



Sen. Pamela J. Althoff

Filed: 4/12/2013

09800SB2136sam001

LRB098 06596 JLS 44230 a

1 AMENDMENT TO SENATE BILL 2136

2 AMENDMENT NO. _____. Amend Senate Bill 2136 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Automatic Telephone Dialers Act is amended
5 by changing Section 30 and by adding Section 22 as follows:

6 (815 ILCS 305/22 new)

7 Sec. 22. Recordkeeping.

8 (a) A person who operates an autodialer shall maintain and
9 make available upon request a list of all telephone numbers
10 called.

11 (b) A person who operates an autodialer shall maintain and
12 make available upon request records to sufficiently document
13 any exemption claimed under Section 20 of this Act.

14 (815 ILCS 305/30) (from Ch. 134, par. 130)

15 Sec. 30. Violations.

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

6 (b) It is a violation of this Act to play a prerecorded
7 message placed by an autodialer without the consent of the
8 called party.

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

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

17 (d) Enforcement by Attorney General. Violation of any of
18 the provisions of this Act is an unlawful practice under
19 Section 2Z of the Consumer Fraud and Deceptive Business
20 Practices Act. All remedies, penalties and authority granted to
21 the Attorney General by that Act shall be available to him for
22 the enforcement of this Act. In any action brought by the
23 Attorney General to enforce this Act, the court may order that
24 persons who incurred actual damages be awarded the amount at
25 which actual damages are assessed. In addition to actual
26 damages, a court may order that each person who received a call

1 in violation of this Act be awarded statutory damages in the
2 amount of \$500 per violation.

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

4 Section 10. The Restricted Call Registry Act is amended by
5 adding Sections 45 and 50 as follows:

6 (815 ILCS 402/45 new)

7 Sec. 45. Recordkeeping.

8 (a) A person who makes or causes to be made calls subject
9 to this Act shall maintain and make available upon request a
10 list of all telephone numbers called.

11 (b) A person who makes or causes to be made calls subject
12 to this Act shall maintain and make available upon request
13 records to sufficiently document any exemption claimed under
14 Section 40 of this Act.

15 (815 ILCS 402/50 new)

16 Sec. 50. Enforcement by subscriber. Any subscriber who
17 receives a call in violation of this Act may bring an action
18 for the recovery of damages. In addition to actual damages, if
19 any, the subscriber may obtain statutory damages in the amount
20 of \$500 per violation.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."