



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB5378

Introduced 1/26/2006, by Rep. Ruth Munson

#### SYNOPSIS AS INTRODUCED:

New Act  
815 ILCS 505/2Z

from Ch. 121 1/2, par. 262Z

Creates the Customer Proprietary Network Information Protection Act. Prohibits a person from selling or disclosing or offering to sell or disclose any customer proprietary network information relating to the wireless telephone service account of any resident of this State, with these exceptions: disclosure that is authorized by law or regulation, an order of any agency having regulatory authority over a wireless telephone service provider, or the wireless telephone service account holder; and disclosure in accordance with a subpoena, warrant, or other lawful process. Provides that a person who knowingly violates the Act commits a Class 4 felony and also commits an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act. Amends the Consumer Fraud and Deceptive Business Practices Act accordingly. Effective immediately.

LRB094 17790 WGH 53089 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning certain telephone service accounts.

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

4 Section 1. Short title. This Act may be cited as the  
5 Customer Proprietary Network Information Protection Act.

6 Section 5. Definitions. As used in this Act:

7 "Customer proprietary network information" has the meaning  
8 ascribed to that term in Section 222 of Title 47 of the United  
9 States Code.

10 "Telecommunications carrier" has the meaning ascribed to  
11 that term in Section 153 of Title 47 of the United States Code.

12 "Wireless telephone service" means any form of wireless  
13 telephone service, including cellular telephone service,  
14 broadband Personal Communication Service telephone service,  
15 Covered Specialized Mobile Radio service, and any successor  
16 service to such service (including so-called next generation or  
17 third generation service).

18 "Wireless telephone service provider" means a  
19 telecommunications carrier that provides wireless telephone  
20 service.

21 Section 10. Sale or disclosure; customer proprietary  
22 network information; wireless telephone service.

23 (a) Except as otherwise provided in this Section, a person  
24 may not sell or disclose or offer to sell or disclose any  
25 customer proprietary network information relating to the  
26 wireless telephone service account of any resident of this  
27 State.

28 (b) Subsection (a) does not apply to:

29 (1) any disclosure of customer proprietary network  
30 information that is authorized by: (A) law or regulation;  
31 (B) an order of any agency having regulatory authority over

1 a wireless telephone service provider; or (C) the wireless  
2 telephone service accountholder; or

3 (2) any disclosure of customer proprietary network  
4 information required by a subpoena, warrant, or other  
5 lawful process.

6 Section 15. Violation. A person who knowingly violates this  
7 Act commits a Class 4 felony and also commits an unlawful  
8 practice within the meaning of Section 2Z of the Consumer Fraud  
9 and Deceptive Business Practices Act.

10 Section 90. The Consumer Fraud and Deceptive Business  
11 Practices Act is amended by changing Section 2Z as follows:

12 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

13 Sec. 2Z. Violations of other Acts. Any person who knowingly  
14 violates the Automotive Repair Act, the Automotive Collision  
15 Repair Act, the Home Repair and Remodeling Act, the Dance  
16 Studio Act, the Physical Fitness Services Act, the Hearing  
17 Instrument Consumer Protection Act, the Illinois Union Label  
18 Act, the Job Referral and Job Listing Services Consumer  
19 Protection Act, the Travel Promotion Consumer Protection Act,  
20 the Credit Services Organizations Act, the Automatic Telephone  
21 Dialers Act, the Pay-Per-Call Services Consumer Protection  
22 Act, the Telephone Solicitations Act, the Illinois Funeral or  
23 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic  
24 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home  
25 Loan Act, the Payday Loan Reform Act, subsection (a) or (b) of  
26 Section 3-10 of the Cigarette Tax Act, the Payday Loan Reform  
27 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use  
28 Tax Act, the Electronic Mail Act, paragraph (6) of subsection  
29 (k) of Section 6-305 of the Illinois Vehicle Code, Article 3 of  
30 the Residential Real Property Disclosure Act, the Customer  
31 Proprietary Network Information Protection Act, the Automatic  
32 Contract Renewal Act, or the Personal Information Protection  
33 Act commits an unlawful practice within the meaning of this

1 Act.

2 (Source: P.A. 93-561, eff. 1-1-04; 93-950, eff. 1-1-05; 94-13,  
3 eff. 12-6-05; 94-36, eff. 1-1-06; 94-280, eff. 1-1-06; 94-292,  
4 eff. 1-1-06; revised 8-19-05.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.