in good faith with a
6 TNC concerning mandatory subjects of bargaining, provided
7 that the TND organization is the certified exclusive
8 bargaining representative of the TNC's transportation
9 network drivers, including by refusing to provide
10 information requested by a TNC that is relevant and
11 necessary for the purposes of bargaining and the
12 performance of its other duties required by this Act.

13 (2) Restrain or coerce TNDs in the exercise of the
14 rights guaranteed by this Act, provided that this
15 paragraph shall not impair the right of a TND organization
16 to prescribe its own rules with respect to the acquisition
17 or retention of membership in the organization.

18 (3) Fail or refuse to fulfill its duty of fair
19 representation by intentional misconduct in representing
20 TNDs where it is the certified exclusive bargaining
21 representative.

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

25 (5) Cause or attempt to cause a TNC to discriminate
26 against a TND in violation of paragraph (9) of subsection

1 (a) of this Section.

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

15 Section 7. Prevention of unfair work practices.

16 (a) The Board is empowered and directed to prevent any TNC
17 and any TND organization from engaging in any unfair work
18 practice described in this Act. This power shall not be
19 affected or impaired by any means of adjustment, mediation, or
20 conciliation in labor disputes that have been or may hereafter
21 be established by law or the approval of a sectoral agreement
22 provided for in subsection (i) of Section 12. In order to
23 prevent unfair work practices, each TNC shall, at least once
24 each year, send a text message and an email to each of its
25 active TNDs in a form determined by the Board notifying the

1 TNDs of their rights under this Act, and the procedure for
2 filing an unfair work practice charge. 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 shall
5 also post a copy of this notice on its website.

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

15 (c) Whenever it is charged that any person has engaged in,
16 or is engaging in, any unfair work practice, the Board, or any
17 agent designated by the Board for the purposes, shall conduct
18 an investigation of the charge. If, after the investigation,
19 the Board finds that the charge involves a dispositive issue
20 of law or fact, the Board shall issue a complaint and cause to
21 be served upon the person the complaint stating the charges,
22 accompanied by a notice of hearing before the Board or a member
23 designated by the Board, or before a qualified hearing officer
24 designated by the Board at the offices of the Board or the
25 other location as the Board deems appropriate, not less than 5
26 days after service of the complaint. Any such complaint may be

1 amended by the member or hearing officer conducting the
2 hearing for the Board in his or her discretion at any time
3 prior to the issuance of an order based thereon. The person who
4 is the subject of the complaint has the right to file an answer
5 to the original or amended complaint and to appear in person or
6 by a representative and give testimony at the place and time
7 fixed in the complaint. In the discretion of the member or
8 hearing officer conducting the hearing or the Board, any other
9 person may be allowed to intervene in the proceeding and to
10 present testimony. In any hearing conducted by the Board,
11 neither the Board nor the member or agent conducting the
12 hearing shall be bound by the rules of evidence applicable to
13 courts, except as to the rules of privilege recognized by law.

14 (d) The Board shall have the power to issue subpoenas and
15 administer oaths. If any party willfully fails or neglects to
16 appear or testify or to produce books, papers, and records
17 pursuant to the issuance of a subpoena by the Board, the Board
18 may apply to a court of competent jurisdiction to request that
19 the party be ordered to appear before the Board to testify or
20 produce the requested evidence.

21 (e) Any testimony taken by the Board, or a member
22 designated by the Board or a hearing officer, must be reduced
23 to writing and filed with the Board. A full and complete record
24 shall be kept of all proceedings before the Board, and all
25 proceedings shall be transcribed by a reporter appointed by
26 the Board. The party on whom the burden of proof rests shall be

1 required to sustain the burden by a preponderance of the
2 evidence, and the charging party shall have the burden of
3 proving the unfair work practice accordingly. If, upon a
4 preponderance of the evidence taken, the Board is of the
5 opinion that any person named in the charge has engaged in or
6 is engaging in an unfair work practice, then it shall state its
7 findings of fact and shall issue and cause to be served upon
8 the person an order requiring the person to cease and desist
9 from the unfair work practice, and to take the affirmative
10 action as will effectuate the provisions of this Act,
11 including, but not limited to: (i) withdrawal of recognition
12 from and refraining from sectoral bargaining with any
13 organization or association, agency, or plan that is either
14 defined in this Act as a company union or established,
15 maintained, or assisted by any action defined in this Act as an
16 unfair work practice; (ii) awarding of back compensation
17 without any reduction based on the TND's interim earnings or
18 failure to earn interim earnings and, upon a showing of
19 egregious misconduct, an additional amount as liquidated
20 damages equal to 2 times the amount of back compensation
21 awarded; (iii) requiring reengagement or reestablishment of
22 the TNC's preexisting relationship with an improperly
23 adversely affected TND with or without compensation, or
24 maintenance of a preferential list from which the TND shall be
25 reengaged or the relationship reestablished, and the order may
26 further require the respondent to make reports from time to

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

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

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

23 (h) Whenever it appears that any person has violated a
24 final order of the Board issued under this Section, the Board
25 must commence an action in the name of the People of the State
26 of Illinois by petition, alleging the violation, attaching a

1 copy of the order of the Board, and praying for the issuance of
2 an order directing the person, the person's officers, agents,
3 servants, successors, and assigns to comply with the order of
4 the Board. The Board shall be represented in this action by the
5 Attorney General in accordance with the Attorney General Act.
6 The court may grant or refuse, in whole or in part, the relief
7 sought, provided that the court may stay an order of the Board
8 in accordance with the Administrative Review Law, pending
9 disposition of the proceedings. The court may punish a
10 violation of its order as in civil contempt. The proceedings
11 provided in this paragraph shall be commenced in the Appellate
12 Court for the district where the unfair work practice which is
13 the subject of the Board's order was committed, or where a
14 person required to cease and desist by the order resides or
15 transacts business. In case of the enforcement of an order of
16 the Board, the Appellate Court shall have the power to issue
17 any injunctive or equitable remedy it finds appropriate, and
18 in the case of a Board order which requires the payment of
19 money, the Appellate Court shall have the power to enter
20 judgment for the amount justified by the record and for costs,
21 which judgment may be enforced as other judgments for the
22 recovery of money.

23 (i)(1) A party filing an unfair work practice charge under
24 this Section may petition the Board to obtain injunctive
25 relief, pending a decision on the merits of the charge by the
26 Board, a member designated by the Board, or a hearing officer

1 designated by the Board, upon a showing that: (i) it is likely
2 to succeed on the merits; (ii) it is likely to suffer
3 irreparable harm in the absence of preliminary relief; (iii)
4 the balance of equities tips in its favor; and (iv) an
5 injunction is in the public interest. The immediate and
6 irreparable harm may include the chilling of TNDs in the
7 exercise of rights provided or protected by this Act.

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

1 party.

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

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

25 (5) The appeal of any order granting, denying, modifying,
26 or vacating injunctive relief ordered by the court under this

1 subsection shall be made in accordance with the Code of Civil
2 Procedure and Supreme Court Rules.

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

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

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

1 Section 9, immediate and irreparable injury, loss, or
2 damage shall be presumed.

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

19 Section 8. Determination of active TNDs.

20 (a) Within 90 days after the effective date of this Act,
21 and once each calendar quarter thereafter, each covered
22 transportation network company shall provide the Board, in an
23 electronic format determined by the Board, with information
24 that identifies all transportation network drivers who
25 completed 10 or more rides that originate in the State on the

1 covered TNC's platform in the previous 6 months.

2 (b) Each covered TNC shall provide this information within
3 2 weeks after the end of each calendar quarter (by April 14
4 provide TND information from rides originating between October
5 1 and March 31, by July 14 provide TND information from rides
6 originating between January 1 and June 30, by October 14
7 provide TND information from rides originating between April 1
8 and September 30, by January 14 provide TND information from
9 rides originating between July 1 and December 31).

10 (c) The information shall include only the name of the
11 TND, the TND driver's license number, and to the extent known
12 by a TNC, the TND's mobile phone number, mailing address,
13 email address, preferred language, and the number of rides the
14 TND completed through the covered TNC's platform in the
15 previous 6 months. A TND organization may use the information
16 in the list only for the purposes authorized by this Act, and
17 shall not provide the information to any third party unless
18 that party is acting as the TND organization's agent for the
19 purposes authorized by this Act. A covered TNC shall not be
20 liable for any damages caused by the TND organization's or the
21 Board's failure to safeguard the list as provided in Section
22 16 from a data or security breach.

23 (d) Within 14 days after the deadline for submission of
24 the information from covered TNCs required in this Section,
25 the Board shall combine the data provided by all covered TNCs
26 to determine the distribution of the number of rides completed

1 by all TNDs for which data has been submitted, and then shall
2 determine the median number of rides across TNDs for whom data
3 has been submitted in the previous 6 months. Any TND who
4 completed greater than or equal to the median number of rides
5 shall be considered an active transportation network driver in
6 the rideshare industry. The Board shall make publicly
7 available both the total number of active transportation
8 network drivers in the rideshare industry and the median
9 number of rides used to make that determination. The
10 information required to be provided to the Board in this
11 Section shall be produced in a manipulable electronic format,
12 such as a spreadsheet program consisting of cells organized by
13 lettered columns and numbered rows with each data point in a
14 separate cell that allows users to sort and perform
15 calculations and analysis. The Board may require that the
16 information be provided in a specified software program. The
17 records and information provided to the Board by
18 transportation network companies are exempt from disclosure
19 under the Freedom of Information Act.

20 Section 9. Determination of covered TNCs.

21 (a) Within 90 days after the effective date of this Act,
22 and within 2 weeks after the end of each calendar quarter, each
23 TNC shall electronically submit to the Board a single
24 statewide total of the rides performed during the prior
25 quarter by transportation network drivers on its

1 online-enabled application or platform. For the purposes of
2 this Section, all digital networks or software application
3 services that any related corporate entities under common
4 control maintain shall be considered a single TNC.

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

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

15 (1) The Board shall total all rides reported under
16 subsection (a).

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

24 (3) For the purposes of this Section, all TNCs under
25 common ownership or control shall be considered to be a
26 single TNC. The Board shall publish the list of covered

1 TNCs and noncovered TNCs and rideshare volume information
2 on its website. The Board shall notify each TNC as to
3 whether the TNC is a covered TNC.

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

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

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

19 (g) When a sectoral agreement is in effect, any TNC that is
20 not a covered TNC for the purposes of this Section may choose
21 to become bound to the sectoral agreement by providing written
22 notice to the Board, the certified exclusive bargaining
23 representative, and the covered TNCs. A TNC that chooses to
24 become bound to a sectoral agreement under this Section shall
25 be bound for the remaining term of the agreement. The TNC shall
26 not, on account of its exercise of the option provided by this

1 Section, become a covered TNC for the purposes of negotiation
2 of subsequent sectoral agreements or coverage by subsequent
3 sectoral agreements.

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

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

18 Section 10. Designation of bargaining representatives.

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

22 (b) A TND organization may demonstrate that it has been
23 designated as a bargaining representative by presenting to the
24 Board cards, petitions, or other evidence, which may be in
25 electronic form, sufficient to show the TND has authorized the

1 TND organization to act as the worker's bargaining
2 representative. A TND may demonstrate that TNDs do not wish to
3 be represented by a TND organization by presenting to the
4 Board cards, petitions, or other evidence, which may be in
5 electronic form, sufficient to show the TND does not authorize
6 any TND organization to act as the worker's exclusive
7 bargaining representative. The Board shall deem valid any such
8 card, petition, or other evidence that includes (i) the
9 signature of the TND, (ii) the date of execution, (iii) a
10 statement indicating the TND's authorization of the TND
11 organization to act as the TND's exclusive bargaining
12 representative or alternatively the TND's wish to not be
13 represented by a TND organization, and (iv) the name of at
14 least one TNC for whom the TND performs services. No card,
15 petition, or other evidence of designation of bargaining
16 representative shall be deemed valid for the purposes of this
17 Section unless it was executed on or after the effective date
18 of this Act. In order to be valid, the card, petition, or other
19 evidence must have been executed by the TND within one year of
20 the date that the TND organization, or TND, submits the
21 evidence to the Board. The authorizations or designations of
22 representatives may be evidenced by electronic records or
23 electronic signatures as provided under Sections 7 and 8 of
24 the Uniform Electronic Transactions Act. The Board shall
25 accept electronic signatures as a means to support the
26 authorizations or designations of representatives where, as

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

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

26 (2) A party submitting either electronic or digital

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

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

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

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

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

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

1 all active TNDs in the bargaining unit. The TNC shall provide
2 the notice in all languages that the Board determines are
3 likely spoken by 5% or more of TNC drivers. The Board will
4 provide the TND organization with an updated list each quarter
5 for the following 4 quarters.

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

1 been designated as the bargaining representative of at least
2 10% of active TNDs in the bargaining unit may, within 30 days
3 after the Board's public announcement of the original petition
4 for election, intervene and participate in the election. For
5 the purposes of this paragraph and for petitions filed by a TND
6 organization within 6 months of having been designated as a
7 representative by 10% of active TNDs under paragraph (2) of
8 subsection (d), the operative list of active TNDs shall be
9 based on the first list of active TNDs provided to the TND
10 organization by the Board under paragraph (2) of subsection
11 (d). For the purposes of all other petitions under this
12 paragraph, the operative list of active TNDs shall be the most
13 recent quarterly list provided by the covered TNCs in
14 accordance with Section 8.

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

1 in no event more than 60 days after the petition of the
2 original TND seeking certification as the exclusive bargaining
3 representative. For the purposes of such election and for
4 petitions filed by a TND organization within 6 months of
5 having been designated as representative by 10% of active TNDs
6 under paragraph (2) of subsection (d), the operative list of
7 active TNDs shall be based on the first list of active TNDs
8 provided to the TND organization by the Board under paragraph
9 (2) of subsection (d). For the purposes of all other elections
10 under this paragraph, the operative list of active TNDs shall
11 be the most recent quarterly list provided by the covered TNCs
12 in accordance with Section 8.

13 (2.5) For purposes of any election conducted under
14 paragraph (1) or (2) of this subsection, if the TND
15 organization receives a majority of valid votes cast in the
16 election, the Board shall certify the TND organization as the
17 exclusive bargaining representative. When 2 or more TND
18 organizations are on the ballot and none of the choices (the
19 TND organizations or "no worker organization") receives a
20 majority of the valid votes cast, there shall be a runoff
21 election between the 2 choices receiving the largest and
22 second largest number of votes, to be conducted within 45 days
23 after the determination that no choice had received a majority
24 of valid votes cast. The TNDs eligible to vote in the runoff
25 election shall be the same TNDs eligible to vote in the initial
26 election. A TND organization receiving a majority of the valid

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

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

1 bargaining unit. For the purposes of this paragraph, the
2 operative list of active TNDs shall be based on the most recent
3 quarterly list provided by the covered TNCs in accordance with
4 Section 8.

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

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

1 submitted to the TND organization within 30 days after the
2 deduction. A covered TNC shall accept a signed deduction
3 authorization evidenced by electronic records or electronic
4 signatures as provided under Sections 7 and 8 of the Uniform
5 Electronic Transactions Act. The right to such deductions
6 shall remain in full force and effect until an individual TND
7 revokes the deduction authorization in writing in accordance
8 with the terms of the authorization.

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

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

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

9 Section 11. Rideshare Workers Support Fund.

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

1 (1) Within 14 days after the start of each month, each
2 covered TNC shall pay to the Secretary of State the fee
3 required under subsection (a) for the previous month and
4 transmit to the Secretary of State a certified report
5 identifying the number of trips originating within this
6 State in the previous month. The covered TNCs shall pay
7 the fee and transmit the certified report to the Secretary
8 of State by electronic means as directed by the Secretary
9 of State.

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

13 (b) Subject to appropriation, the Secretary of State shall
14 use the funds in the Rideshare Workers Support Fund as
15 provided in this subsection. The Secretary of State shall use
16 the funds collected in each calendar quarter within 60 days
17 after the close of each quarter as follows:

18 (1) The amount equivalent to 3 cents for each trip
19 originating in this State shall be used by the Secretary
20 of State for the purposes of administering its functions
21 under this Act.

22 (2) The amount equivalent to 1 cent for each trip
23 originating in this State shall be paid to the Board for
24 the purposes of administering its functions under this
25 Act.

26 (3) Effective upon the increase in the fee following

1 the certification of an exclusive bargaining
2 representative under Section 10, and subject to paragraphs
3 (1) and (2) of subsection (b), the amount equivalent to 16
4 cents for each trip originating in this State shall be
5 paid as a grant to the exclusive bargaining
6 representative, subject to the conditions and restrictions
7 set forth in subsection (c). If, for a given period, there
8 is no certified exclusive bargaining representative or the
9 Secretary of State has determined to suspend or terminate
10 disbursements to the exclusive bargaining representative
11 as provided in subsection (c), the funds that would
12 otherwise have been paid to the exclusive bargaining
13 representative for that period shall be used by the Board
14 for the purposes of administering its functions under this
15 Act and for other educational and enforcement purposes
16 consistent with this Act.

17 The amounts set forth in this subsection shall be
18 recalculated proportionally to any increase in the fee under
19 subsection (a).

20 (c) The purpose of the grant to the exclusive bargaining
21 representative provided under paragraph (3) of subsection (b)
22 shall be to ensure that TNDs are educated about their rights
23 under this Act and have the resources, through their exclusive
24 bargaining representative, to enforce their rights under this
25 Act and under any approved sectoral agreement under this Act.
26 The exclusive bargaining representative may use the funds

1 granted under this Section exclusively for the purposes of
2 educating TNDs regarding their rights under this Act,
3 providing assistance in enforcing those rights, negotiating a
4 sectoral agreement, and enforcing the terms of a sectoral
5 agreement approved by the Department under this Act. The
6 exclusive bargaining representative shall not use any portion
7 of the funds granted under this Section for political
8 contributions or lobbying.

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

21 (2) The exclusive bargaining representative shall
22 submit an annual report to the Secretary of State in a form
23 to be determined by the Secretary of State setting forth
24 how the exclusive bargaining representative has used the
25 funds received under this Section. The Secretary of State
26 shall review each annual report and certify whether the

1 exclusive bargaining representative is using the funds for
2 appropriate activities permitted by this Section. The
3 Secretary of State shall adopt administrative rules to
4 establish a process by which it may suspend or terminate
5 the payment of funds to the exclusive bargaining
6 representative based on the failure to use funds for the
7 permissible activities set forth in this subsection, the
8 failure to submit the report required by this subsection,
9 or the failure to otherwise comply with this Section. If
10 funding to the exclusive bargaining representative is not
11 granted or is suspended or terminated in any given year,
12 the exclusive bargaining representative may reapply for
13 the payment of funds in the following year.

14 (3) The payment of funds to the exclusive bargaining
15 representative shall not be subject to the provisions of
16 the Grant Accountability and Transparency Act.

17 (d)(1) The Secretary of State may issue administrative
18 subpoenas, propound interrogatories, and conduct audits of
19 covered TNCs and the exclusive bargaining representative to
20 ensure that covered TNCs comply with the payment of fees to the
21 Secretary of State required under subsection (a) and to ensure
22 that the exclusive bargaining representative complies with the
23 use of funds restrictions set forth in subsection (c). The
24 Secretary of State may use the Secretary of State Police
25 Department to conduct the audits. If necessary, the Secretary
26 of State shall certify to the Attorney General, for such

1 action as the Attorney General may deem appropriate, when the
2 responses to the subpoenas, interrogatories, and audits
3 disclose a violation of any of the provisions of this Section.

4 (2) The Secretary of State shall have the jurisdiction and
5 authority to enforce the provisions of this Section,
6 including:

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

9 (B) to determine the amount of fees required to be
10 paid to the Secretary of State by a covered TNC and to
11 order the fees be paid;

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

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

17 (E) to deny, suspend, or terminate funding to the
18 exclusive bargaining representative as provided under
19 subsection (c); and

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

22 Upon any action, finding, order, suspension, revocation,
23 or denial of one or more benefits or privileges under this
24 Section by the Secretary of State, an aggrieved party, may
25 submit a request to the Secretary of State, or the Secretary of
26 State may petition, to conduct an administrative hearing. The

1 Secretary of State shall establish by rule the procedures,
2 terms, and conditions for the administrative hearing. The
3 findings and decisions made by the Secretary as part of an
4 administrative hearing shall be subject to judicial review in
5 the Circuit Court of Sangamon or Cook County. The
6 Administrative Review Law and any rules adopted under the
7 Administrative Review Law shall apply to and govern all
8 reviewable matters.

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

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

1 calendar quarters preceding the certification of the exclusive
2 bargaining representative.

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

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

14 (1) Compensation.

15 (2) Benefits.

16 (3) Appeals process for deactivations.

17 (4) Representation of TNC drivers in deactivation
18 appeals.

19 (5) Paid leave.

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

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

25 (8) Safety mandates imposed by the covered TNCs that
26 require TNC drivers to purchase safety equipment or

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

7 (9) Labor-management committees.

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

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

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

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

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

19 (15) Deactivation process requirements, including:

20 (A) written notice to drivers of specific reasons
21 for deactivation;

22 (B) a reactivation standard following a finding
23 that the driver did not violate the deactivation
24 policy or remedied any violation;

25 (C) agreed upon application of deactivation
26 policies across similarly situated drivers; and

1 (D) driver access to representation by the
2 exclusive bargaining representative in deactivation
3 proceedings.

4 (16) Earnings transparency requirements, including:

5 (A) a weekly earnings summary disclosing the total
6 fares collected from passengers, the total amount
7 earned by the driver, third-party expenses, refunds,
8 tips, and service fees charged by a TNC; and

9 (B) within 24 hours of each completed ride, an
10 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
13 of the fare paid to the driver, and the tip amount, if
14 any.

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

19 (e) The negotiated sectoral agreement shall be submitted
20 by the TND organization to a vote by all TNDs who have
21 completed at least 100 trips in the previous calendar quarter.
22 Such vote shall be conducted by the TND organization pursuant
23 to procedures determined at the discretion of the TND
24 organization. If approved by a majority of TNDs who vote, the
25 sectoral agreement shall be submitted to the Department for
26 approval. If a majority of valid votes cast by the TNDs are not

1 in favor of the sectoral agreement, the TND organization and
2 the covered TNCs will resume negotiating.

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

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

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

24 (1) To assist the parties to effect a voluntary
25 resolution of the dispute, the Board shall provide the
26 parties with a list of qualified mediators as maintained

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

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

21 (3) Each of the affected parties (affected covered
22 TNCs and the exclusive bargaining representative) shall
23 have an equal say in the selection of the arbitrator and
24 each of the affected parties shall share equally the cost
25 of the arbitrator. If the parties are unable to agree upon
26 the arbitrator within 7 days after the Board notifies the

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

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

1 authority to decide all procedural issues that may be
2 raised.

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

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

1 with this Act, the following:

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

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

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

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

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

26 (i) Any sectoral agreement, whether agreed upon between

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

19 (j) The exclusive bargaining representative and the
20 covered TNCs may mutually agree to recommend changes to an
21 approved sectoral agreement. Such recommended changes to an
22 approved sectoral agreement must be submitted to the
23 Department for approval or disapproval under subsection (i).

24 Section 13. Compliance with other laws.

25 (a) Notwithstanding any other law, with respect to

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

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

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

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

19 Section 14. Home rule.

20 (a) Notwithstanding any other provision of law, the
21 regulation of transportation network driver labor relations is
22 an exclusive power and function of the State. A unit of local
23 government, including a home rule unit, may not regulate
24 transportation network driver labor relations. This subsection
25 is a denial and limitation of home rule powers and functions

1 under subsection (h) of Section 6 of Article VII of the
2 Illinois Constitution.

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

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

21 Section 16. Rulemaking.

22 (a) The Board, the Department, and the Secretary of State
23 may make such rules as may be appropriate to effectuate the
24 purposes and provisions of this Act. In order to provide for

1 the expeditious and timely implementation of the provisions of
2 this Act, such rules may be adopted by the Board, the
3 Department, or the Secretary of State as emergency rules under
4 Section 5-45 of the Illinois Administrative Procedure Act
5 within 6 months of the effective date of this Act. The adoption
6 of those emergency rules shall be considered an emergency and
7 necessary for the public interest, safety, and welfare.

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

20 (c) The applicable rules shall establish the obligations
21 and procedures for the Board and TND organizations to protect
22 TND data from public disclosure and unauthorized use,
23 including: (i) minimization of data collected to what is
24 necessary under this Act; (ii) auditing and compliance
25 monitoring; (iii) limitations on data use; and (iv) limiting
26 the disclosure of driver personal identifying information to

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

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

16 Section 18. Remedies available under other laws.
17 Notwithstanding any other provision of this Act,
18 transportation network companies shall be subject to all
19 remedies applicable to common carriers under the
20 Transportation Network Providers Act and under common law.

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

1 (5 ILCS 100/5-45.71 new)

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

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

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

16 (5 ILCS 140/7.5)

17 (Text of Section before amendment by P.A. 104-441 and
18 104-457)

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

22 (a) All information determined to be confidential
23 under Section 4002 of the Technology Advancement and
24 Development Act.

1 (b) Library circulation and order records identifying
2 library users with specific materials under the Library
3 Records Confidentiality Act.

4 (c) Applications, related documents, and medical
5 records received by the Experimental Organ Transplantation
6 Procedures Board and any and all documents or other
7 records prepared by the Experimental Organ Transplantation
8 Procedures Board or its staff relating to applications it
9 has received.

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

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

18 (f) Firm performance evaluations under Section 55 of
19 the Architectural, Engineering, and Land Surveying
20 Qualifications Based Selection Act.

21 (g) Information the disclosure of which is restricted
22 and exempted under Section 50 of the Illinois Prepaid
23 Tuition Act.

24 (h) Information the disclosure of which is exempted
25 under the State Officials and Employees Ethics Act, and
26 records of any lawfully created State or local inspector

1 general's office that would be exempt if created or
2 obtained by an Executive Inspector General's office under
3 that Act.

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

8 (j) Information and data concerning the distribution
9 of surcharge moneys collected and remitted by carriers
10 under the Emergency Telephone System Act.

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

15 (l) Records and information provided to a residential
16 health care facility resident sexual assault and death
17 review team or the Executive Council under the Abuse
18 Prevention Review Team Act.

19 (m) Information provided to the predatory lending
20 database created pursuant to Article 3 of the Residential
21 Real Property Disclosure Act, except to the extent
22 authorized under that Article.

23 (n) Defense budgets and petitions for certification of
24 compensation and expenses for court appointed trial
25 counsel as provided under Sections 10 and 15 of the
26 Capital Crimes Litigation Act (repealed). This subsection

1 (n) shall apply until the conclusion of the trial of the
2 case, even if the prosecution chooses not to pursue the
3 death penalty prior to trial or sentencing.

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

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

17 (q) Information prohibited from being disclosed by the
18 Personnel Record Review Act.

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

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

23 (t) (Blank).

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

1 (v) Names and information of people who have applied
2 for or received Firearm Owner's Identification Cards under
3 the Firearm Owners Identification Card Act or applied for
4 or received a concealed carry license under the Firearm
5 Concealed Carry Act, unless otherwise authorized by the
6 Firearm Concealed Carry Act; and databases under the
7 Firearm Concealed Carry Act, records of the Concealed
8 Carry Licensing Review Board under the Firearm Concealed
9 Carry Act, and law enforcement agency objections under the
10 Firearm Concealed Carry Act.

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

14 (w) Personally identifiable information which is
15 exempted from disclosure under subsection (g) of Section
16 19.1 of the Toll Highway Act.

17 (x) Information which is exempted from disclosure
18 under Section 5-1014.3 of the Counties Code or Section
19 8-11-21 of the Illinois Municipal Code.

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

1 under Section 7.5 of the Adult Protective Services Act.

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

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

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

10 (cc) Recordings made under the Law Enforcement
11 Officer-Worn Body Camera Act, except to the extent
12 authorized under that Act.

13 (dd) Information that is prohibited from being
14 disclosed under Section 45 of the Condominium and Common
15 Interest Community Ombudsperson Act.

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

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

20 (gg) Information that is prohibited from being
21 disclosed under Section 7-603.5 of the Illinois Vehicle
22 Code.

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

25 (ii) Information which is exempted from disclosure
26 under Section 2505-800 of the Department of Revenue Law of

1 the Civil Administrative Code of Illinois.

2 (jj) Information and reports that are required to be
3 submitted to the Department of Labor by registering day
4 and temporary labor service agencies but are exempt from
5 disclosure under subsection (a-1) of Section 45 of the Day
6 and Temporary Labor Services Act.

7 (kk) Information prohibited from disclosure under the
8 Seizure and Forfeiture Reporting Act.

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

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

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

16 (oo) Communications, notes, records, and reports
17 arising out of a peer support counseling session
18 prohibited from disclosure under the First Responders
19 Suicide Prevention Act.

20 (pp) Names and all identifying information relating to
21 an employee of an emergency services provider or law
22 enforcement agency under the First Responders Suicide
23 Prevention Act.

24 (qq) Information and records held by the Department of
25 Public Health and its authorized representatives collected
26 under the Reproductive Health Act.

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

3 (ss) Data reported by an employer to the Department of
4 Human Rights pursuant to Section 2-108 of the Illinois
5 Human Rights Act.

6 (tt) Recordings made under the Children's Advocacy
7 Center Act, except to the extent authorized under that
8 Act.

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

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

14 (wv) Information that is exempt from disclosure under
15 Section 16.8 of the State Treasurer Act.

16 (xx) Information that is exempt from disclosure or
17 information that shall not be made public under the
18 Illinois Insurance Code.

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

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

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

25 (bbb) Information that is prohibited from disclosure
26 by the Illinois Police Training Act and the Illinois State

1 Police Act.

2 (ccc) Records exempt from disclosure under Section
3 2605-304 of the Illinois State Police Law of the Civil
4 Administrative Code of Illinois.

5 (ddd) Information prohibited from being disclosed
6 under Section 35 of the Address Confidentiality for
7 Victims of Domestic Violence, Sexual Assault, Human
8 Trafficking, or Stalking Act.

9 (eee) Information prohibited from being disclosed
10 under subsection (b) of Section 75 of the Domestic
11 Violence Fatality Review Act.

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

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

22 (hhh) Information submitted to the Illinois State
23 Police in an affidavit or application for an assault
24 weapon endorsement, assault weapon attachment endorsement,
25 .50 caliber rifle endorsement, or .50 caliber cartridge
26 endorsement under the Firearm Owners Identification Card

1 Act.

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

4 (jjj) Information exempt from disclosure under Section
5 30 of the Insurance Data Security Law.

6 (kkk) Confidential business information prohibited
7 from disclosure under Section 45 of the Paint Stewardship
8 Act.

9 (lll) Data exempt from disclosure under Section
10 2-3.196 of the School Code.

11 (mmm) Information prohibited from being disclosed
12 under subsection (e) of Section 1-129 of the Illinois
13 Power Agency Act.

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

17 (ooo) Data or information provided pursuant to Section
18 20 of the Statewide Recycling Needs and Assessment Act.

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

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

23 (rrr) Information prohibited from being disclosed
24 under Section 4-2 of the Uniform Money Transmission
25 Modernization Act.

26 (sss) Information exempt from disclosure under Section

1 40 of the Student-Athlete Endorsement Rights Act.

2 (ttt) Audio recordings made under Section 30 of the
3 Illinois State Police Act, except to the extent authorized
4 under that Section.

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

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

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

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

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

24 (a) All information determined to be confidential
25 under Section 4002 of the Technology Advancement and

1 Development Act.

2 (b) Library circulation and order records identifying
3 library users with specific materials under the Library
4 Records Confidentiality Act.

5 (c) Applications, related documents, and medical
6 records received by the Experimental Organ Transplantation
7 Procedures Board and any and all documents or other
8 records prepared by the Experimental Organ Transplantation
9 Procedures Board or its staff relating to applications it
10 has received.

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

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

19 (f) Firm performance evaluations under Section 55 of
20 the Architectural, Engineering, and Land Surveying
21 Qualifications Based Selection Act.

22 (g) Information the disclosure of which is restricted
23 and exempted under Section 50 of the Illinois Prepaid
24 Tuition Act.

25 (h) Information the disclosure of which is exempted
26 under the State Officials and Employees Ethics Act, and

1 records of any lawfully created State or local inspector
2 general's office that would be exempt if created or
3 obtained by an Executive Inspector General's office under
4 that Act.

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

9 (j) Information and data concerning the distribution
10 of surcharge moneys collected and remitted by carriers
11 under the Emergency Telephone System Act.

12 (k) Law enforcement officer identification information
13 or driver identification information compiled by a law
14 enforcement agency or the Department of Transportation
15 under Section 11-212 of the Illinois Vehicle Code.

16 (l) Records and information provided to a residential
17 health care facility resident sexual assault and death
18 review team or the Executive Council under the Abuse
19 Prevention Review Team Act.

20 (m) Information provided to the predatory lending
21 database created pursuant to Article 3 of the Residential
22 Real Property Disclosure Act, except to the extent
23 authorized under that Article.

24 (n) Defense budgets and petitions for certification of
25 compensation and expenses for court appointed trial
26 counsel as provided under Sections 10 and 15 of the

1 Capital Crimes Litigation Act (repealed). This subsection
2 (n) shall apply until the conclusion of the trial of the
3 case, even if the prosecution chooses not to pursue the
4 death penalty prior to trial or sentencing.

5 (o) Information that is prohibited from being
6 disclosed under Section 4 of the Illinois Health and
7 Hazardous Substances Registry Act.

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

18 (q) Information prohibited from being disclosed by the
19 Personnel Record Review Act.

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

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

24 (t) (Blank).

25 (u) Records and information provided to an independent
26 team of experts under the Developmental Disability and

1 Mental Health Safety Act (also known as Brian's Law).

2 (v) Names and information of people who have applied
3 for or received Firearm Owner's Identification Cards under
4 the Firearm Owners Identification Card Act or applied for
5 or received a concealed carry license under the Firearm
6 Concealed Carry Act, unless otherwise authorized by the
7 Firearm Concealed Carry Act; and databases under the
8 Firearm Concealed Carry Act, records of the Concealed
9 Carry Licensing Review Board under the Firearm Concealed
10 Carry Act, and law enforcement agency objections under the
11 Firearm Concealed Carry Act.

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

15 (w) Personally identifiable information which is
16 exempted from disclosure under subsection (g) of Section
17 19.1 of the Toll Highway Act.

18 (x) Information which is exempted from disclosure
19 under Section 5-1014.3 of the Counties Code or Section
20 8-11-21 of the Illinois Municipal Code.

21 (y) Confidential information under the Adult
22 Protective Services Act and its predecessor enabling
23 statute, the Elder Abuse and Neglect Act, including
24 information about the identity and administrative finding
25 against any caregiver of a verified and substantiated
26 decision of abuse, neglect, or financial exploitation of

1 an eligible adult maintained in the Registry established
2 under Section 7.5 of the Adult Protective Services Act.

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

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

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

11 (cc) Recordings made under the Law Enforcement
12 Officer-Worn Body Camera Act, except to the extent
13 authorized under that Act.

14 (dd) Information that is prohibited from being
15 disclosed under Section 45 of the Condominium and Common
16 Interest Community Ombudsperson Act.

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

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

21 (gg) Information that is prohibited from being
22 disclosed under Section 7-603.5 of the Illinois Vehicle
23 Code.

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

26 (ii) Information which is exempted from disclosure

1 under Section 2505-800 of the Department of Revenue Law of
2 the Civil Administrative Code of Illinois.

3 (jj) Information and reports that are required to be
4 submitted to the Department of Labor by registering day
5 and temporary labor service agencies but are exempt from
6 disclosure under subsection (a-1) of Section 45 of the Day
7 and Temporary Labor Services Act.

8 (kk) Information prohibited from disclosure under the
9 Seizure and Forfeiture Reporting Act.

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

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

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

17 (oo) Communications, notes, records, and reports
18 arising out of a peer support counseling session
19 prohibited from disclosure under the First Responders
20 Suicide Prevention Act.

21 (pp) Names and all identifying information relating to
22 an employee of an emergency services provider or law
23 enforcement agency under the First Responders Suicide
24 Prevention Act.

25 (qq) Information and records held by the Department of
26 Public Health and its authorized representatives collected

1 under the Reproductive Health Act.

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

4 (ss) Data reported by an employer to the Department of
5 Human Rights pursuant to Section 2-108 of the Illinois
6 Human Rights Act.

7 (tt) Recordings made under the Children's Advocacy
8 Center Act, except to the extent authorized under that
9 Act.

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

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

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

17 (xx) Information that is exempt from disclosure or
18 information that shall not be made public under the
19 Illinois Insurance Code.

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

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

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

26 (bbb) Information that is prohibited from disclosure

1 by the Illinois Police Training Act and the Illinois State
2 Police Act.

3 (ccc) Records exempt from disclosure under Section
4 2605-304 of the Illinois State Police Law of the Civil
5 Administrative Code of Illinois.

6 (ddd) Information prohibited from being disclosed
7 under Section 35 of the Address Confidentiality for
8 Victims of Domestic Violence, Sexual Assault, Human
9 Trafficking, or Stalking Act.

10 (eee) Information prohibited from being disclosed
11 under subsection (b) of Section 75 of the Domestic
12 Violence Fatality Review Act.

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

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

23 (hhh) Information submitted to the Illinois State
24 Police in an affidavit or application for an assault
25 weapon endorsement, assault weapon attachment endorsement,
26 .50 caliber rifle endorsement, or .50 caliber cartridge

1 endorsement under the Firearm Owners Identification Card
2 Act.

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

5 (jjj) Information exempt from disclosure under Section
6 30 of the Insurance Data Security Law.

7 (kkk) Confidential business information prohibited
8 from disclosure under Section 45 of the Paint Stewardship
9 Act.

10 (lll) Data exempt from disclosure under Section
11 2-3.196 of the School Code.

12 (mmm) Information prohibited from being disclosed
13 under subsection (e) of Section 1-129 of the Illinois
14 Power Agency Act.

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

18 (ooo) Data or information provided pursuant to Section
19 20 of the Statewide Recycling Needs and Assessment Act.

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

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

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25 under Section 4-2 of the Uniform Money Transmission
26 Modernization Act.

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11 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;
12 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.
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26 team of experts under the Developmental Disability and

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6 Concealed Carry Act, unless otherwise authorized by the
7 Firearm Concealed Carry Act; and databases under the
8 Firearm Concealed Carry Act, records of the Concealed
9 Carry Licensing Review Board under the Firearm Concealed
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11 Firearm Concealed Carry Act.

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22 Protective Services Act and its predecessor enabling
23 statute, the Elder Abuse and Neglect Act, including
24 information about the identity and administrative finding
25 against any caregiver of a verified and substantiated
26 decision of abuse, neglect, or financial exploitation of

1 an eligible adult maintained in the Registry established
2 under Section 7.5 of the Adult Protective Services Act.

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

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8 under Section 2.37 of the Wildlife Code.

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10 disclosure by the Juvenile Court Act of 1987.

11 (cc) Recordings made under the Law Enforcement
12 Officer-Worn Body Camera Act, except to the extent
13 authorized under that Act.

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16 Interest Community Ombudsperson Act.

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18 under Section 30.1 of the Pharmacy Practice Act.

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22 disclosed under Section 7-603.5 of the Illinois Vehicle
23 Code.

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3 (jj) Information and reports that are required to be
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5 and temporary labor service agencies but are exempt from
6 disclosure under subsection (a-1) of Section 45 of the Day
7 and Temporary Labor Services Act.

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12 Aid Code.

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14 Section 4.2 of the Crime Victims Compensation Act.

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

17 (oo) Communications, notes, records, and reports
18 arising out of a peer support counseling session
19 prohibited from disclosure under the First Responders
20 Suicide Prevention Act.

21 (pp) Names and all identifying information relating to
22 an employee of an emergency services provider or law
23 enforcement agency under the First Responders Suicide
24 Prevention Act.

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26 Public Health and its authorized representatives collected

1 under the Reproductive Health Act.

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

4 (ss) Data reported by an employer to the Department of
5 Human Rights pursuant to Section 2-108 of the Illinois
6 Human Rights Act.

7 (tt) Recordings made under the Children's Advocacy
8 Center Act, except to the extent authorized under that
9 Act.

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

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

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

17 (xx) Information that is exempt from disclosure or
18 information that shall not be made public under the
19 Illinois Insurance Code.

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

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

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

26 (bbb) Information that is prohibited from disclosure

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2 Police Act.

3 (ccc) Records exempt from disclosure under Section
4 2605-304 of the Illinois State Police Law of the Civil
5 Administrative Code of Illinois.

6 (ddd) Information prohibited from being disclosed
7 under Section 35 of the Address Confidentiality for
8 Victims of Domestic Violence, Sexual Assault, Human
9 Trafficking, or Stalking Act.

10 (eee) Information prohibited from being disclosed
11 under subsection (b) of Section 75 of the Domestic
12 Violence Fatality Review Act.

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

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

23 (hhh) Information submitted to the Illinois State
24 Police in an affidavit or application for an assault
25 weapon endorsement, assault weapon attachment endorsement,
26 .50 caliber rifle endorsement, or .50 caliber cartridge

1 endorsement under the Firearm Owners Identification Card
2 Act.

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

5 (jjj) Information exempt from disclosure under Section
6 30 of the Insurance Data Security Law.

7 (kkk) Confidential business information prohibited
8 from disclosure under Section 45 of the Paint Stewardship
9 Act.

10 (lll) Data exempt from disclosure under Section
11 2-3.196 of the School Code.

12 (mmm) Information prohibited from being disclosed
13 under subsection (e) of Section 1-129 of the Illinois
14 Power Agency Act.

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

18 (ooo) Data or information provided pursuant to Section
19 20 of the Statewide Recycling Needs and Assessment Act.

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

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

24 (rrr) Information prohibited from being disclosed
25 under Section 4-2 of the Uniform Money Transmission
26 Modernization Act.

1 (sss) Information exempt from disclosure under Section
2 40 of the Student-Athlete Endorsement Rights Act.

3 (ttt) Audio recordings made under Section 30 of the
4 Illinois State Police Act, except to the extent authorized
5 under that Section.

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

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

11 (www) Information prohibited or exempt from being
12 disclosed under the Transportation Network Driver Labor
13 Relations Act.

14 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;
15 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.
16 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592,
17 eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24;
18 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff.
19 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081,
20 eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25;
21 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; 104-441, eff.
22 9-12-26; 104-457, eff. 6-1-26; revised 1-7-26.)

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

1 (30 ILCS 500/1-10)

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

3 Sec. 1-10. Application.

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

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

19 (1) Contracts between the State and its political
20 subdivisions or other governments, or between State
21 governmental bodies, except as specifically provided in
22 this Code.

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

25 (3) Purchase of care, except as provided in Section
26 5-30.6 of the Illinois Public Aid Code and this Section.

1 (4) Hiring of an individual as an employee and not as
2 an independent contractor, whether pursuant to an
3 employment code or policy or by contract directly with
4 that individual.

5 (5) Collective bargaining contracts.

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

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

23 (8) (Blank).

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

26 (10) (Blank).

1 (11) Public-private agreements entered into according
2 to the procurement requirements of Section 20 of the
3 Public-Private Partnerships for Transportation Act and
4 design-build agreements entered into according to the
5 procurement requirements of Section 25 of the
6 Public-Private Partnerships for Transportation Act.

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

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

26 (13) Contracts for services, commodities, and

1 equipment to support the delivery of timely forensic
2 science services in consultation with and subject to the
3 approval of the Chief Procurement Officer as provided in
4 subsection (d) of Section 5-4-3a of the Unified Code of
5 Corrections, except for the requirements of Sections
6 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
7 Code; however, the Chief Procurement Officer may, in
8 writing with justification, waive any certification
9 required under Article 50 of this Code. For any contracts
10 for services which are currently provided by members of a
11 collective bargaining agreement, the applicable terms of
12 the collective bargaining agreement concerning
13 subcontracting shall be followed.

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

16 (14) Contracts for participation expenditures required
17 by a domestic or international trade show or exhibition of
18 an exhibitor, member, or sponsor.

19 (15) Contracts with a railroad or utility that
20 requires the State to reimburse the railroad or utilities
21 for the relocation of utilities for construction or other
22 public purpose. Contracts included within this paragraph
23 (15) shall include, but not be limited to, those
24 associated with: relocations, crossings, installations,
25 and maintenance. For the purposes of this paragraph (15),
26 "railroad" means any form of non-highway ground

1 transportation that runs on rails or electromagnetic
2 guideways and "utility" means: (1) public utilities as
3 defined in Section 3-105 of the Public Utilities Act, (2)
4 telecommunications carriers as defined in Section 13-202
5 of the Public Utilities Act, (3) electric cooperatives as
6 defined in Section 3.4 of the Electric Supplier Act, (4)
7 telephone or telecommunications cooperatives as defined in
8 Section 13-212 of the Public Utilities Act, (5) rural
9 water or wastewater ~~waste-water~~ systems with 10,000
10 connections or less, (6) a holder as defined in Section
11 21-201 of the Public Utilities Act, and (7) municipalities
12 owning or operating utility systems consisting of public
13 utilities as that term is defined in Section 11-117-2 of
14 the Illinois Municipal Code.

15 (16) Procurement expenditures necessary for the
16 Department of Public Health to provide the delivery of
17 timely newborn screening services in accordance with the
18 Newborn Metabolic Screening Act.

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

1 Medical Cannabis Program Act.

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

1 services identified in this subsection. At a minimum, this
2 report shall include the name of the contractor, a
3 description of the supply or service provided, the total
4 amount of the contract, the term of the contract, and the
5 exception to this Code utilized. A copy of any or all of
6 these contracts shall be made available to the Chief
7 Procurement Officer immediately upon request. The Chief
8 Procurement Officer shall submit a report to the Governor
9 and General Assembly no later than November 1 of each year
10 that includes, at a minimum, an annual summary of the
11 monthly information reported to the Chief Procurement
12 Officer. This exemption becomes inoperative 5 years after
13 June 25, 2019 (the effective date of Public Act 101-27).

14 (19) Acquisition of modifications or adjustments,
15 limited to assistive technology devices and assistive
16 technology services, adaptive equipment, repairs, and
17 replacement parts to provide reasonable accommodations (i)
18 that enable a qualified applicant with a disability to
19 complete the job application process and be considered for
20 the position such qualified applicant desires, (ii) that
21 modify or adjust the work environment to enable a
22 qualified current employee with a disability to perform
23 the essential functions of the position held by that
24 employee, (iii) to enable a qualified current employee
25 with a disability to enjoy equal benefits and privileges
26 of employment as are enjoyed by other similarly situated

1 employees without disabilities, and (iv) that allow a
2 customer, client, claimant, or member of the public
3 seeking State services full use and enjoyment of and
4 access to its programs, services, or benefits.

5 For purposes of this paragraph (19):

6 "Assistive technology devices" means any item, piece
7 of equipment, or product system, whether acquired
8 commercially off the shelf, modified, or customized, that
9 is used to increase, maintain, or improve functional
10 capabilities of individuals with disabilities.

11 "Assistive technology services" means any service that
12 directly assists an individual with a disability in
13 selection, acquisition, or use of an assistive technology
14 device.

15 "Qualified" has the same meaning and use as provided
16 under the federal Americans with Disabilities Act when
17 describing an individual with a disability.

18 (20) Procurement expenditures necessary for the
19 Illinois Commerce Commission to hire third-party
20 facilitators pursuant to Sections 16-105.17 and 16-108.18
21 of the Public Utilities Act or an ombudsman pursuant to
22 Section 16-107.5 of the Public Utilities Act, a
23 facilitator pursuant to Section 16-105.17 of the Public
24 Utilities Act, or a grid auditor pursuant to Section
25 16-105.10 of the Public Utilities Act.

26 (21) Procurement expenditures for the purchase,

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

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

1 effect on June 7, 2023 (the effective date of the changes
2 made to this Section by Public Act 103-8).

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

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

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

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

26 (26) Procurements that are necessary for increasing

1 the recruitment and retention of State employees,
2 particularly minority candidates for employment,
3 including:

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

6 (B) production of recruitment materials; and

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

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

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

1 Services has made a good faith determination that it is
2 necessary and appropriate for the procurement to fall
3 within this exemption.

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

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

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

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

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

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

1 construction of clean coal SNG brownfield facility for the
2 full duration of construction.

3 (f) (Blank).

4 (g) (Blank).

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

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

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

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

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

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

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

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

14 Sec. 1-10. Application.

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

1 Code and its intent.

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

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

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

11 (3) Purchase of care, except as provided in Section
12 5-30.6 of the Illinois Public Aid Code and this Section.

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

17 (5) Collective bargaining contracts.

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

26 (7) Contracts necessary to prepare for anticipated

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

9 (8) (Blank).

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

12 (10) (Blank).

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

19 (12) (A) Contracts for legal, financial, and other
20 professional and artistic services entered into by the
21 Illinois Finance Authority in which the State of Illinois
22 is not obligated. Such contracts shall be awarded through
23 a competitive process authorized by the members of the
24 Illinois Finance Authority and are subject to Sections
25 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
26 as well as the final approval by the members of the

1 Illinois Finance Authority of the terms of the contract.

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

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

26 On and after January 1, 2019, this paragraph (13),

1 except for this sentence, is inoperative.

2 (14) Contracts for participation expenditures required
3 by a domestic or international trade show or exhibition of
4 an exhibitor, member, or sponsor.

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

1 (16) Procurement expenditures necessary for the
2 Department of Public Health to provide the delivery of
3 timely newborn screening services in accordance with the
4 Newborn Metabolic Screening Act.

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

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

1 Section 50-35, compliance applies only to contracts or
2 subcontracts over \$100,000. Notice of each contract
3 entered into under this paragraph (18) that is related to
4 the procurement of goods and services identified in
5 paragraph (1) through (9) of this subsection shall be
6 published in the Procurement Bulletin within 14 calendar
7 days after contract execution. The Chief Procurement
8 Officer shall prescribe the form and content of the
9 notice. Each agency shall provide the Chief Procurement
10 Officer, on a monthly basis, in the form and content
11 prescribed by the Chief Procurement Officer, a report of
12 contracts that are related to the procurement of goods and
13 services identified in this subsection. At a minimum, this
14 report shall include the name of the contractor, a
15 description of the supply or service provided, the total
16 amount of the contract, the term of the contract, and the
17 exception to this Code utilized. A copy of any or all of
18 these contracts shall be made available to the Chief
19 Procurement Officer immediately upon request. The Chief
20 Procurement Officer shall submit a report to the Governor
21 and General Assembly no later than November 1 of each year
22 that includes, at a minimum, an annual summary of the
23 monthly information reported to the Chief Procurement
24 Officer. This exemption becomes inoperative 5 years after
25 June 25, 2019 (the effective date of Public Act 101-27).

26 (19) Acquisition of modifications or adjustments,

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

17 For purposes of this paragraph (19):

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

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

1 "Qualified" has the same meaning and use as provided
2 under the federal Americans with Disabilities Act when
3 describing an individual with a disability.

4 (20) Procurement expenditures necessary for the
5 Illinois Commerce Commission to hire third-party
6 facilitators pursuant to Sections 16-105.17 and 16-108.18
7 of the Public Utilities Act or an ombudsman pursuant to
8 Section 16-107.5 of the Public Utilities Act, a
9 facilitator pursuant to Section 16-105.17 of the Public
10 Utilities Act, a grid auditor pursuant to Section
11 16-105.10 of the Public Utilities Act, a facilitator,
12 expert, or consultant pursuant to Sections 16-126.2 and
13 16-202 of the Public Utilities Act, a procurement monitor
14 pursuant to Section 16-111.5 of the Public Utilities Act,
15 an ombudsperson pursuant to Section 20-145 of the Public
16 Utilities Act, or consultants and experts pursuant to
17 Section 5-15 of the Utility Data Access Act.

18 (21) Procurement expenditures for the purchase,
19 renewal, and expansion of software, software licenses, or
20 software maintenance agreements that support the efforts
21 of the Illinois State Police to enforce, regulate, and
22 administer the Firearm Owners Identification Card Act, the
23 Firearm Concealed Carry Act, the Firearms Restraining
24 Order Act, the Firearm Dealer License Certification Act,
25 the Law Enforcement Agencies Data System (LEADS), the
26 Uniform Crime Reporting Act, the Criminal Identification

1 Act, the Illinois Uniform Conviction Information Act, and
2 the Gun Trafficking Information Act, or establish or
3 maintain record management systems necessary to conduct
4 human trafficking investigations or gun trafficking or
5 other stolen firearm investigations. This paragraph (21)
6 applies to contracts entered into on or after January 10,
7 2023 (the effective date of Public Act 102-1116) and the
8 renewal of contracts that are in effect on January 10,
9 2023 (the effective date of Public Act 102-1116).

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

21 (23) Procurements necessary for the Department of
22 Insurance to implement the Illinois Health Benefits
23 Exchange Law if the Department of Insurance has made a
24 good faith determination that it is necessary and
25 appropriate for the expenditure to fall within this
26 exemption. The procurement process shall be conducted in a

1 manner substantially in accordance with the requirements
2 of Sections 20-160 and 25-60 and Article 50 of this Code. A
3 copy of these contracts shall be made available to the
4 Chief Procurement Officer immediately upon request. This
5 paragraph is inoperative 5 years after June 27, 2023 (the
6 effective date of Public Act 103-103).

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

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

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

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

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

24 (B) production of recruitment materials; and

25 (C) other services related to recruitment and
26 retention of State employees.

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

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

22 (28) Procurements necessary for the Illinois Labor
23 Relations Board to contract with a neutral body to provide
24 any of the data or information collection, storage,
25 management, manipulation, analysis, certification, and
26 election services required under the Transportation

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

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

25 (c) This Code does not apply to the electric power
26 procurement process provided for under Section 1-75 of the

1 Illinois Power Agency Act and Section 16-111.5 of the Public
2 Utilities Act. This Code does not apply to the procurement of
3 technical and policy experts pursuant to Section 1-129 of the
4 Illinois Power Agency Act.

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

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

21 (f) (Blank).

22 (g) (Blank).

23 (h) This Code does not apply to the process to procure or
24 contracts entered into in accordance with Sections 11-5.2 and
25 11-5.3 of the Illinois Public Aid Code.

26 (i) Each chief procurement officer may access records

1 necessary to review whether a contract, purchase, or other
2 expenditure is or is not subject to the provisions of this
3 Code, unless such records would be subject to attorney-client
4 privilege.

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

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

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

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

1 (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;
2 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.
3 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,
4 eff. 6-16-25; 104-417, eff. 8-15-25; 104-458, eff. 6-1-26;
5 revised 1-12-26.)

6 Section 910. The Labor Dispute Act is amended by changing
7 Section 1.3 as follows:

8 (820 ILCS 5/1.3)

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

10 "Employee" means any individual permitted to work by an
11 employer in an occupation. For the purpose of Sections 1.2
12 through 1.5, "employee" includes any transportation network
13 driver, as that term is defined in the Transportation Network
14 Driver Labor Relations Act.

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

1 transportation network drivers and transportation network
2 companies, "employment" includes the engagement or contracting
3 of a transportation network driver by a transportation network
4 company to provide transportation network company services, as
5 those terms are defined in the Transportation Network Driver
6 Labor Relations Act.

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

13 "Dispute" includes any controversy concerning terms or
14 conditions of employment, or concerning the association or
15 representation of persons in negotiating, fixing, maintaining,
16 changing, or seeking to arrange terms or conditions of
17 employment or other protest, regardless of whether or not the
18 disputants stand in the proximate relationship of employer and
19 employee.

20 "Public right of way" means that portion of the highway or
21 street adjacent to the roadway for accommodating stopped
22 vehicles or for emergency use; or that portion of a street
23 between the curb lines, or the lateral lines of a roadway, and
24 the adjacent property lines.

25 "Temporary sign" means a sign or other display or device
26 that is not permanently affixed and is capable of being

1 removed at the end of each day or shift.

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

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

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

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

21 Section 999. Effective date. This Act takes effect upon
22 becoming law."