



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB3752

Introduced 2/25/2005, by Rep. Susana A Mendoza

#### SYNOPSIS AS INTRODUCED:

820 ILCS 175/5  
820 ILCS 175/20

Amends the Day and Temporary Labor Services Act. Provides that a day and temporary labor service agency may not charge a day or temporary laborer for transportation to or from a third-party employer's work site (under current law, a service agency or employer may charge no more than the actual cost of transportation, not to exceed 3% of the laborer's daily wages). Provides that, with exceptions, a day and temporary labor service agency is responsible for the conduct of persons providing transportation from the agency to a work site. Restricts an agency's referral of laborers for transportation to a work site. Limits the number of occupants of a motor vehicle used to transport laborers.

LRB094 10273 WGH 40541 b

1 AN ACT concerning employment.

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

4 Section 5. The Day and Temporary Labor Services Act is  
5 amended by changing Sections 5 and 20 as follows:

6 (820 ILCS 175/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Day or temporary laborer" means a natural person who  
9 contracts for employment with a day and temporary labor service  
10 agency.

11 "Day and temporary labor" means labor or employment that is  
12 occasional or irregular at which a person is employed for not  
13 longer than the time period required to complete the assignment  
14 for which the person was hired and where wage payments are made  
15 directly or indirectly by the day and temporary labor service  
16 agency or the third party employer for work undertaken by day  
17 or temporary laborers pursuant to a contract between the day  
18 and temporary labor service agency with the third party  
19 employer. "Day and temporary labor" does not include labor or  
20 employment of a professional or clerical nature.

21 "Day and temporary labor service agency" means any person  
22 or entity engaged in the business of employing day or temporary  
23 laborers to provide services to or for any third party employer  
24 pursuant to a contract with the day and temporary labor service  
25 and the third party employer.

26 "Department" means the Department of Labor.

27 "Person" means every natural person, firm, partnership,  
28 copartnership, limited liability company, corporation,  
29 association, or other legal entity, or its legal  
30 representative, agent, or assigns.

31 "Third party employer" means any person that contracts with  
32 a day and temporary labor service agency for the employment of

1 day or temporary laborers.

2 (Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

3 (820 ILCS 175/20)

4 Sec. 20. Transportation.

5 (a) No day and temporary labor service agency may charge a  
6 day or temporary laborer for transportation to or from a third  
7 party employer's work site.

8 (b) A day and temporary labor service agency is responsible  
9 for the conduct and performance of any person who transports a  
10 day or temporary laborer from the agency to a work site, unless  
11 the transporter is: (1) a public mass transportation system as  
12 defined in Section 2 of the Local Mass Transit District Act; or  
13 (2) the day or temporary laborer providing his or her own  
14 transportation; or (3) selected exclusively by and at the sole  
15 choice of the day or temporary laborer for transportation in a  
16 vehicle not owned or operated by the day and temporary labor  
17 service agency.

18 (c) A day and temporary labor service agency shall not  
19 refer a day or temporary laborer to any person for  
20 transportation to a work site unless that person is (1) a  
21 public mass transportation system as defined in Section 2 of  
22 the Local Mass Transit District Act or (2) providing the  
23 transportation without charge to the day or temporary laborer.  
24 Informing a day or temporary laborer of the availability of a  
25 car pool driven by another day or temporary laborer shall not  
26 be considered a referral by the agency. Directing the day or  
27 temporary laborer to accept a specific car pool as a condition  
28 of work shall be considered a referral by the agency. Any  
29 mention or discussion of the cost of a car pool shall be  
30 considered a referral by the agency.

31 ~~(d) A day and temporary labor service agency or a third~~  
32 ~~party employer shall charge no more than the actual cost to~~  
33 ~~transport a day or temporary laborer to or from the designated~~  
34 ~~work site; however, the total cost to each day or temporary~~  
35 ~~laborer shall not exceed 3% of the day or temporary laborer's~~

1 ~~daily wages.~~ Any motor vehicle that is owned or operated by the  
2 day and temporary labor service agency or a third party  
3 employer, or a contractor of either, or to which a day and  
4 temporary labor services agency refers a day or temporary  
5 laborer, which is used for the transportation of day or  
6 temporary laborers shall have proof of financial  
7 responsibility as provided for in Chapter 8 of the Illinois  
8 Vehicle Code.

9 (e) No motor vehicle that is owned or operated by the day  
10 and temporary labor service agency or a third party employer,  
11 or a contractor of either, or to which a day and temporary  
12 labor service agency refers a day or temporary laborer, which  
13 is used for the transportation of day or temporary laborers  
14 shall be operated if it is occupied by more passengers than  
15 recommended by the manufacturer thereof if the vehicle is  
16 manufactured as a passenger vehicle. If the vehicle is  
17 manufactured for use other than as a passenger vehicle, then it  
18 shall not accommodate more passengers than provided for by the  
19 manufacturer in passenger vehicles of like style or rating.

20 (Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)