



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB2435

Introduced 2/4/2025, by Rep. Michael Crawford, Diane Blair-Sherlock and Martin J. Moylan

#### SYNOPSIS AS INTRODUCED:

815 ILCS 413/5  
815 ILCS 413/15  
815 ILCS 413/20  
815 ILCS 413/25

Amends the Telephone Solicitations Act. Provides that no person shall solicit the sale of goods or services in the State through automatic dialing, the use of an auto dialer, or the use of a computer program designed to mimic a human operator, unless the person being contacted has expressly consented to be contacted in this manner. Provides that, if a person has previously consented to be contacted in the manner otherwise prohibited, the consent shall only be valid for a period of one year and the person shall be allowed to withdraw that consent at any time in the same manner that the consent was given. Provides that a person to whom consent has been given shall not sell, give, transfer, or assign that consent to another person. Provides for exemptions to the provision. Provides that any customer who is subject to a violation of the provision may bring an action for damages of \$500 per violation, plus costs and reasonable attorney's fees. Makes a change to the definition of "emergency telephone number".

LRB104 05988 SPS 16021 b

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 Telephone Solicitations Act is amended by  
5 changing Sections 5, 15, 20, and 25 as follows:

6 (815 ILCS 413/5)

7 Sec. 5. Definitions. For purposes of this Act:

8 "Caller ID" means the display to the recipient of the call  
9 of the caller's telephone number or identity.

10 "Emergency telephone number" means any telephone number  
11 which accesses or calls a fire department, law enforcement  
12 agency, ambulance, hospital, medical center, poison control  
13 center, rape crisis center, suicide prevention center  
14 (including the 9-8-8 suicide and crisis lifeline), rescue  
15 service, the 911 emergency access number provided by law  
16 enforcement agencies and police departments.

17 "Subscriber" means:

18 (1) A person who has subscribed to telephone service  
19 from a telephone company; or

20 (2) Other persons living or residing with the  
21 subscribing person.

22 "Telephone solicitation" means any communication through  
23 the use of a telephone by live operators for soliciting the

1 sale of goods or services.

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

3 (815 ILCS 413/15)

4 Sec. 15. Method of operation.

5 (a) No person shall solicit the sale of goods or services  
6 in this State by placing a telephone call during the hours  
7 between 9 p.m. and 8 a.m.

8 (a-5) No person shall solicit the sale of goods or  
9 services in this State through automatic dialing, the use of  
10 an auto dialer, or the use of a computer program designed to  
11 mimic a human operator, unless the person being contacted has  
12 expressly consented to be contacted in this manner. If a  
13 person has previously consented to be contacted in the manner  
14 otherwise prohibited by this subsection, the consent shall  
15 only be valid for a period of one year and the person shall be  
16 allowed to withdraw that consent at any time in the same manner  
17 that the consent was given. A person to whom consent has been  
18 given under this subsection shall not sell, give, transfer, or  
19 assign that consent to another person.

20 The provisions of this subsection shall not apply to calls  
21 or alerts: (i) made through an emergency telephone number;  
22 (ii) made by a unit of local, State, or federal government;  
23 (iii) made by a government official acting in an official  
24 capacity; or (iv) otherwise permitted by State or federal law.

25 (b) A live operator soliciting the sale of goods or

1 services shall:

2 (1) immediately state his or her name, the name of the  
3 business or organization being represented, and the  
4 purpose of the call; and

5 (2) inquire at the beginning of the call whether the  
6 person called consents to the solicitation; and

7 (3) if the person called requests to be taken off the  
8 contact list of the business or organization, the operator  
9 must refrain from calling that person again and take all  
10 steps necessary to have that person's name and telephone  
11 number removed from the contact records of the business or  
12 organization so that the person will not be contacted  
13 again by the business or organization. Compliance with  
14 Section 310.4(b) of the Federal Trade Commission's  
15 Telemarketing Sales Rule shall constitute compliance with  
16 this subsection (b) (3) of this Section.

17 (c) A person may not solicit the sale of goods or services  
18 by telephone in a manner that impedes the function of any  
19 caller ID when the telephone solicitor's service or equipment  
20 is capable of allowing the display of the solicitor's  
21 telephone number.

22 (Source: P.A. 90-541, eff. 6-1-98; 91-182, eff. 1-1-00.)

23 (815 ILCS 413/20)

24 Sec. 20. Exemptions.

25 (a) Except as provided in subsection (b), the ~~provisions~~

1 ~~of this Act shall not apply to telephone calls made by an~~  
2 ~~autodialer.~~ The provisions of this Act do not apply to  
3 telephone calls made by a person who is a registered dealer,  
4 registered investment adviser, or registered salesperson under  
5 Section 8 of the Illinois Securities Law of 1953 or who is  
6 registered as a broker-dealer, registered representative, or  
7 salesperson of a broker-dealer under the federal securities  
8 laws, when performing acts within the scope of that  
9 registration.

10 (b) Notwithstanding the provisions of subsection (a), all  
11 telephone calls must be made in compliance with the  
12 requirements of subsection (c) of Section 15.

13 (Source: P.A. 91-182, eff. 1-1-00.)

14 (815 ILCS 413/25)

15 Sec. 25. Violations.

16 (a) It is a violation of this Act to make or cause to be  
17 made telephone calls to any emergency telephone number as  
18 defined in Section 5 of this Act. It is a violation of this Act  
19 to make or cause to be made telephone calls in a manner that  
20 does not comply with Section 15.

21 (b) It is a violation of this Act to continue with a  
22 solicitation placed by a live operator without the consent of  
23 the called party.

24 (c) It is an unlawful act or practice and a violation of  
25 this Act for any person engaged in telephone solicitation to

1 obtain or submit for payment a check, draft, or other form of  
2 negotiable paper drawn on a person's checking, savings, or  
3 other account or on a bond without the person's express  
4 written consent.

5 (d) Enforcement by customer. Any customer injured by a  
6 violation of this Act, other than a violation of subsection  
7 (a-5) of Section 15, may bring an action for the recovery of  
8 damages. Judgment may be entered for 3 times the amount at  
9 which the actual damages are assessed, plus costs and  
10 reasonable attorney's ~~attorney~~ fees. Any person who is subject  
11 to a violation of subsection (a-5) of Section 15 may bring an  
12 action for damages of \$500 per violation, plus costs and  
13 reasonable attorney's fees.

14 (e) Enforcement by Attorney General. Violation of any of  
15 the provisions of this Act is an unlawful practice under  
16 Section 2Z of the Consumer Fraud and Deceptive Business  
17 Practices Act. All remedies, penalties, and authority granted  
18 to the Attorney General by that Act shall be available to him  
19 for the enforcement of this Act. In any action brought by the  
20 Attorney General to enforce this Act, the court may order that  
21 persons who incurred actual damages be awarded the amount at  
22 which actual damages are assessed.

23 (Source: P.A. 91-182, eff. 1-1-00; 91-761, eff. 1-1-01.)