



Sen. Michael Noland

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LRB095 05914 AJ0 49609 a

1 AMENDMENT TO SENATE BILL 1029

2 AMENDMENT NO. _____. Amend Senate Bill 1029 by replacing
3 the title with the following:

4 "AN ACT concerning consumer contracts."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 1. Short title. This Act may be cited as the
8 Consumer Contract Plain Language Act.

9 Section 5. Definitions. As used in this Act, unless the
10 context clearly requires otherwise:

11 "Consumer" means an individual who, primarily for
12 personal, family, or household purposes, either: (i) gives or
13 promises to give money or other consideration in exchange for
14 an interest in services or real or personal property, including
15 money, or (ii) leases residential premises for a term not

1 exceeding 3 years.

2 "Consumer contract" means a written contract with a
3 consumer in which the price, excluding interest or finance
4 charges, is \$100,000 or less.

5 Section 10. Plain language required. Except as provided in
6 Section 15, every consumer contract made with an alternative
7 gas supplier after the effective date of this Act shall meet
8 all of the following criteria:

9 (1) The contract shall adequately inform the consumer
10 of the rights and duties fixed by the contract.

11 (2) The contract shall be sufficiently clear and
12 readable for the ordinary reader, using, so far as is
13 practical, words with common, everyday meanings.

14 (3) The contract shall be appropriately divided into
15 sections and paragraphs, and the sections shall contain
16 captions.

17 (4) The contract shall be printed in a clear and
18 conspicuous manner, as defined in the Uniform Commercial
19 Code.

20 Section 15. Exceptions.

21 (a) This Act does not prohibit the use of the following in
22 consumer contracts with alternative gas suppliers:

23 (1) Words or phrases, or forms of agreement, required
24 by State or federal law or by rule or regulation of a State

1 or federal governmental instrumentality.

2 (2) Technical terms used to describe a service or
3 property that is the subject of the contract if (i) those
4 terms are customarily used by consumers in connection with
5 the service or property or (ii) there is no sufficiently
6 clear and readable substitute for those terms.

7 (b) Notwithstanding any other law, rule, or regulation, no
8 retail store is exempt from any applicable requirement of the
9 Act.

10 Section 20. Violation.

11 (a) A violation of Section 10 does not render a consumer
12 contract with an alternative gas supplier void or voidable, nor
13 does it constitute a defense to an action or proceeding for
14 breach of the contract or to enforce the contract.

15 (b) If the Attorney General has reason to believe that a
16 business entity is using or has used a consumer contract that
17 violates Section 10 and determines that an action under this
18 subsection would be in the public interest, the Attorney
19 General may bring an action, in the name of the People of the
20 State of Illinois, against that business entity to restrain the
21 use of that consumer contract.".