



Sen. Omar Aquino

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10400SB1486sam002

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1 AMENDMENT TO SENATE BILL 1486

2 AMENDMENT NO. _____. Amend Senate Bill 1486, 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 Junk
6 Fee Ban Act.

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

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

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

15 "Bar" or "tavern" means an establishment that is devoted
16 to the serving of alcoholic beverages for consumption by

1 guests on the premises and that derives no more than 50% of its
2 gross revenue from the sale of food consumed on the premises,
3 including, but not limited to, bars, taverns, nightclubs,
4 cocktail lounges, adult entertainment facilities, and
5 cabarets.

6 "Consumer goods or services" means goods and services that
7 are used or bought for use primarily for personal, family, or
8 household purposes.

9 "Display price" means the displayed price of a good or
10 service provided to the consumer within the retail mercantile
11 establishment's physical location or by Internet, email, text
12 message, mobile or computer application, or any other similar
13 physical, electronic, or digital communication.

14 "Food service establishment" means a bar, tavern, or
15 restaurant. "Food service establishment" includes bar, tavern,
16 restaurant, commercial kitchen, or banquet, event, catering,
17 or room service, operated by a hotel, that stores, prepares,
18 provides, or packages food or beverage for human consumption,
19 regardless of whether the food or beverage is consumed on or
20 off the premises.

21 "Insurance company" has the meaning given to the term
22 "company" in subsection (e) of Section 5 of the Illinois
23 Insurance Code.

24 "Mandatory fee or charge" means a fee or charge that: (i)
25 must be paid in order to purchase the goods or services being
26 advertised or offered; or (ii) is not reasonably avoidable by

1 the consumer. "Mandatory fee or charge" does not include taxes
2 or fees imposed by a governmental or quasi-governmental entity
3 on the sale, use, purchase, receipt, or delivery of the goods
4 or services.

5 "Person" means an individual, natural person, public or
6 private corporation, government, partnership, unincorporated
7 association, or other entity. "Person" does not include a food
8 service establishment or a retail mercantile establishment.

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

12 "Restaurant" means any business that is primarily engaged
13 in the sale of ready-to-eat food for immediate consumption.
14 For the purpose of this definition, "primarily engaged" means
15 having sales of ready-to-eat food for immediate consumption
16 comprising at least 51% of the total sales, excluding the sale
17 of liquor.

18 "Retail mercantile establishment" means a business that
19 provides consumer goods and services to consumers at retail
20 and generates occupation or use tax revenue. "Retail
21 mercantile establishment" does not include a food service
22 establishment or a place of short-term lodging.

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

26 "Third-party delivery platform or company" means a

1 corporation, partnership, sole proprietorship, or other entity
2 that: (i) operates in this State; and (ii) uses a website,
3 software application, or digital network to connect a consumer
4 with a courier to facilitate the delivery of goods or
5 services.

6 "Total price" means the maximum total of all amounts,
7 including fees or charges, that a consumer must pay for a good
8 or service, including any mandatory ancillary good or service.

9 "Total price" does not include shipping charges or taxes,
10 gratuities, discounts regulated under the Sale Price Ad Act,
11 or fees collected and passed on to a quasi-governmental
12 entity, including any assessment fees associated with a
13 government created special district.

14 Section 10. Disclosure of mandatory fees or charges
15 required.

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

19 (1) taxes or fees imposed by a government entity on
20 the transaction;

21 (2) shipping charges that will be reasonably and
22 actually incurred to ship the physical good or product to
23 the consumer; or

24 (3) fees collected and passed on to a
25 quasi-governmental entity, including any assessment fees

1 associated with a government created special district.

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

4 (1) clearly and conspicuously discloses at the point
5 when a consumer views and selects either a vendor or goods
6 or services for purchase, that an additional flat fee,
7 variable fee, or percentage fee is charged and the amount
8 of fee or percentage charged or, in the case of a variable
9 fee that is dependent on consumer selections or distance
10 and time, clearly and conspicuously disclose the factors
11 determining the fee, any mandatory fees or charges
12 associated with the transaction, and that the total price
13 of the services may vary; and

14 (2) after a consumer selects the goods or services for
15 purchase but prior to checkout or completion of the
16 transaction, displays a subtotal page that itemizes the
17 price of the goods or services for purchase and the
18 additional flat fee, variable fee, or percentage fee that
19 is included in the total price.

20 (c) A person offering services for which the total price
21 of the service cannot reasonably be known at the time of the
22 offer due to factors that determine the total price that are
23 beyond the control of the person offering the service,
24 including factors that are determined by consumer selections
25 or preferences or that relate to distance or time, is
26 compliant with this Section if the person discloses in a clear

1 and conspicuous manner:

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

3 (2) any mandatory fees or charges associated with the
4 transaction; and

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

6 Section 15. Entities and transactions regulated by federal
7 and State laws.

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

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

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

17 (3) Section 19 of the Federal Reserve Act, as amended
18 (12 U.S.C. Sec. 461 et seq.);

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

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

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

25 (7) the Consumer Installment Loan Act;

- 1 (8) the Consumer Legal Funding Act;
2 (9) the Interest Act;
3 (10) the Motor Vehicle Retail Installment Sales Act;
4 (11) the Retail Installment Sales Act;
5 (12) the Payday Loan Reform Act;
6 (13) the High Risk Home Loan Act;
7 (14) the Pawnbroker Regulation Act of 2023;
8 (15) the Residential Mortgage Licensing Act of 1987;
9 (16) the Residential Real Property Disclosure Act; and
10 (17) the Student Loan Servicing Rights Act.

11 (b) Notwithstanding subsection (a), nothing in this Act
12 shall apply to banks, savings banks, or credit unions
13 organized or chartered under the laws of this State, another
14 state, or the United States, or any affiliates or subsidiaries
15 thereof.

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

1 to, the following commercial channels:

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

4 (2) a website, Internet, email, text message, mobile
5 or computer application, or any other electronic or
6 digital communication;

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

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

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

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

24 (1) at the establishment's premises on a menu, on a
25 tabletop or countertop display, through posted signage, or

1 by a contract for banquet, event or catering services that
2 fully discloses the terms of service;

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

5 (3) on a screen, monitor, or other interactive
6 display;

7 (4) email, text message, mobile or computer
8 application, or any other electronic or digital
9 communication;

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

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

14 (7) any other reasonable means available to the food
15 service establishment.

16 Section 30. Limitations.

17 (a) Nothing in this Act shall be construed to limit,
18 regulate, or prohibit a person, retail mercantile
19 establishment, or food service establishment's ability to set
20 prices for goods or services.

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

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

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

4 (2) a rental company that excludes from the
5 advertised, displayed, or offered price of a rental
6 vehicle charges that are disclosed to the consumer in
7 compliance with Section 6-305 of the Illinois Vehicle
8 Code;

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

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

15 (5) a person that complies with federal pricing
16 transparency requirements set forth in 47 CFR 8.2(a) and
17 47 CFR 76.310 and the person's affiliates and
18 subsidiaries;

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

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

24 (8) a telecommunications carrier as defined in Section
25 13-202 of the Public Utilities Act, a provider of wireless
26 services as described in Section 13-804 of the Public

1 Utilities Act, or an interconnected VoIP provider as
2 defined in Section 13-235 of the Public Utilities Act.

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

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

10 Section 35. Interaction with other laws.

11 (a) Nothing in this Act alters any federal law or
12 regulation.

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

15 (c) This Act is enforceable unless preempted by federal
16 law.

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

20 Section 40. Enforcement under the Consumer Fraud and
21 Deceptive Business Practices Act. The Attorney General may
22 enforce violations of this Act as an unlawful practice under
23 the Consumer Fraud and Deceptive Business Practices Act. All
24 remedies, penalties, and authority granted to the Attorney

1 General by that Act shall be available to the Attorney General
2 for the enforcement of this Act.

3 Section 45. Home rule. The disclosure of the total price
4 of a good or service is an exclusive power and function of the
5 State. A home rule unit may not regulate the disclosure of
6 total prices by retail mercantile establishments or food
7 service establishments. This Section is a denial and
8 limitation of home rule powers and functions under subsection
9 (h) of Section 6 of Article VII of the Illinois Constitution.

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

12 (815 ILCS 505/2HHHH new)

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