



Rep. Margaret Croke

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10400HB2456ham001

LRB104 06525 SPS 22805 a

1 AMENDMENT TO HOUSE BILL 2456

2 AMENDMENT NO. _____. Amend House Bill 2456 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Restaurant Reservation Anti-Piracy Act.

6 Section 5. Definitions. In this Act:

7 "Food service establishment" means a place where food is
8 provided for individual portion service directly to the
9 consumer whether the food is provided free of charge or sold,
10 and whether consumption occurs on or off the premises or is
11 provided from a pushcart, stand, or vehicle.

12 "Third-party restaurant reservation service" means any
13 website, mobile application, or other Internet service that
14 (i) offers or arranges for reserving on-premises service for a
15 customer at a food service establishment and (ii) is owned and
16 operated by a person other than the person who owns the food

1 service establishment. "Third-party restaurant reservation
2 service" does not include any reservation distribution channel
3 that is authorized to distribute reservations through a
4 contract with either a food service establishment or an entity
5 authorized to distribute reservations through a contract with
6 the food service establishment.

7 Section 10. Reservation service agreements. A third-party
8 restaurant reservation service shall not list, advertise,
9 promote, or sell reservations for a food service establishment
10 through the website, mobile application, or other platform of
11 the third-party restaurant reservation service without a
12 written agreement between the third-party restaurant
13 reservation service and the food service establishment to
14 include reservations at the food service establishment on the
15 website, mobile application, or other platform.

16 Section 15. Violations; civil penalties.

17 (a) Any person who violates, or causes another person to
18 violate, a provision of this Act shall be subject to a civil
19 penalty of up to \$1,000 for each violation. Each day that a
20 third-party restaurant reservation service violates this Act
21 with respect to a food service establishment constitutes a
22 single violation of this Act. A proceeding to recover any
23 civil penalty or restitution under this Act may be brought by
24 the Attorney General.

1 (b) Any person charged fees by a third-party restaurant
2 reservation service that respect to a reservation listed,
3 advertised, promoted, or sold in violation of this Act, or
4 food service establishment which a third-party restaurant
5 reservation service listed, advertised, promoted, or sold a
6 reservation in violation of this Act, may bring a civil action
7 in circuit court for:

8 (1) injunctive relief to restrain or enjoin any
9 activity in violation of this Act;

10 (2) actual damages not to exceed the total fees
11 collected by the third-party restaurant reservation
12 service in violation of this Act;

13 (3) attorney's fees and costs; and

14 (4) other remedies as the court may deem appropriate.

15 (c) Any action alleging a violation of this Act shall be
16 brought within one year after the alleged violation of this
17 Act occurred.".