

HB4733



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4733

by Rep. Frank J. Mautino

SYNOPSIS AS INTRODUCED:

820 ILCS 405/225

from Ch. 48, par. 335

Amends the Unemployment Insurance Act. Provides that the term "employment" does not include the delivery or distribution of newspapers or shopping news to the consumer, rather than to the ultimate consumer. Deletes provisions relating to delivery to the ultimate consumer. Effective immediately.

LRB098 16645 JLS 51713 b

A BILL FOR

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 Unemployment Insurance Act is amended by
5 changing Section 225 as follows:

6 (820 ILCS 405/225) (from Ch. 48, par. 335)

7 Sec. 225. (A) The term "employment" shall not include
8 services performed by an individual under the age of eighteen
9 in the delivery or distribution of newspapers or shopping news.

10 (B) The term "employment" does not include the performance
11 of freelance editorial or photographic work for a newspaper.

12 (C) The term "employment" does not include the delivery or
13 distribution of newspapers or shopping news to the ~~ultimate~~
14 consumer if:

15 (1) substantially all of the remuneration for the
16 performance of the services is directly related to sales,
17 "per piece" fees, or other output, rather than to the
18 number of hours worked; and

19 (2) the services are performed under a written contract
20 between the individual and the person or firm for whom the
21 services are performed, and the contract provides that the
22 individual will not be treated as an employee for federal
23 tax purposes.

1 ~~(3) Delivery or distribution to the ultimate consumer~~
2 ~~does not include:~~

3 ~~(i) delivery or distribution for sale or resale,~~
4 ~~including, but not limited to, distribution to a~~
5 ~~newsrack or newsbox, salesperson, newsstand or retail~~
6 ~~establishment;~~

7 ~~(ii) distribution for further distribution,~~
8 ~~regardless of subsequent sale or resale.~~

9 (D) Subsection (C) shall not apply in the case of any
10 individual who provides delivery or distribution services for a
11 newspaper pursuant to the terms of a collective bargaining
12 agreement and shall not be construed to alter or amend the
13 application or interpretation of any existing collective
14 bargaining agreement. Further, subsection (C) shall not be
15 construed as evidence of the existence or non-existence of an
16 employment relationship under any other Sections of this Act or
17 other existing laws.

18 (E) Subsections (B) and (C) shall not apply to services
19 that are required to be covered as a condition of approval of
20 this Act by the United States Secretary of Labor under Section
21 3304 (a) (6) (A) of the Federal Unemployment Tax Act.

22 (Source: P.A. 87-1178.)

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