



Sen. Omar Aquino

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1 AMENDMENT TO SENATE BILL 1486

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1486 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Junk  
5 Fee Ban Act.

6 Section 5. Definitions. As used in this Act:

7 "Ancillary good or service" means any additional  
8 merchandise offered to a consumer as part of the same  
9 transaction.

10 "Advertisement" means a notice in any printed material,  
11 television, Internet, email, text message, mobile or computer  
12 application, or any other similar physical, electronic, or  
13 digital communication regarding the sale of a consumer good or  
14 service.

15 "Bar" or "tavern" means an establishment that is devoted  
16 to the serving of alcoholic beverages for consumption by

1 guests on the premises and that derives no more than 50% of its  
2 gross revenue from the sale of food consumed on the premises,  
3 including, but not limited to, bars, taverns, nightclubs,  
4 cocktail lounges, adult entertainment facilities, and  
5 cabarets.

6 "Consumer goods or services" means goods and services that  
7 are used or bought for use primarily for personal, family, or  
8 household purposes.

9 "Display price" means the displayed price of a consumer  
10 good or service provided to the consumer within the retail  
11 mercantile establishment's physical location or by Internet,  
12 email, text message, mobile or computer application, or any  
13 other similar physical, electronic, or digital communication.

14 "Food service establishment" means a bar, tavern, or  
15 restaurant.

16 "Interchange fee" means a fee that a financial  
17 institution, payment processor, credit card payment network,  
18 or other person or entity charges a person, retail mercantile  
19 establishment, or food service establishment when a consumer  
20 uses a card, note, plate, coupon book, credit, or similar  
21 device to purchase a consumer product or service.

22 "Person" means an individual, natural person, public or  
23 private corporation, government, partnership, unincorporated  
24 association, or other entity. "Person" does not include a food  
25 service establishment or a retail mercantile establishment.

26 "Pricing information" means any information relating to an

1 amount a consumer may pay as part of a transaction.

2 "Restaurant" means any business that is primarily engaged  
3 in the sale of ready-to-eat food for immediate consumption.  
4 For the purpose of this definition, "primarily engaged" means  
5 having sales of ready-to-eat food for immediate consumption  
6 comprising at least 51% of the total sales, excluding the sale  
7 of liquor.

8 "Retail mercantile establishment" means a business that  
9 provides consumer goods and services to consumers at retail  
10 and generates occupation or use tax revenue. "Retail  
11 mercantile establishment" does not include a food service  
12 establishment.

13 "Shipping charges" means the fees or charges that  
14 reasonably reflect the amount to be incurred to send goods to a  
15 consumer through the mail, including private mail services.

16 "Total price" means the maximum total of all fees or  
17 charges a consumer shall pay for a good or service and any  
18 mandatory ancillary good or service. "Total price" does not  
19 include shipping charges or taxes, gratuities, interchange  
20 fees, discounts regulated pursuant to the Sale Price Ad Act,  
21 or fees collected and passed on to a quasi-governmental  
22 entity, including any assessment fees associated with a  
23 government created special district.

24 Section 10. Disclosure of mandatory fees required. It is  
25 an unlawful practice for any person to advertise, display, or

1 offer a price for a good or service that does not include all  
2 mandatory fees or charges other than:

3 (1) taxes or fees imposed by a government entity on  
4 the transaction; or

5 (2) shipping charges that will be reasonably and  
6 actually incurred to ship the physical good or product to  
7 the consumer.

8 Section 15. Financial institution; exemption.

9 (a) As used in this Section, "financial institution" means  
10 any person or entity that is certified, permitted, approved,  
11 chartered, registered, licensed, or otherwise authorized to  
12 engage in any profession, trade, occupation, or industry by  
13 the Department of Financial and Professional Regulation,  
14 Division of Banking or Division of Financial Institutions.

15 (b) A financial entity that is required to provide  
16 disclosures in compliance with any of the following federal or  
17 State laws, and any rules or regulations adopted under those  
18 laws, is exempt from the requirements of Section 10 for  
19 purposes of that financial transaction:

20 (1) the federal Truth in Savings Act, as amended (12  
21 U.S.C. Sec. 4301 et seq.);

22 (2) the federal Electronic Fund Transfer Act, as  
23 amended (15 U.S.C. Sec. 1693 et seq.);

24 (3) Section 19 of the Federal Reserve Act, as amended  
25 (12 U.S.C. Sec. 461 et seq.);

1 (4) the federal Truth in Lending Act, as amended (15  
2 U.S.C. Sec. 1601 et seq.);

3 (5) the federal Real Estate Settlement Procedures Act,  
4 as amended (12 U.S.C. Sec. 2601 et seq.);

5 (6) the federal Home Ownership and Equity Protection  
6 Act (15 U.S.C. Sec. 1639);

7 (8) the Consumer Installment Loan Act;

8 (9) the Consumer Legal Funding Act;

9 (10) the Interest Act;

10 (11) the Motor Vehicle Retail Installment Sales Act;

11 (12) the Retail Installment Sales Act;

12 (13) the Payday Loan Reform Act;

13 (14) the High Risk Home Loan Act;

14 (13) the Pawnbroker Regulation Act of 2023;

15 (14) the Residential Mortgage Licensing Act of 1987;

16 (15) the Residential Real Property Disclosure Act; and

17 (16) the Student Loan Servicing Rights Act.

18 Section 20. Retail mercantile establishments; disclosure  
19 of total price. A retail mercantile establishment is not  
20 required to provide the total price in the display price of a  
21 consumer good or service. A retail mercantile establishment  
22 shall provide notice of a consumer fee or charge prior to the  
23 purchase of the food or beverages. A retail mercantile  
24 establishment may use any reasonable method available to  
25 provide notice of the total price, including, but not limited

1 to, the following commercial channels:

2 (1) on a screen, monitor, or other display at the  
3 point of sale;

4 (2) a website, Internet, email, text message, mobile  
5 or computer application, or any other electronic or  
6 digital communication;

7 (3) in-store consumer promotions, advertisement, or  
8 any other similar display;

9 (4) a membership, loyalty, or reward program or any  
10 other similar program; or

11 (5) any other reasonable means available to the retail  
12 mercantile establishment.

13 Section 25. Food service establishments; disclosure of  
14 total price. A food service establishment is not required to  
15 provide the total price within the display price of food or  
16 beverages. A food service establishment shall provide notice  
17 of a consumer fee or charge prior to the purchase of the food  
18 or beverages. A food service establishment may use any  
19 reasonable method available to provide notice of the total  
20 price, including, but not limited to, the following commercial  
21 channels:

22 (1) at the establishment's premises on a menu, on a  
23 tabletop or countertop display, or through posted signage;

24 (2) on the establishment's website where food and  
25 beverage prices are advertised;

1           (3) on a screen, monitor, or other interactive  
2 display;

3           (4) email, text message, mobile or computer  
4 application, or any other electronic or digital  
5 communication;

6           (5) in-store consumer promotions, advertisement, or  
7 any other similar display;

8           (6) membership, loyalty, or reward program or any  
9 other similar program; or

10          (7) any other reasonable means available to the food  
11 service establishment.

12          Section 30. Limitations.

13          (a) Nothing in this Act shall be construed to limit,  
14 regulate, or prohibit a retail mercantile establishment's or  
15 food establishment's ability to set prices for consumer goods  
16 or services.

17          (b) It is not a violation of this Act for a person to  
18 advertise, display, or offer the current bid in an ongoing  
19 auction, provided that the bid discloses clearly and  
20 conspicuously all amounts that the buyer would be required to  
21 pay if the bid was accepted.

22          (c) The requirements of this Act do not apply to:

23           (1) a wholesale club that sells consumer goods or  
24 services through a membership model;

25           (2) a rental company that excludes from the

1 advertised, displayed, or offered price of a rental  
2 vehicle charges that are disclosed to the consumer in  
3 compliance with Section 6-305 of the Illinois Vehicle  
4 Code;

5 (3) an air carrier that provides air transportation,  
6 as those terms are used in 49 U.S.C. 41713;

7 (4) a person that provides broadband or satellite  
8 Internet access service on its own or as part of a bundle  
9 in compliance with the broadband consumer label  
10 requirements under 47 CFR 8.1(a).

11 Section 35. Interaction with other laws.

12 (a) Nothing in this Act alters any federal law or  
13 regulation.

14 (b) Nothing in this Act shall infringe or impede on any  
15 right or remedy available under State law or rule.

16 Section 40. Enforcement under the Consumer Fraud and  
17 Deceptive Business Practices Act. The Attorney General may  
18 enforce violations of this Act as an unlawful practice under  
19 the Consumer Fraud and Deceptive Business Practices Act. All  
20 remedies, penalties, and authority granted to the Attorney  
21 General by that Act shall be available to the Attorney General  
22 for the enforcement of this Act.

23 Section 45. Home rule. The disclosure of the total price

1 of a consumer good or service is an exclusive power and  
2 function of the State. A home rule unit may not regulate the  
3 disclosure of total prices by retail mercantile establishments  
4 or food service establishments. This Section is a denial and  
5 limitation of home rule powers and functions under subsection  
6 (h) of Section 6 of Article VII of the Illinois Constitution.

7 Section 90. The Consumer Fraud and Deceptive Business  
8 Practices Act is amended by adding Section 2HHHH as follows:

9 (815 ILCS 505/2HHHH new)

10 Sec. 2HHHH. Violations of the Junk Fee Ban Act. A person  
11 who violates the Junk Fee Ban Act commits an unlawful practice  
12 within the meaning of this Act."