



Sen. Michael Noland

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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.

8 (3) The contract shall be appropriately divided into
9 sections and paragraphs, and the sections shall contain
10 captions.

11 (4) The contract shall be printed in a clear and
12 conspicuous manner, as defined in subdivision (10) of Section
13 1-201 of the Uniform Commercial Code, but in no case with the
14 font smaller than 10 point.

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

18 (1) Words or phrases, or forms of agreement, required by
19 State or federal law or by rule or regulation of a State or
20 federal governmental instrumentality; or

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

24 Nothing in this Act shall be construed to apply to, modify,
25 or in any way limit the terms of any contract other than

1 contracts within the category specifically delineated herein.

2 Section 20. Violation. A violation of Section 10 does not
3 render an alternative gas supplier consumer contract void or
4 voidable, nor does it constitute a defense to an action or
5 proceeding for breach of the contract or to enforce the
6 contract.

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