



Rep. Kelly M. Cassidy

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09900SB2901ham003

LRB099 20671 AMC 51750 a

1 AMENDMENT TO SENATE BILL 2901

2 AMENDMENT NO. _____. Amend Senate Bill 2901, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Geolocation Information Protection Act.

7 Section 3. Purpose. The purpose of this Act is to preserve
8 the personal privacy of Illinois citizens when it comes to
9 their highly sensitive geolocation information and to allow
10 Illinois citizens to maintain control over the collection and
11 disclosure of that information by private entities. This Act is
12 also intended to provide real property owners, managers, and
13 custodians with an easily accessible procedure for removal of
14 ecologically sensitive sites or locations, historically
15 significant sites or locations, sites or locations on private
16 property, or sites or locations otherwise deemed as dangerous

1 by the real property owner, manager, or custodian from
2 location-based video games.

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

4 "Developer" means a private entity that has made or
5 developed and owns the rights to a location-based video game,
6 including any private entity that acquires the controlling
7 intellectual property rights to the location-based video game
8 from another private entity.

9 "Ecologically sensitive site or location" means an area
10 designated by federal, State, or local government for
11 protection from development or damage due to the presence of
12 endangered species or threatened species as defined in Section
13 2 of the Illinois Endangered Species Protection Act.

14 "Geolocation information" means information concerning the
15 location of a device that is generated by or derived from, in
16 whole or in part, the operation of that device and that could
17 be used to determine or infer information regarding the
18 location of a person.

19 "Historically significant site or location" means a site or
20 location that has been designated by federal, State, or local
21 government for preservation as a landmark, or any other site or
22 location that the federal, State, or local government may
23 designate as historically significant.

24 "Location-based application" means a software application
25 that collects, uses, or stores geolocation information.

1 "Location-based application" includes a location-based video
2 game that collects, uses, or stores geolocation information.

3 "Location-based video game" means a game primarily played
4 on a mobile device, including, but not limited to, smartphones
5 and tablets, that encourages users to travel to specific real
6 property sites, locations, or coordinates for the purpose of
7 achieving specific goals within the game.

8 "Private entity" means an individual, partnership,
9 corporation, limited liability company, association, or other
10 group, however organized. "Private entity" does not include a
11 State or local government agency.

12 Section 10. Site or location removal.

13 (a) Within 4 business days after receiving a request from
14 the real property owner, manager, or custodian, the developer
15 of a location-based video game shall remove from its
16 location-based video game an ecologically sensitive site or
17 location, historically significant site or location, site or
18 location on private property, or site or location otherwise
19 deemed as dangerous by the real property owner, manager, or
20 custodian.

21 (b) In requesting that a site or location be removed from
22 the location-based video game, the requesting property owner,
23 manager, or custodian shall submit a request to the developer
24 of a location-based video game that specifies in sufficient
25 detail the site or location to be removed from the video game

1 and the reason for the requested removal.

2 Section 15. Removal procedure. The developer of a
3 location-based video game shall provide an easily accessible
4 procedure for removal of ecologically sensitive sites or
5 locations, historically significant sites or locations, sites
6 or locations on private property, or sites or locations
7 otherwise deemed as dangerous by the real property owner,
8 manager, or custodian from its location-based video game.

9 Section 20. Collection, use, and disclosure of geolocation
10 information from location-based applications.

11 (a) A private entity may not collect, use, or disclose
12 geolocation information from a location-based application on a
13 person's device unless the private entity first:

14 (1) informs the person in writing that his or her
15 geolocation information will be collected, used, and
16 disclosed;

17 (2) informs the person in writing of the specific
18 purpose for which his or her geolocation information will
19 be collected, used, and disclosed; and

20 (3) receives the person's informed, written consent
21 (including through an electronic means using the Internet)
22 in a form distinct and separate from any form setting forth
23 other legal or financial obligations of the person before
24 collecting, using, or disclosing his or her geolocation

1 information.

2 (b) This Section applies to location-based applications
3 created or modified after the effective date of this Act.

4 Section 25. Right of action. Any person whose rights under
5 this Act are violated has a right of action against an
6 offending party and may recover:

7 (1) liquidated damages of \$1,000 or actual damages,
8 whichever is greater;

9 (2) reasonable attorney's fees and costs; and

10 (3) other relief, including an injunction, as the court
11 may deem appropriate.

12 Section 30. Enforcement by the Attorney General. All
13 remedies, penalties, and authority granted to the Attorney
14 General by the Consumer Fraud and Deceptive Business Practices
15 Act shall be available to the Attorney General for the
16 enforcement of this Act. In addition, in any action brought by
17 the Attorney General to enforce this Act, the court may order
18 that persons who incurred actual damages be awarded 3 times the
19 amount at which actual damages are assessed.

20 Section 35. Waivers; contracts.

21 (a) A waiver of the provisions of this Act is void and
22 unenforceable.

23 (b) A contract relating to the use of a location-based

1 application that does not comply with the applicable provisions
2 of this Act is void and unenforceable.

3 Section 90. The Consumer Fraud and Deceptive Business
4 Practices Act is amended by changing Section 2Z as follows:

5 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

6 Sec. 2Z. Violations of other Acts. Any person who knowingly
7 violates the Automotive Repair Act, the Automotive Collision
8 Repair Act, the Home Repair and Remodeling Act, the Dance
9 Studio Act, the Physical Fitness Services Act, the Hearing
10 Instrument Consumer Protection Act, the Illinois Union Label
11 Act, the Job Referral and Job Listing Services Consumer
12 Protection Act, the Travel Promotion Consumer Protection Act,
13 the Credit Services Organizations Act, the Automatic Telephone
14 Dialers Act, the Pay-Per-Call Services Consumer Protection
15 Act, the Telephone Solicitations Act, the Illinois Funeral or
16 Burial Funds Act, the Cemetery Oversight Act, the Cemetery Care
17 Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales
18 Act, the High Risk Home Loan Act, the Payday Loan Reform Act,
19 the Mortgage Rescue Fraud Act, subsection (a) or (b) of Section
20 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section
21 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the
22 Internet Caller Identification Act, paragraph (6) of
23 subsection (k) of Section 6-305 of the Illinois Vehicle Code,
24 Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, 18d-150,

1 or 18d-153 of the Illinois Vehicle Code, Article 3 of the
2 Residential Real Property Disclosure Act, the Automatic
3 Contract Renewal Act, the Reverse Mortgage Act, Section 25 of
4 the Youth Mental Health Protection Act, the Geolocation
5 Information Protection Act, or the Personal Information
6 Protection Act commits an unlawful practice within the meaning
7 of this Act.

8 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642,
9 eff. 7-28-16.)".