

ILLINOIS HB 228 effective 1/1/98

9 demand, file with the Commission in form prescribed by it 443  
10 evidence of his or her compliance with the provision of 444  
11 this Section.  
12 (a-1) Regardless of its state of domicile or its 446  
13 principal place of business, an employer shall make payments 447  
14 to its insurance carrier or group self-insurance fund, where 448  
15 applicable, based upon the premium rates of the situs where 449  
16 the work or project is located in Illinois if:  
17 (A) the employer is engaged primarily in the 451  
18 building and construction industry; and 452  
19 (B) subdivision (a)(3) of this Section applies to 454  
20 the employer or the employer is a member of a group 455  
21 self-insurance plan as defined in subsection (1) of 456  
22 Section 4a.  
23 The Industrial Commission shall impose a penalty upon an 458  
24 employer for violation of this subsection (a-1) if: 459  
25 (i) the employer is given an opportunity at a 461  
26 hearing to present evidence of its compliance with this 462  
27 subsection (a-1); and  
28 (ii) after the hearing, the Commission finds that 464  
29 the employer failed to make payments upon the premium 465  
30 rates of the situs where the work or project is located 466  
31 in Illinois.  
32 The penalty shall not exceed \$1,000 for each day of work 468  
33 for which the employer failed to make payments upon the 469  
34 premium rates of the situs where the work or project is 471  
1 located in Illinois, but the total penalty shall not exceed  
2 \$50,000 for each project or each contract under which the 472  
3 work was performed. 473  
4 Any penalty under this subsection (a-1) must be imposed 476  
5 not later than one year after the expiration of the 477  
6 applicable limitation period specified in subsection (c) of  
7 Section 6 of this Act. Penalties imposed under this 478  
8 subsection (a-1) shall be deposited into the Industrial 479  
9 Commission Operations Fund created under Section 4 of the 480  
10 Workers' Compensation Act.  
11 (b) The sworn application and financial statement, or 482  
12 security, indemnity or bond, or amount of insurance, or other 483  
13 provisions, filed, furnished, carried, or made by the 484  
14 employer. as the case may be, shall be subject to the 485