



Consumer Protection Committee

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LRB095 04245 LCT 33031 a

1 AMENDMENT TO HOUSE BILL 296

2 AMENDMENT NO. _____. Amend House Bill 296, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Retail Consumer Protection Act.

7 Section 5. Purpose. The General Assembly finds that there
8 is a proliferation of computerized pricing systems in retail
9 stores. The General Assembly further finds that some retail
10 customers are being overcharged due to inadequate management
11 oversight, computer errors, and other problems. The General
12 Assembly further finds that there are insufficient penalties
13 and remedies available to customers who are victims of
14 overcharging.

15 Section 10. Definitions. As used in this Act:

1 "Department" means the Department of Agriculture.

2 "Director" means the Director of Agriculture.

3 "Person" means both the singular and plural, as the case
4 demands, and includes individuals, partnerships, corporations,
5 companies, societies, and associations.

6 "Retail commerce" means a retail sale of a commodity in a
7 facility with more than 10,000 square feet, but does not
8 include wholesale, business-to-business, or barter and
9 exchange transactions.

10 "Overcharging" means the demand for a payment that is in
11 excess of the lowest advertised or displayed price for that
12 commodity.

13 "Payment station" means each location where a person pays
14 for a retail purchase.

15 "Sealer" has the same meaning as defined in Section 2 of
16 the Weights and Measures Act.

17 Section 15. Business practices against overcharging.

18 (a) All businesses engaged in retail commerce shall have at
19 least one designated employee who has the responsibility for
20 ensuring the accuracy of all posted and advertised prices and
21 for resolving any customer complaints related to the accuracy
22 of prices.

23 (b) The person designated in subsection (a) of this Section
24 shall keep a written record of any customer complaints received
25 concerning any overcharging or other acts of consumer fraud and

1 shall make those records available to investigators of the
2 Department of Agriculture Bureau of Weights and Measures upon
3 request.

4 (c) Any person engaged in retail commerce that is alerted
5 by a customer of an overcharging shall report to the person
6 designated under subsection (a) of this Section, who shall
7 investigate the alleged error. If the customer was charged more
8 than the advertised or posted price, and the value of the item
9 in question was less than \$3, the customer shall be given the
10 item for free. If the value of the item in question was \$3 or
11 more, the customer shall be sold the item at the correct price
12 and \$3 shall be deducted from the price charged. The person
13 designated under subsection (a) of this Section shall further
14 ensure that the correct price is posted and programmed into all
15 payment systems within a reasonable time.

16 Section 20. Overcharging oversight.

17 (a) The Department shall maintain a hotline staffed during
18 normal business hours to receive customer complaints and
19 compliments about retail overcharging and undercharging. Any
20 person engaged in retail commerce in the State of Illinois
21 shall post the Department's hotline phone number on a sticker
22 or sign at each payment station or shall print the number on
23 any receipt given to a customer. If the hotline number is
24 displayed on a sticker or sign, it must be written in at least
25 12-point font and be conspicuously posted so that it can be

1 plainly viewed by a customer at the time of payment.

2 (b) The Director shall provide an annual written report to
3 the Attorney General and the Governor describing the activities
4 of himself or herself and any city sealers to implement this
5 Act, and any substitute local ordinances. The report shall be
6 delivered and also posted on the Department's website no later
7 than July 10 of each year. All persons engaged in retail
8 commerce within this State and all city sealers shall provide
9 any necessary records for the compilation of this report.

10 (c) The Director shall adopt regulations to implement this
11 Act that shall be based upon commonly accepted national
12 standards such as those issued by the National Institute of
13 Standards and Technology.

14 Section 25. Penalties. In addition to any other remedies
15 available under the Weights and Measures Act, the Department
16 may assess penalties for overcharging up to \$500 per violation
17 for the 6th and each subsequent violation within a 12-month
18 period.

19 Section 30. Local implementation. Cities that have sealers
20 of weights and measures appointed pursuant to Section 17 of the
21 Weights and Measures Act may opt by majority vote of the city
22 council to adopt the provisions of this Act or to substitute
23 local ordinances for those in this Act.

1 Section 300. The Weights and Measures Act is amended by
2 changing Section 19 as follows:

3 (225 ILCS 470/19) (from Ch. 147, par. 119)

4 Sec. 19. The sealer of a city, and each of his deputy
5 sealers when acting under his instructions and at his
6 direction, has the same powers and duties within the city for
7 which appointed as are conferred upon the director by Sections
8 10, 11, 12, 13, 14, 15 and 56 of this Act and those powers and
9 duties conferred under Sections 20 and 30 of the Retail
10 Consumer Protection Act. With respect to Section 10, in cities
11 of less than 200,000 population, the powers and duties shall be
12 strictly limited to weighing and measuring devices used in
13 retail trade including, for example, weighing scales of a
14 nominal capacity not greater than 400 pounds, retail
15 liquid-measuring devices, taximeters, odometers,
16 fabric-measuring devices and cordage-measuring devices.

17 The city inspector of weights and measures shall keep a
18 complete record of all his official acts and shall submit an
19 annual report to the council of the city, and an annual report
20 (on July 1) under oath to the Director of Agriculture on blanks
21 furnished by him, and any special reports that the Director of
22 Agriculture may request.

23 (Source: Laws 1963, p. 3433.)".