

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 Consumer Fraud and Deceptive Business
5 Practices Act is amended by adding Section 2MMMM as follows:

6 (815 ILCS 505/2MMMM new)

7 Sec. 2MMMM. Hidden and misleading fees.

8 (a) For purposes of this Section:

9 "Financial institution" means any person or entity who is
10 certified, permitted, approved, chartered, registered,
11 licensed, or otherwise authorized to engage in any profession,
12 trade, occupation, or industry by the Division of Banking or
13 the Division of Financial Institutions of the Department of
14 Financial and Professional Regulation.

15 "Gratuities" means compensation, money, or tip paid by a
16 consumer in excess of the amount required for the purchase of
17 goods or services, the total amount of which is received by the
18 employees providing the goods or services, and none of which
19 is retained by the business that employs the employees.

20 "Mandatory fee or surcharge" includes, but is not limited
21 to, a fee or surcharge that:

22 (1) must be paid in order to purchase the goods or
23 services being advertised;

1 (2) is not reasonably avoidable by the consumer; or

2 (3) a person would reasonably expect to be included in
3 the purchase of the goods or services being advertised.

4 "Mandatory fee or surcharge" does not include any taxes or
5 fees imposed by a government entity that are required by law to
6 be collected from the consumer on the sale, use, purchase,
7 receipt, or delivery of the goods or services.

8 (b) It is an unlawful practice within the meaning of this
9 Act for a person to advertise, display, or offer a price for
10 goods or services that does not include all mandatory fees or
11 surcharges.

12 (c) A food delivery platform is compliant with this
13 Section if the platform:

14 (1) clearly and conspicuously discloses, on any page
15 on the platform that references, expressly or by
16 implication:

17 (A) the specific cost to place a delivery order at
18 a particular restaurant; and

19 (B) the amount or, if calculated on a percentage
20 basis, the percentage of any additional fee or fees
21 that a consumer must incur at that restaurant to place
22 a delivery order, excluding only fees or charges
23 imposed by a federal, State, tribal, or unit of local
24 government that is required by law to be collected
25 from the consumer on the transaction and any optional
26 gratuities;

1 (2) clearly and conspicuously discloses, any time a
2 consumer has selected any items on the platform and those
3 selections are displayed, all fees the consumer will incur
4 based on those selections, including the nature or purpose
5 of each fee, the amount of each fee, and the total amount a
6 consumer must pay based on the selections; and

7 (3) after a consumer selects items for purchase, but
8 prior to checkout, a delivery platform must display a
9 subtotal page that itemizes the price of the menu items
10 and any additional fees that are included in the total
11 cost.

12 (d) Nothing in this Section prohibits a person from
13 charging a reasonable postage or shipping fee that is actually
14 incurred by the person to ship goods to a consumer.

15 (e) Nothing in this Section prohibits a person from
16 offering goods or services at a discounted price from the
17 advertised, displayed, or offered price.

18 (f) A person offering goods or services in an auction
19 where consumers can place bids on the goods or services and the
20 total cost is indeterminable is compliant with this Section if
21 the person discloses in a clear and conspicuous manner any
22 mandatory fees associated with the transaction and that the
23 total cost of the goods or services may vary.

24 (g) A person offering services where the total cost of a
25 service is determined by consumer selections and preferences,
26 or where the total cost of the service relates to distance or

1 time, is compliant with this Section if the person discloses
2 in a clear and conspicuous manner: (i) the factors that
3 determine the total price; (ii) any mandatory fees associated
4 with the transaction; and (iii) that the total cost of the
5 services may vary.

6 (h) A food or beverage service establishment, including a
7 hotel, is compliant with this Section with respect to
8 automatic and mandatory gratuities charged if, in every offer
9 or advertisement for the purchase of a good or service that
10 includes pricing information, the total price of the good or
11 service being offered or advertised includes a clear and
12 conspicuous disclosure of the percentage of any automatic and
13 mandatory gratuities charged. All other mandatory fees and
14 surcharges must be included in the price advertised,
15 displayed, or offered as required by subsection (b).

16 (i) The following entities are compliant with this
17 Section:

18 (1) a provider of broadband Internet access service,
19 on its own or as part of a bundle, that complies with the
20 broadband consumer label requirements set forth in 47 CFR
21 8.1(a) and its implementing orders;

22 (2) a cable operator and direct broadcast satellite
23 provider that complies with the pricing requirements set
24 forth in 47 CFR 76.310 and its implementing orders; and

25 (3) a telecommunication company that complies with the
26 pricing requirements set forth in 47 CFR 64.2401 and its

1 implementing orders.

2 (j) A person is compliant with this Section for the
3 purposes of any transactions covered by 47 U.S.C. 552 if the
4 person is compliant with that Act.

5 (k) A financial institution that is required to provide
6 disclosures in compliance with any of the following federal or
7 State laws with respect to a financial transaction is
8 compliant with this Section for purposes of the transactions:

9 (1) the Truth in Savings Act, as amended (12 U.S.C.
10 Sec. 4301 et seq.);

11 (2) the Electronic Fund Transfer Act, as amended (15
12 U.S.C. Sec. 1693 et seq.);

13 (3) Section 19 of the Federal Reserve Act, as amended
14 (12 U.S.C. Sec. 461 et seq.);

15 (4) the Truth in Lending Act, as amended (15 U.S.C.
16 Sec. 1601 et seq.);

17 (5) the Real Estate Settlement Procedures Act, as
18 amended (12 U.S.C. Sec. 2601 et seq.);

19 (6) the Home Ownership and Equity Protection Act (15
20 U.S.C. Sec. 1639);

21 (7) the Consumer Installment Loan Act;

22 (8) the Consumer Legal Funding Act;

23 (9) the Interest Act;

24 (10) the Motor Vehicle Retail Installment Sales Act;

25 (11) the Retail Installment Sales Act;

26 (12) the Payday Loan Reform Act;

1 (13) the High Risk Home Loan Act;
2 (14) the Pawnbroker Regulation Act of 2023;
3 (15) the Residential Mortgage Licensing Act of 1987;
4 (16) the Residential Real Property Disclosure Act;
5 (17) the Student Loan Servicing Rights Act; and
6 (18) any rule or regulation adopted under any State or
7 federal law listed in this subsection.

8 (l) This Act does not apply to an air carrier that provides
9 air transportation, as those terms are used in 49 U.S.C.
10 41713.

11 (m) The provisions of Section 10a do not apply to a
12 violation of this Section.