

1 AN ACT concerning telecommunications.

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

4 Section 5. The Public Utilities Act is amended by adding  
5 Section 13-904 as follows:

6 (220 ILCS 5/13-904 new)

7 (Section scheduled to be repealed July 1, 2005)

8 Sec. 13-904. Marketing practices.

9 (a) No telecommunications carrier shall commit an  
10 unfair, deceptive, or unconscionable act or practice in  
11 connection with a consumer transaction. Without limiting the  
12 scope of this Section, the act or practice of a  
13 telecommunications carrier is deceptive if the carrier:

14 (1) fails to clearly highlight, in written or  
15 printed advertising or promotional literature, any  
16 material exclusions, reservations, limitations,  
17 modifications, or conditions associated with special  
18 offers or promotions;

19 (2) fails to place material exclusions,  
20 reservations, limitations, modifications, or conditions  
21 within close proximity to the words stating such special  
22 offer or promotion;

23 (3) fails to clearly state all specific exclusions,  
24 reservations, limitations, modifications, or conditions  
25 when making offers through radio or television  
26 advertisement; or

27 (4) advertises or offers goods or services as  
28 "free" when the cost of the "free" offer is passed on to  
29 the consumer by raising the tariffed price of the goods  
30 or services that must be purchased in connection with the  
31 "free" offer.

1       (b) Telecommunications carriers shall use positive  
2 subscriber enrollment for all services for which a monthly  
3 recurring charge would apply.

4       (c) When an applicant for new access line service or a  
5 current subscriber applying for an additional  
6 telecommunications service contacts a telecommunications  
7 carrier, the carrier, during the conversation, shall:

8           (1) for all regulated telecommunication services,  
9 explain the services being offered (including any  
10 limitations or restrictions) and the rates for the  
11 services, including: all nonrecurring charges; the  
12 minimum monthly charge, if applicable; the rates per  
13 usage increments; taxes; and surcharges;

14           (2) for local exchange services, provide all  
15 necessary information for the applicant or subscriber to  
16 obtain the most economical local service conforming to  
17 the customer's stated needs, including:

18                   (A) immediate disclosure of the price for any  
19 basic service offering suggested by the provider  
20 and, if applicable, an offer to explain other basic  
21 service offerings and rates;

22                   (B) an estimate of any special charge levied  
23 on the basis of actual cost for items such as  
24 extraordinary construction, maintenance, or  
25 replacement costs or expenses, overtime work at the  
26 customer's request, and special installations and  
27 equipment, as well as the option, if any, to  
28 contract with sources other than the provider to  
29 perform the work;

30                   (C) an estimate of the initial billing for all  
31 monthly local service (including any partial monthly  
32 amounts); and

33                   (D) the option to spread local exchange  
34 telephone service installation charges over a period

1           of 3 months.

2           (d) Telecommunications carriers providing local service,  
3 when offering bundled service packages, shall explain that  
4 each service or feature within the package may be purchased  
5 individually, list each service and feature contained in the  
6 package, and, upon subscriber request, provide individual  
7 rates for each service or feature.

8           (e) When a subscriber calls a telecommunications carrier  
9 to request information about a specific local exchange  
10 service or feature, to report service problems, or to make  
11 payment arrangements, the carrier shall not engage in sales  
12 practices until the provider first confirms that it has  
13 completely responded to the subscriber's concern. Upon a  
14 subscriber's request, the carrier shall discontinue the sales  
15 discussion.

16           Section 99. Effective date. This Act takes effect upon  
17 becoming law.