

NEW LAWS FOR 2008



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New laws protecting consumers who buy gift cards, restrictions on smoking and tougher permit requirements for teenage drivers are among the more than 100 new laws covering topics from “A” to “Z” that are slated to take effect January 1.

Under **House Bill 369**, gift certificates and gift cards cannot expire nor have their value reduced, as long as they are used within a five-year time frame. Previously, reductions in the value of gift cards and expiration dates were set by the issuer of the certificates.

One of the most widely debated new laws this year is the ban on smoking in public places, **Senate Bill 500**, which will apply to virtually all businesses and public places.

On another topic, a number of safety measures and increased restrictions go into effect January 1, in an attempt to protect teenage drivers.

The smoking ban prohibits smoking within 15 feet of all public buildings and places of employment. It also requires all employers to post signs at the entrance to the building that clearly state it is a “no smoking” zone, and requires removing all ashtrays at the entrances to the buildings. Businesses can download signs by going to <http://www.idph.state.il.us/smokefree/smokefreesigns.htm>.

Several new laws focus on teenage driving. One of these, **Senate Bill 172**, strengthens the state’s Graduated Driver Licensing program following recommendations from the Secretary of State’s Teen Driver Safety Task Force.

The legislation increases the required permit phase for drivers younger than 18 from three months to nine months, proposes a stricter driving curfew for new drivers, and sets tough penalties – including license

revocation and vehicle impoundment – for drivers who are involved in street racing. It also imposes increased penalties for new drivers who commit a moving or seatbelt violation, and prohibits drivers younger than 18 from having more than one passenger younger than 20 in the car for the first year he or she has the permit. An exemption is allowed for siblings of the driver.

Another new law, **Senate Bill 140**, prohibits anyone younger than 19 years old who has a driving permit from using cellular phones while driving, except in case of emergency. In addition, **House Bill 518** will allow parents to access the driving records of their teenagers while they have a graduated driver’s license.

Other bills becoming law on January 1 include:

Adopted Children (HB 49/P.A. 95-0279) – Allows legally adopted children to receive the same survivor benefits as other children in regard to state pensions.

Adult Entertainment (HB 286/P.A. 95-0047) – Lowers the threshold for a business to be classified as an “adult entertainment facility.” Under the new law, the term would apply if 25% or more of a business’s sales are of sexually explicit materials. The previous definition required that such materials be the “primary business” of the establishment.

Aggravated Assault (SB 1293/P.A. 95-0432) – Makes assault or battery of

a utility worker an aggravated assault or aggravated battery.

Aggravated Assault (HB 251/P.A. 95-0236)

– Enhances assault and battery-related criminal offenses to aggravated assault/battery when committed against private security officers.

Aggravated Battery (SB 76/P.A. 95-0256)

– Makes it an aggravated offense to commit battery against a taxi driver while the taxi driver is on duty.

Agriculture Education (HB 1922/P.A.

95-0153) – Requires the State Board of Education to develop an agriculture education teacher training continuum to aid in the recruitment of qualified agriculture educators. Also requires funding grants to the agriculture education teacher education programs located at Illinois State University, Southern Illinois University, the University of Illinois, and Western Illinois University.

Ambulance Services (SB 1244/P.A.

95-0497) – Clarifies that “ambulance services” includes pre-hospital medical services, which are services performed by a paramedic or other on-board emergency personnel.

Anti-Phishing (SB 137/P.A. 95-0353) –

Makes it unlawful to use the Internet to solicit identifying information by representing oneself to be a business without the authority or approval of the business.

Bicyclists (SB 80/P.A. 95-0234) –

Provides that vehicles passing a bicyclist or pedestrian must stay at least three feet away from the bicycle or pedestrian.

Bio-Based Products (HB 634/P.A.

95-0071) – Gives additional preference, under the procurement code, to businesses

that use bio-based products in the bidding process for state contracts.

Birth Certificates (HB 250/P.A. 95-0349)

– Requires public and private preschools, child care facilities and day cares to require a copy of a birth certificate for newly enrolled children.

Blood Donation (HB 411/P.A. 95-0354) –

Increases the amount of time allowed for employees to donate blood for up to one hour or more (now, up to one hour) every 56 days.

Boating Safety (HB 1553/P.A. 95-0107)

– Provides that, upon the approach of an authorized emergency watercraft making use of rotating or flashing lights, the operator of every other watercraft shall yield the right-of-way.

Business Loans (HB 1241/P.A. 95-0097)

– Increases Build Illinois Loans for Minority, Female or Disabled-Owned Businesses.

Cancer Screenings (HB 1239/ P.A.

95-0096) – Requires community health centers and federally qualified health centers to start providing ovarian cancer screenings.

Cannabis (HB 1684/P.A. 95-0247) – States

the unlawful and knowing production or possession of more than 200 cannabis sativa plants is a Class 1 felony.

Chemical Study (HB 680/ P.A. 95-0074)

– Requires the University of Chicago to conduct a feasibility study on implementing a program to monitor the presence of chemicals in the bodies of Illinois citizens.

Child Pornography (HB 170/P.A. 95-0191)

– Adds an additional \$500 in fines to people convicted of possessing child pornography.

Child Seats (SB 71/P.A. 95-0254) – Provides that any person transporting a child younger than 8 in any truck or tractor equipped with seat belts is responsible for securing the child in an appropriate child restraint system.

Children’s Eye Exams (SB 641/P.A. 95-0671) – Requires eye exams for kindergarteners or first graders.

Civil Rights (HB 166/P.A. 95-0025) – Provides that a public employer who refuses to temporarily transfer a pregnant police officer or firefighter to a less strenuous or hazardous position during the pregnancy when requested commits a civil rights violation.

Civil Rights/Gender (SB 1467/P.A. 95-0541) – Includes gender as a characteristic for which a person can not be discriminated against by any unit of state, county or local government.

Combining Offenses (SB 711/P.A. 95-0384) – Theft and fraud crimes may be charged as a single offense in a single count of the same indictment, information or complaint when one of two circumstances exist.

Computer Tampering (SB 142/P.A. 95-0326) – Adds accessing a computer network without authorization to the offense of computer tampering.

Conservation Funds (HB 1780/P.A. 95-0139) – Changes the name of the Conservation 2000 Fund to the Partners for Conservation Fund; provides that money in the fund may help protect Illinois ecosystems and natural resources through various means.

Contract Database (SB 767/P.A. 95-0536) – Requires the Procurement Policy Board to create a searchable database for contracts.

Copper Theft (SB 88/P.A. 95-0323) – Expands the offense of unlawful interference with public utility services to include situations where a person knowingly delays the restoration of service as a result of the person’s theft of wire.

Criminal Impersonation (SB 132/P.A. 95-0325) – Increases penalties for falsely representing oneself as a public officer or a public employee.

Credit Unions (HB 352/P.A. 95-0052) – Allows credit unions to elect directors based on one vote per share holder.

Crosswalks (SB 441/P.A. 95-0302) – Creates an offense for failure to stop or yield the right of way to a pedestrian in a crosswalk in a school zone.

Custodial Care (SB 481/P.A. 95-0315) – Increases the minimum dollar amounts available to immediate family members who provide live-in care for their disabled relatives for more than three years upon the death of that relative.

Disabled Veterans (HB 639/P.A. 95-0072) – Grants a state employee who is a veteran four days of leave per year (in addition to any currently available sick leave) to visit a veterans hospital for examination of a military service-connected disability (now, two days per year).

Divorce Settlements (SB 454/P.A. 95-0374) – States that the court may set aside a portion of the joint or separate estates to a fund or trust for any minor, dependent, or incompetent child.

DNA (SB 1346/P.A. 95-0500) – Requires coroners to provide DNA information to the State Police in homicide cases if the sample could aid in the investigation.

Drug Houses (SB 1375/P.A. 95-0503) – Makes changes to better allow prosecutors to file complaints against out-of-state or corporate property owners whose property has become a drug-house.

Drug Schools (HB 2734/P.A. 95-0160) – Creates “drug schools” to help administer drug intervention and education programs that serve as an alternative to traditional prosecution.

Early Release (SB 1391/P.A. 95-0539) – Allows early release from parole for those who obtain a GED (General Educational Development) certificate for the first time during incarceration or while on parole.

Electric Rates (HB 351/P.A. 95-0311) – Allows a municipality or county to adopt an ordinance under which it may aggregate one of more classes of the retail electrical loads located within the municipality or county, as a way to provide alternative means of obtaining power.

Emergency Training (HB 258/P.A. 95-0043) – Requires the Illinois State Board of Education to establish a matching grant program to pay for half of the cost of training interested school personnel in becoming certified in performing cardiopulmonary resuscitation or using an automated external defibrillator.

Emergency Workers (HB 2920/P.A. 95-0165) – Removes age restrictions on hiring out-of-state police and firefighters by a municipality.

Employees (HB 1795/P.A. 95-0026) – Provides that an individual performing any

service is deemed an employee (and not an independent contractor), unless certain conditions are met.

Employee Verification (HB 1744/P.A. 95-0138) – Prohibits employers from enrolling in any employment eligibility verification system until the federal government achieves greater accuracy in the systems.

Energy Efficiency (HB 1460/P.A. 95-0104) – Requires state use of Energy Star light bulbs.

Energy Efficiency (SB 215/P.A. 95-0660) – Establishes a pilot energy efficiency program for customers of MidAmerican Energy Company.

Extended Terms (HB 900/P.A. 95-0085) – Provides that an extended term may be imposed on an offender convicted of first degree murder, who was previously convicted of domestic battery or aggravated domestic battery committed against the murdered individual.

File Sharing (SB 532/P.A. 95-0485) – Sets restitution costs for persons convicted of unlawful use of sound or audio visual recordings.

Fire Protection (SB 1508/P.A. 95-0512) – Allows Fire Protection Districts to enforce building code ordinances in unincorporated areas of counties with approval of the County Board.

Foreclosure (SB 258/P.A. 95-0262) – Establishes that a tenant may stay in a rental property for 120 days (or the expiration of a term of a lease, whichever is shorter) after an order of possession in a foreclosure case against the landlord if the tenant is current on their rent.

Gold Star Plates (HB 167/P.A. 95-0034)

– Allows the surviving spouse and each surviving parent of a U.S. soldier who died while serving in the Armed Forces to be issued a set of Gold Star license plates.

Grow Your Own Teacher (SB 446/ P.A. 95-0476) – Clarifies that hard-to-staff schools participating in the “Grow Your Own Teacher” program must serve a substantial percentage of low-income students. Hard-to-staff schools must rank in the upper third among public schools in terms of rate of attrition of their teachers.

Health Facilities (HB 304/P.A. 95-0237)

– Requires the Illinois Department of Public Health and the Health Facilities Planning Board to make any review or findings concerning an application for a certificate of need public at least 14 days before the application goes to the Board for consideration.

Health Insurance (SB 21/P.A. 95-0021)

– Prohibits health insurers from excluding coverage for treatment relating to an injury acquired while the insured was intoxicated or under the influence of narcotics.

Hospice Care (HB 1066/P.A. 95-0133)

– Creates the Hospice and Palliative Care Advisory Board to consult with state government on various hospice care-related issues.

Identity Theft (HB 1236/P.A. 95-0060) –

Increases sentencing penalties for identity theft of active duty members of the Armed Services or Reserved Forces of the U.S. or Illinois National Guard.

Ignition Interlock (SB 585/P.A. 95-0027)

– Increases the penalties for people convicted of felony DUI and required to use an interlock ignition device. Prohibits soliciting other individuals to blow into the

devices and increases the penalty for driving vehicles not equipped with the device, when required to be used.

Lead Windows (SB 942/P.A. 95-0492) –

Allows property owners to receive grants and loans to replace windows with high levels of lead.

Library Board (HB 499/P.A. 95-0065) –

Requires persons filing a nomination petition for library trustee to get 25 signatures (currently 50).

Libraries (HB 237/P.A. 95-0040) –

Allows libraries to provide sworn law enforcement officers information when an emergency has occurred that involves the imminent danger of physical harm, and it is impractical to secure a court order.

License Plates (HB 2044/P.A. 95-0157)

– Allows people eligible to receive one set of Disabled Veterans license plates at no charge, and who have received a Circuit Breaker grant, to purchase a second set of license plates for \$24 instead of the \$78 fee.

License Plates (HB 2783/P.A. 95-0162) –

Authorizes the creation of “Korean Service” license plates, with funds going toward the Korean War Memorial Construction Fund.

License Plates (HB 1756/P.A. 95-0359) –

Mandates that all special plates go through the legislature before the Secretary of State can issue them.

License Plates (HB 2808/P.A. 95-2808)

– Allows for the issuance of an “Autism Awareness” license plate.

License Plates (HB 3395/P.A. 95-0320) –

Authorizes the Secretary of State to issue a “Boy Scout” and a “Girl Scout” license plate and “Eagle Scout” and “Gold Award” plates.

License Plate (HB 362/P.A. 95-0291) – Establishes a fine for a person who lies about his or her military service in order to obtain a military license plate

License Plates (SB 73/P.A. 95-0531) – Allows for Sheet Metal Workers International Association license plates.

Livestock Waste Facilities (HB 215/P.A. 95-0038) – Makes changes to concrete livestock waste facility requirements, specifically relating to the amount of waste contained.

Methamphetamine (SB 55/P.A. 95-0252) – States that a person is guilty of a felony if they knowingly use a fictitious driver's license or government-issued identification to obtain a targeted methamphetamine precursor.

Methamphetamine (SB 274/P.A. 95-0960) – Creates a Class 4 felony for persons convicted of attempts to possess, procure, transport, store, or deliver anhydrous ammonia in an unauthorized container.

Methamphetamine (HB 624/P.A. 95-0355) – Recognizes methamphetamine as an intoxicating compound subject to the same penalties as other DUI offenses.

Mobile Home Owners (SB 688/P.A. 95-0688) – Establishes protections for mobile home owners whose park owners raise rental rates on the land.

Mine Subsidence (HB 1004/P.A. 95-0092) – Provides that the Illinois Mine Subsidence Insurance Fund shall establish the maximum amount of reinsurance available per residence, commercial building, and living unit for mine subsidence insurance.

Municipal Elections (HB 962/P.A. 95-0646) – Clarifies the procedures for

when vacancies begin and provides a more uniform way of filling vacant municipal positions.

Murder-Armed Forces (SB 115/P.A. 95-0362) – Increases the penalty for murder, when the defendant or aggressor knew that the victim was a member of the armed forces.

Online Indecency (HB 2858/P.A. 95-0143) – Makes it a Class 4 Felony to knowingly discuss sexual acts with a child via the Internet.

Open Space (HB 586/P.A. 95-0070) – Provides that if land is improved with a water-retention dam that is operated primarily for commercial purposes, that dam is **not** considered to be used for open space purposes despite the fact that any resulting man-made lake may be considered to be used for open space purposes.

Optometrists (HB 1366/P.A. 95-0242) – Allows optometrists to prescribe oral drugs, such as acetaminophens (Vicodin/Tylenol3), Darvocet and other painkiller's to their patients with a 72-hour limit on prescriptions, and broadens their topical prescription authority to treat more infections.

Park Districts (HB 553/P.A. 95-0067) – Allows park districts to reject bids that do not meet the district's established specifications, terms of delivery, quantity, and serviceability requirements, without having to go through a formal rejection process.

Passing School Buses (HB 1475/P.A. 95-0105) – Failure by a person to disclose who was driving a vehicle when it illegally passes a school bus would result in the suspension of the vehicle registration for three months.

Patient Religion (HB 3604/P.A. 95-0181) – Requires every hospital to adopt policies to ensure that the treatment of patients at the hospital have their religious beliefs taken into account.

Peace Officers (HB 162/P.A. 95-0024) – Allows federal agents to assist local law enforcement entities in arrests, regardless of the type of offense.

Prescription Theft (SB 705/P.A. 95-0487) – Creates the offense of prescription theft for individuals who knowingly alter prescription forms or possess prescription forms without proper authorization.

Proof of Insurance (HB 1439/P.A. 95-0211) – Requires that a person placed on court supervision for driving an uninsured vehicle must maintain proof of insurance, for a period of at least three years (rather than one year) after the date the proof is first filed.

Protecting Pets (HB 9/P.A. 95-0009) – Allows pets to be included in an order of protection for abused individuals, because animals are occasionally used as a way to intimidate or retaliate against victims of abuse.

Race Horse Exemption (HB 950/P.A. 95-0088) – Reinstates a state sales tax exemption on the sale of race horses.

Reckless Homicide (SB 533/P.A. 95-0377) – Increased penalties for driving with a revoked license if the license was revoked for reckless homicide.

Rental Cars (HB 3383/P.A. 95-0249) – Establishes a uniform limit on the amount per day that the renter of a vehicle may be charged for collision damage waivers.

Retired Judges (SB 1306/P.A. 95-0498) – Allows retired judges to be able to give the oath of office.

Rivers (HB 987/P.A. 95-0132) – Creates the Wabash and Ohio Rivers Coordinating Council to develop water management plans and work with local communities to help address responsible watershed practices.

Roadside Memorial (HB 1900/P.A. 95-0398) – Allows IDOT to erect and maintain roadside markers to identify the locations where victims were killed in DUI accidents.

Salvage Titles (SB 1164/ P.A. 95-0495) – Establishes a new method by which a self-insured company, like a rental car company, can obtain a salvage certificate.

Salvia Divinorum (HB 457/P.A. 95-0239) – Includes Salvia divinorum, a hallucinogenic form of sage, as a Schedule 1 controlled substance.

School Bus Telephone Number (HB 3624/P.A. 95-0176) – Requires signs on the back of every school bus which have the telephone number of the bus owner.

State Fire Marshal (HB 1988/P.A. 95-0224) – Requires fire chiefs to furnish to the State Fire Marshal any information he or she deems of importance to the fire service.

Sexual Assault Limitations (HB 1462/P.A. 95-0589) – Eliminates the two-year statute of limitations for “sexual conduct” or “sexual penetration” when the person injured is subject to threats, intimidation, manipulation, or fraud by the perpetrator.

Sex Offenders (HB 156/P.A. 95-0032) – Prohibits child sex offenders from operating, managing, being employed or associated

with a county fair where people younger than 18 are present.

Stalking (HB 6/P.A. 95-0033) –

Incorporates into the definition of stalking the placement of an electronic tracking device on a person or a person's property.

State's attorneys (HB 239/P.A. 95-0041) –

Provides that state's attorneys may use fees collected through the Bad Check Diversion Program for paying the expenses of the program or for use in the enforcement and prosecution of criminal laws.

Stem Cell Research (SB 4/P.A. 95-0519)

– Creates the Stem Cell Research and Human Cloning Prohibition Act, permitting embryonic and adult stem cell research in Illinois and allowing for public funds to be used for such research

Street gangs (HB 270/P.A. 95-0045) –

Provides that a person commits the offense of unlawful contact with gang members by knowingly having contact with a gang member after being ordered to stay away from gangs by a judge or as a condition or parole of supervised release.

Suicide Prevention (HB 1643/P.A.

95-0109) – Combines two state suicide prevention bodies into a single Illinois Suicide Prevention Alliance.

Tollway Exemptions (SB 170/P.A.

95-0327) – Exempts vehicles owned or operated by the Suburban Bus Division (PACE) of the Regional Transportation Authority from paying tolls.

Underage Alcohol (HB 3131/P.A. 95-0166)

– Authorizes the Secretary of State to suspend the driving privileges of a person, younger than 21, who gets court supervision for the transfer, possession or consumption of alcohol.

Underage Victims (HB 572/P.A. 95-0069)

– Allows a parole agent or probation officer to obtain the identity of a child who is the victim of a criminal sexual offense. Assists parole agents/probation officers who many times need to know the identity of the victim in order to facilitate the conditions of parole/probation that are placed upon the offender.

U of I Scholarships (HB 486/P.A. 95-0064)

– Expands guidelines for the University of Illinois program providing scholarships for children of veterans to include Operation Enduring Freedom and Operation Iraqi Freedom to the list of eligible deployment.

Victim's Compensation (SB 31/P.A.

95-0250) – Allows victims to file a claim for compensation within one year after a criminal indictment of a person for the offense upon which the claim is based, in addition to the ability to file a claim within two years of the occurrence of the crime itself.

Videotaping (SB 273/P.A. 95-0265) –

Increases the penalties for videotaping another person in a restroom, tanning bed, locker room, or hotel bedroom without their knowledge or consent

Volunteer Emergency Worker (HB

1031/P.A. 95-0059) – Increases the job protection for volunteer emergency workers to include municipalities with populations of 7,500 or more (now 3,500).

Water Supply (SB 1360/P.A. 95-0538) –

Creates a sales tax exemption for materials used in the construction and maintenance of community water supplies.

Water Taxes (SB 249/P.A. 95-0114)

– Provides that DuPage County water commissions may not tax residents for water within municipalities that construct and operate their own water system.

Whistleblower Protection (HB 742/P.A. 95-0128) – Prevents units of government, state agencies and universities whose major function is to provide education from retaliating against employees who report violations of the law.

Workers Compensation (HB 928/P.A. 95-0316) – Requires the Illinois Workers' Compensation Commission to grant benefits to any firefighter, emergency medical technician or paramedic who contracts any disease or illness that is the result of any blood-borne pathogen, heart or vascular disease, hypertension, tuberculosis or cancer.

Workplace Drug Testing (HB 1855/P.A. 95-0635) – Requires contractors on public works projects to have a substance abuse program and provide drug testing.

Youth Hunting (SB 201/P.A. 95-0013) – Creates a special two-day youth hunting season.

Zoology (HB 3165/P.A. 95-0177) – Allows children ages 14 to 16 to work with animal blood, blood products and animal body fluids and tissues. This will allow youth to work at veterinary clinics.