



Sen. Michael Noland

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LRB095 05914 AJ0 50957 a

1 AMENDMENT TO SENATE BILL 1029

2 AMENDMENT NO. _____. Amend Senate Bill 1029 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Consumer Contract Plain Language Act.

6 Section 5. Definitions. As used in this Act, unless the
7 context clearly requires otherwise:

8 "Alternative gas consumer" means an individual who gives or
9 promises to give money or other consideration to alternative
10 gas suppliers as defined in Section 19-105 of the Public
11 Utilities Act in exchange for natural gas.

12 "Alternative gas supplier consumer contract" means a
13 written contract between a consumer and an alternative gas
14 supplier.

15 Section 10. Plain language required. Except as provided in

1 Section 15, every alternative gas supplier consumer contract
2 shall meet all of the following criteria:

3 (1) The contract shall adequately inform the consumer of
4 the rights and duties fixed by the contract.

5 (2) The contract shall be sufficiently clear and readable
6 for the ordinary reader, using, so far as is practical, words
7 with common, everyday meanings. For purposes of this
8 subdivision (2), a contract is sufficiently clear and readable
9 if it adheres to all the standards set forth in Section 1-201
10 of the Uniform Commercial Code, as enacted in Illinois, and
11 Section 2P of the Consumer Fraud and Deceptive Business
12 Practices Act.

13 (3) The contract shall be printed in a clear and
14 conspicuous manner. For purposes of this subdivision (3),
15 "conspicuous" has the meaning ascribed to that term in
16 subdivision (10) of Section 1-201 of the Uniform Commercial
17 Code, as enacted in Illinois, but in no case with the font
18 smaller than 10 point. Contracts governed by this Act shall
19 adhere to the clear and conspicuous standard provided in
20 Section 2P of the Consumer Fraud and Deceptive Business
21 Practices Act.

22 Section 15. Exceptions. This Act does not prohibit the use
23 of the following in alternative gas suppliers consumer
24 contracts:

25 (1) Words or phrases, or forms of agreement, required by

1 State or federal law or by rule or regulation of a State or
2 federal governmental instrumentality; or

3 (2) Technical terms if (i) those terms are customarily used
4 by consumers in connection with the service or (ii) there is no
5 sufficiently clear and readable substitute for those terms.

6 Nothing in this Act shall be construed to apply to, modify,
7 or in any way limit the terms of any contract other than
8 contracts within the category specifically delineated herein.

9 Section 20. Violation. If the Attorney General has reason
10 to believe that a business entity is using or has used an
11 alternative gas supplier consumer contract that violates
12 Section 10 and determines that an action under this subsection
13 would be in the public interest, the Attorney General may bring
14 an action, in the name of the People of the State of Illinois,
15 against that business entity to restrain the use of that
16 alternative gas consumer contract.".