

HB5296



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5296

by Rep. Dennis M. Reboletti

SYNOPSIS AS INTRODUCED:

815 ILCS 505/10b

from Ch. 121 1/2, par. 270b

Amends the Consumer Fraud and Deceptive Business Practices Act. Exempts, from the provisions of the Act, claims seeking damages for conduct that results in bodily injury, death, or damage to property other than the property that is the subject of the practice claimed to be unlawful. Effective immediately.

LRB095 17041 WGH 43090 b

A BILL FOR

1 AN ACT concerning consumer protection.

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 changing Section 10b as follows:

6 (815 ILCS 505/10b) (from Ch. 121 1/2, par. 270b)

7 (Text of Section WITHOUT the changes made by P.A. 89-7,
8 which has been held unconstitutional)

9 Sec. 10b. Nothing in this Act shall apply to any of the
10 following:

11 (1) Actions or transactions specifically authorized by
12 laws administered by any regulatory body or officer acting
13 under statutory authority of this State or the United States.

14 (2) The provisions of "An act to protect trademark owners,
15 distributors, and the public against injurious and uneconomic
16 practices in the distribution of articles of standard quality
17 under a trademark, brand or name," approved July 8, 1935, as
18 amended.

19 (3) Acts done by the publisher, owner, agent, or employee
20 of a newspaper, periodical or radio or television station in
21 the publication or dissemination of an advertisement, when the
22 owner, agent or employee did not have knowledge of the false,
23 misleading or deceptive character of the advertisement, did not

1 prepare the advertisement, or did not have a direct financial
2 interest in the sale or distribution of the advertised product
3 or service.

4 (4) The communication of any false, misleading or deceptive
5 information, provided by the seller of real estate located in
6 Illinois, by a real estate salesman or broker licensed under
7 "The Real Estate Brokers License Act", unless the salesman or
8 broker knows of the false, misleading or deceptive character of
9 such information. This provision shall be effective as to any
10 communication, whenever occurring.

11 (5) Claims seeking damages for conduct that results in
12 bodily injury, death, or damage to property other than the
13 property that is the subject of the practice claimed to be
14 unlawful.

15 This item (5) applies to causes of action pending on or
16 filed on or after July 1, 2008.

17 (6) The communication of any false, misleading, or
18 deceptive information by an insurance producer, registered
19 firm, or limited insurance representative, as those terms are
20 defined in the Illinois Insurance Code, or by an insurance
21 agency or brokerage house concerning the sale, placement,
22 procurement, renewal, binding, cancellation of, or terms of any
23 type of insurance or any policy of insurance unless the
24 insurance producer has actual knowledge of the false,
25 misleading, or deceptive character of the information. This
26 provision shall be effective as to any communications, whenever

1 occurring. This item (6) applies to all causes of action that
2 accrue on or after the effective date of this amendatory Act of
3 1995.

4 (Source: P.A. 84-894; 89-152, eff. 1-1-96; revised 1-22-98.)

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