



Sen. Dave Syverson

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10000SB2573sam002

LRB100 19049 KTG 38288 a

1 AMENDMENT TO SENATE BILL 2573

2 AMENDMENT NO. _____. Amend Senate Bill 2573 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Automatic Telephone Dialers Act is amended
5 by changing Sections 5, 15, and 30 as follows:

6 (815 ILCS 305/5) (from Ch. 134, par. 105)

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

8 (a) "Autodialer" or "Autodialer System" means any
9 telephone dialing or accessing device, machine, computer or
10 system capable of storing telephone numbers which is programmed
11 to sequentially or randomly access the stored telephone numbers
12 in order to automatically connect a telephone with a recorded
13 message, the term does not include any device associated with a
14 burglar alarm system, voice message system or fire alarm
15 system.

16 (b) "Emergency Telephone Number" means any telephone

1 number which accesses or calls a fire department, law
2 enforcement agency, ambulance, hospital, medical center,
3 poison control center, rape crisis center, suicide prevention
4 center, rescue service, the 911 emergency access number
5 provided by law enforcement agencies and police departments.

6 (c) "Recorded Message" means any artificial or recorded
7 ~~taped~~ communication that includes or introduces an
8 advertisement or constitutes telemarketing ~~soliciting the sale~~
9 ~~of goods or services~~ without live voice interaction.

10 (d) "Voice Messaging System" means any message delivery
11 service which utilizes an autodialer to deliver non-commercial
12 messages to domestic and international recipients.

13 (e) "Subscriber" means:

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

16 (2) Other persons living or residing with the
17 subscribing person.

18 (f) "Caller ID" means the display to the recipient of the
19 call the caller's telephone number or identity.

20 (g) "Telemarketing" means the initiation of a telephone
21 call or message, that is transmitted to any person, for the
22 purpose of encouraging the purchase or rental of, or investment
23 in, property, goods, or services.

24 (h) "Prior express written consent" has the meaning
25 ascribed to that term in 47 CFR 64.1200(f)(8).

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

1 (815 ILCS 305/15) (from Ch. 134, par. 115)

2 Sec. 15. Method of operation.

3 (a) No person shall operate an autodialer in this State to
4 place a telephone call during the hours between 9 p.m. and 9
5 a.m.

6 (b) All autodialers operated within the State of Illinois
7 shall disconnect within 30 seconds after termination of the
8 call by the subscriber or the autodialer. Where disconnection
9 in 30 seconds is technically not feasible, the autodialer shall
10 utilize a live operator who shall:

11 (1) state his name, the name, address and telephone
12 number of the business or organization being represented
13 and the purpose of the call; and

14 (2) inquire at the beginning of the call whether the
15 person called consents to hear the prerecorded message.

16 (c) An autodialer shall not be used to dial numbers
17 determined by successively increasing or decreasing integers.

18 (d) An autodialer may not be operated in a manner that
19 impedes the function of any caller ID when the telephone
20 solicitor's service or equipment is capable of allowing the
21 display of the solicitor's telephone number, or that provides
22 inaccurate caller ID information in violation of 47 U.S.C.
23 222(e) and the rules of the Federal Communications Commission
24 implementing 47 U.S.C. 222(e).

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

1 (815 ILCS 305/30) (from Ch. 134, par. 130)

2 Sec. 30. Violations.

3 (a) It is a violation of this Act to make or cause to be
4 made telephone calls utilizing an autodialer to any emergency
5 telephone number as defined in Section 5. It is a violation of
6 this Act to make or cause to be made telephone calls utilizing
7 an autodialer in a manner that does not comply with Section 15.

8 (b) It is a violation of this Act to play a recorded
9 ~~prerecorded~~ message placed by an autodialer without the (i)
10 prior express written consent of the called party or (ii) the
11 prior express written consent of the called party if the call
12 is made by or on behalf of a tax-exempt nonprofit organization
13 or is a call that delivers a health care message made by, or on
14 behalf of, a covered entity or its business associate as those
15 terms are defined in the Health Insurance Portability and
16 Accountability Act of 1996 at 45 CFR 160.103.

17 (c) Enforcement by customer. Any customer injured by a
18 violation of this Act may bring an action for the recovery of
19 damages. Judgment may be entered for 3 times the amount at
20 which the actual damages are assessed, plus costs and
21 reasonable attorney fees.

22 (c-5) In addition to the damages authorized under
23 subsection (c), a consumer may obtain statutory damages in the
24 amount of \$500 per violation.

25 (d) Enforcement by Attorney General. Violation of any of

1 the provisions of this Act is an unlawful practice under
2 Section 2Z of the Consumer Fraud and Deceptive Business
3 Practices Act. All remedies, penalties and authority granted to
4 the Attorney General by that Act shall be available to him for
5 the enforcement of this Act. In any action brought by the
6 Attorney General to enforce this Act, the court may order that
7 persons who incurred actual damages be awarded the amount at
8 which actual damages are assessed. In addition to actual
9 damages, a court may order that each person who received a call
10 in violation of this Act be awarded statutory damages in the
11 amount of \$500 per violation.

12 (Source: P.A. 98-546, eff. 8-26-13.)".