



Rep. Matt Hanson

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10300HB5566ham001

LRB103 39525 SPS 71565 a

1 AMENDMENT TO HOUSE BILL 5566

2 AMENDMENT NO. _____. Amend House Bill 5566 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Telephone Solicitations Act is amended by
5 changing Sections 5 and 15 and by adding Section 16 as follows:

6 (815 ILCS 413/5)

7 Sec. 5. Definitions. For purposes of this Act:

8 "Caller ID" means the display to the recipient of the call
9 of the caller's telephone number or identity.

10 "Emergency telephone number" means any telephone number
11 which accesses or calls a fire department, law enforcement
12 agency, ambulance, hospital, medical center, poison control
13 center, rape crisis center, suicide prevention center
14 (including the 9-8-8 suicide and crisis lifeline), rescue
15 service, and the 911 emergency access number provided by law
16 enforcement agencies and police departments.

1 "Subscriber" means:

2 (1) A person who has subscribed to telephone service
3 from a telephone company; ~~or~~

4 (2) Other persons living or residing with the
5 subscribing person; or ~~or~~

6 (3) Other persons who receive telephone service under
7 a subscription agreement entered into by a subscribing
8 person.

9 "Telephone solicitation" means any communication through
10 the use of a telephone by live operators for soliciting the
11 sale of goods or services.

12 (Source: P.A. 95-331, eff. 8-21-07.)

13 (815 ILCS 413/15)

14 Sec. 15. Method of operation.

15 (a) No person shall solicit the sale of goods or services
16 in this State by placing a telephone call during the hours
17 between 9 p.m. and 8 a.m.

18 (b) A live operator soliciting the sale of goods or
19 services shall:

20 (1) immediately state his or her name, the name of the
21 business or organization being represented, and the
22 purpose of the call; and

23 (2) inquire at the beginning of the call whether the
24 person called consents to the solicitation; and

25 (3) if the person called requests to be taken off the

1 contact list of the business or organization, the operator
2 must refrain from calling that person again and take all
3 steps necessary to have that person's name and telephone
4 number removed from the contact records of the business or
5 organization so that the person will not be contacted
6 again by the business or organization. Compliance with
7 Section 310.4(b) of the Federal Trade Commission's
8 Telemarketing Sales Rule shall constitute compliance with
9 this subsection (b) (3) of this Section.

10 (c) A person may not solicit the sale of goods or services
11 by telephone in a manner that impedes the function of any
12 caller ID when the telephone solicitor's service or equipment
13 is capable of allowing the display of the solicitor's
14 telephone number, including transmitting or causing to be
15 transmitted misleading or inaccurate caller ID information
16 with the intent to defraud.

17 (d) No person shall make a telephone solicitation,
18 including a call made through automated dialing or a recorded
19 message, by intentionally altering the voice of the caller in
20 an attempt to disguise or conceal the identity of the caller in
21 order to:

22 (1) defraud, confuse, or financially or otherwise
23 injure the called party; or

24 (2) obtain personal information from the called party
25 that may be used in a fraudulent or unlawful manner.

26 (Source: P.A. 90-541, eff. 6-1-98; 91-182, eff. 1-1-00.)

1 (815 ILCS 413/16 new)

2 Sec. 16. Registration required for telephone solicitors.

3 (a) A person shall not make or cause to be made, or attempt
4 to make or cause to be made, a telephone call soliciting the
5 sale of goods or services to a person in this State unless the
6 person soliciting the sale of goods or services is registered
7 with or employed by a person who is registered with the
8 Illinois Commerce Commission.

9 (b) Every person who makes telephone calls soliciting the
10 sale of goods, including a person whose residence or principal
11 place of business is located outside of this State, shall
12 annually register with the Illinois Commerce Commission.
13 Application for registration shall be on a form prescribed by
14 the Illinois Commerce Commission and shall include the name
15 and address of the applicant and any other information that
16 the Illinois Commerce Commission shall designate by rule. The
17 application shall be accompanied by a reasonable fee, set by
18 the Illinois Commerce Commission in an amount sufficient to
19 offset the Illinois Commerce Commission's expenses incurred in
20 administering the provisions of this Section.

21 (c) After providing notice and the opportunity to be
22 heard, the Illinois Commerce Commission may refuse to issue or
23 renew or revoke any registration for a violation of the
24 provisions of this Act. A refusal or revocation shall not be
25 made except upon reasonable notice to, and opportunity to be

1 heard by, the applicant or registrant. The Illinois Commerce
2 Commission may suspend a registration for a reasonable period
3 of time or assess a civil penalty instead of suspension at the
4 discretion of the Illinois Commerce Commission.

5 (d) The Illinois Commerce Commission shall adopt rules to
6 implement and administer this Section."