

# HB2047



## 99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2047

by Rep. Jim Durkin

### SYNOPSIS AS INTRODUCED:

815 ILCS 505/1

from Ch. 121 1/2, par. 261

Amends the Consumer Fraud and Deceptive Business Practices Act. Makes a technical change in a Section concerning definitions.

LRB099 08353 JLS 28505 b

A BILL FOR

1 AN ACT concerning business.

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 1 as follows:

6 (815 ILCS 505/1) (from Ch. 121 1/2, par. 261)

7 Sec. 1. (a) The ~~The~~ term "advertisement" includes the  
8 attempt by publication, dissemination, solicitation or  
9 circulation to induce directly or indirectly any person to  
10 enter into any obligation or acquire any title or interest in  
11 any merchandise and includes every work device to disguise any  
12 form of business solicitation by using such terms as "renewal",  
13 "invoice", "bill", "statement", or "reminder", to create an  
14 impression of existing obligation when there is none, or other  
15 language to mislead any person in relation to any sought after  
16 commercial transaction.

17 (b) The term "merchandise" includes any objects, wares,  
18 goods, commodities, intangibles, real estate situated outside  
19 the State of Illinois, or services.

20 (c) The term "person" includes any natural person or his  
21 legal representative, partnership, corporation (domestic and  
22 foreign), company, trust, business entity or association, and  
23 any agent, employee, salesman, partner, officer, director,

1 member, stockholder, associate, trustee or cestui que trust  
2 thereof.

3 (d) The term "sale" includes any sale, offer for sale, or  
4 attempt to sell any merchandise for cash or on credit.

5 (e) The term "consumer" means any person who purchases or  
6 contracts for the purchase of merchandise not for resale in the  
7 ordinary course of his trade or business but for his use or  
8 that of a member of his household.

9 (f) The terms "trade" and "commerce" mean the advertising,  
10 offering for sale, sale, or distribution of any services and  
11 any property, tangible or intangible, real, personal or mixed,  
12 and any other article, commodity, or thing of value wherever  
13 situated, and shall include any trade or commerce directly or  
14 indirectly affecting the people of this State.

15 (g) The term "pyramid sales scheme" includes any plan or  
16 operation whereby a person in exchange for money or other thing  
17 of value acquires the opportunity to receive a benefit or thing  
18 of value, which is primarily based upon the inducement of  
19 additional persons, by himself or others, regardless of number,  
20 to participate in the same plan or operation and is not  
21 primarily contingent on the volume or quantity of goods,  
22 services, or other property sold or distributed or to be sold  
23 or distributed to persons for purposes of resale to consumers.  
24 For purposes of this subsection, "money or other thing of  
25 value" shall not include payments made for sales demonstration  
26 equipment and materials furnished on a nonprofit basis for use

1 in making sales and not for resale.

2 (Source: P.A. 95-331, eff. 8-21-07.)