



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2477

Introduced 2/19/2021, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

See Index

Provides that the Act may be referred to as the COVID-19 Small Business Relief Act. Creates the COVID-19 Immunity Act. Provides that an employer shall not be liable in a civil action claiming an injury from exposure or potential exposure to COVID-19 if the act or omission alleged to violate a duty of care of the employer was in compliance or consistent with guidance applicable at the time of the alleged exposure. Creates the COVID-19 Business Operation Compliance Act. Provides that a qualified employer may lawfully operate his or her business in the State by adhering to any health and safety guidance that is in place during a time when there is a COVID-19-related public health emergency. Creates the Temporary Employment Tort Moratorium Act. Provides that any lawsuit against a small business for wrongful termination that occurred in the calendar years of 2020 or 2021 shall be stayed until January 1, 2022. Amends the Illinois Emergency Management Agency Act. Provides that the Governor's 30 days of emergency powers shall not be extended, renewed, or successively issued by any subsequent disaster proclamations for the same disaster. Amends the Counties Code and the Illinois Municipal Code. Provides that a county board, board of county commissioners, or a city council may waive any fees or costs associated with a business license or registration required by law to operate a place of business upon a demonstration of financial hardship at any point in a tax year in which the county board has declared a local disaster related to the COVID-19 public health emergency. Amends the Unemployment Insurance Act. Provides that for an annual administrative fee not to exceed \$5, an employer subject to the payment of contributions may pay its quarterly contributions due for wages paid during the first 3 quarters of a calendar year in equal installments. Provides that the Director of the Department of Employment Security may establish a temporary unemployment tax holiday for the purposes of providing temporary tax payment relief to an eligible employer in the State. Allows for the development and implementation of an unemployment benefits claims-processing and contribution-management model pilot program that is operated by a responsible private entity or administrator. Makes other changes. Effective immediately.

LRB102 14513 LNS 19866 b

1 AN ACT concerning COVID-19.

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

4 Article 1. COVID-19 Small Business Relief

5 Section 1-1. References to Act. This Act may be referred
6 to as the COVID-19 Small Business Relief Act.

7 Article 5. Civil Immunity for Small Businesses

8 Section 5-1. Short title. This Article may be cited as the
9 COVID-19 Immunity Act. References in this Article to "this
10 Act" mean this Article.

11 Section 5-5. Definitions. As used in this Act:

12 "COVID-19" means the novel coronavirus identified as
13 SARS-CoV-2, the disease caused by SARS-CoV-2, and conditions
14 associated with the disease.

15 "Employer" means any individual, partnership, association,
16 corporation, limited liability company, business trust, or any
17 person or group of persons acting directly or indirectly in
18 the interest of an employer in relation to an employee, for
19 which one to 50 persons are gainfully employed on some day
20 within a calendar year. An employer is subject to this Act in a

1 calendar year on and after the first day in such calendar year
2 in which he employs one or more persons, and for the following
3 calendar year.

4 "Guidance" means written guidelines related to COVID-19
5 issued by the Centers for Disease Control and Prevention, the
6 Occupational Safety and Health Administration of the United
7 States Department of Labor, the Illinois Department of Public
8 Health, the Illinois Department of Commerce and Economic
9 Opportunity, or any other State agency, board, or commission.

10 Section 5-10. Civil immunity. Notwithstanding any other
11 provision of law, an employer shall not be liable in a civil
12 action claiming an injury from exposure or potential exposure
13 to COVID-19 if the act or omission alleged to violate a duty of
14 care of the employer was in compliance or consistent with
15 federal or State regulations, a presidential or gubernatorial
16 executive order, or guidance applicable at the time of the
17 alleged exposure. If 2 or more sources of guidance apply to the
18 conduct or risk at the time of the alleged exposure, the
19 employer shall not be liable if the conduct is consistent with
20 any applicable guidance.

21 Section 5-15. Exceptions. The immunity described in
22 Section 5-10 does not apply to willful misconduct, reckless
23 infliction of harm, or intentional infliction of harm. This
24 Act does not affect rights and remedies under the Workers'

1 Compensation Act.

2 Article 10. Businesses Allowed to Operate Under Federal
3 Guidance

4 Section 10-1. Short title. This Article may be cited as
5 the COVID-19 Business Operation Compliance Act. References in
6 this Article to "this Act" mean this Article.

7 Section 10-5. Definitions. As used in this Act:

8 "COVID-19" means the novel coronavirus identified as
9 SARS-CoV-2, the disease caused by SARS-CoV-2, and conditions
10 associated with the disease.

11 "Guidance" means written guidelines related to COVID-19
12 issued by the Centers for Disease Control and Prevention, the
13 Occupational Safety and Health Administration of the United
14 States Department of Labor, the Illinois Department of Public
15 Health, the Illinois Department of Commerce and Economic
16 Opportunity, or any other State agency, board, or commission.

17 "Qualified employer" means any essential businesses and
18 operations as defined in Executive Order 2020-10 dated March
19 20, 2020.

20 Section 10-10. Lawful operations during a COVID-19-related
21 public health crisis. Notwithstanding any other provision of
22 law, a qualified employer may lawfully operate his or her

1 business in the State by adhering to any health and safety
2 guidance that is in place during a time when there is a
3 COVID-19-related public health emergency. The qualified
4 employer may choose to adhere to specific federal guidance in
5 lieu of any guidance offered by the State or local
6 governmental agency if the federal guidance is deemed less
7 stringent by the qualified employer.

8 Section 10-15. Relation to other laws. This Act supersedes
9 any State law, including any local law or ordinance, contract,
10 agreement, policy, plan, practice, or other matter that
11 reduces, limits, or eliminates in any manner any protection
12 provided by this Act, including the establishment of
13 additional prerequisites to the exercise of any such
14 protection.

15 Article 15. Temporary Employment Tort Moratorium

16 Section 15-1. Short title. This Article may be cited as
17 the Temporary Employment Tort Moratorium Act. References in
18 this Article to "this Act" mean this Article.

19 Section 15-5. Temporary stay of wrongful termination
20 suits.

21 (a) Due to the vast effects of the COVID-19 pandemic on
22 small businesses and the response from the State government

1 that made it even more difficult for small businesses to
2 operate, the purpose of this Act is to give small businesses
3 time to recuperate some of their losses before any possible
4 lawsuits may cause them any further harm.

5 (b) As used in this Section, "small business" means any
6 business with 50 or fewer employees.

7 (c) Any wrongful termination lawsuit against a small
8 business filed on the basis of a termination that occurred in
9 the calendar years of 2020 or 2021 shall be stayed until
10 January 1, 2022. This shall not abridge the right of a person
11 to file or obtain any remedy for a wrongful termination suit
12 and any statute of limitations period shall be tolled from the
13 date the wrongful termination occurred or should have been
14 discovered until January 1, 2022.

15 Article 20. Claims Against the State of Illinois; IEMA
16 Disaster Declaration Limitation

17 Section 20-5. The Illinois Emergency Management Agency Act
18 is amended by adding Section 7.5 as follows:

19 (20 ILCS 3305/7.5 new)

20 Sec. 7.5. Expiration of emergency powers of the Governor.
21 The Governor's 30 days of emergency powers shall not be
22 extended, renewed, or successively issued by any subsequent
23 disaster proclamations for the same disaster. Neither shall

1 any disaster proclamations be extended, renewed, or
2 successively issued beyond 30 days for the same disaster.
3 Injunctive relief, attorney's fees, and court costs shall be
4 awarded to a prevailing plaintiff in a suit alleging that an
5 executive order by the Governor is in violation of this
6 Section.

7 Article 25. Business License and Registration Fee Waiver

8 Section 25-5. The Counties Code is amended by adding
9 Section 5-1186 as follows:

10 (55 ILCS 5/5-1186 new)

11 Sec. 5-1186. Waiver of business licensing and registration
12 fees for small businesses. Notwithstanding any other provision
13 of law, a county board or board of county commissioners may, by
14 resolution, waive any fees or costs associated with a business
15 license or registration required by law to operate a place of
16 business upon a demonstration of financial hardship at any
17 point in a tax year in which the county board has declared a
18 local disaster as provided in the Illinois Emergency
19 Management Agency Act related to the COVID-19 public health
20 emergency.

21 Section 25-10. The Illinois Municipal Code is amended by
22 adding Section 11-42-17 as follows:

1 (65 ILCS 5/11-42-17 new)

2 Sec. 11-42-17. Waiver of business licensing and
3 registration fees for small businesses. Notwithstanding any
4 other provision of law, a city council of a municipality may,
5 by resolution, waive any fees or costs associated with a
6 business license or registration required by law to operate a
7 place of business upon a demonstration of financial hardship
8 at any point in a tax year in which the county board has
9 declared a local disaster as provided in the Illinois
10 Emergency Management Agency Act related to the COVID-19 public
11 health emergency.

12 Article 30. Unemployment Benefit Charges Relief Extended; No
13 Experience Factor Changes Based on COVID-19-Related
14 Unemployment

15 Section 30-5. The Unemployment Insurance Act is amended by
16 changing Section 1502.4 and by adding Section 1504.1 as
17 follows:

18 (820 ILCS 405/1502.4)

19 Sec. 1502.4. Benefit charges; COVID-19.

20 A. With respect to any benefits paid for a week of
21 unemployment that begins on or after March 15, 2020, and
22 before June 30, 2021 ~~December 31, 2020~~, and is directly or

1 indirectly attributable to COVID-19, notwithstanding any other
2 provisions to the contrary an employer that is subject to the
3 payment of contributions shall not be chargeable for any
4 benefit charges.

5 B. With respect to any regular benefits paid for a week of
6 unemployment that begins on or after March 15, 2020, and
7 before June 30, 2021 ~~December 31, 2020~~, and is directly or
8 indirectly attributable to COVID-19, notwithstanding any other
9 provisions to the contrary except subsection E, a nonprofit
10 organization that is subject to making payments in lieu of
11 contributions shall be chargeable for 50% of the benefits
12 paid.

13 C. With respect to any benefits paid for a week of
14 unemployment that begins on or after March 15, 2020, and
15 before June 30, 2021 ~~December 31, 2020~~, and is directly or
16 indirectly attributable to COVID-19, notwithstanding any other
17 provisions to the contrary except subsection E, the State and
18 any local government that is subject to making payments in
19 lieu of contributions shall be chargeable for 50% of the
20 benefits paid, irrespective of whether the State or local
21 government paid the individual who received the benefits wages
22 for insured work during the individual's base period.

23 D. Subsections A, B, and C shall only apply to the extent
24 that the employer can show that the individual's unemployment
25 for the week was directly or indirectly attributable to
26 COVID-19.

1 E. No employer shall be chargeable for the week of
2 benefits paid to an individual under the provisions of Section
3 500D-1.

4 (Source: P.A. 101-633, eff. 6-5-20.)

5 (820 ILCS 405/1504.1 new)

6 Sec. 1504.1. State experience factor evaluation. The
7 Department shall recommend to the General Assembly and the
8 Governor that no change to the State's experience factor
9 should be made in a calendar year if the Department reasonably
10 believes that any change will result in increased costs to
11 employers in the State.

12 Article 35. Quarterly Unemployment Insurance Contributions

13 Section 35-5. The Unemployment Insurance Act is amended by
14 adding Section 1400.01 as follows:

15 (820 ILCS 405/1400.01 new)

16 Sec. 1400.01. Payments of contributions. For an annual
17 administrative fee not to exceed \$5, an employer subject to
18 the payment of contributions may pay its quarterly
19 contributions due for wages paid during the first 3 quarters
20 of a calendar year in equal installments as follows:

21 (1) For contributions due for wages paid during the
22 first quarter of that calendar year, one-fourth of the

1 contributions due shall be paid on or before April 30 of
2 that calendar year, one-fourth shall be paid on or before
3 July 31 of that calendar year, one-fourth shall be paid on
4 or before October 31 of that calendar year, and one-fourth
5 shall be paid on or before January 31 of the succeeding
6 calendar year.

7 (2) In addition to the payments specified in paragraph
8 (1), for contributions due for wages paid during the
9 second quarter of that calendar year, one-third of the
10 contributions due shall be paid on or before July 31 of
11 that calendar year, one-third shall be paid on or before
12 October 31 of that calendar year, and one-third shall be
13 paid on or before January 31 of the succeeding calendar
14 year.

15 (3) In addition to the payments specified in
16 paragraphs (1) and (2), for contributions due for wages
17 paid during the third quarter of that calendar year,
18 one-half of the contributions due shall be paid on or
19 before October 31 of that calendar year, and one-half
20 shall be paid on or before January 31 of the succeeding
21 calendar year.

22 (4) The annual administrative fee assessed for
23 electing to pay under this Section for a calendar year
24 shall be due and payable on or before April 30 of that
25 calendar year and shall be deposited into the Special
26 Administrative Account.

1 Interest shall not accrue on any contribution that becomes
2 due for wages paid during the first 3 quarters of a calendar
3 year if the employer elects to utilize the provisions of this
4 Section and pays its contributions and administrative fee in
5 accordance with paragraphs (1) through (4). If an employer
6 elects to utilize the provisions of this Section but fails to
7 pay its contributions when due in accordance with paragraphs
8 (1) through (4), interest shall accrue as of the date that the
9 payment was originally due without regard to this Section.

10 The Director may adopt such rules as the Director deems
11 necessary to carry out this Section.

12 Article 40. Unemployment Tax Holiday

13 Section 40-5. The Unemployment Insurance Act is amended by
14 adding Section 1400.3 as follows:

15 (820 ILCS 405/1400.3 new)

16 Sec. 1400.3. Employer's contribution holiday. For calendar
17 year 2021, the Director may establish a temporary unemployment
18 tax holiday for the purposes of providing temporary tax
19 payment relief to an eligible employer in the State. As used in
20 this Section, "eligible employer" means an employer with 50 or
21 fewer employees who is subject to this Act.

22 Article 45. Private Sector Option for Unemployment Insurance

1 Contribution and Benefit Pilot Program

2 Section 45-5. The Unemployment Insurance Act is amended by
3 adding Section 101 as follows:

4 (820 ILCS 405/101 new)

5 Sec. 101. Private Sector Option for Unemployment Insurance
6 Contribution and Benefit Pilot Program.

7 (a) The State is facing one of the most challenging
8 financial times in State history that was brought about by the
9 2019 novel coronavirus. While at the beginning of the global
10 pandemic, and to this day, the novel coronavirus created a
11 public health crisis, its continued impacts on public health
12 have additionally given way to an economic crisis. This has
13 placed an incredible strain on the Department of Employment
14 Security. Facing an unprecedented need for unemployment and
15 other assistance, the Department has proven ineffectual in its
16 safe, secure, and timely handling and processing of
17 unemployment claims and benefits. All across this State, there
18 have been countless cases of reported and suspected
19 unemployment fraud committed against State residents. The
20 great need for assistance by legitimate claimants and the
21 seemingly unknown levels of fraudulent claims has resulted in
22 an unworkable benefits delivery model that does not appear to
23 be improving. Therefore, the State affirms herein the need to
24 employ a new alternative method of processing unemployment

1 claims that allows Illinois workers and businesses greater
2 flexibility, security, and cost-effectiveness.

3 (b) The Department may allow for the development and
4 implementation of an unemployment benefits claims-processing
5 and contribution-management model pilot program that is
6 operated by a responsible private entity or administrator with
7 all appropriate, safe, and secure integrity measures that are
8 required by State and federal laws governing the
9 administration of unemployment insurance benefit systems.

10 (c) In establishing the pilot program, the Department may
11 establish an unemployment insurance contribution model that
12 allows qualified employers to, in lieu of making regular
13 unemployment insurance contributions under the provisions of
14 this Act, secure a bond that is managed by the responsible
15 private entity or administrator for purposes of paying out any
16 qualified unemployment claims. Similarly, a qualified employee
17 may secure a bond that is managed by the responsible private
18 entity or administrator for purposes of accessing qualified
19 unemployment claims. In establishing the pilot program, the
20 Department may, additionally, allow for the portability of any
21 unemployment insurance that allows qualified employees to work
22 with the responsible private entity or administrator to ensure
23 that timely and secure payments are made from the bond. The
24 Department may set any reasonable criteria for the
25 establishment of the pilot program and may establish any
26 necessary guidelines so as to ensure the State's compliance

1 with any federal law.

2 (d) The pilot program shall be overseen by the Department
3 and the Department, in consultation with the Department of
4 Revenue, may adopt any rules necessary to ensure that the
5 pilot program and the responsible private entity or
6 administrator that acts as the administrator of the pilot
7 program is abiding by all applicable State and federal laws.

8 (e) The Department may receive any and all information
9 deemed necessary and appropriate from the responsible private
10 entity or administrator to ensure the compliance of the
11 responsible private entity or administrator with all State and
12 federal laws, including any reporting requirements that the
13 Department may deem reasonable and appropriate.

14 (f) Participation in the pilot program created under this
15 Section may be limited to any qualified employee that:

16 (1) has filed for and received unemployment insurance
17 benefits in calendar year 2020 or 2021; or

18 (2) has been the victim of unemployment insurance
19 fraud; and

20 (3) is an employee of a qualified employer in the
21 State that employs less than 50 employees in the State.

22 (g) The pilot program under this Section shall become
23 effective beginning on January 1, 2022 and shall be in effect
24 until January 1, 2025.

25 (h) Nothing in this Section shall be interpreted to create
26 a new tax or increase the rate of contribution of any employer

1 required under this Act.

2 (i) As used in this Section:

3 "Private administration of unemployment insurance
4 benefits" means the direct administration of State
5 unemployment insurance benefits for qualifying taxpayers and
6 businesses that elect to participate in the pilot program
7 created under this Section.

8 "Qualified employee" means an Illinois worker who filed
9 for and received unemployment benefits in calendar year 2020
10 or 2021 or an Illinois worker who was the victim of
11 unemployment insurance benefit fraud in calendar year 2020 or
12 2021.

13 "Qualified employer" means any business with 50 or fewer
14 employees.

15 "Responsible private entity or administrator" means a
16 nonpublic entity that has operated in the business of
17 insurance or unemployment insurance administration and is
18 licensed in the State and deemed capable and competent to
19 implement the provisions of the pilot program created under
20 this Section.

21 Article 99. Effective Date

22 Section 99-99. Effective date. This Act takes effect upon
23 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 20 ILCS 3305/7.5 new

5 55 ILCS 5/5-1186 new

6 65 ILCS 5/11-42-17 new

7 820 ILCS 405/1502.4

8 820 ILCS 405/1504.1 new

9 820 ILCS 405/1400.01 new

10 820 ILCS 405/1400.3 new

11 820 ILCS 405/101 new