



Rep. Sharon Chung

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10300SB1782ham001

LRB103 28386 SPS 61024 a

1 AMENDMENT TO SENATE BILL 1782

2 AMENDMENT NO. _____. Amend Senate Bill 1782 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Child Labor Law is amended by changing
5 Sections 0.5 and 1 and by adding Sections 2.6 and 12.6 as
6 follows:

7 (820 ILCS 205/0.5)

8 Sec. 0.5. Definitions. As used in this Act:

9 "District Superintendent of Schools" means an individual
10 employed by a board of education in accordance with Section
11 10-21.4 of the School Code and shall also include the chief
12 executive officer of a school district in a city with over
13 500,000 inhabitants.

14 "Duly authorized agent" means an individual who has been
15 designated by a Regional or District Superintendent of Schools
16 as their agent for the limited purpose of issuing employment

1 certificates to minors under the age of 16, and may include
2 officials of any public school district, charter school, or
3 any State-recognized, non-public school.

4 "Family" means a group of persons related by blood or
5 marriage, including civil partnerships, or whose close
6 relationship with each other is considered equivalent to a
7 family relationship by the individuals.

8 "Online platform" means any public-facing website, web
9 application, or digital application, including a mobile
10 application. "Online platform" includes a social network,
11 advertising network, mobile operating system, search engine,
12 email service, or Internet access service.

13 "Regional Superintendent of Schools" means the chief
14 administrative officer of an educational service region
15 pursuant to Section 3A-2 of the School Code.

16 "Vlog" means content shared on an online platform in
17 exchange for compensation.

18 "Vlogger" means an individual or family that creates video
19 content, performed in Illinois, in exchange for compensation,
20 and includes any proprietorship, partnership, company, or
21 other corporate entity assuming the name or identity of a
22 particular individual or family for the purposes of that
23 content creation. "Vlogger" does not include any person under
24 the age of 16 who produces his or her own vlogs.

25 (Source: P.A. 102-32, eff. 6-25-21.)

1 (820 ILCS 205/2.6 new)

2 Sec. 2.6. Minors featured in vlogs.

3 (a) A minor under the age of 16 is considered engaged in
4 the work of vlogging when the following criteria are met at any
5 time during the previous 12-month period:

6 (1) at least 30% of the vlogger's compensated video
7 content produced within a 30-day period included the
8 likeness, name, or photograph of the minor child. Content
9 percentage is measured by the percentage of time the
10 likeness, name, or photograph of the minor child visually
11 appears or is the subject of an oral narrative in a video
12 segment, as compared to the total length of the segment;
13 and

14 (2) the number of views received per video segment on
15 any online platform met the online platform's threshold
16 for the generation of compensation or the vlogger received
17 actual compensation for video content equal to or greater
18 than \$0.10 per view.

19 (b) On an annual basis, the vlogger shall report to the
20 Department of Labor the following information:

21 (1) the name and documentary proof of the age of the
22 minor engaged in the work of vlogging;

23 (2) the number of vlogs that generated compensation as
24 described in subsection (a) during the reporting period;

25 (3) the total number of minutes of the vlogs that the
26 vlogger received compensation for during the reporting

1 period;

2 (4) the total number of minutes each minor was
3 featured in vlogs during the reporting period;

4 (5) the total compensation generated from vlogs
5 featuring a minor during the reporting period; and

6 (6) the amount deposited into the trust account for
7 the benefit of the minor engaged in the working of
8 vlogging, as required by Section 12.6.

9 (c) If a vlogger fails to report to the Department of Labor
10 as provided in subsection (b), the minor may commence a civil
11 action to enforce the provisions of this Section.

12 (d) The Department of Labor may adopt rules to implement
13 this Section.

14 (820 ILCS 205/12.6 new)

15 Sec. 12.6. Minor engaged in the work of vlogging; trust
16 fund.

17 (a) A minor child satisfying the criteria described in
18 Section 2.6 must be compensated by the vlogger. The vlogger
19 must set aside gross earnings on the video content including
20 the likeness, name, or photograph of the minor child in a trust
21 account to be preserved for the benefit of the minor upon
22 reaching the age of majority, according to the following
23 distribution:

24 (1) where only one minor child meets the content
25 threshold described in Section 2.6, the percentage of

1 total gross earnings on any video segment including the
2 likeness, name, or photograph of the minor child that is
3 equal to or greater than half of the content percentage
4 that includes the minor child as described in Section 2.6;
5 or

6 (2) where more than one minor child meets the content
7 threshold described in Section 2.6 and a video segment
8 includes more than one of those children, the percentage
9 described in paragraph (1) for all minor children in any
10 segment must be equally divided between the children,
11 regardless of differences in percentage of content
12 provided by the individual children.

13 (b) A trust account required under this Section must
14 provide, at a minimum, the following:

15 (1) that the funds in the account shall be available
16 only to the minor engaged in the work of vlogging;

17 (2) that the account shall be held by a bank,
18 corporate fiduciary, or trust company, as those terms are
19 defined in the Corporate Fiduciary Act;

20 (3) that the funds in the account shall become
21 available to the minor engaged in the work of vlogging
22 upon the minor attaining the age of 18 years or until the
23 minor is declared emancipated; and

24 (4) that the account meets the requirements of the
25 Illinois Uniform Transfers to Minors Act.

26 (c) If a vlogger knowingly or recklessly violates this

1 Section, a minor engaged in the work of vlogging may commence
2 an action to enforce the provisions of this Section regarding
3 the trust account. The court may award, to a minor who prevails
4 in any action brought in accordance with this Section, the
5 following damages:

6 (1) actual damages;

7 (2) punitive damages; and

8 (3) the costs of the action, including attorney's fees
9 and litigation costs.

10 (d) This Section does not affect a right or remedy
11 available under any other law of the State.

12 (e) Nothing in this Section shall be interpreted to have
13 any effect on a party that is neither the vlogger, the minor
14 engaged in the work of vlogging, nor the Department of Labor.

15 Section 99. Effective date. This Act takes effect January
16 1, 2024."