

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 1. Short title. This Act may be cited as the Junk
5 Fee Ban Act.

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

7 "Ancillary good or service" means any additional
8 merchandise offered to a consumer as part of the same
9 transaction.

10 "Advertisement" means a notice in any printed material,
11 television, Internet, email, text message, mobile or computer
12 application, or any other similar physical, electronic, or
13 digital communication regarding the sale of a good or service.

14 "Bar" or "tavern" means an establishment that is devoted
15 to the serving of alcoholic beverages for consumption by
16 guests on the premises and that derives no more than 50% of its
17 gross revenue from the sale of food consumed on the premises,
18 including, but not limited to, bars, taverns, nightclubs,
19 cocktail lounges, adult entertainment facilities, and
20 cabarets.

21 "Consumer goods or services" means goods and services that
22 are used or bought for use primarily for personal, family, or
23 household purposes.

1 "Display price" means the displayed price of a good or
2 service provided to the consumer within the retail mercantile
3 establishment or food service establishment's physical
4 location or by Internet, email, text message, mobile or
5 computer application, or any other similar physical,
6 electronic, or digital communication.

7 "Food service establishment" means a bar, tavern, or
8 restaurant. "Food service establishment" includes bar, tavern,
9 restaurant, commercial kitchen, or banquet, event, catering,
10 or room service, operated by a hotel, that stores, prepares,
11 provides, or packages food or beverage for human consumption,
12 regardless of whether the food or beverage is consumed on or
13 off the premises.

14 "Insurance company" has the meaning given to the term
15 "company" in subsection (e) of Section 5 of the Illinois
16 Insurance Code.

17 "Mandatory fee or charge" means a fee or charge that: (i)
18 must be paid in order to purchase the goods or services being
19 advertised or offered; or (ii) is not reasonably avoidable by
20 the consumer. "Mandatory fee or charge" does not include taxes
21 or fees imposed by a governmental or quasi-governmental entity
22 on the sale, use, purchase, receipt, or delivery of the goods
23 or services.

24 "Person" means an individual, natural person, public or
25 private corporation, government, partnership, unincorporated
26 association, or other entity. "Person" does not include a food

1 service establishment or a retail mercantile establishment.

2 "Place of short-term lodging" means a hotel, motel, inn,
3 short-term rental, or other place of lodging that advertises
4 at a price that is a nightly, hourly, or weekly rate.

5 "Restaurant" means any business that is primarily engaged
6 in the sale of ready-to-eat food for immediate consumption.
7 For the purpose of this definition, "primarily engaged" means
8 having sales of ready-to-eat food for immediate consumption
9 comprising at least 51% of the total sales, excluding the sale
10 of liquor.

11 "Retail mercantile establishment" means a business that
12 provides consumer goods and services to consumers at retail
13 and generates occupation or use tax revenue. "Retail
14 mercantile establishment" does not include a food service
15 establishment, third-party delivery platform or company, or a
16 place of short-term lodging.

17 "Shipping charges" means the fees or charges that
18 reasonably reflect the amount to be incurred to send goods to a
19 consumer through the mail, including private mail services.

20 "Third-party delivery platform or company" means a
21 corporation, partnership, sole proprietorship, or other entity
22 that: (i) operates in this State; and (ii) uses a website,
23 software application, or digital network to connect a consumer
24 with a courier to facilitate the delivery of goods or
25 services.

26 "Total price" means the maximum total of all amounts,

1 including fees or charges, that a consumer must pay for a good
2 or service, including any mandatory ancillary good or service.
3 "Total price" does not include shipping charges or taxes,
4 gratuities, discounts regulated under the Sale Price Ad Act,
5 or fees collected and passed on to a quasi-governmental
6 entity, including any assessment fees associated with a
7 government created special district.

8 Section 10. Disclosure of mandatory fees or charges
9 required.

10 (a) It is an unlawful practice for any person to
11 advertise, display, or offer a price for a good or service that
12 does not include all mandatory fees or charges other than:

13 (1) taxes or fees imposed by a government entity on
14 the transaction;

15 (2) shipping charges that will be reasonably and
16 actually incurred to ship the physical good or product to
17 the consumer; or

18 (3) fees collected and passed on to a
19 quasi-governmental entity, including any assessment fees
20 associated with a government created special district.

21 (b) A third-party delivery platform or company is
22 compliant with this Section if the platform or company :

23 (1) clearly and conspicuously discloses at the point
24 when a consumer views and selects either a vendor or goods
25 or services for purchase, that an additional flat fee,

1 variable fee, or percentage fee is charged and the amount
2 of fee or percentage charged or, in the case of a variable
3 fee that is dependent on consumer selections or distance
4 and time, clearly and conspicuously disclose the factors
5 determining the fee, any mandatory fees or charges
6 associated with the transaction, and that the total price
7 of the services may vary; and

8 (2) after a consumer selects the goods or services for
9 purchase but prior to checkout or completion of the
10 transaction, displays a subtotal page that itemizes the
11 price of the goods or services for purchase and the
12 additional flat fee, variable fee, or percentage fee that
13 is included in the total price.

14 (c) A person offering services for which the total price
15 of the service cannot reasonably be known at the time of the
16 offer due to factors that determine the total price that are
17 beyond the control of the person offering the service,
18 including factors that are determined by consumer selections
19 or preferences or that relate to distance or time, is
20 compliant with this Section if the person discloses in a clear
21 and conspicuous manner:

22 (1) the factors that determine the total price;

23 (2) any mandatory fees or charges associated with the
24 transaction; and

25 (3) that the total price of the services may vary.

1 Section 15. Entities and transactions regulated by federal
2 and State laws.

3 (a) A person or entity that is required to provide
4 disclosures in compliance with any of the following federal or
5 State laws, and any rules or regulations adopted under those
6 laws, is exempt from the requirements of Section 10 for
7 purposes of that transaction:

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

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

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

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

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

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

20 (7) the Consumer Installment Loan Act;

21 (8) the Consumer Legal Funding Act;

22 (9) the Interest Act;

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

24 (11) the Retail Installment Sales Act;

25 (12) the Payday Loan Reform Act;

26 (13) the High Risk Home Loan Act;

- 1 (14) the Pawnbroker Regulation Act of 2023;
- 2 (15) the Residential Mortgage Licensing Act of 1987;
- 3 (16) the Residential Real Property Disclosure Act; and
- 4 (17) the Student Loan Servicing Rights Act.

5 (b) Notwithstanding subsection (a), nothing in this Act
6 shall apply to banks, savings banks, or credit unions
7 organized or chartered under the laws of this State, another
8 state, or the United States, or any affiliates or subsidiaries
9 thereof.

10 Section 20. Retail mercantile establishments; disclosure
11 of total price. A retail mercantile establishment is not
12 required to provide the total price in the display price of a
13 consumer good or service. A retail mercantile establishment
14 shall provide notice of a consumer fee or charge established
15 and levied by the retail mercantile establishment prior to the
16 purchase of the good or service within any available
17 commercial channels in this subsection. A retail mercantile
18 establishment may use any reasonable method available to
19 provide notice of the total price, including, but not limited
20 to, the following commercial channels:

21 (1) on a screen, monitor, or other display at the
22 point of sale;

23 (2) a website, Internet, email, text message, mobile
24 or computer application, or any other electronic or
25 digital communication;

1 (3) in-store consumer promotions, advertisement, or
2 any other similar display;

3 (4) a membership, loyalty, or reward program or any
4 other similar program; or

5 (5) any other reasonable means available to the retail
6 mercantile establishment.

7 Section 25. Food service establishments; disclosure of
8 total price. A food service establishment is not required to
9 provide the total price within the display price of food or
10 beverages. A food service establishment shall provide notice
11 of a consumer fee or charge established and levied by the food
12 service establishment prior to the purchase of the food or
13 beverage within any available commercial channels referenced
14 in this subsection. A food service establishment may use any
15 reasonable method available to provide notice of the total
16 price, including, but not limited to, the following commercial
17 channels:

18 (1) at the establishment's premises on a menu, on a
19 tabletop or countertop display, through posted signage, or
20 by a contract for banquet, event or catering services that
21 fully discloses the terms of service;

22 (2) on the establishment's website where food and
23 beverage prices are advertised;

24 (3) on a screen, monitor, or other interactive
25 display;

1 (4) email, text message, mobile or computer
2 application, or any other electronic or digital
3 communication;

4 (5) in-store consumer promotions, advertisement, or
5 any other similar display;

6 (6) membership, loyalty, or reward program or any
7 other similar program; or

8 (7) any other reasonable means available to the food
9 service establishment.

10 Section 30. Limitations.

11 (a) Nothing in this Act shall be construed to limit,
12 regulate, or prohibit a person, retail mercantile
13 establishment, or food service establishment's ability to set
14 prices for goods or services.

15 (b) It is not a violation of this Act for a person to
16 advertise, display, or offer the current bid in an ongoing
17 auction, provided that the bid discloses clearly and
18 conspicuously all amounts that the buyer would be required to
19 pay if the bid was accepted.

20 (c) The requirements of this Act do not apply to:

21 (1) a wholesale club that sells consumer goods or
22 services through a membership model;

23 (2) a rental company that excludes from the
24 advertised, displayed, or offered price of a rental
25 vehicle charges that are disclosed to the consumer in

1 compliance with Section 6-305 of the Illinois Vehicle
2 Code;

3 (3) an air carrier that provides air transportation,
4 as those terms are used in 49 U.S.C. 41713;

5 (4) a provider of broadband Internet access service on
6 its own or as part of a bundle that complies with federal
7 broadband consumer requirements codified in 47 CFR 8.2(a)
8 and its affiliates and subsidiaries;

9 (5) a person that complies with federal pricing
10 transparency requirements set forth in 47 CFR 8.2(a) and
11 47 CFR 76.310 and the person's affiliates and
12 subsidiaries;

13 (6) a place of short-term lodging that complies with
14 federal pricing transparency requirements and provisions
15 set forth in 16 CFR 464a;

16 (7) an insurance company that is subject to regulation
17 under the Illinois Insurance Code; and

18 (8) a telecommunications carrier as defined in Section
19 13-202 of the Public Utilities Act, a provider of wireless
20 services as described in Section 13-804 of the Public
21 Utilities Act, or an interconnected VoIP provider as
22 defined in Section 13-235 of the Public Utilities Act.

23 (d) Nothing in this Act shall be construed to alter,
24 amend, or supersede the motor vehicle advertising rules
25 established under 14 Ill. Adm. Code 475, as authorized by the
26 Consumer Fraud and Deceptive Business Practices Act.

1 (e) Any person that disseminates an advertisement and is
2 independent of the advertiser is not liable for a violation of
3 this Act based on the content of the advertisement.

4 Section 35. Interaction with other laws.

5 (a) Nothing in this Act alters any federal law or
6 regulation.

7 (b) Nothing in this Act shall infringe or impede on any
8 right or remedy available under State law or rule.

9 (c) This Act is enforceable unless preempted by federal
10 law.

11 (d) Nothing in this Act prohibits a person from offering
12 goods or services at a discounted price from the advertised,
13 displayed, or offered price.

14 Section 40. Enforcement under the Consumer Fraud and
15 Deceptive Business Practices Act. The Attorney General may
16 enforce violations of this Act as an unlawful practice under
17 the Consumer Fraud and Deceptive Business Practices Act. All
18 remedies, penalties, and authority granted to the Attorney
19 General by that Act shall be available to the Attorney General
20 for the enforcement of this Act.

21 Section 45. Home rule. The disclosure of the total price
22 of a good or service is an exclusive power and function of the
23 State. A home rule unit may not regulate the disclosure of

1 total prices by retail mercantile establishments or food
2 service establishments. This Section is a denial and
3 limitation of home rule powers and functions under subsection
4 (h) of Section 6 of Article VII of the Illinois Constitution.

5 Section 90. The Consumer Fraud and Deceptive Business
6 Practices Act is amended by adding Section 2HHHH as follows:

7 (815 ILCS 505/2HHHH new)

8 Sec. 2HHHH. Violations of the Junk Fee Ban Act. A person
9 who violates the Junk Fee Ban Act commits an unlawful practice
10 within the meaning of this Act. The provisions of Section 10a
11 do not apply to a violation of this Section.