



Rep. Elizabeth "Lisa" Hernandez

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10300HB5345ham001

LRB103 38149 SPS 71155 a

1 AMENDMENT TO HOUSE BILL 5345

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5345 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title; references to Act.

5 (a) Short title. This Act may be cited as the High Road  
6 Restaurant Program Act.

7 (b) References to Act. This Act may be referred to as the  
8 One Fair Wage with Tips on Top Act.

9 Section 5. High Road Restaurant Program.

10 (a) The Department of Commerce and Economic Opportunity  
11 shall create the High Road Restaurant Program to recognize  
12 restaurants that voluntarily take no allowance for gratuities  
13 under subsection (c) of the Minimum Wage Law.

14 (b) To qualify for recognition as a High Road Restaurant  
15 under the program, an owner of a restaurant must certify, on a  
16 form created by the Department, that the restaurant has

1 satisfied the following requirements:

2 (1) that it takes no allowance for gratuities under  
3 subsection (c) of Section 4 of the Minimum Wage Law;

4 (2) that all of the restaurant's owners and employees  
5 have completed an equity training program approved by the  
6 Department under Section 10; and

7 (3) that it has not been found to have violated the  
8 Illinois Wage Payment and Collection Act or the Minimum  
9 Wage Law by the Department of Labor or a court within the  
10 prior 3 years.

11 Section 10. Equity training program. The Department of  
12 Commerce and Economic Opportunity shall approve an equity  
13 training program that trains restaurant owners and employees  
14 on how to achieve equity among employees in the restaurant  
15 while maintaining profitability and eliminating the subminimum  
16 wage for workers who have customarily received gratuities. To  
17 develop the content of the training and provide the training,  
18 the Department may work with non-profit organizations with an  
19 established history of working toward the goal of a full  
20 minimum wage plus gratuities for employees who have  
21 customarily received gratuities, eliminating the subminimum  
22 wage for such employees, and with a history of advancing  
23 racial equity in restaurants. The Director of Commerce and  
24 Economic Opportunity shall have the authority to approve any  
25 equity training program under this Section and certify any

1 organization to provide the training that meets the criteria  
2 described in this Section. Under no circumstances may a  
3 restaurant owner charge an employee a fee for participation in  
4 an equity training program. For purposes of this Section,  
5 "equity" means efforts, regulations, policies, programs,  
6 standards, processes, and any other functions of government or  
7 principles of law and governance intended to: (1) identify and  
8 remedy past and present patterns of discrimination or  
9 inequality, and disparities in outcome; (2) ensure that  
10 patterns of discrimination, inequality, and disparities in  
11 outcome, whether intentional or unintentional, are neither  
12 reinforced nor perpetuated; and (3) prevent the emergence and  
13 persistence of foreseeable future patterns of discrimination  
14 against or disparities in outcome against minority persons, as  
15 that term is defined in Section 2 of the Business Enterprise  
16 for Minorities, Women, and Persons with Disabilities Act.

17 Section 15. Benefits of program membership. The Department  
18 of Commerce and Economic Opportunity shall certify restaurants  
19 participating in the High Road Restaurant Program that satisfy  
20 the requirements described in subsection (b) of Section 5 and  
21 provide those restaurants with the following benefits:

22 (1) issuing the owner of a restaurant a certificate  
23 identifying the restaurant as a certified High Road  
24 Restaurant, that may be posted inside of the restaurant;

25 (2) be listed on the Department's website as a

1 certified High Road Restaurant; and

2 (3) provide access to zero interest loans to assist  
3 with the restaurant's participation in the High Road  
4 Restaurant Program, subject to appropriation.

5 Section 20. Revocation of certification under the program.

6 (a) Upon a finding that a restaurant certified under this  
7 Act has committed a substantial violation of the Illinois Wage  
8 Payment and Collection Act or the Minimum Wage Law, the  
9 Department of Commerce and Economic Opportunity shall revoke  
10 the certification as soon as practicable. Upon written notice  
11 of the revocation of the certification, the restaurant shall  
12 be removed from the Department's website and shall not be  
13 permitted to display any previously issued High Road  
14 Restaurant certification.

15 (b) The Department shall fine any restaurant that violates  
16 any provision of this Act up to \$1,500 per day for each  
17 violation, payable to the Department of Commerce and Economic  
18 Opportunity to administer and enforce this Act.

19 Section 25. Rulemaking. The Department of Commerce and  
20 Economic Opportunity may adopt rules to implement and enforce  
21 the provisions of this Act.

22 Section 30. Repeal. This Act is repealed on January 1,  
23 2028.

1           Section 90. The Minimum Wage Law is amended by changing  
2 Sections 3, 4, and 9 and by adding Section 12.1 as follows:

3           (820 ILCS 105/3) (from Ch. 48, par. 1003)

4           Sec. 3. As used in this Act:

5           (a) "Director" means the Director of the Department of  
6 Labor, and "Department" means the Department of Labor.

7           (b) "Wages" means compensation due to an employee by  
8 reason of his employment, including allowances determined by  
9 the Director in accordance with the provisions of this Act for  
10 gratuities and, when furnished by the employer, for meals and  
11 lodging actually used by the employee.

12           (c) "Employer" includes any individual, partnership,  
13 association, corporation, limited liability company, business  
14 trust, governmental or quasi-governmental body, or any person  
15 or group of persons acting directly or indirectly in the  
16 interest of an employer in relation to an employee, for which  
17 one or more persons are gainfully employed on some day within a  
18 calendar year. An employer is subject to this Act in a calendar  
19 year on and after the first day in such calendar year in which  
20 he employs one or more persons, and for the following calendar  
21 year.

22           (d) "Employee" includes any individual permitted to work  
23 by an employer in an occupation, and includes, notwithstanding  
24 subdivision (1) of this subsection (d), one or more domestic

1 workers as defined in Section 10 of the Domestic Workers' Bill  
2 of Rights Act, but does not include any individual permitted  
3 to work:

4 (1) For an employer employing fewer than 4 employees  
5 exclusive of the employer's parent, spouse or child or  
6 other members of his immediate family.

7 (2) As an employee employed in agriculture or  
8 aquaculture (A) if such employee is employed by an  
9 employer who did not, during any calendar quarter during  
10 the preceding calendar year, use more than 500 man-days of  
11 agricultural or aquacultural labor, (B) if such employee  
12 is the parent, spouse or child, or other member of the  
13 employer's immediate family, (C) if such employee (i) is  
14 employed as a hand harvest laborer and is paid on a piece  
15 rate basis in an operation which has been, and is  
16 customarily and generally recognized as having been, paid  
17 on a piece rate basis in the region of employment, (ii)  
18 commutes daily from his permanent residence to the farm on  
19 which he is so employed, and (iii) has been employed in  
20 agriculture less than 13 weeks during the preceding  
21 calendar year, (D) if such employee (other than an  
22 employee described in clause (C) of this subparagraph):  
23 (i) is 16 years of age or under and is employed as a hand  
24 harvest laborer, is paid on a piece rate basis in an  
25 operation which has been, and is customarily and generally  
26 recognized as having been, paid on a piece rate basis in

1 the region of employment, (ii) is employed on the same  
2 farm as his parent or person standing in the place of his  
3 parent, and (iii) is paid at the same piece rate as  
4 employees over 16 are paid on the same farm.

5 (3) (Blank).

6 (4) As an outside salesman.

7 (5) As a member of a religious corporation or  
8 organization.

9 (6) At an accredited Illinois college or university  
10 employed by the college or university at which he is a  
11 student who is covered under the provisions of the Fair  
12 Labor Standards Act of 1938, as heretofore or hereafter  
13 amended.

14 (7) For a motor carrier and with respect to whom the  
15 U.S. Secretary of Transportation has the power to  
16 establish qualifications and maximum hours of service  
17 under the provisions of Title 49 U.S.C. or the State of  
18 Illinois under Section 18b-105 (Title 92 of the Illinois  
19 Administrative Code, Part 395 - Hours of Service of  
20 Drivers) of the Illinois Vehicle Code.

21 (8) As an employee employed as a player who is 28 years  
22 old or younger, a manager, a coach, or an athletic trainer  
23 by a minor league professional baseball team not  
24 affiliated with a major league baseball club, if (A) the  
25 minor league professional baseball team does not operate  
26 for more than 7 months in any calendar year or (B) during

1 the preceding calendar year, the minor league professional  
2 baseball team's average receipts for any 6-month period of  
3 the year were not more than 33 1/3% of its average receipts  
4 for the other 6 months of the year.

5 The above exclusions from the term "employee" may be  
6 further defined by regulations of the Director.

7 (e) "Occupation" means an industry, trade, business or  
8 class of work in which employees are gainfully employed.

9 (f) "Gratuities" means voluntary monetary contributions to  
10 an employee from a guest, patron or customer in connection  
11 with services rendered.

12 (g) "Outside salesman" means an employee regularly engaged  
13 in making sales or obtaining orders or contracts for services  
14 where a major portion of such duties are performed away from  
15 his employer's place of business.

16 (h) "Day camp" means a seasonal recreation program in  
17 operation for no more than 16 weeks intermittently throughout  
18 the calendar year, accommodating for profit or under  
19 philanthropic or charitable auspices, 5 or more children under  
20 18 years of age, not including overnight programs. The term  
21 "day camp" does not include a "day care agency", "child care  
22 facility" or "foster family home" as licensed by the Illinois  
23 Department of Children and Family Services.

24 (i) "Interested party" means an organization that monitors  
25 or is attentive to compliance with public or worker safety  
26 laws, wage and hour requirements, or other statutory



1 requirements.

2 (Source: P.A. 99-758, eff. 1-1-17; 100-192, eff. 8-18-17.)

3 (820 ILCS 105/4) (from Ch. 48, par. 1004)

4 Sec. 4. (a)(1) Every employer shall pay to each of his  
5 employees in every occupation wages of not less than \$2.30 per  
6 hour or in the case of employees under 18 years of age wages of  
7 not less than \$1.95 per hour, except as provided in Sections 5  
8 and 6 of this Act, and on and after January 1, 1984, every  
9 employer shall pay to each of his employees in every  
10 occupation wages of not less than \$2.65 per hour or in the case  
11 of employees under 18 years of age wages of not less than \$2.25  
12 per hour, and on and after October 1, 1984 every employer shall  
13 pay to each of his employees in every occupation wages of not  
14 less than \$3.00 per hour or in the case of employees under 18  
15 years of age wages of not less than \$2.55 per hour, and on or  
16 after July 1, 1985 every employer shall pay to each of his  
17 employees in every occupation wages of not less than \$3.35 per  
18 hour or in the case of employees under 18 years of age wages of  
19 not less than \$2.85 per hour, and from January 1, 2004 through  
20 December 31, 2004 every employer shall pay to each of his or  
21 her employees who is 18 years of age or older in every  
22 occupation wages of not less than \$5.50 per hour, and from  
23 January 1, 2005 through June 30, 2007 every employer shall pay  
24 to each of his or her employees who is 18 years of age or older  
25 in every occupation wages of not less than \$6.50 per hour, and

1 from July 1, 2007 through June 30, 2008 every employer shall  
2 pay to each of his or her employees who is 18 years of age or  
3 older in every occupation wages of not less than \$7.50 per  
4 hour, and from July 1, 2008 through June 30, 2009 every  
5 employer shall pay to each of his or her employees who is 18  
6 years of age or older in every occupation wages of not less  
7 than \$7.75 per hour, and from July 1, 2009 through June 30,  
8 2010 every employer shall pay to each of his or her employees  
9 who is 18 years of age or older in every occupation wages of  
10 not less than \$8.00 per hour, and from July 1, 2010 through  
11 December 31, 2019 every employer shall pay to each of his or  
12 her employees who is 18 years of age or older in every  
13 occupation wages of not less than \$8.25 per hour, and from  
14 January 1, 2020 through June 30, 2020, every employer shall  
15 pay to each of his or her employees who is 18 years of age or  
16 older in every occupation wages of not less than \$9.25 per  
17 hour, and from July 1, 2020 through December 31, 2020 every  
18 employer shall pay to each of his or her employees who is 18  
19 years of age or older in every occupation wages of not less  
20 than \$10 per hour, and from January 1, 2021 through December  
21 31, 2021 every employer shall pay to each of his or her  
22 employees who is 18 years of age or older in every occupation  
23 wages of not less than \$11 per hour, and from January 1, 2022  
24 through December 31, 2022 every employer shall pay to each of  
25 his or her employees who is 18 years of age or older in every  
26 occupation wages of not less than \$12 per hour, and from

1 January 1, 2023 through December 31, 2023 every employer shall  
2 pay to each of his or her employees who is 18 years of age or  
3 older in every occupation wages of not less than \$13 per hour,  
4 and from January 1, 2024 through December 31, 2024, every  
5 employer shall pay to each of his or her employees who is 18  
6 years of age or older in every occupation wages of not less  
7 than \$14 per hour; and on and after January 1, 2025, every  
8 employer shall pay to each of his or her employees who is 18  
9 years of age or older in every occupation wages of not less  
10 than \$15 per hour.

11 (2) Unless an employee's wages are reduced under Section  
12 6, then in lieu of the rate prescribed in item (1) of this  
13 subsection (a), an employer may pay an employee who is 18 years  
14 of age or older, during the first 90 consecutive calendar days  
15 after the employee is initially employed by the employer, a  
16 wage that is not more than 50¢ less than the wage prescribed in  
17 item (1) of this subsection (a); however, an employer shall  
18 pay not less than the rate prescribed in item (1) of this  
19 subsection (a) to:

20 (A) a day or temporary laborer, as defined in Section  
21 5 of the Day and Temporary Labor Services Act, who is 18  
22 years of age or older; and

23 (B) an employee who is 18 years of age or older and  
24 whose employment is occasional or irregular and requires  
25 not more than 90 days to complete.

26 (3) At no time on or before December 31, 2019 shall the

1 wages paid to any employee under 18 years of age be more than  
2 50¢ less than the wage required to be paid to employees who are  
3 at least 18 years of age under item (1) of this subsection (a).  
4 Beginning on January 1, ~~2025~~ 2020, every employer shall pay to  
5 each of his or her employees who is under 18 years of age ~~that~~  
6 ~~has worked more than 650 hours for the employer during any~~  
7 ~~calendar year a wage~~ not less than the wage required for  
8 employees who are 18 years of age or older under paragraph (1)  
9 of subsection (a) of Section 4 of this Act. ~~Every employer~~  
10 ~~shall pay to each of his or her employees who is under 18 years~~  
11 ~~of age that has not worked more than 650 hours for the employer~~  
12 ~~during any calendar year: (1) \$8 per hour from January 1, 2020~~  
13 ~~through December 31, 2020; (2) \$8.50 per hour from January 1,~~  
14 ~~2021 through December 31, 2021; (3) \$9.25 per hour from~~  
15 ~~January 1, 2022 through December 31, 2022; (4) \$10.50 per hour~~  
16 ~~from January 1, 2023 through December 31, 2023; (5) \$12 per~~  
17 ~~hour from January 1, 2024 through December 31, 2024; and (6)~~  
18 ~~\$13 per hour on and after January 1, 2025.~~

19 (b) No employer shall discriminate between employees on  
20 the basis of sex or mental or physical disability, except as  
21 otherwise provided in this Act by paying wages to employees at  
22 a rate less than the rate at which he pays wages to employees  
23 for the same or substantially similar work on jobs the  
24 performance of which requires equal skill, effort, and  
25 responsibility, and which are performed under similar working  
26 conditions, except where such payment is made pursuant to (1)

1 a seniority system; (2) a merit system; (3) a system which  
2 measures earnings by quantity or quality of production; or (4)  
3 a differential based on any other factor other than sex or  
4 mental or physical disability, except as otherwise provided in  
5 this Act.

6 (c) Before January 1, 2025, every ~~Every~~ employer of an  
7 employee engaged in an occupation in which gratuities have  
8 customarily and usually constituted and have been recognized  
9 as part of the remuneration for hire purposes is entitled to an  
10 allowance for gratuities as part of the hourly wage rate  
11 provided in Section 4, subsection (a) in an amount not to  
12 exceed 40% of the applicable minimum wage rate. On and after  
13 January 1, 2025, an employer shall not be entitled to an  
14 allowance for gratuities and shall pay each employee no less  
15 than the applicable minimum wage rate as provided in paragraph  
16 (1) of subsection (a). An allowance for gratuities shall only  
17 be taken for shifts in which an employee's wages and  
18 gratuities combined over that shift result in an average  
19 hourly wage rate equal to or greater than the hourly minimum  
20 wage provided in paragraph (1) of subsection (a).

21 The Director shall require each employer desiring an  
22 allowance for gratuities to provide substantial evidence that  
23 the amount claimed, which may not exceed the allowance amount  
24 prescribed in this subsection ~~40% of the applicable minimum~~  
25 ~~wage rate,~~ was received by the employee ~~in the period for which~~  
26 ~~the claim of exemption is made,~~ and no part thereof was

1 returned to the employer, and that the employer provides, at  
2 the time of payment, a written accounting of the hourly wages  
3 paid, the gratuities earned, and the average hourly  
4 remuneration for each shift worked during the pay period.

5 An employer shall not keep any gratuities received by an  
6 employee for any purpose or allow a manager or a supervisor to  
7 keep any portion of an employee's gratuities, regardless of  
8 whether or not the employer takes an allowance for gratuities.  
9 Nothing in this subsection shall be construed to prohibit an  
10 otherwise valid pooling of gratuities among non-managerial and  
11 non-supervisory employees.

12 (d) No camp counselor who resides on the premises of a  
13 seasonal camp of an organized not-for-profit corporation shall  
14 be subject to the adult minimum wage if the camp counselor (1)  
15 works 40 or more hours per week, and (2) receives a total  
16 weekly salary of not less than the adult minimum wage for a  
17 40-hour week. If the counselor works less than 40 hours per  
18 week, the counselor shall be paid the minimum hourly wage for  
19 each hour worked. Every employer of a camp counselor under  
20 this subsection is entitled to an allowance for meals and  
21 lodging as part of the hourly wage rate provided in Section 4,  
22 subsection (a), in an amount not to exceed 25% of the minimum  
23 wage rate.

24 (e) A camp counselor employed at a day camp is not subject  
25 to the adult minimum wage if the camp counselor is paid a  
26 stipend on a onetime or periodic basis and, if the camp

1 counselor is a minor, the minor's parent, guardian or other  
2 custodian has consented in writing to the terms of payment  
3 before the commencement of such employment.

4 (Source: P.A. 101-1, eff. 2-19-19.)

5 (820 ILCS 105/9) (from Ch. 48, par. 1009)

6 Sec. 9. (a) Every employer subject to any provision of  
7 this Act or of any regulations issued under this Act shall keep  
8 a summary of this Act approved by the Director, and copies of  
9 any applicable regulations issued under this Act or a summary  
10 of such regulations, posted in a conspicuous and accessible  
11 place in or about the premises wherever any person subject to  
12 this Act is employed. Every employer subject to any provision  
13 of this Act or any regulations issued under this Act with  
14 employees who do not regularly report to a physical workplace,  
15 such as employees who work remotely or travel for work, shall  
16 also provide the summaries and regulations by email to its  
17 employees or conspicuous posting on the employer's website or  
18 intranet site, if such site is regularly used by the employer  
19 to communicate work-related information to employees and is  
20 able to be regularly accessed by all employees, freely and  
21 without interference. Employers shall be furnished copies of  
22 such summaries and regulations by the State on request without  
23 charge.

24 (b) Every employer shall provide each employee who  
25 receives gratuities, in writing in English and in the language

1 identified by each employee as the primary language of the  
2 employee, at the time of hiring and at any time the employee's  
3 compensation changes, a notice containing:

4 (1) the rate or rates of pay and basis thereof,  
5 whether paid by the hour, shift, day, week, salary, or  
6 other method, including overtime compensation rates for  
7 non-exempt employees and allowances claimed as part of the  
8 minimum wage, including gratuities;

9 (2) employees' rights to be compensated by their  
10 employer at the rate prescribed in subsection (a) of  
11 Section 4 when gratuities do not bring the employee to  
12 that rate at the end of each shift;

13 (3) employee rights to retain gratuities as described  
14 in this Act; and

15 (4) and other relevant employee rights deemed  
16 necessary by the Director by rule.

17 The Director shall prepare templates that comply with the  
18 notice requirements of this subsection. The template shall  
19 include the information required by this subsection in 2  
20 languages, including English and one additional language  
21 determined by the Director based on the population of this  
22 State that speaks the language and any other factor that the  
23 Director deems relevant.

24 (Source: P.A. 103-201, eff. 1-1-24.)



1       Sec. 12.1. Civil actions brought by an interested party.

2       (a) Upon a reasonable belief that an employer covered by  
3 this Act is in violation of any provision of this Act, an  
4 interested party may initiate a civil action in the county  
5 where the alleged offenses occurred or where any party to the  
6 action resides, asserting that a violation of this Act has  
7 occurred, as follows:

8           (1) The interested party submits to the Department of  
9 Labor a complaint describing the violation and naming the  
10 employer who violated this Act.

11          (2) The Department sends notice of complaint to the  
12 named party alleged to have violated this Act and the  
13 interested party. The named parties may contest the  
14 alleged violation.

15          (3) A named party may contest the alleged violation  
16 within 30 days after the receipt of the notice of  
17 complaint. If a named party does not respond within 30 day  
18 after the receipt of the notice of complaint, the  
19 Department shall issue a notice of the right to sue to the  
20 interested party in accordance with the requirements  
21 described in paragraph (4).

22          (4) The Department shall issue a notice of the right  
23 to sue to the interested party if one or more of the  
24 following has occurred:

25           (A) the Director has determined that the  
26 allegation is unjustified or that the Department does

1 not have jurisdiction over the matter or the parties;

2 or

3 (B) the Director has determined that the  
4 allegation is justified or has not made a  
5 determination, and either has decided not to exercise  
6 jurisdiction over the matter or has concluded  
7 administrative enforcement of the matter.

8 (b) If, within 180 days after service of the notice of  
9 complaint to the named party and the interested party, the  
10 Department has not (i) resolved a contest to the alleged  
11 violation as described in paragraph (3) of subsection (a) or  
12 (ii) issued a notice of the right to sue to the interested  
13 party as described in paragraph (4) of subsection (a), the  
14 interested party may initiate a civil action for penalties.  
15 The limitations period for the interested party to bring an  
16 action for the alleged violation of the Act shall be tolled for  
17 the 180-day period and for the period of any mutually agreed  
18 extensions. At the end of the 180-day period, or any mutually  
19 agreed extensions, the Department shall issue a right to sue  
20 letter to the interested party.

21 (c) Any claim or action filed under this Section must be  
22 made within 3 years of the alleged conduct resulting in the  
23 complaint plus any period for which the limitations period has  
24 been tolled.

25 (d) In an action brought under this Section, an interested  
26 party may recover against the covered entity any statutory

1 penalties and injunctive relief. An interested party who  
2 prevails in a civil action shall receive 10% of any statutory  
3 penalties assessed, plus any attorneys' fees and expenses in  
4 bringing the action. The remaining 90% of any statutory  
5 penalties assessed shall be deposited into the Department's  
6 Wage Theft Enforcement Fund.

7 Section 95. The Illinois Wage Payment and Collection Act  
8 is amended by changing Section 4.1 as follows:

9 (820 ILCS 115/4.1)

10 Sec. 4.1. Gratuities.

11 (a) Gratuities to employees are the property of the  
12 employees, and employers shall not keep gratuities. Failure to  
13 pay gratuities owed to an employee more than 13 days after the  
14 end of the pay period in which such gratuities were earned  
15 constitutes a violation of this Act.

16 (a-5) Any service charge imposed by an employer on a  
17 customer shall be a gratuity as described in subsection (a)  
18 and is the property of the employees. An employer who imposes a  
19 bona fide service charge on a customer shall explicitly and  
20 conspicuously disclose to the consumer that all funds  
21 generated from the service charge are directly given to the  
22 employees in the form of a gratuity.

23 (b) No employer shall withhold ~~This Section does not~~  
24 ~~prohibit an employer from withholding~~ from gratuities paid by

1 credit card ~~a proportionate amount of~~ any credit card  
2 processing fees that the employer must pay in connection with  
3 the transaction, ~~provided that the amount withheld does not~~  
4 ~~exceed the proportion of the amount of the tip to the amount of~~  
5 ~~the overall bill, regardless of whether the overall bill was~~  
6 ~~paid using a credit card.~~ This Section does not prohibit tip  
7 pooling as permitted by law. This Section does not affect an  
8 employer's entitlement to an allowance for gratuities to the  
9 extent permitted under subsection (c) of Section 4 of the  
10 Minimum Wage Law.

11 (Source: P.A. 101-509, eff. 1-1-20.)

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