**Section 300.20 Definitions**

The following terms as used in this Part shall have the definitions shown:

"Act" means the Restricted Call Registry Act [815 ILCS 402].

"Commission" means the Illinois Commerce Commission.

*"Established business relationship" means the existence of an oral or written transaction, agreement, contract, or other legal state of affairs involving a person or entity and an existing customer under which both parties have a course of conduct or established pattern of activity for commercial or mercantile purposes and for the benefit or profit of both parties. A pattern of activity does not necessarily mean multiple previous contacts. The established business relationship must exist between the existing customer and the person or entity directly, and does not extend to any related business entity or other business organization of the person or entity or related to the person or entity or the person or entity's agent including but not limited to a parent corporation, subsidiary partnership, company or other corporation or affiliate.* (Section 5 of the Act [815 ILCS 402/5])

*"Existing customer" means an individual who has either entered into a transaction, agreement, contract, or other legal state of affairs between a person or entity and a residential subscriber under which the payment or exchange of consideration for any goods or services has taken place within the preceding 18 months or has been arranged to take place at a future time or opened or maintained a debit account, credit card account, or other credit or discount program offered by or in conjunction with the person or entity and has not requested the person or entity to close such account or terminate such program.* (Section 5 of the Act)

"Local exchange telecommunications company" means a local exchange telecommunications carrier certificated by the Illinois Commerce Commission to provide intra-exchange and/or inter-exchange service within the same market service area pursuant to Sections 13-209 and 13-210 of the Public Utilities Act [220 ILCS 5/13-209 and 13-210].

*"Registry" means the Restricted Call Registry established under the Act.* (Section 5 of the Act)

*"Residential subscriber" means a person or spouse who has subscribed to either residential telephone service from a local exchange company or public mobile services, as defined by Section 13-214 of the Public Utilities Act* [220 ILCS 5/13-214]*, a guardian of the person or the person's spouse, or an individual who has power of attorney from or an authorized agent of the person or the person's spouse.* (Section 5 of the Act)

*"Telephone solicitation" means any voice communication over a telephone line from a live operator, through the use of an autodialer or autodialer system, as defined in Section 5 of the Automatic Telephone Dialers Act* [815 ILCS 305/5]*, or by other means for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, or for the purposes of soliciting charitable contributions, but does not include communications:*

*to any residential subscriber with that subscriber's prior express invitation or permission when a voluntary 2-way communication between a person or entity and a residential subscriber has occurred with or without an exchange of consideration. A telephone solicitation is presumed not to be made at the express request of a subscriber if one of the following occurs, as applicable:*

*The telephone solicitation is made 30 business days after the last date on which the subscriber contacted a business with the purpose of inquiring about the potential purchase of goods or services.*

*The telephone solicitation is made 30 business days after the last date on which the subscriber consented to be contacted.*

*The telephone solicitation is made 30 business days after a product or service becomes available where the subscriber has made a request to the business for that product or service that is not then available, and requests a call when the product or service becomes available;*

*by or on behalf of any person or entity with whom a residential subscriber has an established business relationship which has not been terminated in writing by either party and which is related to the nature of the established business relationship;*

*by or on behalf of any person or entity with whom a residential subscriber is an existing customer, unless the customer has stated to the person or entity or the person's or entity's agent that he or she no longer wishes to receive the telemarketing sales calls of the person or entity, or unless the nature of the call is unrelated to the established business relationship with the existing customer;*

*by or on behalf of an organization that is exempt from federal income taxation under section 501(c) of the Internal Revenue Code* (26 USC 501(c))*, but only if the person making the telephone solicitation immediately discloses all of the following information upon making contact with the consumer:*

*the caller's true first and last name; and*

*the name, address, and telephone number of the organization;*

*by or on behalf of an individual licensed under the Real Estate License Act of 2000* [225 ILCS 454] *or as an insurance producer under the Illinois Insurance Code* [215 ILCS 5] *who either:*

*is setting or attempting to set a face to face appointment for actions relating to that individual's real estate or insurance business; or*

*is encouraging or attempting to encourage the purchase or rental of, or investment in, property, goods, or services, which cannot be completed, and for which payment or authorization of payment is not required, until after a written or electronic agreement is signed by the residential subscriber; or*

*until July 1, 2005, by or on behalf of any entity over which the Federal Communications Commission or the Illinois Commerce Commission has regulatory authority to the extent that, subject to that authority, the entity is required to maintain a license, permit, or certificate to sell or provide telecommunications service, as defined in Section 13-203 of the Public Utilities Act* [220 ILCS 5/13-203]*, while the entity is engaged in telephone solicitation for inter-exchange telecommunications service, as defined in Section 13-205 of the Public Utilities Act* [220 ILCS 5/13-205]*, or local exchange telecommunications service, as defined in Section 13-204 of the Public Utilities Act* [220 ILCS 5/13-204] *or to the extent, subject to the regulatory authority of the Federal Communications Commission, the entity is defined by Title 47, section 522(5) of the United States Code* (47 USC 522(5))*, or providers of information services as defined by Title 47, section 153(20) of the United States Code* (47 USC 153(20))*.* (Section 5 of the Act)