



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5593

Introduced 2/9/2024, by Rep. Hoan Huynh

SYNOPSIS AS INTRODUCED:

815 ILCS 413/15
815 ILCS 413/20
815 ILCS 413/25

Amends the Telephone Solicitations Act. Provides that a live operator soliciting the sale of goods or services shall immediately state the name and telephone number (rather than the name) of the business or organization being represented. Provides that a live operator shall disclose his or her mailing address and the business or organization being represented on any website owned or operated by the live operator and on any written communications to a customer. Provides that the provisions of the Act shall not apply to a live operator who makes a residential marketing telephone call in response to a customer's telephone call or contact with the website of the business or organization being represented if the customer affirmatively requests a follow-up telephone call or other contact from the business or organization being represented. Provides that specified violations of the Act are a Class C misdemeanor.

LRB103 38883 SPS 69020 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 Telephone Solicitations Act is amended by
5 changing Sections 15, 20, and 25 as follows:

6 (815 ILCS 413/15)

7 Sec. 15. Method of operation.

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

11 (b) A live operator soliciting the sale of goods or
12 services shall:

13 (1) immediately state his or her name, the name and
14 telephone number of the business or organization being
15 represented, and the purpose of the call; and

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

18 (3) if the person called requests to be taken off the
19 contact list of the business or organization, the operator
20 must refrain from calling that person again and take all
21 steps necessary to have that person's name and telephone
22 number removed from the contact records of the business or
23 organization so that the person will not be contacted

1 again by the business or organization. Compliance with
2 Section 310.4(b) of the Federal Trade Commission's
3 Telemarketing Sales Rule shall constitute compliance with
4 this subsection (b) (3) of this Section.

5 (c-5) A live operator described in subsection (b) shall
6 disclose his or her mailing address and the business or
7 organization being represented on any website owned or
8 operated by the live operator and on any written
9 communications to a customer.

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.

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

16 (815 ILCS 413/20)

17 Sec. 20. Exemptions.

18 (a) Except as provided in subsection (b), the provisions
19 of this Act shall not apply to telephone calls made by an
20 autodialer. The provisions of this Act do not apply to
21 telephone calls made by a person who is a registered dealer,
22 registered investment adviser, or registered salesperson under
23 Section 8 of the Illinois Securities Law of 1953 or who is
24 registered as a broker-dealer, registered representative, or
25 salesperson of a broker-dealer under the federal securities

1 laws, when performing acts within the scope of that
2 registration. The provisions of this Act shall not apply to a
3 live operator who makes a residential marketing telephone call
4 in response to a customer's telephone call or contact with the
5 website of the business or organization being represented if
6 the customer affirmatively requests a follow-up telephone call
7 or other contact from the business or organization being
8 represented.

9 (b) Notwithstanding the provisions of subsection (a), all
10 telephone calls must be made in compliance with the
11 requirements of subsection (c) of Section 15.

12 (Source: P.A. 91-182, eff. 1-1-00.)

13 (815 ILCS 413/25)

14 Sec. 25. Violations.

15 (a) It is a violation of this Act to make or cause to be
16 made telephone calls to any emergency telephone number as
17 defined in Section 5 of this Act. It is a violation of this Act
18 to make or cause to be made telephone calls in a manner that
19 does not comply with Section 15.

20 (b) It is a violation of this Act to continue with a
21 solicitation placed by a live operator without the consent of
22 the called party.

23 (c) It is an unlawful act or practice and a violation of
24 this Act for any person engaged in telephone solicitation to
25 obtain or submit for payment a check, draft, or other form of

1 negotiable paper drawn on a person's checking, savings, or
2 other account or on a bond without the person's express
3 written consent.

4 (c-5) In addition to any other penalties provided by law,
5 any person who violates the provisions of paragraph (1) of
6 subsection (b) of Section 15 shall be guilty of a Class C
7 misdemeanor.

8 (d) Enforcement by customer. Any customer injured by a
9 violation of this Act may bring an action for the recovery of
10 damages. Judgment may be entered for 3 times the amount at
11 which the actual damages are assessed, plus costs and
12 reasonable attorney fees.

13 (e) Enforcement by Attorney General. Violation of any of
14 the provisions of this Act is an unlawful practice under
15 Section 2Z of the Consumer Fraud and Deceptive Business
16 Practices Act. All remedies, penalties, and authority granted
17 to the Attorney General by that Act shall be available to him
18 for the enforcement of this Act. In any action brought by the
19 Attorney General to enforce this Act, the court may order that
20 persons who incurred actual damages be awarded the amount at
21 which actual damages are assessed.

22 (Source: P.A. 91-182, eff. 1-1-00; 91-761, eff. 1-1-01.)