

1 AN ACT concerning telephone solicitations.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Telephone Solicitations Act is amended by
5 adding Section 16 as follows:

6 (815 ILCS 413/16 new)

7 Sec. 16. Telephone solicitation; establishment of no
8 telephone solicitation sales calls Statewide registry.

9 (a) In this Section:

10 "Commission" means the Illinois Commerce Commission.

11 "Customer" means any natural person who is a resident of
12 this State and who is or may be required to pay for or to
13 exchange consideration for goods and services offered through
14 telephone solicitation.

15 "Doing business in this State" means conducting
16 telephonic sales calls: (i) from a location in this State;
17 or (ii) from a location outside of this State to customers
18 residing in this State.

19 "Goods and services" means any goods and services, and
20 shall include any real property or any tangible personal
21 property or services of any kind.

22 "Telephone solicitor" means any person who, for financial
23 profit or commercial purposes in connection with telephone
24 solicitation, makes telephone solicitation sales calls to a
25 customer when the customer is in this State or any person who
26 directly controls or supervises the conduct of a person who
27 makes such telephone solicitation sales calls.

28 "Commercial purposes" means the sale or offer for sale of
29 goods or services.

30 "Telephone solicitation sales call" means a telephone
31 call made by a telephone solicitor to a customer for the

1 purpose of inducing payment or the exchange of any other
2 consideration for any goods or services.

3 "Unsolicited telephone solicitation sales call" means any
4 telephone solicitation sales call other than a call made:

5 (i) in response to an express written or verbal
6 request of the customer called;

7 (ii) in connection with an established business
8 relationship that has not been terminated by either
9 party;

10 (iii) to an existing customer, unless the customer
11 has stated to the telephone solicitor that the customer
12 no longer wishes to receive the telephone solicitation
13 sales calls of the telephone solicitor; or

14 (iv) in which the sale of goods and services is not
15 completed, and payment or authorization of payment is not
16 required, until after a face-to-face sales presentation
17 by the telephone solicitor or a meeting between the
18 telephone solicitor and customer.

19 (b) The Commission shall establish and maintain a no
20 telephone solicitation sales calls Statewide registry
21 containing a list of customers who do not wish to receive
22 unsolicited telephone solicitation sales calls. The
23 Commission may contract with a private vendor to establish
24 and maintain the registry, provided the private vendor has
25 maintained national no telephone solicitation sales calls
26 registries for more than 2 years and the contract requires
27 the vendor to provide the no telephone solicitation sales
28 calls registry in a printed hard copy format and in any other
29 format as prescribed by the Commission.

30 (c) No telephone solicitor or seller may make or cause
31 to be made any unsolicited telephone solicitation sales call
32 to any customer more than 30 days after the customer's name
33 and telephone number or numbers appear on the then current
34 quarterly no telephone solicitation sales calls registry made

1 available by the Commission under subsection (b) of this
2 Section.

3 (d) The Commission shall provide notice to customers of
4 the establishment of the no telephone solicitation sales
5 calls registry. Any customer who wishes to be included on the
6 listing shall notify the Commission by calling a toll-free
7 number provided by the Commission, or in any other manner and
8 at the times as the Commission may prescribe, which may
9 include notification via the Internet. A customer on the
10 registry shall be deleted from the registry upon the
11 customer's written request. The Commission shall update the
12 registry not less than quarterly and shall make the registry
13 available to telephone solicitors for a fee as the Commission
14 prescribes.

15 (e) Any company that provides local telephone
16 directories to customers in this State shall inform its
17 customers of the provisions of this Section by means of
18 publishing a notice in the local telephone directories.

19 (f) The Commission shall prescribe rules to administer
20 this Section.

21 (g) If it is determined after a hearing that a person
22 has violated one or more provisions of this Section, the
23 Commission, or any person designated by the Commission, may
24 assess a fine not to exceed \$5,000 for each violation. Any
25 proceeding conducted under this subsection (g) is subject to
26 the Illinois Administrative Procedure Act. Nothing in this
27 subsection (g) shall be construed to restrict any right
28 that a person may have under any other statute or at common
29 law.

30 (h) A person may not engage in the business of telephone
31 solicitation unless the telephone solicitor purchases from
32 the Commission the list of customers who do not wish to
33 receive unsolicited telephone solicitation sales calls.

34 (i) A person may not be held liable for violating this

1 Section if:

2 (1) the person has obtained a copy of, and updated
3 quarterly, the no telephone solicitation sales calls
4 registry and has established and implemented written
5 policies and procedures related to the requirements of
6 this Section;

7 (2) the person has trained his or her personnel in
8 the requirements of this Section;

9 (3) the person maintains records demonstrating
10 compliance with paragraphs (1) and (2) of this subsection
11 (i) and the requirements of this Section; and

12 (4) any subsequent unsolicited telephone
13 solicitation sales call is the result of error.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.