



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5389

Introduced 01/27/06, by Rep. John E. Bradley

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, offering to sell or disclose, or purchasing or offering to purchase any customer proprietary network information relating to the wireless telephone service account of any resident of this State, with these exceptions: disclosure or purchase 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 C misdemeanor 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 17527 WGH 53758 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, disclosure, or purchase; customer
22 proprietary network information; wireless telephone service.

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

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

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

1 authority over a wireless telephone service provider; or
2 (C) the wireless 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 C misdemeanor 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.