



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3575

Introduced 2/24/2005, by Rep. John A. Fritchey

SYNOPSIS AS INTRODUCED:

815 ILCS 505/10b

from Ch. 121 1/2, par. 270b

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that the Act does not apply to the communication of any false, misleading or deceptive information by a real estate salesman or broker licensed under the Real Estate Brokers License Act, unless the salesman or broker knows of the false, misleading or deceptive character of such information (instead of the communication of any false, misleading or deceptive information, provided by the seller of real estate located in Illinois, by a real estate salesman or broker licensed under the Real Estate Brokers License Act, unless the salesman or broker knows of the false, misleading or deceptive character of such information).

LRB094 09868 RXD 40126 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 Consumer Fraud and Deceptive Business
5 Practices Act is amended by changing Section 10b as follows:

6 (815 ILCS 505/10b) (from Ch. 121 1/2, par. 270b)

7 (Text of Section WITH the changes made by P.A. 89-7, which
8 has been held unconstitutional)

9 Sec. 10b. Nothing in this Act shall apply to any of the
10 following:

11 (1) Actions or transactions specifically authorized by
12 laws administered by any regulatory body or officer acting
13 under statutory authority of this State or the United States.

14 (2) The provisions of "An act to protect trademark owners,
15 distributors, and the public against injurious and uneconomic
16 practices in the distribution of articles of standard quality
17 under a trademark, brand or name," approved July 8, 1935, as
18 amended.

19 (3) Acts done by the publisher, owner, agent, or employee
20 of a newspaper, periodical or radio or television station in
21 the publication or dissemination of an advertisement, when the
22 owner, agent or employee did not have knowledge of the false,
23 misleading or deceptive character of the advertisement, did not
24 prepare the advertisement, or did not have a direct financial
25 interest in the sale or distribution of the advertised product
26 or service.

27 (4) The communication of any false, misleading or deceptive
28 information, ~~provided by the seller of real estate located in~~
29 ~~Illinois,~~ by a real estate salesman or broker licensed under
30 "The Real Estate Brokers License Act", unless the salesman or
31 broker knows of the false, misleading or deceptive character of
32 such information. This provision shall be effective as to any

1 communication, whenever occurring.

2 (5) Claims seeking damages for conduct that results in
3 bodily injury, death, or damage to property other than the
4 property that is the subject of the practice claimed to be
5 unlawful.

6 This item (5) applies to causes of action filed on or after
7 its effective date.

8 (6) The communication of any false, misleading, or
9 deceptive information by an insurance producer, registered
10 firm, or limited insurance representative, as those terms are
11 defined in the Illinois Insurance Code, or by an insurance
12 agency or brokerage house concerning the sale, placement,
13 procurement, renewal, binding, cancellation of, or terms of any
14 type of insurance or any policy of insurance unless the
15 insurance producer has actual knowledge of the false,
16 misleading, or deceptive character of the information. This
17 provision shall be effective as to any communications, whenever
18 occurring. This item (6) applies to all causes of action that
19 accrue on or after the effective date of this amendatory Act of
20 1995.

21 (Source: P.A. 89-7, eff. 3-9-95; 89-152, eff. 1-1-96.)

22 (Text of Section WITHOUT the changes made by P.A. 89-7,
23 which has been held unconstitutional)

24 Sec. 10b. Nothing in this Act shall apply to any of the
25 following:

26 (1) Actions or transactions specifically authorized by
27 laws administered by any regulatory body or officer acting
28 under statutory authority of this State or the United States.

29 (2) The provisions of "An act to protect trademark owners,
30 distributors, and the public against injurious and uneconomic
31 practices in the distribution of articles of standard quality
32 under a trademark, brand or name," approved July 8, 1935, as
33 amended.

34 (3) Acts done by the publisher, owner, agent, or employee
35 of a newspaper, periodical or radio or television station in

1 the publication or dissemination of an advertisement, when the
2 owner, agent or employee did not have knowledge of the false,
3 misleading or deceptive character of the advertisement, did not
4 prepare the advertisement, or did not have a direct financial
5 interest in the sale or distribution of the advertised product
6 or service.

7 (4) The communication of any false, misleading or deceptive
8 information, ~~provided by the seller of real estate located in~~
9 ~~Illinois,~~ by a real estate salesman or broker licensed under
10 "The Real Estate Brokers License Act", unless the salesman or
11 broker knows of the false, misleading or deceptive character of
12 such information. This provision shall be effective as to any
13 communication, whenever occurring.

14 (5) (Blank). ~~This item (5)~~

15 (6) The communication of any false, misleading, or
16 deceptive information by an insurance producer, registered
17 firm, or limited insurance representative, as those terms are
18 defined in the Illinois Insurance Code, or by an insurance
19 agency or brokerage house concerning the sale, placement,
20 procurement, renewal, binding, cancellation of, or terms of any
21 type of insurance or any policy of insurance unless the
22 insurance producer has actual knowledge of the false,
23 misleading, or deceptive character of the information. This
24 provision shall be effective as to any communications, whenever
25 occurring. This item (6) applies to all causes of action that
26 accrue on or after the effective date of this amendatory Act of
27 1995.

28 (Source: P.A. 84-894; 89-152, eff. 1-1-96; revised 1-22-98.)