



## 95TH GENERAL ASSEMBLY

### State of Illinois

### 2007 and 2008

#### HB1359

Introduced 2/20/2007, by Rep. Monique D. Davis

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/13-206  
820 ILCS 115/11

from Ch. 110, par. 13-206  
from Ch. 48, par. 39m-11

Amends the Illinois Wage Payment and Collection Act. Provides that an employee may file a complaint with the Department of Labor alleging violations of the Act by submitting a signed, completed wage claim application on the form provided by the Department and by submitting copies of all supporting documentation. Provides that complaints shall be filed within 5 years after the wages, final compensation, or wage supplements were due. Provides that the Department shall review applications to determine whether there is cause for investigation and shall limit its investigation to reviewing the 3 years prior to the date the wages, final compensation, or wage supplements were due. Amends the Code of Civil Procedure to provide that actions brought under the Illinois Wage Payment and Collection Act shall be commenced within 10 years after the cause of action accrued.

LRB095 08562 WGH 28745 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 Code of Civil Procedure is amended by  
5 changing Section 13-206 as follows:

6 (735 ILCS 5/13-206) (from Ch. 110, par. 13-206)

7 Sec. 13-206. Ten year limitation. Except as provided in  
8 Section 2-725 of the "Uniform Commercial Code", actions on  
9 bonds, promissory notes, bills of exchange, written leases,  
10 written contracts, or other evidences of indebtedness in  
11 writing and actions brought under the Illinois Wage Payment and  
12 Collection Act, shall be commenced within 10 years next after  
13 the cause of action accrued; but if any payment or new promise  
14 to pay has been made, in writing, on any bond, note, bill,  
15 lease, contract, or other written evidence of indebtedness,  
16 within or after the period of 10 years, then an action may be  
17 commenced thereon at any time within 10 years after the time of  
18 such payment or promise to pay. For purposes of this Section,  
19 with regard to promissory notes dated on or after the effective  
20 date of this amendatory Act of 1997, a cause of action on a  
21 promissory note payable at a definite date accrues on the due  
22 date or date stated in the promissory note or the date upon  
23 which the promissory note is accelerated. With respect to a

1 demand promissory note dated on or after the effective date of  
2 this amendatory Act of 1997, if a demand for payment is made to  
3 the maker of the demand promissory note, an action to enforce  
4 the obligation of a party to pay the demand promissory note  
5 must be commenced within 10 years after the demand. An action  
6 to enforce a demand promissory note is barred if neither  
7 principal nor interest on the demand promissory note has been  
8 paid for a continuous period of 10 years and no demand for  
9 payment has been made to the maker during that period.

10 (Source: P.A. 90-451, eff. 1-1-98.)

11 Section 10. The Illinois Wage Payment and Collection Act is  
12 amended by changing Section 11 as follows:

13 (820 ILCS 115/11) (from Ch. 48, par. 39m-11)

14 Sec. 11. It shall be the duty of the Department of Labor to  
15 inquire diligently for any violations of this Act, and to  
16 institute the actions for penalties herein provided, and to  
17 enforce generally the provisions of this Act.

18 An employee may file a complaint with the Department  
19 alleging violations of the Act by submitting a signed,  
20 completed wage claim application on the form provided by the  
21 Department and by submitting copies of all supporting  
22 documentation. Complaints shall be filed within 5 years after  
23 the wages, final compensation, or wage supplements were due.

24 Applications shall be reviewed by the Department to

1 determine whether there is cause for investigation. The  
2 Department shall limit its investigation to reviewing the 3  
3 years prior to the date the wages, final compensation, or wage  
4 supplements were due.

5 The department shall have the following powers:

6 (a) To investigate and attempt equitably to adjust  
7 controversies between employees and employers in respect of  
8 wage claims arising under this Act and to that end the  
9 department through the Director of Labor or any other person in  
10 the Department of Labor designated by him or her, shall have  
11 the power to administer oaths, subpoena and examine witnesses,  
12 to issue subpoenas duces tecum requiring the production of such  
13 books, papers, records and documents as may be evidence of any  
14 matter under inquiry and to examine and inspect the same as may  
15 relate to the question in dispute. Service of such subpoenas  
16 shall be made by any sheriff or any person. Any court in this  
17 State, upon the application of the department may compel  
18 attendance of witnesses, the production of books and papers,  
19 and the giving of testimony before the department by attachment  
20 for contempt or in any other way as the production of evidence  
21 may be compelled before such court.

22 (b) To take assignments of wage claims in the name of the  
23 Director of Labor and his or her successors in office and  
24 prosecute actions for the collection of wages for persons  
25 financially unable to prosecute such claims when in the  
26 judgment of the department such claims are valid and

1 enforceable in the courts. No court costs or any fees for  
2 necessary process and proceedings shall be payable in advance  
3 by the department for prosecuting such actions. In the event  
4 there is a judgment rendered against the defendant, the court  
5 shall assess as part of such judgment the costs of such  
6 proceeding. Upon collection of such judgments the department  
7 shall pay from the proceeds of such judgment such costs to such  
8 person who is by law entitled to same. The department may join  
9 in a single proceeding any number of wage claims against the  
10 same employer but the court shall have discretionary power to  
11 order a severance or separate trial for hearings.

12 (c) To make complaint in any court of competent  
13 jurisdiction of violations of this Act.

14 Nothing herein shall be construed to prevent any employee  
15 from making complaint or prosecuting his or her own claim for  
16 wages.

17 Nothing herein shall be construed to limit the authority of  
18 the State's attorney of any county to prosecute actions for  
19 violation of this Act or to enforce the provisions thereof  
20 independently and without specific direction of the Department  
21 of Labor.

22 (Source: P.A. 83-1362.)