

# HB1021



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1021

Introduced 01/31/11, by Rep. Michael J. Madigan

#### SYNOPSIS AS INTRODUCED:

815 ILCS 145/2

from Ch. 17, par. 6102

Amends the Credit Card Liability Act. Makes a technical change in a Section concerning unsolicited credit cards.

LRB097 03841 AEK 43879 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 5. The Credit Card Liability Act is amended by  
5 changing Section 2 as follows:

6 (815 ILCS 145/2) (from Ch. 17, par. 6102)

7 Sec. 2. (a) Notwithstanding that ~~that~~ a person in whose  
8 name a credit card has been issued has requested or applied for  
9 such card or has indicated his acceptance of an unsolicited  
10 credit card, as provided in Section 1 hereof, such person shall  
11 not be liable to the issuer unless the card issuer has given  
12 notice to such person of his potential liability, on the card  
13 or within two years preceding such use, and has provided such  
14 person with an addressed notification requiring no postage to  
15 be paid by such person which may be mailed in the event of the  
16 loss, theft, or possible unauthorized use of the credit card,  
17 and such person shall not be liable for any amount in excess of  
18 the applicable amount hereinafter set forth, resulting from  
19 unauthorized use of that card prior to notification to the card  
20 issuer of the loss, theft, or possible unauthorized use of that  
21 card:

- 22 Card without a signature panel ..... \$25.00
- 23 Card with a signature panel ..... \$50.00

1           After the holder of the credit card gives notice to the  
2 issuer that a credit card is lost or stolen he is not liable  
3 for any amount resulting from unauthorized use of the card.

4           (b) When an action is brought by an issuer against the  
5 person named on a card, issuance of which has been requested,  
6 applied for, solicited or accepted and defendant puts in issue  
7 any transaction arising from the use of such card, the burden  
8 of proving benefit, authorization, use or permission by  
9 defendant as to such transaction shall be upon plaintiff. In  
10 the event defendant prevails with respect to any transaction so  
11 put in issue, the court may enter as a credit against any  
12 judgment for plaintiff, or as a judgment for defendant, a  
13 reasonable attorney's fee for services in connection with the  
14 transaction in respect of which the defendant prevails.

15           (Source: P.A. 77-1637.)