AN ACT concerning State government.

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

Section 1. Short title. This Act may be cited as the Transportation Network Driver Labor Relations Act.

Section 2. Findings; legislative intent; construction.

(a) The General Assembly finds that the growing rate of technological advancement has fundamentally altered the way that many people work within this State in the transportation sector, in which companies connect, through an online application, persons seeking passenger transportation services to persons willing to supply those transportation services. These persons willing to supply those transportation services, known as transportation network drivers, often suffer poor pay, inadequate health coverage, and lack of other benefits. It is hereby declared that the best interests of the people of this State are served by providing transportation network drivers the opportunity to self-organize, designate representatives of their own choosing, and bargain collectively on a sectoral basis in order to obtain sustainable wages, benefits, and working conditions, subject to approval and ongoing supervision by the State. It is further declared that the best interests of the people of this

State are served by the prevention or prompt resolution of disputes between transportation network companies and the transportation network drivers who supply the labor to effectuate those services through collective bargaining on a sectoral basis, subject to approval and ongoing supervision by the State. This Act shall be deemed an exercise of the police power of the State for the protection of the public welfare, prosperity, health, and peace of the people of the State, and shall be liberally construed for the accomplishment of its purposes.

(b) The General Assembly finds that it is in the public policy interests of the State to displace competition with regulation of the terms and conditions of work for transportation network drivers; and, consistent with this policy, to exempt from federal and State antitrust laws any conduct authorized under this Act, including the formation of transportation network driver organizations and multi-company associations for the purposes of collective bargaining on a sectoral basis between transportation network companies and transportation network drivers on an industry-wide basis, and to supervise, evaluate, and if approved, implement the resulting sectoral agreements concerning industry regulations for the terms and conditions of work for all transportation network drivers in an industry when such sectoral agreements are found by the Department of Labor to advance the public purposes stated in this Section and are then made binding, regardless of the anticompetitive consequences.

(c) It is the intent and policy of the State:

(1) To grant transportation network drivers the right to form, join, or assist transportation network driver organizations, to be represented through representatives of their own choosing, and to engage in other concerted activities for the purpose of bargaining with transportation network companies and to create negotiated recommendations in the form of a sectoral agreement, which shall form the basis for industry regulations, and for the purpose of other mutual aid or protection; and

(2) To grant transportation network companies the right to form multi-company associations to represent the transportation network companies while bargaining with a transportation network driver organization to create negotiated recommendations in the form of a sectoral agreement, which shall form the basis for industry regulations.

(d) The intent and policy of the State is for the statutory and non-statutory labor exemptions from the federal antitrust laws and analogous State laws to apply to transportation network drivers who choose to form, join, or assist labor organizations in labor activity, to transportation network driver organizations who organize and represent such drivers, and to transportation network companies who may choose to form an industry association to negotiate on their behalf or otherwise engage in labor activity permitted by this Act.

(e) The intent and policy of the State in authorizing and regulating transportation network companies, transportation network drivers engaging in labor activity, and transportation network driver organizations, permitted by this Act, is that state action immunity apply to this Act, including the sectoral agreement approved by the Department of Labor, and that such transportation network companies, transportation network drivers, and transportation network driver organizations be immune from the federal and State antitrust laws to the fullest extent possible in their conduct pursuant to this Act.

(f) The State shall actively supervise the qualified labor activity permitted by this Act conducted by transportation network companies, transportation network drivers, and transportation network driver organizations pursuant to this Act to ensure that the conduct permitted by this Act protects the rights of workers and companies, encourages collective bargaining on a sectoral basis and labor peace, and otherwise advances the purposes of this Act.

Section 3. Definitions. As used in this Act:

"Active transportation network driver" and "active TND" means a transportation network driver designated under the process established in Section 8.

"Bargaining unit" means one statewide unit of all of the transportation network drivers performing transportation network company services on a covered transportation network company.

"Board" means the State Panel of the Illinois Labor Relations Board created by Section 5 of the Illinois Public Labor Relations Act.

"Company union" means any committee, driver representation plan, or association of workers or others that exists for the purpose, in whole or in part, of dealing with TNCs concerning grievances or terms and conditions of work for TNDs: (i) which a TNC has initiated or created or whose initiation or creation it has suggested or participated in; (ii) which a TNC participates in, supervises, or conducts the formulation of governing rules or policies, management, operations, or elections; or (iii) which the TNC maintains, finances, controls, dominates, or assists in maintaining or financing, unless required to do so by this Act, its implementing rules, or any other legal requirement.

A TNC driver organization shall not be deemed a company union solely because any of the following are true:

(1) It has negotiated or been granted the right to designate TNC drivers to be released with pay for the purpose of providing representational services in labor-management affairs on behalf of TNC drivers represented by the TNC driver organization.

(2) In the course of providing representational

services to workers for whom it is the exclusive bargaining representative, a TNC has allowed agents of the TNC driver organization to meet with drivers at the TNC's premises or communicate with TNDs via the TNC's platform.

(3) It has received from a TNC the voluntary membership dues deductions of TNC drivers or the TNC has processed or transmitted membership dues in accordance with paragraph (5) of subsection (e) of Section 10.

(4) It has received funds from a TNC for the administration of benefits and services to TNC drivers pursuant to a sectoral agreement in its capacity as the exclusive bargaining representative.

(5) It has negotiated with a TNC, before or after certification as the exclusive bargaining representative, for the right and requisite resources to communicate or meet with TNDs for any purpose permitted under this Act, including via the TNC's platform.

(6) It has communicated with a TNC, it has received data, driver information, or meeting space from a TNC, or a TNC has facilitated any communication between TNDs and the TND organization, prior to or after any certification.

"Covered transportation network company" and "covered TNC" means a transportation network company designated under the process established in Section 9.

"Department" means the Department of Labor.

"Exclusive bargaining representative" means a TND organization certified by the Board, in accordance with this Act, as the representative of TNDs in the bargaining unit.

"Mandatory subjects of bargaining" means those subjects of bargaining related to compensation, benefits, and other terms and conditions of work, including, but not limited to, deactivations, deactivation notice and process standards, dispute resolution procedures for resolving claims alleging unjust deactivation, and earnings transparency.

"Person" includes one or more individuals, TNDs, TND organizations, TNCs, network companies, labor organizations, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

"Sectoral agreement" means the recommendations to the Department for TND standards in the bargaining unit made either through the agreement between the exclusive bargaining representative and the covered TNCs or through the interest arbitration process, set forth in Section 12. The sectoral agreement becomes effective and enforceable upon approval by the Department.

"Transportation network company" and "TNC" means an entity operating in the State that uses a digital network or software application service to connect passengers to transportation network company services provided by transportation network drivers. For the purposes of this paragraph, all digital networks or software application services that any related corporate entities under common control maintain shall be considered a single TNC. A TNC is not deemed to own, control, operate, or manage the vehicles used by transportation network drivers, and is not a taxicab association or a for-hire vehicle owner.

"Transportation network company services" and "TNC services" means transportation of a passenger between points chosen by the passenger and prearranged with a transportation network driver through the use of a TNC digital network or software application. "Transportation network company services" and "TNC services" do not include a taxicab, for-hire vehicle, or street hail service.

"Transportation network driver", "transportation network company driver", "TNC driver", and "TND" means an individual who operates a motor vehicle that: (i) is owned, leased, or otherwise authorized for use by the individual; (ii) is not a taxicab or for-hire public passenger vehicle; (iii) is used to provide transportation network company services; and (iv) operates under the TNC license of the TNC. "Transportation network driver", "transportation network company driver", "TNC driver", and "TND" do not include any individual who, with respect to the provision of TNC services is: (i) determined by a final order of a court of competent jurisdiction to be an employee within the meaning of Section 2(3) of the National Labor Relations Act, 29 U.S.C. 152(3), or within the meaning of 26 CFR 31.3121(d)-1 or 31.3401(c)-1; or (ii) declared by a TNC to be an employee within the meaning of Section 2(3) of the

National Labor Relations Act, 29 U.S.C. 152(3) and within the meaning of 26 CFR 31.3121(d)-1 or 31.3401(c)-1.

"Transportation network driver organization" and "TND organization" means any organization in which TNDs participate, and that exists and is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with transportation network companies concerning grievances, terms or conditions of work, or of other mutual aid or protection, deactivation appeal assistance, education, or other representational or support services to transportation network drivers for rights conferred under this Act, and that is not a company union.

"Unfair work practices" means only those unfair work practices set forth in Section 6.

Section 4. Powers of the Board. The Board shall have jurisdiction over unfair work practices and collective bargaining matters between transportation network companies and transportation network driver organizations, except for the determinations to be made by the Department under this Act. The Board may contract with a neutral body to provide any of the data or information collection, storage, management, manipulation, analysis, certification, and election services required under this Act. Any such neutral body shall be subject to the requirements of the Personal Information Protection Act and rules adopted under subsection (c) of

Section 16. The Board may also contract for court reporting services for any of the hearings required under this Act. To the extent provided for in paragraph (28) of subsection (b) of Section 1-10 of the Illinois Procurement Code, contracts for a neutral body or for court reporting services under this Act shall be exempt from the Illinois Procurement Code.

Section 4.5. Powers of the Department of Labor. The Department shall have jurisdiction to approve or disapprove sectoral agreements as provided in Section 12.

Section 5. Rights of TNDs. Transportation network drivers shall have the right of self-organization, to form, join, or assist TND organizations, to bargain collectively through representatives of the TND's choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint, or coercion by TNCs, and shall also have the right to refrain from any of these activities. Nothing contained in this Act shall be interpreted to prohibit TNDs from exercising the right to confer with TNCs at any time, provided that during the conference there is no attempt by the TNC, directly or indirectly, to interfere with, restrain, or coerce the workers in the exercise of the rights guaranteed by this Act.

Section 6. Unfair work practices.

(a) It is an unfair work practice for a TNC to:

(1) Fail or refuse to provide the Board or a TND organization with an accurate list of the names, trips made, and contact information for TNDs, as required by this Act.

(2) Fail or refuse to submit the list to the Board required by Section 9.

(3) Fail or refuse to negotiate in good faith with a TND organization certified as an exclusive bargaining representative of TNDs engaged with the TNC, concerning mandatory subjects of bargaining.

(4) Fail or refuse to provide a TND organization, certified as an exclusive bargaining representative of TNDs engaged with the TNC, with information requested by the TND organization that is relevant to, and necessary for, purposes of bargaining and the performance of its other duties required by this Act.

(5) Fail or refuse to continue all the terms of a sectoral agreement approved by the Department under this Act until a new sectoral agreement is approved, unless in accordance with a recognized exception under the law.

(6) Dominate or interfere with the formation, existence, or administration of any TND organization, or to contribute financial or other support to any such organization, directly or indirectly, unless required by this Act, by any rules implementing this Act, or by any

sectoral agreement approved by the Department, including, but not limited to, the following:

(i) by participating or assisting in, supervising, or controlling (A) the initiation or creation of any such organization or (B) the meetings, management, operation, elections, formulation or amendment of constitution, rules, or policies, of any such organization;

(ii) by offering incentives to TNDs to join any such organization; or

(iii) by donating free services, equipment, materials, office or meeting space or anything else of value for the use of any such organization; provided that a TNC may permit TNDs to perform representational work protected under this Act during working hours without loss of time or pay or allow agents of a TND organization that is the exclusive representative of its TNDs to meet with TNDs on its premises or communicate with TNDs via the TNC's platform; and provided further that any activity permitted to be performed or conducted by a TNC with respect to a TND by paragraphs (1) through (6) of the definition of "company union" in Section 3 shall not be deemed an unfair work practice under this paragraph.

(7) Require a TND to join any company union or TND organization or to require a TND to refrain from forming,

or joining or assisting a TND organization of the TND's choosing.

(8) Encourage membership in any company union or discourage membership in any TND organization, by discrimination in regard to any term or condition of work.

(9) Deactivate or otherwise discriminate against a TND because the TND has signed or filed any charge, affidavit, petition, or complaint or given any information or testimony under this Act.

(10) Distribute or circulate any blacklist of individuals exercising any right created or confirmed by this Act or of members of a TND organization, or to inform any person of the exercise by any individual of the right or of the membership of any individual in a TND organization for the purpose of preventing individuals so blacklisted or so named from obtaining or retaining opportunities for remuneration.

(11) Perform any acts, other than those already enumerated in this Section, which interfere with, restrain, or coerce TNDs in the exercise of the rights guaranteed by this Act.

(b) It is an unfair work practice for a TND organization to:

(1) Fail or refuse to negotiate in good faith with a TNC concerning mandatory subjects of bargaining, provided that the TND organization is the certified exclusive

bargaining representative of the TNC's transportation network drivers, including by refusing to provide information requested by a TNC that is relevant and necessary for the purposes of bargaining and the performance of its other duties required by this Act.

(2) Restrain or coerce TNDs in the exercise of the rights guaranteed by this Act, provided that this paragraph shall not impair the right of a TND organization to prescribe its own rules with respect to the acquisition or retention of membership in the organization.

(3) Fail or refuse to fulfill its duty of fair representation by intentional misconduct in representing TNDs where it is the certified exclusive bargaining representative.

(4) Restrain or coerce a TNC in the selection of its representatives for the purpose of bargaining or the adjustment of grievances.

(5) Cause or attempt to cause a TNC to discriminate against a TND in violation of paragraph (9) of subsection (a) of this Section.

(c) For the purposes of this Section, "to negotiate in good faith" means the performance of the mutual obligation of the transportation network companies or their agents or representatives and the exclusive bargaining representative to meet at reasonable times and negotiate in good faith with respect to mandatory subjects of bargaining, or the negotiation of a sectoral agreement under Section 12, or any question arising thereunder, and to execute a written contract incorporating any agreement reached if requested by either party. However, this mutual obligation does not compel the transportation network companies or the exclusive bargaining representative to agree to a proposal or require the making of a concession.

Section 7. Prevention of unfair work practices.

(a) The Board is empowered and directed to prevent any TNC and any TND organization from engaging in any unfair work practice described in this Act. This power shall not be affected or impaired by any means of adjustment, mediation, or conciliation in labor disputes that have been or may hereafter be established by law or the approval of a sectoral agreement provided for in subsection (i) of Section 12. In order to prevent unfair work practices, each TNC shall, at least once each year, send a text message and an email to each of its active TNDs in a form determined by the Board notifying the TNDs of their rights under this Act, and the procedure for filing an unfair work practice charge. The TNC shall provide the notice in all languages that the Board determines are likely spoken by 5% or more of TNC drivers. The Board shall also post a copy of this notice on its website.

(b) No complaint shall issue based upon any unfair work practice occurring more than 6 months prior to the filing of a charge with the Board and the service of a copy upon the person against whom the charge is made. Notwithstanding the provisions of this subsection, if the aggrieved party did not reasonably have knowledge of the alleged unfair work practice, the 6-month filing and service period shall begin to run when the charging party knew, or reasonably should have known, of the actions which constitute the alleged unfair work practice.

(c) Whenever it is charged that any person has engaged in, or is engaging in, any unfair work practice, the Board, or any agent designated by the Board for the purposes, shall conduct an investigation of the charge. If, after the investigation, the Board finds that the charge involves a dispositive issue of law or fact, the Board shall issue a complaint and cause to be served upon the person the complaint stating the charges, accompanied by a notice of hearing before the Board or a member designated by the Board, or before a qualified hearing officer designated by the Board at the offices of the Board or the other location as the Board deems appropriate, not less than 5 days after service of the complaint. Any such complaint may be amended by the member or hearing officer conducting the hearing for the Board in his or her discretion at any time prior to the issuance of an order based thereon. The person who is the subject of the complaint has the right to file an answer to the original or amended complaint and to appear in person or by a representative and give testimony at the place and time fixed in the complaint. In the discretion of the member or hearing officer conducting the hearing or the Board, any other person may be allowed to intervene in the proceeding and to present testimony. In any hearing conducted by the Board, neither the Board nor the member or agent conducting the hearing shall be bound by the rules of evidence applicable to courts, except as to the rules of privilege recognized by law.

(d) The Board shall have the power to issue subpoenas and administer oaths. If any party willfully fails or neglects to appear or testify or to produce books, papers, and records pursuant to the issuance of a subpoena by the Board, the Board may apply to a court of competent jurisdiction to request that the party be ordered to appear before the Board to testify or produce the requested evidence.

(e) Any testimony taken by the Board, or a member designated by the Board or a hearing officer, must be reduced to writing and filed with the Board. A full and complete record shall be kept of all proceedings before the Board, and all proceedings shall be transcribed by a reporter appointed by the Board. The party on whom the burden of proof rests shall be required to sustain the burden by a preponderance of the evidence, and the charging party shall have the burden of proving the unfair work practice accordingly. If, upon a preponderance of the evidence taken, the Board is of the opinion that any person named in the charge has engaged in or is engaging in an unfair work practice, then it shall state its findings of fact and shall issue and cause to be served upon the person an order requiring the person to cease and desist from the unfair work practice, and to take the affirmative action as will effectuate the provisions of this Act, including, but not limited to: (i) withdrawal of recognition from and refraining from sectoral bargaining with any organization or association, agency, or plan that is either defined in this Act as a company union or established, maintained, or assisted by any action defined in this Act as an unfair work practice; (ii) awarding of back compensation without any reduction based on the TND's interim earnings or failure to earn interim earnings and, upon a showing of egregious misconduct, an additional amount as liquidated damages equal to 2 times the amount of back compensation awarded; (iii) requiring reengagement or reestablishment of the TNC's preexisting relationship with an improperly adversely affected TND with or without compensation, or maintenance of a preferential list from which the TND shall be reengaged or the relationship reestablished, and the order may further require the respondent to make reports from time to time showing the extent to which the order has been complied with; (iv) requiring the TNC to recognize and bargain with a TND organization if the Board determines that the unfair work practice interfered with the TND's right to form or join a TND organization; and (v) requiring the respondent to comply with any other obligation of this Act. The Board's order may in its discretion also include an appropriate sanction, based on the

Board's rules, and the sanction may include an order to pay the other party or parties' reasonable expenses, including costs and reasonable attorney's fees, if the other party has made allegations or denials without reasonable cause and found to be untrue or has engaged in frivolous litigation for the purpose of delay or needless increase in the cost of litigation. If the Board awards back compensation, damages, or monetary sanction, it shall also award interest at the rate of 7% per annum. The Board's order may further require the person to make reports from time to time, and demonstrate the extent to which the person has complied with the order. If there is no preponderance of evidence to indicate to the Board that the person named in the charge has engaged in or is engaging in the unfair work practice, then the Board shall state its findings of fact and shall issue an order dismissing the complaint.

(f) Until the record in a case has been filed in court, the Board at any time, upon reasonable notice and in a manner as it deems proper, may modify or set aside, in whole or in part, any finding or order made or issued by it.

(g) A charging party or any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may apply for and obtain judicial review of an order of the Board entered under this Act, in accordance with the provisions of the Administrative Review Law, except that judicial review shall be afforded directly in the Appellate Court for the district in which the aggrieved party resides or transacts business, and judicial review shall not be available for the purpose of challenging a final order issued by the Board under Section 10 for which judicial review has been petitioned in accordance with subsection (f) of Section 10. Any direct appeal to the Appellate Court shall be filed within 35 days after the date that a copy of the decision sought to be reviewed was served upon the party affected by the decision. The filing of an appeal to the Appellate Court shall not automatically stay the enforcement of the Board's order. An aggrieved party may apply to the Appellate Court for a stay of the enforcement of the Board's order after the aggrieved party has followed the procedure prescribed by Supreme Court Rule 335. The Board in proceedings under this Section shall request and may obtain an order of the court for the enforcement of the Board's order.

(h) Whenever it appears that any person has violated a final order of the Board issued under this Section, the Board must commence an action in the name of the People of the State of Illinois by petition, alleging the violation, attaching a copy of the order of the Board, and praying for the issuance of an order directing the person, the person's officers, agents, servants, successors, and assigns to comply with the order of the Board. The Board shall be represented in this action by the Attorney General in accordance with the Attorney General Act. The court may grant or refuse, in whole or in part, the relief sought, provided that the court may stay an order of the Board in accordance with the Administrative Review Law, pending disposition of the proceedings. The court may punish a violation of its order as in civil contempt. The proceedings provided in this paragraph shall be commenced in the Appellate Court for the district where the unfair work practice which is the subject of the Board's order was committed, or where a person required to cease and desist by the order resides or transacts business. In case of the enforcement of an order of the Board, the Appellate Court shall have the power to issue any injunctive or equitable remedy it finds appropriate, and in the case of a Board order which requires the payment of money, the Appellate Court shall have the power to enter judgment for the amount justified by the record and for costs, which judgment may be enforced as other judgments for the recovery of money.

(i)(1) A party filing an unfair work practice charge under this Section may petition the Board to obtain injunctive relief, pending a decision on the merits of the charge by the Board, a member designated by the Board, or a hearing officer designated by the Board, upon a showing that: (i) it is likely to succeed on the merits; (ii) it is likely to suffer irreparable harm in the absence of preliminary relief; (iii) the balance of equities tips in its favor; and (iv) an injunction is in the public interest. The immediate and irreparable harm may include the chilling of TNDs in the exercise of rights provided or protected by this Act.

(2) Within 60 days after the receipt by the Board of the petition for injunctive relief, if the Board determines that a charging party has made a sufficient showing in accordance with paragraph (1), the Board, through the Attorney General, shall petition the circuit court where the alleged unfair work practice was allegedly committed, or where a person required to cease and desist from the alleged unfair work practice resides or transacts business, for appropriate temporary relief or restraining order. The Board shall be represented in the action by the Attorney General in accordance with the Attorney General Act. If the Board fails to act within 60 days, the Board shall be deemed to have made a final order determining not to seek injunctive relief. If the Board determines not to seek injunctive relief, or if the Board, through the Attorney General, does not petition the circuit court for injunctive relief within 60 days after the filing of the charging party's petition with the Board, the charging party may seek injunctive relief by petition to the circuit court, in which case the Board must be joined as a necessary party.

(3) Upon the filing of any petition for injunctive relief as provided in the preceding paragraph, the injunctive relief may be granted by the court, after hearing all parties, if it determines that there is a sufficient showing under paragraph (1). The relief shall expire on decision by the Board, a member designated by the Board, or a hearing officer designated by

the Board finding no unfair work practice to have occurred, successful appeal of the grant of injunctive relief, or successful motion to vacate or modify the injunctive relief under the Code of Civil Procedure. Any injunctive relief in effect pending a decision by the Board (i) shall expire upon a decision by the Board finding no unfair work practice to have occurred, of which the Board shall notify the court immediately, or (ii) shall remain in effect only to the extent it implements any remedial order issued by the Board in its decision, of which the Board shall notify the court immediately.

(4) A decision on the merits of the unfair work practice charge by the Board finding an unfair work practice to have occurred shall continue the injunctive relief until either (i) the respondent implements the remedy or (ii) the Board's order is set aside in an action for review of the Board's order under the Administrative Review Law as set forth in subsection (g).

(5) The appeal of any order granting, denying, modifying, or vacating injunctive relief ordered by the court under this subsection shall be made in accordance with the Code of Civil Procedure and Supreme Court Rules.

(6) The Board or, where applicable, the charging party, shall not be required to give any undertakings or bond and shall not be liable for any damages or costs which may have been sustained by reason of any injunctive relief ordered. In the case of a TNC's failure to provide an accurate list of

names, mobile phone numbers, email addresses, and mailing addresses of TNDs, immediate and irreparable injury, loss, or damage shall be presumed.

(j) In addition to, and without limiting, any other procedure provided in this Section, the Board is empowered and directed to enforce, and prevent violations of paragraph (2) of subsection (a) of Section 6 as follows.

(1) Upon the failure or refusal of a TNC to timely submit the list to the Board required by Section 9, the Board shall promptly issue a complaint charging the TNC with an unfair work practice and, through the Attorney General, petition a court of competent jurisdiction for temporary relief to compel production of the list, consistent with the procedures in subsection (i), except that the Board shall have a mandatory, nondiscretionary duty to seek injunctive relief. The Board shall be represented in the action by the Attorney General in accordance with the Attorney General Act. In the case of a TNC's failure to provide the list to the Board required by Section 9, immediate and irreparable injury, loss, or damage shall be presumed.

(2) In addition to any other remedy provided by this Act, a TNC found to have committed an unfair work practice in violation of paragraph (2) of subsection (a) of Section 6 shall be subject to a civil penalty, payable to the Board, not to exceed $10,000 per day for each day after the

deadline that the list was not provided. The amount of the penalty shall be determined by the Board through application of the following criteria: (i) the size of the TNC; (ii) the severity of the violation; and (iii) any history of violations by the TNC. A TNC found to have committed an unfair work practice in violation of paragraph (2) of subsection (a) of Section 6 shall also be required by the Board to pay the Board's or charging party's attorney's fees and costs for any court proceeding initiated by the Board or charging party to compel production of the list.

Section 8. Determination of active TNDs.

(a) Within 90 days after the effective date of this Act, and once each calendar quarter thereafter, each covered transportation network company shall provide the Board, in an electronic format determined by the Board, with information that identifies all transportation network drivers who completed 10 or more rides that originate in the State on the covered TNC's platform in the previous 6 months.

(b) Each covered TNC shall provide this information within 2 weeks after the end of each calendar quarter (by April 14 provide TND information from rides originating between October 1 and March 31, by July 14 provide TND information from rides originating between January 1 and June 30, by October 14 provide TND information from rides originating between April 1 and September 30, by January 14 provide TND information from rides originating between July 1 and December 31).

(c) The information shall include only the name of the TND, the TND driver's license number, and to the extent known by a TNC, the TND's mobile phone number, mailing address, email address, preferred language, and the number of rides the TND completed through the covered TNC's platform in the previous 6 months. A TND organization may use the information in the list only for the purposes authorized by this Act, and shall not provide the information to any third party unless that party is acting as the TND organization's agent for the purposes authorized by this Act. A covered TNC shall not be liable for any damages caused by the TND organization's or the Board's failure to safeguard the list as provided in Section 16 from a data or security breach.

(d) Within 14 days after the deadline for submission of the information from covered TNCs required in this Section, the Board shall combine the data provided by all covered TNCs to determine the distribution of the number of rides completed by all TNDs for which data has been submitted, and then shall determine the median number of rides across TNDs for whom data has been submitted in the previous 6 months. Any TND who completed greater than or equal to the median number of rides shall be considered an active transportation network driver in the rideshare industry. The Board shall make publicly available both the total number of active transportation network drivers in the rideshare industry and the median number of rides used to make that determination. The information required to be provided to the Board in this Section shall be produced in a manipulable electronic format, such as a spreadsheet program consisting of cells organized by lettered columns and numbered rows with each data point in a separate cell that allows users to sort and perform calculations and analysis. The Board may require that the information be provided in a specified software program. The records and information provided to the Board by transportation network companies are exempt from disclosure under the Freedom of Information Act.

Section 9. Determination of covered TNCs.

(a) Within 90 days after the effective date of this Act, and within 2 weeks after the end of each calendar quarter, each TNC shall electronically submit to the Board a single statewide total of the rides performed during the prior quarter by transportation network drivers on its online-enabled application or platform. For the purposes of this Section, all digital networks or software application services that any related corporate entities under common control maintain shall be considered a single TNC.

(b) The information required by subsection (a) shall be produced in a manipulable electronic format, such as a spreadsheet program consisting of cells organized by lettered columns and numbered rows with each data point in a separate cell that allows users to sort and perform calculations and analysis. The Board may require that the information be provided in a specified software program.

(c) Within 14 days after the deadline set forth in subsection (a), the Board shall designate the covered TNCs through the following procedure.

(1) The Board shall total all rides reported under subsection (a).

(2) The Board shall then rank all TNCs by rideshare volume in descending order. The Board shall begin with the highest ranked TNC and continue down the list until the Board has identified the TNCs whose rides collectively equal or exceed 95% of the statewide total for the preceding quarter. These TNCs shall be deemed covered TNCs for the purposes of this Act.

(3) For the purposes of this Section, all TNCs under common ownership or control shall be considered to be a single TNC. The Board shall publish the list of covered TNCs and noncovered TNCs and rideshare volume information on its website. The Board shall notify each TNC as to whether the TNC is a covered TNC.

(d) The failure of a TNC to submit the list required by subsection (a) shall not prevent the Board from providing a list of covered and noncovered TNCs to the extent the Board concludes that the missing information cannot reasonably be expected to change whether those TNCs are covered or noncovered TNCs.

(e) A TNC that was not a covered TNC when a sectoral agreement took effect but whose rideshare volume in a later quarter brings it within the 95% threshold identified in paragraph (2) of subsection (c) shall become a covered TNC, and be bound by all terms of the sectoral agreement immediately.

(f) A TNC that becomes a covered TNC in accordance with this Section shall remain a covered TNC for the remaining term of a sectoral agreement.

(g) When a sectoral agreement is in effect, any TNC that is not a covered TNC for the purposes of this Section may choose to become bound to the sectoral agreement by providing written notice to the Board, the certified exclusive bargaining representative, and the covered TNCs. A TNC that chooses to become bound to a sectoral agreement under this Section shall be bound for the remaining term of the agreement. The TNC shall not, on account of its exercise of the option provided by this Section, become a covered TNC for the purposes of negotiation of subsequent sectoral agreements or coverage by subsequent sectoral agreements.

(h) It is unlawful for any TNC that is not a covered TNC or voluntarily bound by the terms of the sectoral agreement as provided by this Section to make any statement, advertisement, or imply in any official communication that the TNC is bound by the terms of the sectoral agreement.

(i) During the time that a noncovered TNC is bound by the terms of the sectoral agreement under this Section, the certified exclusive bargaining representative shall represent the TNC drivers who drive for the noncovered TNC for the purposes of this Act. The noncovered TNC shall have the same obligations as a covered TNC to provide information to the Board necessary to administer this Act and to provide information to the exclusive bargaining representative necessary for representation of the TNC drivers.

Section 10. Designation of bargaining representatives.

(a) For the purposes of this Act, each TND performing TNC services on a covered TNC shall be included in the bargaining unit.

(b) A TND organization may demonstrate that it has been designated as a bargaining representative by presenting to the Board cards, petitions, or other evidence, which may be in electronic form, sufficient to show the TND has authorized the TND organization to act as the worker's bargaining representative. A TND may demonstrate that TNDs do not wish to be represented by a TND organization by presenting to the Board cards, petitions, or other evidence, which may be in electronic form, sufficient to show the TND does not authorize any TND organization to act as the worker's exclusive bargaining representative. The Board shall deem valid any such card, petition, or other evidence that includes (i) the signature of the TND, (ii) the date of execution, (iii) a statement indicating the TND's authorization of the TND organization to act as the TND's exclusive bargaining representative or alternatively the TND's wish to not be represented by a TND organization, and (iv) the name of at least one TNC for whom the TND performs services. No card, petition, or other evidence of designation of bargaining representative shall be deemed valid for the purposes of this Section unless it was executed on or after the effective date of this Act. In order to be valid, the card, petition, or other evidence must have been executed by the TND within one year of the date that the TND organization, or TND, submits the evidence to the Board. The authorizations or designations of representatives may be evidenced by electronic records or electronic signatures as provided under Sections 7 and 8 of the Uniform Electronic Transactions Act. The Board shall accept electronic signatures as a means to support the authorizations or designations of representatives where, as with handwritten signatures, the electronic signature method chosen by the party provides the Board with prima facie evidence (1) that a TND has electronically signed a document purporting to state the TND's views regarding representation and (2) that the petitioner has accurately transmitted that document to the Board. The authorizations or designations of representative shall be presumed to be valid unless called into question by the presence of objective evidence. The Board may adopt rules for verification of electronic signatures to effectuate this Section consistent with the following:

(1) Submissions supported by electronic signature must contain the following: (i) the signer's name; (ii) the signer's email address or other known contact information, such as a social media account; (iii) the signer's telephone number; (iv) the authorization language to which the signer has agreed; (v) the date the electronic signature was submitted; and (vi) the name of at least one TNC for whom the TND performs services. The Board shall not require any additional TND identifying information to be submitted for the signature and authorization to be presumed valid. If the submission does not identify at least one TNC for whom the TND performs services, then at the time the submission is provided to the Board, the petitioner may attest, in writing, that the TND currently provides services for at least one identified TNC.

(2) A party submitting either electronic or digital signatures must submit a declaration: (i) identifying what electronic or digital signature technology was used and explaining how its controls ensure that the electronic or digital signature is that of the signatory TND and that the TND signed the document; and (ii) that the electronically transmitted information regarding what and when the TNDs signed is the same information seen and

signed by the TND.

(3) When the electronic signature technology being used does not support digital signatures that can be independently verified by a third party, the submitting party must submit evidence that, after the electronic signature was obtained, the submitting party promptly transmitted a communication stating and confirming all the information listed in paragraph (1) (the "Confirmation Transmission"). The Confirmation Transmission must be sent to an individual account, such as an email address, text message via mobile phone, or social media account provided by the signer. If any responses to the Confirmation Transmission are received by the time of submission to the Board, those responses must also be provided to the Board.

(c) The Board shall not adopt or impose any requirements for designations or authorizations of representative in addition to those specified in subsection (b), unless based on objective evidence of fraud, the Board determines that additional technical requirements are necessary to prevent the fraud. Any additional requirements shall be consistent with the purpose of subsection (b) and shall not require additional TND identifying information to be submitted for the signature and authorization to be presumed valid. A designation or authorization of representative shall not be invalidated for typographical or other errors or omissions if the intent of the signer is clear and the signer's identity can be determined based on the totality of the information presented.

(d)(1) Within 30 days after the petition of any TND organization, the Board shall make a determination that such organization has been designated as the bargaining representative by at least 10% of active TNDs in the bargaining unit. For the purposes of this paragraph, the operative list of active TNDs shall be based on the most recent quarterly list provided by the covered TNCs to the Board in accordance with Section 8.

(2) Within 30 days after the Board's determination that a TND organization has been designated as the bargaining representative of at least 10% of active TNDs in the bargaining unit, the Board shall: (i) require each covered TNC to send a notice, in a form determined by the Board, that the TND organization is seeking to represent TNDs for the purpose of initiating a bargaining process in order to establish terms and conditions for the industry; and (ii) provide the TND organization with a complete list of names, phone numbers, mailing address, email addresses, and preferred language for all active TNDs in the bargaining unit. The TNC shall provide the notice in all languages that the Board determines are likely spoken by 5% or more of TNC drivers. The Board will provide the TND organization with an updated list each quarter for the following 4 quarters.

(e)(1) A TND organization that provides evidence to the Board that it has been designated as bargaining representative by 30% of active TNDs in the bargaining unit shall be certified as the exclusive bargaining representative of all TNDs in the bargaining unit. The Board shall make such determination of exclusive bargaining representative status within 30 days after the petition. In the alternative, a TND organization that has been designated as the bargaining representative of at least 10% of active TNDs in the bargaining unit, pursuant to a petition filed under subsection (d) or (e), may petition the Board to conduct an election. The TND organization may petition for such election at any time within one year of the Board's determination that it has been designated as the bargaining representative of at least 10% of active TNDs. The Board shall publicly announce the petition for election and require each covered TNC to provide notice, in a form determined by the Board, to all active TNDs of the petition for election. The election shall be conducted as expeditiously as possible, but in no event more than 60 days after the TND organization's petition for election. Any other TND organization that provides evidence to the Board that it has been designated as the bargaining representative of at least 10% of active TNDs in the bargaining unit may, within 30 days after the Board's public announcement of the original petition for election, intervene and participate in the election. For the purposes of this paragraph and for petitions filed by a TND organization within 6 months of having been designated as a representative by 10% of active TNDs under paragraph (2) of subsection (d), the operative list of active TNDs shall be based on the first list of active TNDs provided to the TND organization by the Board under paragraph (2) of subsection (d). For the purposes of all other petitions under this paragraph, the operative list of active TNDs shall be the most recent quarterly list provided by the covered TNCs in accordance with Section 8.

(2) If a TND organization seeking certification as the exclusive bargaining representative without an election provides evidence that shows that less than a majority of active TNDs have designated the TND organization as their bargaining representative, the Board shall wait 7 days before certifying the TND organization as the exclusive bargaining representative. If, during those 7 days, another TND organization provides evidence to the Board that at least 20% of active TNDs in the bargaining unit have designated it as their bargaining representative, then the Board shall hold an election among all active TNDs in the bargaining unit. Such election shall be conducted as expeditiously as possible, but in no event more than 60 days after the petition of the original TND seeking certification as the exclusive bargaining representative. For the purposes of such election and for petitions filed by a TND organization within 6 months of having been designated as representative by 10% of active TNDs under paragraph (2) of subsection (d), the operative list of active TNDs shall be based on the first list of active TNDs

provided to the TND organization by the Board under paragraph (2) of subsection (d). For the purposes of all other elections under this paragraph, the operative list of active TNDs shall be the most recent quarterly list provided by the covered TNCs in accordance with Section 8.

(2.5) For purposes of any election conducted under paragraph (1) or (2) of this subsection, if the TND organization receives a majority of valid votes cast in the election, the Board shall certify the TND organization as the exclusive bargaining representative. When 2 or more TND organizations are on the ballot and none of the choices (the TND organizations or "no worker organization") receives a majority of the valid votes cast, there shall be a runoff election between the 2 choices receiving the largest and second largest number of votes, to be conducted within 45 days after the determination that no choice had received a majority of valid votes cast. The TNDs eligible to vote in the runoff election shall be the same TNDs eligible to vote in the initial election. A TND organization receiving a majority of the valid votes cast in the runoff election shall be certified as the exclusive bargaining representative of all TNDs in the bargaining unit. If a majority of the valid votes cast are for "no worker organization", then the Board shall not certify any worker organization as the exclusive bargaining representative.

(3) A TND organization certified as the exclusive

bargaining representative shall have the exclusive authority to represent the TNDs in the bargaining unit, without challenge by another TND organization, and not subject to decertification by the procedures in this subsection, for the greater of (i) one year following certification or (ii) the length of time that a sectoral agreement approved by the Department under subsection (i) of Section 12 is in effect, provided that the period shall not be longer than 3 years following the date of the Department's approval of the sectoral agreement. During the times when an exclusive bargaining representative is subject to challenge, TNDs may file for a decertification election upon a showing that at least 25% of the active TNDs in the bargaining unit have demonstrated support for the decertification. The Board will then schedule an election to determine whether the TND organization has retained its status as the exclusive bargaining representative. The TND organization shall retain its status as the exclusive bargaining representative if it receives a majority of valid votes cast by active TNDs in the bargaining unit. For the purposes of this paragraph, the operative list of active TNDs shall be based on the most recent quarterly list provided by the covered TNCs in accordance with Section 8.

(4) If a TND organization has been certified as the exclusive bargaining representative with respect to the bargaining unit, only that TND organization shall be entitled

to: (i) immediately upon certification, and, quarterly thereafter, receive from the Board the data provided by the covered TNCs to the Board under Section 8, to be used solely for the purposes of bargaining and the performance of its other duties as the TND's bargaining representative; and (ii) to engage in bargaining with the covered TNCs for a sectoral agreement to be recommended to the Department concerning mandatory subjects of bargaining.

(5) A TND organization that has been certified as the exclusive bargaining representative with respect to the bargaining unit shall have a right to voluntary deduction of dues, initiation fees, assessments, and other payments to the TND organization, from payments to TNDs by a covered TNC, upon presentation of deduction authorizations signed by individual TNDs, which may be in electronic form. A covered TNC shall commence making such deductions in accordance with the terms of the deduction authorization as soon as practicable, but in no case later than 30 days after receiving proof of a signed deduction authorization, and amounts deducted shall be submitted to the TND organization within 30 days after the deduction. A covered TNC shall accept a signed deduction authorization evidenced by electronic records or electronic signatures as provided under Sections 7 and 8 of the Uniform Electronic Transactions Act. The right to such deductions shall remain in full force and effect until an individual TND revokes the deduction authorization in writing in accordance

with the terms of the authorization.

(f) An order of the Board dismissing a representation petition or determining, certifying, or decertifying a TND organization as an exclusive bargaining representative is a final order. Any person aggrieved by any such final order may apply for and obtain judicial review in accordance with the provisions of the Administrative Review Law, except that such review shall be afforded directly in the Appellate Court for the district in which the aggrieved party resides or transacts business. Any direct appeal to the Appellate Court shall be filed within 35 days after the date that a copy of the decision sought to be reviewed was served upon the party affected by the decision.

(g) Upon agreement by a TND organization seeking such determination or petition or a TND seeking such determination, and the relevant covered TNC or TNCs, any of the numerical thresholds or any of the elections in this Section shall be determined or conducted by a neutral body, in accordance with the provisions of this Act. The fees of the neutral body shall be paid by the Board. The neutral body shall report the results of such determination or election to the Board, which shall certify the results if it is satisfied that the determination was made or election was conducted in accordance with the provisions of this Act. If no neutral body has been agreed to within 10 days after a TND organization's or TND's notice of its request for a determination or its petition, the Board may designate a neutral body or perform such functions itself.

Section 11. Rideshare Workers Support Fund.

(a) Beginning 90 days after the effective date of this Act, each covered TNC shall be required to pay a fee equal to 4 cents for each trip originating within this State to the Secretary of State to be deposited into the Rideshare Workers Support Fund. Beginning 30 days after the certification of an exclusive bargaining representative under Section 10, the fee set forth in this subsection shall be increased to an amount equal to 20 cents for each trip originating within this State. Beginning on January 1, 2028, and each January 1 thereafter, the fee set forth in this subsection shall be adjusted to the nearest penny for each trip originating in this State to reflect any increase in inflation as measured by the Consumer Price Index for All Urban Consumers published by the United States Bureau of Labor Statistics. The Secretary of State shall calculate and publish the adjusted fee required by this subsection.

(1) Within 14 days after the start of each month, each covered TNC shall pay to the Secretary of State the fee required under subsection (a) for the previous month and transmit to the Secretary of State a certified report identifying the number of trips originating within this State in the previous month. The covered TNCs shall pay the fee and transmit the certified report to the Secretary

of State by electronic means as directed by the Secretary of State.

(2) The Secretary of State shall create the Rideshare Workers Support Fund and deposit the fees collected under this Section into the fund.

(b) Subject to appropriation, the Secretary of State shall use the funds in the Rideshare Workers Support Fund as provided in this subsection. The Secretary of State shall use the funds collected in each calendar quarter within 60 days after the close of each quarter as follows:

(1) The amount equivalent to 3 cents for each trip originating in this State shall be used by the Secretary of State for the purposes of administering its functions under this Act.

(2) The amount equivalent to 1 cent for each trip originating in this State shall be paid to the Board for the purposes of administering its functions under this Act.

(3) Effective upon the increase in the fee following the certification of an exclusive bargaining representative under Section 10, and subject to paragraphs (1) and (2) of subsection (b), the amount equivalent to 16 cents for each trip originating in this State shall be paid as a grant to the exclusive bargaining representative, subject to the conditions and restrictions set forth in subsection (c). If, for a given period, there

is no certified exclusive bargaining representative or the Secretary of State has determined to suspend or terminate disbursements to the exclusive bargaining representative as provided in subsection (c), the funds that would otherwise have been paid to the exclusive bargaining representative for that period shall be used by the Board for the purposes of administering its functions under this Act and for other educational and enforcement purposes consistent with this Act.

The amounts set forth in this subsection shall be recalculated proportionally to any increase in the fee under subsection (a). A TNC required to pay a fee under this Section shall not impose the cost of the fee on any consumer, including as an itemized line or surcharge.

(c) The purpose of the grant to the exclusive bargaining representative provided under paragraph (3) of subsection (b) shall be to ensure that TNDs are educated about their rights under this Act and have the resources, through their exclusive bargaining representative, to enforce their rights under this Act and under any approved sectoral agreement under this Act. The exclusive bargaining representative may use the funds granted under this Section exclusively for the purposes of educating TNDs regarding their rights under this Act, providing assistance in enforcing those rights, negotiating a sectoral agreement, and enforcing the terms of a sectoral agreement approved by the Department under this Act. The exclusive bargaining representative shall not use any portion of the funds granted under this Section for political contributions or lobbying.

(1) An exclusive bargaining representative shall be eligible to receive funds under this Section only if the Secretary of State determines that the exclusive bargaining representative has the capacity and expertise to fulfill the educational and enforcement functions required by this subsection and the proposed use of the funds is consistent with the purposes of this Act. The Secretary of State may adopt administrative rules for the evaluation of requested grants and to establish the criteria to determine the capacity and expertise of the exclusive bargaining representative required by this subsection.

(2) The exclusive bargaining representative shall submit an annual report to the Secretary of State in a form to be determined by the Secretary of State setting forth how the exclusive bargaining representative has used the funds received under this Section. The Secretary of State shall review each annual report and certify whether the exclusive bargaining representative is using the funds for appropriate activities permitted by this Section. The Secretary of State shall adopt administrative rules to establish a process by which it may suspend or terminate the payment of funds to the exclusive bargaining

representative based on the failure to use funds for the permissible activities set forth in this subsection, the failure to submit the report required by this subsection, or the failure to otherwise comply with this Section. If funding to the exclusive bargaining representative is not granted or is suspended or terminated in any given year, the exclusive bargaining representative may reapply for the payment of funds in the following year.

(3) The payment of funds to the exclusive bargaining representative shall not be subject to the provisions of the Grant Accountability and Transparency Act.

(d)(1) The Secretary of State may issue administrative subpoenas, propound interrogatories, and conduct audits of covered TNCs and the exclusive bargaining representative to ensure that covered TNCs comply with the payment of fees to the Secretary of State required under subsection (a) and to ensure that the exclusive bargaining representative complies with the use of funds restrictions set forth in subsection (c). The Secretary of State may use the Secretary of State Police Department to conduct the audits. If necessary, the Secretary of State shall certify to the Attorney General, for such action as the Attorney General may deem appropriate, when the responses to the subpoenas, interrogatories, and audits disclose a violation of any of the provisions of this Section.

(2) The Secretary of State shall have the jurisdiction and authority to enforce the provisions of this Section,

including:

(A) to order a covered TNC to pay the required fees to the Secretary of State;

(B) to determine the amount of fees required to be paid to the Secretary of State by a covered TNC and to order the fees be paid;

(C) to determine any delinquency by a covered TNC in the fees to be paid to the Secretary of State and to order such delinquency be remedied;

(D) to audit the exclusive bargaining representative's use of funds disbursed under subsection (b);

(E) to deny, suspend, or terminate funding to the exclusive bargaining representative as provided under subsection (c); and

(F) to order the recoupment of any funds used for purposes not permitted under subsection (c).

Upon any action, finding, order, suspension, revocation, or denial of one or more benefits or privileges under this Section by the Secretary of State, an aggrieved party, may submit a request to the Secretary of State, or the Secretary of State may petition, to conduct an administrative hearing. The Secretary of State shall establish by rule the procedures, terms, and conditions for the administrative hearing. The findings and decisions made by the Secretary as part of an administrative hearing shall be subject to judicial review in the Circuit Court of Sangamon or Cook County. The

Administrative Review Law and any rules adopted under the Administrative Review Law shall apply to and govern all reviewable matters.

Section 12. Bargaining, impasse resolution procedures, and approval of sectoral agreement by the Department.

(a) Once the Board certifies that a TND organization is the exclusive bargaining representative for the bargaining unit, the Board shall notify all covered TNCs, and all covered TNCs shall be required to bargain with the exclusive bargaining representative concerning mandatory subjects of bargaining. The covered TNCs and TND organization may bargain concerning other subjects agreed to by the parties. To facilitate negotiations, the covered TNCs may form an industry association to negotiate on their behalf. If the covered TNCs choose not to form an association, any recommended agreement must be approved by (i) at least 2 industry member covered TNCs and (ii) member covered TNCs representing at least 80% of the market share of that industry in the State, with votes determined in proportion to the number of rides completed by TNDs contracting directly with the covered TNC in the 2 calendar quarters preceding the certification of the exclusive bargaining representative.

(b) Each individual covered TNC shall retain exclusive control over the development, maintenance, design, pricing, and implementation of its product and product features, software, contract terms, algorithm, and operations and areas of service.

(c) A sectoral agreement submitted to the Department for approval under subsection (i) shall address, at minimum, the following subjects, each of which must be set forth separately in the sectoral agreement, unless a subject is expressly waived by mutual agreement of the exclusive bargaining representative and the covered TNCs:

(1) Compensation.

(2) Benefits.

(3) Appeals process for deactivations.

(4) Representation of TNC drivers in deactivation appeals.

(5) Paid leave.

(6) Information disclosed to TNC drivers about trips on per-trip, weekly, and monthly earnings receipts and summaries, and on initial ride offers.

(7) Grievance and arbitration procedures to resolve disputes arising under the sectoral agreement.

(8) Safety mandates imposed by the covered TNCs that require TNC drivers to purchase safety equipment or purchase safety software, and safety features or protocols proposed by the exclusive bargaining representative that have a demonstrable purpose of reducing the risk of physical assault or injury to TNC drivers. For the purposes of this paragraph, "purchase" includes an

automatic withdrawal from TNC driver earnings.

(9) Labor-management committees.

(10) Reasonable access by the exclusive bargaining representative to covered TNC-to-TNC driver communication systems.

(11) Deduction of voluntary fees and dues from payments to TNC drivers.

(12) Duration of the sectoral agreement, which shall be between 3 and 5 years.

(13) Insurance coverage for occupational accidents or injuries.

(14) Compensation or supplemental insurance for job loss.

(15) Deactivation process requirements, including:

(A) written notice to drivers of specific reasons for deactivation;

(B) a reactivation standard following a finding that the driver did not violate the deactivation policy or remedied any violation;

(C) agreed upon application of deactivation policies across similarly situated drivers; and

(D) driver access to representation by the exclusive bargaining representative in deactivation proceedings.

(16) Earnings transparency requirements, including:

(A) a weekly earnings summary disclosing the total fares collected from passengers, the total amount earned by the driver, third-party expenses, refunds, tips, and service fees charged by a TNC; and

(B) within 24 hours of each completed ride, an itemized per-trip receipt accessible through the application, disclosing the total amount paid by the passenger, all fees applied to the trip, the portion of the fare paid to the driver, and the tip amount, if any.

(d) A sectoral agreement, including an agreement recommended by an arbitrator under paragraph (6) of subsection (h), shall not contain a provision that prevents an individual covered TNC from exercising its autonomy under subsection (b).

(e) The negotiated sectoral agreement shall be submitted by the TND organization to a vote by all TNDs who have completed at least 100 trips in the previous calendar quarter. Such vote shall be conducted by the TND organization pursuant to procedures determined at the discretion of the TND organization. If approved by a majority of TNDs who vote, the sectoral agreement shall be submitted to the Department for approval. If a majority of valid votes cast by the TNDs are not in favor of the sectoral agreement, the TND organization and the covered TNCs will resume negotiating.

(f) For the purposes of this Section, an impasse may be deemed to exist if the covered TNCs and the exclusive bargaining representative fail to achieve agreement by the end of a 210-day period from the date a TND organization has been certified as the exclusive bargaining representative. Bargaining for a successor sectoral agreement shall begin either at the request of the exclusive bargaining representative or covered TNCs no more than 180 days before the expiration date of the prior approved sectoral agreement. In the case of bargaining for a successor sectoral agreement, an impasse may be deemed to exist if the covered TNCs and the exclusive bargaining representative fail to achieve agreement by the end of the period of negotiations preceding the expiration date of the prior approved sectoral agreement.

(g) Upon impasse, any of the affected covered TNCs or the exclusive bargaining representative may request the Board to render assistance as provided in this Section.

(h) Upon receiving a timely request from an exclusive bargaining representative or covered TNC for commencement of an impasse proceeding, the Board shall aid the parties as follows:

(1) To assist the parties to effect a voluntary resolution of the dispute, the Board shall provide the parties with a list of qualified mediators as maintained by the Board within 7 days after the request for commencement of impasse proceedings. Within 7 days after receipt of such list, the parties shall either select a mediator from the Board's list or select another mutually agreed mediator. Each of the affected parties (affected

covered TNCs and the exclusive bargaining representative) shall have an equal say in the selection of the mediator and each of the affected parties shall share equally the cost of the mediator. If the parties fail to select a mediator and notify the Board of their selection within 7 days after the date the Board provides the list of mediators, the Board shall appoint a mediator from the list. The Board shall make such an appointment and notify the parties within 7 days. If the mediator is unable to achieve agreement between the parties concerning an appropriate resolution within 60 days after the Board has provided the parties the list of mediators, any party may petition the Board to refer the dispute to an arbitrator.

(2) Upon timely petition of either party, the Board shall refer the dispute to an arbitrator as provided.

(3) Each of the affected parties (affected covered TNCs and the exclusive bargaining representative) shall have an equal say in the selection of the arbitrator and each of the affected parties shall share equally the cost of the arbitrator. If the parties are unable to agree upon the arbitrator within 7 days after the Board notifies the covered TNCs of the need to appoint an arbitrator, the Board shall submit to the parties a list of qualified, disinterested persons for the selection of an arbitrator. A representative of each of the parties shall alternately strike from the list one of the names with the order of

striking determined by lot, until the remaining one person shall be designated as the arbitrator. Each party shall select its representative for this purpose as it sees fit. A party's failure to agree upon the designation of its representative shall result in the failure of the striking procedure, but shall not impede the Board's appointment of the arbitrator upon such failure. The striking process shall be completed within 5 days after receipt of the Board's list. The representatives who undertake the striking shall notify the Board of the designated arbitrator. If the parties are unable to select the arbitrator within 5 days following receipt of this list, the Board shall appoint the arbitrator.

(4) The arbitrator shall hold hearings on all matters related to the dispute, concerning mandatory subjects of bargaining, and any other subject agreed to be submitted by the covered TNCs and the TND organization. The parties may be heard either in person, by counsel, or by other representatives, as the parties may respectively designate. The arbitrator shall determine the order of presentation by the parties, and shall have discretion and authority to decide all procedural issues that may be raised.

(5) The parties may present, either orally or in writing, or both, statements of fact, supporting witnesses and other evidence, and argument of their respective

positions with respect to each case. The arbitrator shall have authority to require the production of additional evidence, either oral or written as the arbitrator may desire from the parties and shall provide at the request of either party that a full and complete record be kept of any such hearings, the cost of such record to be borne by the requesting party. If such a record is created, it shall be shared with all parties regardless of which party paid for it.

(6) The arbitrator shall make a just and reasonable determination of the matters in dispute, set forth in paragraph (4), and within 90 days after the arbitrator's appointment shall issue a determination that shall apply to all covered TNCs and the exclusive bargaining representative. The time period for the arbitrator's determination may be extended by the arbitrator upon good cause shown, or by agreement by the parties. In arriving at such determination, the arbitrator shall specify the basis for the arbitrator's findings, taking into consideration, in addition to any factors recommended by the parties that the arbitrator finds to be consistent with this Act, the following:

(i) whether the compensation, benefits, and conditions of work of the TNDs achieve the policy goals set forth in Section 2; such compensation and benefits must take into account the real cost of living, and may substantially exceed any statutory minimum wage, and should be a sufficient amount such that the TNDs do not need to rely upon any public benefits;

(ii) whether the most efficient way to provide benefits is through a portable benefits fund, and, if so, how to best assess each covered TNC a portion of the costs of providing those benefits;

(iii) the financial ability of the affected covered TNCs to pay for the compensation and benefits in question and the impact on the delivery of services provided by the covered TNCs;

(iv) the establishment of a reasonable deactivation appeals process that will allow TNDs a reasonable expectation of uninterrupted work; and

(v) comparison of particularities in regard to other trades or professions, including specifically, hazards of work, physical qualifications, educational qualifications, mental qualifications, job training, and skills.

(i) Any sectoral agreement, whether agreed upon between covered TNCs and the exclusive bargaining representative of TNDs in the bargaining unit or as determined by an arbitrator, under this Act shall be reviewed and approved or disapproved by the Department. In deciding whether to grant approval to such sectoral agreement, the Department's decision shall be based on the factors specified in subsection (c) and in paragraph (6) of subsection (h), and the policies set forth in Section 2. Within 60 days after submission of the recommended sectoral agreement, the Department shall approve or disapprove the sectoral agreement. Upon approval by the Department, the terms of the sectoral agreement shall be effective and enforceable through the provisions of the sectoral agreement and this Act. If the Department disapproves of the sectoral agreement, the Department may make recommendations for amendments to the sectoral agreement that would cause the Department to approve the sectoral agreement. Any new terms for the bargaining unit shall be set in accordance with the procedures set forth in this Section.

(j) The exclusive bargaining representative and the covered TNCs may mutually agree to recommend changes to an approved sectoral agreement. Such recommended changes to an approved sectoral agreement must be submitted to the Department for approval or disapproval under subsection (i).

Section 13. Compliance with other laws.

(a) Notwithstanding any other law, with respect to transportation network company services performed by transportation network drivers for a covered TNC, the obligations imposed by the Illinois Secure Choice Savings Program Act, the Minimum Wage Law, the Equal Wage Act, the Equal Pay Act of 2003, the Illinois Wage Payment and

Collection Act, the Sales Representative Act, the Prevailing Wage Act, the Burial Rights Act, the One Day Rest In Seven Act, the Eight Hour Work Day Act, the School Visitation Rights Act, the Civil Air Patrol Leave Act, the Employee Blood and Organ Donation Leave Act, the Employee Medical Contribution Act, the Military Leave Act, the Family Bereavement Leave Act, the Employer as Lessee Bond Act, the Child Extended Bereavement Leave Act, the Family Neonatal Intensive Care Leave Act, the Employee Benefit Contribution Act, the Personal Service Wage Refund Act, the Earned Income Tax Credit Information Act, the Day and Temporary Labor Services Act, the Victims' Economic Security and Safety Act, the Domestic Workers' Bill of Rights Act, the Employee Classification Act, the Illinois Fringe Benefit Portability and Continuity Act, the Employee Sick Leave Act, the Paid Leave for All Workers Act, the Workers' Compensation Act, the Workers' Occupational Diseases Act, and the Unemployment Insurance Act shall be deemed satisfied and not separately enforceable if the covered TNC is, based on the totality of facts and circumstances, in good-faith compliance with this Act or with any sectoral agreement approved under this Act.

(b) Compliance with this Act or with an approved sectoral agreement shall not establish or give rise to a presumption of an employment relationship between a TNC and a TND for any purpose under State or local law.

(c) With respect to transportation network company services performed by a transportation network driver for a covered transportation network company, the benefits, earnings provisions, leave, or standards in an approved sectoral agreement, if any, shall be enforceable exclusively pursuant to the terms of the sectoral agreement or the provisions of this Act.

(d) This Section is inoperative 5 years after the effective date of this Act, unless prior to that date a sectoral agreement has been approved by the Department under the Act, in which case this Section shall not be inoperative. If this Section is inoperative, no claims covered by this Section shall have their statutes of limitations tolled during the period this Section is operative.

Section 14. Home rule.

(a) Notwithstanding any other provision of law, the regulation of transportation network driver labor relations is an exclusive power and function of the State. A unit of local government, including a home rule unit, may not regulate transportation network driver labor relations. This subsection is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) Upon approval of a sectoral agreement under this Act, the regulation of transportation network driver earnings, benefits, or other conditions of work set forth in subsection

(c) of Section 12 is an exclusive power and function of the State. Upon approval of a sectoral agreement under this Act, a unit of local government, including a home rule unit, may not regulate transportation network driver earnings, benefits, or other conditions of work set forth in subsection (c) of Section 12, and any such existing ordinance, regulation, or measure shall be preempted by the approved sectoral agreement. This subsection is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Section 15. Applicability of other labor standards. Other than as established in this Act, no arbitrator's determination or sectoral agreement approved by the Department shall diminish or erode any minimum labor standard that would otherwise apply to a TND.

Section 16. Rulemaking.

(a) The Board, the Department, and the Secretary of State may make such rules as may be appropriate to effectuate the purposes and provisions of this Act. In order to provide for the expeditious and timely implementation of the provisions of this Act, such rules may be adopted by the Board, the Department, or the Secretary of State as emergency rules under Section 5-45 of the Illinois Administrative Procedure Act within 6 months of the effective date of this Act. The adoption of those emergency rules shall be considered an emergency and necessary for the public interest, safety, and welfare.

(b) The Board may apply, in its discretion, applicable rules adopted under the Illinois Public Labor Relations Act to the extent those procedures are not inconsistent with the procedures specified in this Act. To effect that purpose, the Board may, in its discretion, and to the extent doing so is not inconsistent with the procedures specified in this Act, interpret rules adopted under the Illinois Public Labor Relations Act, referencing "employer" to include a transportation network company, referencing "employee" to include a transportation network driver, and referencing a "labor organization" to include a transportation network driver organization.

(c) The applicable rules shall establish the obligations and procedures for the Board and TND organizations to protect TND data from public disclosure and unauthorized use, including: (i) minimization of data collected to what is necessary under this Act; (ii) auditing and compliance monitoring; (iii) limitations on data use; and (iv) limiting the disclosure of driver personal identifying information to the confidential uses necessary to effectuate this Act and not for the purpose of enforcing federal immigration law or providing it to an agency that primarily enforces immigration law, unless the Board is provided with a lawful court order or judicial warrant signed by a judge appointed pursuant to

Article III of the United States Constitution, a federal grand jury or trial subpoena, or as otherwise required by federal law.

Section 17. Public records. Any record furnished to the Board, Department, or other State agency by a TNC under this Act, including, but not limited to, TND records, are exempt from disclosure under the Freedom of Information Act. The records are confidential and shall not be disclosed by the Board or any persons who may be authorized by the Board to process the records solely for the purposes of this Act.

Section 18. Construction. Nothing in this Act shall be construed to affect the determination under State law, whether in statute or common law, of whether and under what circumstances a transportation network company may be considered a common carrier.

Section 900. The Illinois Administrative Procedure Act is amended by adding Section 5-45.71 as follows:

(5 ILCS 100/5-45.71 new)

Sec. 5-45.71. Emergency rulemaking; Transportation Network Driver Labor Relations Act. To provide for the expeditious and timely implementation of the Transportation Network Driver Labor Relations Act, emergency rules implementing the

Transportation Network Driver Labor Relations Act may be adopted in accordance with Section 5-45 by the Illinois Labor Relations Board, or the Department of Labor, or the Secretary of State. The adoption of emergency rules authorized by Section 5-45 and this Section is deemed to be necessary for the public interest, safety, and welfare.

This Section is repealed one year after the effective date of this amendatory Act of the 104th General Assembly.

Section 905. The Freedom of Information Act is amended by changing Section 7.5 as follows:

(5 ILCS 140/7.5)

(Text of Section before amendment by P.A. 104-441 and 104-457)

Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation

Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmitted infection or any information the disclosure of which is restricted under the Illinois Sexually Transmitted Infection Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act (repealed). This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and

Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Department of Transportation under Sections 2705-300 and 2705-616 of the Department of Transportation Law of the Civil Administrative Code of Illinois, the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act, or the St. Clair County Transit District under the Bi-State Transit Safety Act (repealed).

(q) Information prohibited from being disclosed by the Personnel Record Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) (Blank).

(u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the

Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(v-5) Records of the Firearm Owner's Identification Card Review Board that are exempted from disclosure under Section 10 of the Firearm Owners Identification Card Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.

(hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

(mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.

(pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.

(qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.

(rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.

(ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.

(tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.

(uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.

(vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.

(ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.

(xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.

(yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.

(zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act.

(aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.

(bbb) Information that is prohibited from disclosure by the Illinois Police Training Act and the Illinois State Police Act.

(ccc) Records exempt from disclosure under Section 2605-304 of the Illinois State Police Law of the Civil Administrative Code of Illinois.

(ddd) Information prohibited from being disclosed under Section 35 of the Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Human Trafficking, or Stalking Act.

(eee) Information prohibited from being disclosed under subsection (b) of Section 75 of the Domestic Violence Fatality Review Act.

(fff) Images from cameras under the Expressway Camera Act and all automated license plate reader (ALPR) information used and collected by the Illinois State Police. "ALPR information" means information gathered by an ALPR or created from the analysis of data generated by an ALPR. This subsection (fff) is inoperative on and after July 1, 2028.

(ggg) Information prohibited from disclosure under paragraph (3) of subsection (a) of Section 14 of the Nurse Agency Licensing Act.

(hhh) Information submitted to the Illinois State Police in an affidavit or application for an assault weapon endorsement, assault weapon attachment endorsement, .50 caliber rifle endorsement, or .50 caliber cartridge endorsement under the Firearm Owners Identification Card Act.

(iii) Data exempt from disclosure under Section 50 of the School Safety Drill Act.

(jjj) Information exempt from disclosure under Section 30 of the Insurance Data Security Law.

(kkk) Confidential business information prohibited from disclosure under Section 45 of the Paint Stewardship Act.

(lll) Data exempt from disclosure under Section 2-3.196 of the School Code.

(mmm) Information prohibited from being disclosed under subsection (e) of Section 1-129 of the Illinois Power Agency Act.

(nnn) Materials received by the Department of Commerce and Economic Opportunity that are confidential under the Music and Musicians Tax Credit and Jobs Act.

(ooo) Data or information provided pursuant to Section 20 of the Statewide Recycling Needs and Assessment Act.

(ppp) Information that is exempt from disclosure under Section 28-11 of the Lawful Health Care Activity Act.

(qqq) Information that is exempt from disclosure under Section 7-101 of the Illinois Human Rights Act.

(rrr) Information prohibited from being disclosed under Section 4-2 of the Uniform Money Transmission Modernization Act.

(sss) Information exempt from disclosure under Section 40 of the Student-Athlete Endorsement Rights Act.

(ttt) Audio recordings made under Section 30 of the Illinois State Police Act, except to the extent authorized under that Section.

(uuu) Information prohibited from being disclosed under Section 30-5 of the Digital Assets Regulation Act.

(www) Information prohibited or exempt from being disclosed under the Transportation Network Driver Labor Relations Act.

(Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081, eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25; 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; revised 9-10-25.)

(Text of Section after amendment by P.A. 104-457 but before 104-441)

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(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmitted infection or any information the disclosure of which is restricted under the Illinois Sexually Transmitted Infection Control Act.

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(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

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(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act (repealed). This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Department of Transportation under Sections 2705-300 and 2705-616 of the Department of Transportation Law of the Civil Administrative Code of Illinois, the Northern Illinois Transit Authority under Section 2.11 of the Northern Illinois Transit Authority Act, or the St. Clair County Transit District under the Bi-State Transit Safety Act (repealed).

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(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

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(hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

(mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.

(pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.

(qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.

(rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.

(ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois

Human Rights Act.

(tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.

(uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.

(vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.

(ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.

(xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.

(yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.

(zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act.

(aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.

(bbb) Information that is prohibited from disclosure by the Illinois Police Training Act and the Illinois State Police Act.

(ccc) Records exempt from disclosure under Section 2605-304 of the Illinois State Police Law of the Civil Administrative Code of Illinois.

(ddd) Information prohibited from being disclosed under Section 35 of the Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Human Trafficking, or Stalking Act.

(eee) Information prohibited from being disclosed under subsection (b) of Section 75 of the Domestic Violence Fatality Review Act.

(fff) Images from cameras under the Expressway Camera Act and all automated license plate reader (ALPR) information used and collected by the Illinois State Police. "ALPR information" means information gathered by an ALPR or created from the analysis of data generated by an ALPR. This subsection (fff) is inoperative on and after July 1, 2028.

(ggg) Information prohibited from disclosure under paragraph (3) of subsection (a) of Section 14 of the Nurse Agency Licensing Act.

(hhh) Information submitted to the Illinois State Police in an affidavit or application for an assault weapon endorsement, assault weapon attachment endorsement, .50 caliber rifle endorsement, or .50 caliber cartridge endorsement under the Firearm Owners Identification Card Act.

(iii) Data exempt from disclosure under Section 50 of the School Safety Drill Act.

(jjj) Information exempt from disclosure under Section

30 of the Insurance Data Security Law.

(kkk) Confidential business information prohibited from disclosure under Section 45 of the Paint Stewardship Act.

(lll) Data exempt from disclosure under Section 2-3.196 of the School Code.

(mmm) Information prohibited from being disclosed under subsection (e) of Section 1-129 of the Illinois Power Agency Act.

(nnn) Materials received by the Department of Commerce and Economic Opportunity that are confidential under the Music and Musicians Tax Credit and Jobs Act.

(ooo) Data or information provided pursuant to Section 20 of the Statewide Recycling Needs and Assessment Act.

(ppp) Information that is exempt from disclosure under Section 28-11 of the Lawful Health Care Activity Act.

(qqq) Information that is exempt from disclosure under Section 7-101 of the Illinois Human Rights Act.

(rrr) Information prohibited from being disclosed under Section 4-2 of the Uniform Money Transmission Modernization Act.

(sss) Information exempt from disclosure under Section 40 of the Student-Athlete Endorsement Rights Act.

(ttt) Audio recordings made under Section 30 of the Illinois State Police Act, except to the extent authorized under that Section.

(uuu) Information prohibited from being disclosed under Section 30-5 of the Digital Assets Regulation Act.

(vvv) ~~(uuu)~~ Information exempt from disclosure under Section 70 of the End-of-Life Options for Terminally Ill Patients Act.

(www) Information prohibited or exempt from being disclosed under the Transportation Network Driver Labor Relations Act.

(Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081, eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25; 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; 104-441, eff. 9-12-26; 104-457, eff. 6-1-26; revised 1-7-26.)

Section 908. The Illinois Procurement Code is amended by changing Section 1-10 as follows:

(30 ILCS 500/1-10)

(Text of Section before amendment by P.A. 104-458)

Sec. 1-10. Application.

(a) This Code applies only to procurements for which bidders, offerors, potential contractors, or contractors were first solicited on or after July 1, 1998. This Code shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the implementation date of this Code as described in Article 99, including, but not limited to, any covenant entered into with respect to any revenue bonds or similar instruments. All procurements for which contracts are solicited between the effective date of Articles 50 and 99 and July 1, 1998 shall be substantially in accordance with this Code and its intent.

(b) This Code shall apply regardless of the source of the funds with which the contracts are paid, including federal assistance moneys. This Code shall not apply to:

(1) Contracts between the State and its political subdivisions or other governments, or between State governmental bodies, except as specifically provided in this Code.

(2) Grants, except for the filing requirements of Section 20-80.

(3) Purchase of care, except as provided in Section 5-30.6 of the Illinois Public Aid Code and this Section.

(4) Hiring of an individual as an employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual.

(5) Collective bargaining contracts.

(6) Purchase of real estate, except that notice of this type of contract with a value of more than $25,000 must be published in the Procurement Bulletin within 10 calendar days after the deed is recorded in the county of jurisdiction. The notice shall identify the real estate purchased, the names of all parties to the contract, the value of the contract, and the effective date of the contract.

(7) Contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other procuring entity subject to this Code shall give his or her prior approval when the procuring entity is not one subject to the jurisdiction of the Governor.

(8) (Blank).

(9) Procurement expenditures by the Illinois Conservation Foundation when only private funds are used.

(10) (Blank).

(11) Public-private agreements entered into according to the procurement requirements of Section 20 of the Public-Private Partnerships for Transportation Act and design-build agreements entered into according to the procurement requirements of Section 25 of the

Public-Private Partnerships for Transportation Act.

(12) (A) Contracts for legal, financial, and other professional and artistic services entered into by the Illinois Finance Authority in which the State of Illinois is not obligated. Such contracts shall be awarded through a competitive process authorized by the members of the Illinois Finance Authority and are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code, as well as the final approval by the members of the Illinois Finance Authority of the terms of the contract.

(B) Contracts for legal and financial services entered into by the Illinois Housing Development Authority in connection with the issuance of bonds in which the State of Illinois is not obligated. Such contracts shall be awarded through a competitive process authorized by the members of the Illinois Housing Development Authority and are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code, as well as the final approval by the members of the Illinois Housing Development Authority of the terms of the contract.

(13) Contracts for services, commodities, and equipment to support the delivery of timely forensic science services in consultation with and subject to the approval of the Chief Procurement Officer as provided in subsection (d) of Section 5-4-3a of the Unified Code of Corrections, except for the requirements of Sections

20-60, 20-65, 20-70, and 20-160 and Article 50 of this Code; however, the Chief Procurement Officer may, in writing with justification, waive any certification required under Article 50 of this Code. For any contracts for services which are currently provided by members of a collective bargaining agreement, the applicable terms of the collective bargaining agreement concerning subcontracting shall be followed.

On and after January 1, 2019, this paragraph (13), except for this sentence, is inoperative.

(14) Contracts for participation expenditures required by a domestic or international trade show or exhibition of an exhibitor, member, or sponsor.

(15) Contracts with a railroad or utility that requires the State to reimburse the railroad or utilities for the relocation of utilities for construction or other public purpose. Contracts included within this paragraph (15) shall include, but not be limited to, those associated with: relocations, crossings, installations, and maintenance. For the purposes of this paragraph (15), "railroad" means any form of non-highway ground transportation that runs on rails or electromagnetic guideways and "utility" means: (1) public utilities as defined in Section 3-105 of the Public Utilities Act, (2) telecommunications carriers as defined in Section 13-202 of the Public Utilities Act, (3) electric cooperatives as

defined in Section 3.4 of the Electric Supplier Act, (4) telephone or telecommunications cooperatives as defined in Section 13-212 of the Public Utilities Act, (5) rural water or wastewater ~~waste water~~ systems with 10,000 connections or less, (6) a holder as defined in Section 21-201 of the Public Utilities Act, and (7) municipalities owning or operating utility systems consisting of public utilities as that term is defined in Section 11-117-2 of the Illinois Municipal Code.

(16) Procurement expenditures necessary for the Department of Public Health to provide the delivery of timely newborn screening services in accordance with the Newborn Metabolic Screening Act.

(17) Procurement expenditures necessary for the Department of Agriculture, the Department of Financial and Professional Regulation, the Department of Human Services, and the Department of Public Health to implement the Compassionate Use of Medical Cannabis Program and Opioid Alternative Pilot Program requirements and ensure access to medical cannabis for patients with debilitating medical conditions in accordance with the Compassionate Use of Medical Cannabis Program Act.

(18) This Code does not apply to any procurements necessary for the Department of Agriculture, the Department of Financial and Professional Regulation, the Department of Human Services, the Department of Commerce

and Economic Opportunity, and the Department of Public Health to implement the Cannabis Regulation and Tax Act if the applicable agency has made a good faith determination that it is necessary and appropriate for the expenditure to fall within this exemption and if the process is conducted in a manner substantially in accordance with the requirements of Sections 20-160, 25-60, 30-22, 50-5, 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35, 50-36, 50-37, 50-38, and 50-50 of this Code; however, for Section 50-35, compliance applies only to contracts or subcontracts over $100,000. Notice of each contract entered into under this paragraph (18) that is related to the procurement of goods and services identified in paragraph (1) through (9) of this subsection shall be published in the Procurement Bulletin within 14 calendar days after contract execution. The Chief Procurement Officer shall prescribe the form and content of the notice. Each agency shall provide the Chief Procurement Officer, on a monthly basis, in the form and content prescribed by the Chief Procurement Officer, a report of contracts that are related to the procurement of goods and services identified in this subsection. At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to this Code utilized. A copy of any or all of these contracts shall be made available to the Chief Procurement Officer immediately upon request. The Chief Procurement Officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that includes, at a minimum, an annual summary of the monthly information reported to the Chief Procurement Officer. This exemption becomes inoperative 5 years after June 25, 2019 (the effective date of Public Act 101-27).

(19) Acquisition of modifications or adjustments, limited to assistive technology devices and assistive technology services, adaptive equipment, repairs, and replacement parts to provide reasonable accommodations (i) that enable a qualified applicant with a disability to complete the job application process and be considered for the position such qualified applicant desires, (ii) that modify or adjust the work environment to enable a qualified current employee with a disability to perform the essential functions of the position held by that employee, (iii) to enable a qualified current employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities, and (iv) that allow a customer, client, claimant, or member of the public seeking State services full use and enjoyment of and access to its programs, services, or benefits.

For purposes of this paragraph (19):

"Assistive technology devices" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

"Assistive technology services" means any service that directly assists an individual with a disability in selection, acquisition, or use of an assistive technology device.

"Qualified" has the same meaning and use as provided under the federal Americans with Disabilities Act when describing an individual with a disability.

(20) Procurement expenditures necessary for the Illinois Commerce Commission to hire third-party facilitators pursuant to Sections 16-105.17 and 16-108.18 of the Public Utilities Act or an ombudsman pursuant to Section 16-107.5 of the Public Utilities Act, a facilitator pursuant to Section 16-105.17 of the Public Utilities Act, or a grid auditor pursuant to Section 16-105.10 of the Public Utilities Act.

(21) Procurement expenditures for the purchase, renewal, and expansion of software, software licenses, or software maintenance agreements that support the efforts of the Illinois State Police to enforce, regulate, and administer the Firearm Owners Identification Card Act, the Firearm Concealed Carry Act, the Firearms Restraining

Order Act, the Firearm Dealer License Certification Act, the Law Enforcement Agencies Data System (LEADS), the Uniform Crime Reporting Act, the Criminal Identification Act, the Illinois Uniform Conviction Information Act, and the Gun Trafficking Information Act, or establish or maintain record management systems necessary to conduct human trafficking investigations or gun trafficking or other stolen firearm investigations. This paragraph (21) applies to contracts entered into on or after January 10, 2023 (the effective date of Public Act 102-1116) and the renewal of contracts that are in effect on January 10, 2023 (the effective date of Public Act 102-1116).

(22) Contracts for project management services and system integration services required for the completion of the State's enterprise resource planning project. This exemption becomes inoperative 5 years after June 7, 2023 (the effective date of the changes made to this Section by Public Act 103-8). This paragraph (22) applies to contracts entered into on or after June 7, 2023 (the effective date of the changes made to this Section by Public Act 103-8) and the renewal of contracts that are in effect on June 7, 2023 (the effective date of the changes made to this Section by Public Act 103-8).

(23) Procurements necessary for the Department of Insurance to implement the Illinois Health Benefits Exchange Law if the Department of Insurance has made a

good faith determination that it is necessary and appropriate for the expenditure to fall within this exemption. The procurement process shall be conducted in a manner substantially in accordance with the requirements of Sections 20-160 and 25-60 and Article 50 of this Code. A copy of these contracts shall be made available to the Chief Procurement Officer immediately upon request. This paragraph is inoperative 5 years after June 27, 2023 (the effective date of Public Act 103-103).

(24) Contracts for public education programming, noncommercial sustaining announcements, public service announcements, and public awareness and education messaging with the nonprofit trade associations of the providers of those services that inform the public on immediate and ongoing health and safety risks and hazards.

(25) Procurements necessary for the Department of Early Childhood to implement the Department of Early Childhood Act if the Department has made a good faith determination that it is necessary and appropriate for the expenditure to fall within this exemption. This exemption shall only be used for products and services procured solely for use by the Department of Early Childhood. The procurements may include those necessary to design and build integrated, operational systems of programs and services. The procurements may include, but are not limited to, those necessary to align and update program

standards, integrate funding systems, design and establish data and reporting systems, align and update models for technical assistance and professional development, design systems to manage grants and ensure compliance, design and implement management and operational structures, and establish new means of engaging with families, educators, providers, and stakeholders. The procurement processes shall be conducted in a manner substantially in accordance with the requirements of Article 50 (ethics) and Sections 5-5 (Procurement Policy Board), 5-7 (Commission on Equity and Inclusion), 20-80 (contract files), 20-120 (subcontractors), 20-155 (paperwork), 20-160 (ethics/campaign contribution prohibitions), 25-60 (prevailing wage), and 25-90 (prohibited and authorized cybersecurity) of this Code. Beginning January 1, 2025, the Department of Early Childhood shall provide a quarterly report to the General Assembly detailing a list of expenditures and contracts for which the Department uses this exemption. This paragraph is inoperative on and after July 1, 2027.

(26) Procurements that are necessary for increasing the recruitment and retention of State employees, particularly minority candidates for employment, including:

(A) procurements related to registration fees for job fairs and other outreach and recruitment events;

(B) production of recruitment materials; and

(C) other services related to recruitment and retention of State employees.

The exemption under this paragraph (26) applies only if the State agency has made a good faith determination that it is necessary and appropriate for the expenditure to fall within this paragraph (26). The procurement process under this paragraph (26) shall be conducted in a manner substantially in accordance with the requirements of Sections 20-160 and 25-60 and Article 50 of this Code. A copy of these contracts shall be made available to the Chief Procurement Officer immediately upon request. Nothing in this paragraph (26) authorizes the replacement or diminishment of State responsibilities in hiring or the positions that effectuate that hiring. This paragraph (26) is inoperative on and after June 30, 2029.

(27) Procurements necessary for the Department of Healthcare and Family Services to implement changes to the State's Integrated Eligibility System to ensure the system's compliance with federal implementation mandates and deadlines, if the Department of Healthcare and Family Services has made a good faith determination that it is necessary and appropriate for the procurement to fall within this exemption.

(28) Procurements necessary for the Illinois Labor Relations Board to contract with a neutral body to provide

any of the data or information collection, storage, management, manipulation, analysis, certification, and election services required under the Transportation Network Driver Labor Relations Act, and to contract for court reporting services, required under the Transportation Network Driver Labor Relations Act or the Illinois Public Labor Relations Act, where the Illinois Labor Relations Board determines in good faith such services are necessary to carry out its statutory duties. The procurement process shall be conducted in a manner substantially in accordance with the requirements of Sections 20-160 and Article 50 of this Code. A copy of any contract entered into under this paragraph shall be made available to the Chief Procurement Officer upon request.

Notwithstanding any other provision of law, for contracts with an annual value of more than $100,000 entered into on or after October 1, 2017 under an exemption provided in any paragraph of this subsection (b), except paragraph (1), (2), or (5), each State agency shall post to the appropriate procurement bulletin the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. The chief procurement officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the chief procurement officer.

(c) This Code does not apply to the electric power procurement process provided for under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act. This Code does not apply to the procurement of technical and policy experts pursuant to Section 1-129 of the Illinois Power Agency Act.

(d) Except for Section 20-160 and Article 50 of this Code, and as expressly required by Section 9.1 of the Illinois Lottery Law, the provisions of this Code do not apply to the procurement process provided for under Section 9.1 of the Illinois Lottery Law.

(e) This Code does not apply to the process used by the Capital Development Board to retain a person or entity to assist the Capital Development Board with its duties related to the determination of costs of a clean coal SNG brownfield facility, as defined by Section 1-10 of the Illinois Power Agency Act, as required in subsection (h-3) of Section 9-220 of the Public Utilities Act, including calculating the range of capital costs, the range of operating and maintenance costs, or the sequestration costs or monitoring the construction of clean coal SNG brownfield facility for the full duration of construction.

(f) (Blank).

(g) (Blank).

(h) This Code does not apply to the process to procure or contracts entered into in accordance with Sections 11-5.2 and 11-5.3 of the Illinois Public Aid Code.

(i) Each chief procurement officer may access records necessary to review whether a contract, purchase, or other expenditure is or is not subject to the provisions of this Code, unless such records would be subject to attorney-client privilege.

(j) This Code does not apply to the process used by the Capital Development Board to retain an artist or work or works of art as required in Section 14 of the Capital Development Board Act.

(k) This Code does not apply to the process to procure contracts, or contracts entered into, by the State Board of Elections or the State Electoral Board for hearing officers appointed pursuant to the Election Code.

(l) This Code does not apply to the processes used by the Illinois Student Assistance Commission to procure supplies and services paid for from the private funds of the Illinois Prepaid Tuition Fund. As used in this subsection (l), "private funds" means funds derived from deposits paid into the Illinois Prepaid Tuition Trust Fund and the earnings thereon.

(m) This Code shall apply regardless of the source of funds with which contracts are paid, including federal assistance moneys. Except as specifically provided in this Code, this Code shall not apply to procurement expenditures necessary for the Department of Public Health to conduct the

Healthy Illinois Survey in accordance with Section 2310-431 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois.

(Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23; 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff. 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2, eff. 6-16-25; 104-417, eff. 8-15-25)

(Text of Section after amendment by P.A. 104-458)

Sec. 1-10. Application.

(a) This Code applies only to procurements for which bidders, offerors, potential contractors, or contractors were first solicited on or after July 1, 1998. This Code shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the implementation date of this Code as described in Article 99, including, but not limited to, any covenant entered into with respect to any revenue bonds or similar instruments. All procurements for which contracts are solicited between the effective date of Articles 50 and 99 and July 1, 1998 shall be substantially in accordance with this Code and its intent.

(b) This Code shall apply regardless of the source of the funds with which the contracts are paid, including federal assistance moneys. This Code shall not apply to:

(1) Contracts between the State and its political

subdivisions or other governments, or between State governmental bodies, except as specifically provided in this Code.

(2) Grants, except for the filing requirements of Section 20-80.

(3) Purchase of care, except as provided in Section 5-30.6 of the Illinois Public Aid Code and this Section.

(4) Hiring of an individual as an employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual.

(5) Collective bargaining contracts.

(6) Purchase of real estate, except that notice of this type of contract with a value of more than $25,000 must be published in the Procurement Bulletin within 10 calendar days after the deed is recorded in the county of jurisdiction. The notice shall identify the real estate purchased, the names of all parties to the contract, the value of the contract, and the effective date of the contract.

(7) Contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other

procuring entity subject to this Code shall give his or her prior approval when the procuring entity is not one subject to the jurisdiction of the Governor.

(8) (Blank).

(9) Procurement expenditures by the Illinois Conservation Foundation when only private funds are used.

(10) (Blank).

(11) Public-private agreements entered into according to the procurement requirements of Section 20 of the Public-Private Partnerships for Transportation Act and design-build agreements entered into according to the procurement requirements of Section 25 of the Public-Private Partnerships for Transportation Act.

(12) (A) Contracts for legal, financial, and other professional and artistic services entered into by the Illinois Finance Authority in which the State of Illinois is not obligated. Such contracts shall be awarded through a competitive process authorized by the members of the Illinois Finance Authority and are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code, as well as the final approval by the members of the Illinois Finance Authority of the terms of the contract.

(B) Contracts for legal and financial services entered into by the Illinois Housing Development Authority in connection with the issuance of bonds in which the State of Illinois is not obligated. Such contracts shall be awarded through a competitive process authorized by the members of the Illinois Housing Development Authority and are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code, as well as the final approval by the members of the Illinois Housing Development Authority of the terms of the contract.

(13) Contracts for services, commodities, and equipment to support the delivery of timely forensic science services in consultation with and subject to the approval of the Chief Procurement Officer as provided in subsection (d) of Section 5-4-3a of the Unified Code of Corrections, except for the requirements of Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of this Code; however, the Chief Procurement Officer may, in writing with justification, waive any certification required under Article 50 of this Code. For any contracts for services which are currently provided by members of a collective bargaining agreement, the applicable terms of the collective bargaining agreement concerning subcontracting shall be followed.

On and after January 1, 2019, this paragraph (13), except for this sentence, is inoperative.

(14) Contracts for participation expenditures required by a domestic or international trade show or exhibition of an exhibitor, member, or sponsor.

(15) Contracts with a railroad or utility that

requires the State to reimburse the railroad or utilities for the relocation of utilities for construction or other public purpose. Contracts included within this paragraph (15) shall include, but not be limited to, those associated with: relocations, crossings, installations, and maintenance. For the purposes of this paragraph (15), "railroad" means any form of non-highway ground transportation that runs on rails or electromagnetic guideways and "utility" means: (1) public utilities as defined in Section 3-105 of the Public Utilities Act, (2) telecommunications carriers as defined in Section 13-202 of the Public Utilities Act, (3) electric cooperatives as defined in Section 3.4 of the Electric Supplier Act, (4) telephone or telecommunications cooperatives as defined in Section 13-212 of the Public Utilities Act, (5) rural water or wastewater ~~waste water~~ systems with 10,000 connections or less, (6) a holder as defined in Section 21-201 of the Public Utilities Act, and (7) municipalities owning or operating utility systems consisting of public utilities as that term is defined in Section 11-117-2 of the Illinois Municipal Code.

(16) Procurement expenditures necessary for the Department of Public Health to provide the delivery of timely newborn screening services in accordance with the Newborn Metabolic Screening Act.

(17) Procurement expenditures necessary for the

Department of Agriculture, the Department of Financial and Professional Regulation, the Department of Human Services, and the Department of Public Health to implement the Compassionate Use of Medical Cannabis Program and Opioid Alternative Pilot Program requirements and ensure access to medical cannabis for patients with debilitating medical conditions in accordance with the Compassionate Use of Medical Cannabis Program Act.

(18) This Code does not apply to any procurements necessary for the Department of Agriculture, the Department of Financial and Professional Regulation, the Department of Human Services, the Department of Commerce and Economic Opportunity, and the Department of Public Health to implement the Cannabis Regulation and Tax Act if the applicable agency has made a good faith determination that it is necessary and appropriate for the expenditure to fall within this exemption and if the process is conducted in a manner substantially in accordance with the requirements of Sections 20-160, 25-60, 30-22, 50-5, 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35, 50-36, 50-37, 50-38, and 50-50 of this Code; however, for Section 50-35, compliance applies only to contracts or subcontracts over $100,000. Notice of each contract entered into under this paragraph (18) that is related to the procurement of goods and services identified in paragraph (1) through (9) of this subsection shall be

published in the Procurement Bulletin within 14 calendar days after contract execution. The Chief Procurement Officer shall prescribe the form and content of the notice. Each agency shall provide the Chief Procurement Officer, on a monthly basis, in the form and content prescribed by the Chief Procurement Officer, a report of contracts that are related to the procurement of goods and services identified in this subsection. At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to this Code utilized. A copy of any or all of these contracts shall be made available to the Chief Procurement Officer immediately upon request. The Chief Procurement Officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that includes, at a minimum, an annual summary of the monthly information reported to the Chief Procurement Officer. This exemption becomes inoperative 5 years after June 25, 2019 (the effective date of Public Act 101-27).

(19) Acquisition of modifications or adjustments, limited to assistive technology devices and assistive technology services, adaptive equipment, repairs, and replacement parts to provide reasonable accommodations (i) that enable a qualified applicant with a disability to complete the job application process and be considered for

the position such qualified applicant desires, (ii) that modify or adjust the work environment to enable a qualified current employee with a disability to perform the essential functions of the position held by that employee, (iii) to enable a qualified current employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities, and (iv) that allow a customer, client, claimant, or member of the public seeking State services full use and enjoyment of and access to its programs, services, or benefits.

For purposes of this paragraph (19):

"Assistive technology devices" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

"Assistive technology services" means any service that directly assists an individual with a disability in selection, acquisition, or use of an assistive technology device.

"Qualified" has the same meaning and use as provided under the federal Americans with Disabilities Act when describing an individual with a disability.

(20) Procurement expenditures necessary for the Illinois Commerce Commission to hire third-party

facilitators pursuant to Sections 16-105.17 and 16-108.18 of the Public Utilities Act or an ombudsman pursuant to Section 16-107.5 of the Public Utilities Act, a facilitator pursuant to Section 16-105.17 of the Public Utilities Act, a grid auditor pursuant to Section 16-105.10 of the Public Utilities Act, a facilitator, expert, or consultant pursuant to Sections 16-126.2 and 16-202 of the Public Utilities Act, a procurement monitor pursuant to Section 16-111.5 of the Public Utilities Act, an ombudsperson pursuant to Section 20-145 of the Public Utilities Act, or consultants and experts pursuant to Section 5-15 of the Utility Data Access Act.

(21) Procurement expenditures for the purchase, renewal, and expansion of software, software licenses, or software maintenance agreements that support the efforts of the Illinois State Police to enforce, regulate, and administer the Firearm Owners Identification Card Act, the Firearm Concealed Carry Act, the Firearms Restraining Order Act, the Firearm Dealer License Certification Act, the Law Enforcement Agencies Data System (LEADS), the Uniform Crime Reporting Act, the Criminal Identification Act, the Illinois Uniform Conviction Information Act, and the Gun Trafficking Information Act, or establish or maintain record management systems necessary to conduct human trafficking investigations or gun trafficking or other stolen firearm investigations. This paragraph (21)

applies to contracts entered into on or after January 10, 2023 (the effective date of Public Act 102-1116) and the renewal of contracts that are in effect on January 10, 2023 (the effective date of Public Act 102-1116).

(22) Contracts for project management services and system integration services required for the completion of the State's enterprise resource planning project. This exemption becomes inoperative 5 years after June 7, 2023 (the effective date of the changes made to this Section by Public Act 103-8). This paragraph (22) applies to contracts entered into on or after June 7, 2023 (the effective date of the changes made to this Section by Public Act 103-8) and the renewal of contracts that are in effect on June 7, 2023 (the effective date of the changes made to this Section by Public Act 103-8).

(23) Procurements necessary for the Department of Insurance to implement the Illinois Health Benefits Exchange Law if the Department of Insurance has made a good faith determination that it is necessary and appropriate for the expenditure to fall within this exemption. The procurement process shall be conducted in a manner substantially in accordance with the requirements of Sections 20-160 and 25-60 and Article 50 of this Code. A copy of these contracts shall be made available to the Chief Procurement Officer immediately upon request. This paragraph is inoperative 5 years after June 27, 2023 (the

effective date of Public Act 103-103).

(24) Contracts for public education programming, noncommercial sustaining announcements, public service announcements, and public awareness and education messaging with the nonprofit trade associations of the providers of those services that inform the public on immediate and ongoing health and safety risks and hazards.

(25) Procurements necessary for the Department of Early Childhood to implement the Department of Early Childhood Act if the Department has made a good faith determination that it is necessary and appropriate for the expenditure to fall within this exemption. This exemption shall only be used for products and services procured solely for use by the Department of Early Childhood. The procurements may include those necessary to design and build integrated, operational systems of programs and services. The procurements may include, but are not limited to, those necessary to align and update program standards, integrate funding systems, design and establish data and reporting systems, align and update models for technical assistance and professional development, design systems to manage grants and ensure compliance, design and implement management and operational structures, and establish new means of engaging with families, educators, providers, and stakeholders. The procurement processes shall be conducted in a manner substantially in accordance

with the requirements of Article 50 (ethics) and Sections 5-5 (Procurement Policy Board), 5-7 (Commission on Equity and Inclusion), 20-80 (contract files), 20-120 (subcontractors), 20-155 (paperwork), 20-160 (ethics/campaign contribution prohibitions), 25-60 (prevailing wage), and 25-90 (prohibited and authorized cybersecurity) of this Code. Beginning January 1, 2025, the Department of Early Childhood shall provide a quarterly report to the General Assembly detailing a list of expenditures and contracts for which the Department uses this exemption. This paragraph is inoperative on and after July 1, 2027.

(26) Procurements that are necessary for increasing the recruitment and retention of State employees, particularly minority candidates for employment, including:

(A) procurements related to registration fees for job fairs and other outreach and recruitment events;

(B) production of recruitment materials; and

(C) other services related to recruitment and retention of State employees.

The exemption under this paragraph (26) applies only if the State agency has made a good faith determination that it is necessary and appropriate for the expenditure to fall within this paragraph (26). The procurement process under this paragraph (26) shall be conducted in a manner substantially in accordance with the requirements of Sections 20-160 and 25-60 and Article 50 of this Code. A copy of these contracts shall be made available to the Chief Procurement Officer immediately upon request. Nothing in this paragraph (26) authorizes the replacement or diminishment of State responsibilities in hiring or the positions that effectuate that hiring. This paragraph (26) is inoperative on and after June 30, 2029.

(27) Procurements necessary for the Department of Healthcare and Family Services to implement changes to the State's Integrated Eligibility System to ensure the system's compliance with federal implementation mandates and deadlines, if the Department of Healthcare and Family Services has made a good faith determination that it is necessary and appropriate for the procurement to fall within this exemption.

(28) Procurements necessary for the Illinois Labor Relations Board to contract with a neutral body to provide any of the data or information collection, storage, management, manipulation, analysis, certification, and election services required under the Transportation Network Driver Labor Relations Act, and to contract for court reporting services, required under the Transportation Network Driver Labor Relations Act or the Illinois Public Labor Relations Act, where the Illinois Labor Relations Board determines in good faith such

services are necessary to carry out its statutory duties. The procurement process shall be conducted in a manner substantially in accordance with the requirements of Sections 20-160 and Article 50 of this Code. A copy of any contract entered into under this paragraph shall be made available to the Chief Procurement Officer upon request.

Notwithstanding any other provision of law, for contracts with an annual value of more than $100,000 entered into on or after October 1, 2017 under an exemption provided in any paragraph of this subsection (b), except paragraph (1), (2), or (5), each State agency shall post to the appropriate procurement bulletin the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. The chief procurement officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the chief procurement officer.

(c) This Code does not apply to the electric power procurement process provided for under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act. This Code does not apply to the procurement of technical and policy experts pursuant to Section 1-129 of the Illinois Power Agency Act.

(d) Except for Section 20-160 and Article 50 of this Code, and as expressly required by Section 9.1 of the Illinois Lottery Law, the provisions of this Code do not apply to the procurement process provided for under Section 9.1 of the Illinois Lottery Law.

(e) This Code does not apply to the process used by the Capital Development Board to retain a person or entity to assist the Capital Development Board with its duties related to the determination of costs of a clean coal SNG brownfield facility, as defined by Section 1-10 of the Illinois Power Agency Act, as required in subsection (h-3) of Section 9-220 of the Public Utilities Act, including calculating the range of capital costs, the range of operating and maintenance costs, or the sequestration costs or monitoring the construction of clean coal SNG brownfield facility for the full duration of construction.

(f) (Blank).

(g) (Blank).

(h) This Code does not apply to the process to procure or contracts entered into in accordance with Sections 11-5.2 and 11-5.3 of the Illinois Public Aid Code.

(i) Each chief procurement officer may access records necessary to review whether a contract, purchase, or other expenditure is or is not subject to the provisions of this Code, unless such records would be subject to attorney-client privilege.

(j) This Code does not apply to the process used by the

Capital Development Board to retain an artist or work or works of art as required in Section 14 of the Capital Development Board Act.

(k) This Code does not apply to the process to procure contracts, or contracts entered into, by the State Board of Elections or the State Electoral Board for hearing officers appointed pursuant to the Election Code.

(l) This Code does not apply to the processes used by the Illinois Student Assistance Commission to procure supplies and services paid for from the private funds of the Illinois Prepaid Tuition Fund. As used in this subsection (l), "private funds" means funds derived from deposits paid into the Illinois Prepaid Tuition Trust Fund and the earnings thereon.

(m) This Code shall apply regardless of the source of funds with which contracts are paid, including federal assistance moneys. Except as specifically provided in this Code, this Code shall not apply to procurement expenditures necessary for the Department of Public Health to conduct the Healthy Illinois Survey in accordance with Section 2310-431 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois.

(Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23; 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff. 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2, eff. 6-16-25; 104-417, eff. 8-15-25; 104-458, eff. 6-1-26; revised 1-12-26.)

Section 910. The Labor Dispute Act is amended by changing Section 1.3 as follows:

(820 ILCS 5/1.3)

Sec. 1.3. Definitions. As used in Section 1.2 through 1.5:

"Employee" means any individual permitted to work by an employer in an occupation. For the purpose of Sections 1.2 through 1.5, "employee" includes any transportation network driver, as that term is defined in the Transportation Network Driver Labor Relations Act.

"Employer" means any individual, partnership, association, corporation, business trust, governmental or quasi-governmental body, or any person or group of persons that employs any person to work, labor, or exercise skill in connection with the operation of any business, industry, vocation, or occupation. For the purpose of Sections 1.2 through 1.5, "employer" includes any transportation network company, as defined in the Transportation Network Driver Labor Relations Act, with respect to its engagement or contracting of transportation network drivers. With respect to transportation network drivers and transportation network companies, "employment" includes the engagement or contracting of a transportation network driver by a transportation network company to provide transportation network company services, as those terms are defined in the Transportation Network Driver

Labor Relations Act.

"Picketing" means the stationing of a person for an organization to apprise the public by signs or other means of the existence of a dispute pursuant to the National Labor Relations Act, 29 U.S.C. 151 et seq., ~~and~~ the Labor Management Relations Act, 29 U.S.C. 141 et seq., and the Transportation Network Driver Labor Relations Act.

"Dispute" includes any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment or other protest, regardless of whether or not the disputants stand in the proximate relationship of employer and employee.

"Public right of way" means that portion of the highway or street adjacent to the roadway for accommodating stopped vehicles or for emergency use; or that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines.

"Temporary sign" means a sign or other display or device that is not permanently affixed and is capable of being removed at the end of each day or shift.

"Temporary shelter" means a tent or shelter that is not permanently affixed and is capable of being removed at the end of each day or shift, not to exceed 300 square feet in size.

(Source: P.A. 94-321, eff. 1-1-06.)

Section 995. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 997. Severability. The provisions of this Act shall be severable as provided in Section 1.31 of the Statute on Statutes; notwithstanding that, if the definition of the "transportation network driver" is held to be preempted by the National Labor Relations Act, 29 U.S.C. 141 et seq., by a court of competent jurisdiction and such determination is not reversed after exhaustion of all appeals, no provision of this Act shall be deemed valid or given force of law.

Section 999. Effective date. This Act takes effect upon becoming law.