

1 AN ACT concerning employment.

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

4 Section 5. The Child Labor Law is amended by adding Section
5 12.5 as follows:

6 (820 ILCS 205/12.5 new)

7 Sec. 12.5. Child performers; trust fund.

8 (a) In this Section:

9 "Artistic or creative services" includes, but is not
10 limited to, services as: an actor, actress, dancer, musician,
11 comedian, singer, stunt person, voice-over artist, runway or
12 print model, other performer or entertainer, songwriter,
13 musical producer, arranger, writer, director, producer,
14 production executive, choreographer, composer, conductor, or
15 designer.

16 "Child performer" means an unemancipated person under the
17 age of 16 who is employed in this State and who agrees to
18 render artistic or creative services.

19 (b) In addition to the requirements of Section 12, the
20 person authorized to issue employment certificates must
21 determine that a trust account, established by the child
22 performer's parent or guardian, that meets the requirements of
23 subsection (c) has been established designating the minor as

1 the beneficiary of the trust account before an employment
2 certificate for work as a child performer may be issued for a
3 minor under the age of 16 years. The Department of Labor shall,
4 however, authorize the issuance of a temporary employment
5 certificate having a duration of not more than 15 days without
6 the establishment of a trust fund to permit a minor to provide
7 artistic or creative services.

8 (c) A trust account subject to this Section must provide,
9 at a minimum, the following:

10 (1) that at least 15%, or greater amount as determined
11 by rule, of the gross earnings of the child performer shall
12 be deposited into the account;

13 (2) that the funds in the account shall be available
14 only to the child performer;

15 (3) that the account shall be held by a bank, corporate
16 fiduciary, or trust company, as those terms are defined in
17 the Corporate Fiduciary Act;

18 (4) that the funds in the account shall become
19 available to the child performer upon the child performer
20 attaining the age of 18 years or until the child performer
21 is declared emancipated; and

22 (5) that the account meets the requirements of the
23 Illinois Uniform Transfers to Minors Act.

24 (d) The parent or guardian of the child performer shall
25 provide the employer with the information necessary to transfer
26 moneys into the trust account. Once the child performer's

1 employer deposits the money into the trust account, the child
2 performer's employer shall have no further obligation or duty
3 to monitor or account for the money. The trustee or trustees of
4 the trust shall be the only individual, individuals, entity, or
5 entities with the obligation or duty to monitor and account for
6 money once it has been deposited by the child performer's
7 employer.

8 (e) If the parent or guardian of the child performer fails
9 to provide the employer with the information necessary to
10 transfer funds into the trust account within 30 days of a
11 temporary employment certificate having expired, the funds
12 that were to be transferred to the trust account shall be
13 transferred to the Office of the State Treasurer in accordance
14 with Section 15-608 of the Revised Uniform Unclaimed Property
15 Act.

16 (f) This Section does not apply to an employer of a child
17 performer employed to perform services as an extra, services as
18 a background performer, or services in a similar capacity.

19 (g) The Department of Labor shall adopt rules to implement
20 this Section. The rules may specify that a percentage greater
21 than 15% of the child performer's gross earnings must be placed
22 into the trust account.