



Sen. Don Harmon

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10400HB0226sam001

LRB104 04049 SPS 37751 a

1 AMENDMENT TO HOUSE BILL 226

2 AMENDMENT NO. _____. Amend House Bill 226 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by changing Section 1 as follows:

6 (815 ILCS 505/1) (from Ch. 121 1/2, par. 261)

7 Sec. 1. (a) The ~~The~~ term "advertisement" includes the
8 attempt by publication, dissemination, solicitation or
9 circulation to induce directly or indirectly any person to
10 enter into any obligation or acquire any title or interest in
11 any merchandise and includes every work device to disguise any
12 form of business solicitation by using such terms as
13 "renewal", "invoice", "bill", "statement", or "reminder", to
14 create an impression of existing obligation when there is
15 none, or other language to mislead any person in relation to
16 any sought after commercial transaction.

1 (b) The term "merchandise" includes any objects, wares,
2 goods, commodities, intangibles, real estate situated outside
3 the State of Illinois, or services.

4 (c) The term "person" includes any natural person or his
5 legal representative, partnership, corporation (domestic and
6 foreign), company, trust, business entity or association, and
7 any agent, employee, salesman, partner, officer, director,
8 member, stockholder, associate, trustee or cestui que trust
9 thereof.

10 (d) The term "sale" includes any sale, offer for sale, or
11 attempt to sell any merchandise for cash or on credit.

12 (e) The term "consumer" means any person who purchases or
13 contracts for the purchase of merchandise not for resale in
14 the ordinary course of his trade or business but for his use or
15 that of a member of his household.

16 (f) The terms "trade" and "commerce" mean the advertising,
17 offering for sale, sale, or distribution of any services and
18 any property, tangible or intangible, real, personal or mixed,
19 and any other article, commodity, or thing of value wherever
20 situated, and shall include any trade or commerce directly or
21 indirectly affecting the people of this State.

22 (g) The term "pyramid sales scheme" includes any plan or
23 operation whereby a person in exchange for money or other
24 thing of value acquires the opportunity to receive a benefit
25 or thing of value, which is primarily based upon the
26 inducement of additional persons, by himself or others,

1 regardless of number, to participate in the same plan or
2 operation and is not primarily contingent on the volume or
3 quantity of goods, services, or other property sold or
4 distributed or to be sold or distributed to persons for
5 purposes of resale to consumers. For purposes of this
6 subsection, "money or other thing of value" shall not include
7 payments made for sales demonstration equipment and materials
8 furnished on a nonprofit basis for use in making sales and not
9 for resale.

10 (Source: P.A. 95-331, eff. 8-21-07.)".