

SB2694



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2694

Introduced 1/10/2024, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

New Act

Creates the Unsolicited Convenience Check Act. Provides that no holder in whose name an unsolicited check is issued shall be liable for any amount resulting from the use of that check or account, unless the holder has accepted the check or account by using the check or account. Provides that the failure to destroy or return an unsolicited check shall not constitute acceptance of the check or account. Provides that any agreement entered into by a holder of a check or account that waives, limits, or disclaims the rights set forth in this Act shall be void as contrary to public policy. Effective immediately.

LRB103 36111 SPS 66201 b

A BILL FOR

1 AN ACT concerning business.

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

4 Section 1. Short title. This Act may be cited as the
5 Unsolicited Convenience Check Act.

6 Section 5. Definitions. As used in this Act:

7 "Check" means any negotiable instrument, as that term is
8 defined in Section 3-104 of the Uniform Commercial Code, that
9 has imprinted on it the holder's name and the depository
10 institution's name, location, and routing number.

11 "Unsolicited check" means any check mailed or otherwise
12 delivered to a holder by an issuer or agent acting on behalf of
13 an issuer for the purpose of drawing on an existing account
14 that is an extension of credit or activating an account to
15 obtain credit other than:

16 (1) in response to a request or application for a
17 check or account; or

18 (2) as a substitute for a check or account previously
19 issued to the person to whom the check is mailed or
20 otherwise delivered.

21 Section 10. Holder liability. No holder in whose name an
22 unsolicited check is issued shall be liable for any amount

1 resulting from the use of that check or account, unless the
2 holder has accepted the check or account by using the check or
3 account. The failure to destroy or return an unsolicited check
4 shall not constitute acceptance of the check or account.

5 Section 15. Waivers void. Any agreement entered into by a
6 holder of a check or account that waives, limits, or disclaims
7 the rights set forth in this Act shall be void as contrary to
8 public policy.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.