

SB1863



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1863

Introduced 2/15/2013, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

New Act

Creates the Spurious Real Estate Advertisement Removal Act. Requires a web site administrator to remove messages on its web site within 48 hours after a law enforcement agency or real estate licensee documents that the message is a spurious real estate advertisement. Provides for civil penalty of \$100 for each day of violation. Provides for enforcement by the Office of the Attorney General.

LRB098 06656 JLS 40969 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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 Spurious Real Estate Advertisement Removal Act.

6 Section 5. Definitions. As used in this Act, the following
7 terms have the following meanings:

8 "Internet" means the global system of interconnected
9 computer networks that use the Internet Protocol.

10 "Internet Protocol address" means the numerical label
11 assigned to each computer or device participating in a computer
12 network that uses the Internet Protocol for communication.

13 "Law enforcement agency" means an agency of the State or
14 unit of local government that is vested by law or ordinance
15 with the duty to maintain public order and to enforce criminal
16 laws. "Law enforcement agency" also includes a State's
17 Attorney, the Office of the Attorney General, and the
18 Department of Financial and Professional Regulation.

19 "Real estate" means an identified parcel or tract of land
20 including any improvements.

21 "Real estate licensee" means a person or entity holding a
22 license under the Real Estate License Act of 2000 and also
23 includes an organization representing persons or entities

1 licensed under that Act.

2 "Spurious real estate advertisement" means an offer to sell
3 real estate that includes terms and conditions that are
4 demonstrably inaccurate.

5 "Web site administrator" means any person or entity that is
6 responsible for maintaining a web site or managing the content
7 or development of information provided on a web site including
8 social networks, blogs, forums, message boards, or any other
9 discussion site where people are able to hold conversations in
10 the form of posted messages accessible via a network such as
11 the Internet or a private local area network.

12 Section 10. Removal of real estate sales notices.

13 (a) Within 48 hours after receiving a request from a law
14 enforcement agency or a real estate licensee, a web site
15 administrator shall remove any message posted on its web site
16 that the law enforcement agency or real estate licensee
17 documents is a spurious real estate advertisement.

18 (b) A web site administrator shall post upon its web site
19 an e-mail address and telephone number for the purpose of
20 receiving requests made under this Section.

21 Section 15. Penalty; enforcement.

22 (a) A person who violates this Act must pay a civil penalty
23 in the amount of \$100 for each day the violation continues.

24 (b) The Attorney General may bring an action in the circuit

1 court to collect any penalty provided under this Act. Moneys
2 collected under this Act shall be deposited into the Attorney
3 General Court Ordered and Voluntary Compliance Payment
4 Projects Fund.

5 (c) For purposes of enforcing this Act, the Office of the
6 Attorney General has the powers granted under the Consumer
7 Fraud and Deceptive Business Practices Act.