



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1898

Introduced 2/10/2017, by Sen. Steve Stadelman

#### SYNOPSIS AS INTRODUCED:

815 ILCS 505/2TTT new

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that a contract or a proposed contract for the sale or lease of consumer merchandise or services may not include a provision waiving the consumer's right to make any statement regarding the seller or lessor or the employees or agents of the seller or lessor or concerning the merchandise or services. Makes it an unlawful practice to threaten or to seek to enforce a provision made unlawful by the new provisions or to otherwise penalize a consumer for making a protected statement. Provides that a waiver of the new provisions is contrary to public policy and is void and unenforceable. Provides that the new provisions may not be construed to prohibit or limit a person or business that hosts online consumer reviews or comments from removing a statement that is otherwise lawful to remove.

LRB100 06350 JLS 16388 b

1 AN ACT concerning business.

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

4 Section 5. The Consumer Fraud and Deceptive Business  
5 Practices Act is amended by adding Section 2TTT as follows:

6 (815 ILCS 505/2TTT new)

7 Sec. 2TTT. Non-disparagement clauses in consumer  
8 contracts.

9 (a) A contract or a proposed contract for the sale or lease  
10 of consumer merchandise or services may not include a provision  
11 waiving the consumer's right to make any statement regarding  
12 the seller or lessor or the employees or agents of the seller  
13 or lessor or concerning the merchandise or services.

14 (b) It is an unlawful practice to threaten or to seek to  
15 enforce a provision made unlawful under this Section or to  
16 otherwise penalize a consumer for making any statement  
17 protected under this Section.

18 (c) Any waiver of the provisions of this Section is  
19 contrary to public policy and is void and unenforceable.

20 (d) This Section may not be construed to prohibit or limit  
21 a person or business that hosts online consumer reviews or  
22 comments from removing a statement that is otherwise lawful to  
23 remove.