



Sen. Doris Turner

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LRB104 19119 AAS 37184 a

1 AMENDMENT TO SENATE BILL 3222

2 AMENDMENT NO. _____. Amend Senate Bill 3222 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by
5 changing Section 22-501 and by adding Section 22-504 as
6 follows:

7 (220 ILCS 5/22-501)

8 Sec. 22-501. Customer service and privacy protection. All
9 cable or video providers in this State shall comply with the
10 following customer service requirements and privacy
11 protections. The provisions of this Act shall not apply to an
12 incumbent cable operator prior to January 1, 2008. For
13 purposes of this paragraph, an incumbent cable operator means
14 a person or entity that provided cable services in a
15 particular area under a franchise agreement with a local unit
16 of government pursuant to Section 11-42-11 of the Illinois

1 Municipal Code or Section 5-1095 of the Counties Code on
2 January 1, 2007. A master antenna television, satellite master
3 antenna television, direct broadcast satellite, multipoint
4 distribution service, and other provider of video programming
5 shall only be subject to the provisions of this Article to the
6 extent permitted by federal law.

7 The following definitions apply to the terms used in this
8 Article:

9 "Basic cable or video service" means any service offering
10 or tier that includes the retransmission of local television
11 broadcast signals.

12 "Cable or video provider" means any person or entity
13 providing cable service or video service pursuant to
14 authorization under (i) the Cable and Video Competition Law of
15 2007; (ii) Section 11-42-11 of the Illinois Municipal Code;
16 (iii) Section 5-1095 of the Counties Code; or (iv) a master
17 antenna television, satellite master antenna television,
18 direct broadcast satellite, multipoint distribution services,
19 and other providers of video programming, whatever their
20 technology. A cable or video provider shall not include a
21 landlord providing only broadcast video programming to a
22 single-family home or other residential dwelling consisting of
23 4 units or less.

24 "Franchise" has the same meaning as found in 47 U.S.C.
25 522(9).

26 "Local unit of government" means a city, village,

1 incorporated town, or a county.

2 "Long-form content" means a film, show, or other video
3 programming that is the primary material a user of a video
4 streaming service consumes on the platform of that service.

5 "Normal business hours" means those hours during which
6 most similar businesses in the geographic area of the local
7 unit of government are open to serve customers. In all cases,
8 "normal business hours" must include some evening hours at
9 least one night per week or some weekend hours.

10 "Normal operating conditions" means those service
11 conditions that are within the control of cable or video
12 providers. Those conditions that are not within the control of
13 cable or video providers include, but are not limited to,
14 natural disasters, civil disturbances, power outages,
15 telephone network outages, and severe or unusual weather
16 conditions. Those conditions that are ordinarily within the
17 control of cable or video providers include, but are not
18 limited to, special promotions, pay-per-view events, rate
19 increases, regular peak or seasonal demand periods, and
20 maintenance or upgrade of the cable service or video service
21 network.

22 "Normalization" means adjusting the audio of short-form
23 content by measuring and scaling the average loudness of the
24 audio to match the target loudness of the audio of the
25 accompanying long-form content distributed by a video
26 streaming service or third-party advertising manager

1 consistent with established industry standards, such as the
2 Advanced Television Systems Committee's Recommended Practice
3 A/85, Techniques for Establishing and Maintaining Audio
4 Loudness for Digital Television.

5 "Service interruption" means the loss of picture or sound
6 on one or more cable service or video service on one or more
7 cable or video channels.

8 "Service line drop" means the point of connection between
9 a premises and the cable or video network that enables the
10 premises to receive cable service or video service.

11 "Short-form content" means commercial advertising,
12 promotional, and public service-related video programming that
13 is interspersed in long-form content on a video streaming
14 service.

15 "Third-party advertising manager" means an entity that
16 manages the distribution of video programming on a video
17 streaming service and can adjust the loudness of such video
18 programming.

19 "Video programming" has the meaning given to that term in
20 Section 613(h) of Title 47 of the United States Code.

21 "Video streaming service" means an entity that makes
22 available directly to the consumer, through a distribution
23 method that uses Internet protocol, either of the following:
24 (1) video programming or (2) video content the entity makes
25 available for users to view. "Video streaming service" does
26 not include a cable or video provider, an entity that serves

1 video programming or video content without commercial
2 advertisements, or a website or application that does not
3 stream video programming to consumers as its primary purpose.

4 (a) General customer service standards:

5 (1) Cable or video providers shall establish general
6 standards related to customer service, which shall
7 include, but not be limited to, installation,
8 disconnection, service and repair obligations; appointment
9 hours and employee ID requirements; customer service
10 telephone numbers and hours; procedures for billing,
11 charges, deposits, refunds, and credits; procedures for
12 termination of service; notice of deletion of programming
13 service; changes related to transmission of programming;
14 changes or increases in rates; the use and availability of
15 parental control or lock-out devices; the use and
16 availability of an A/B switch if applicable; complaint
17 procedures and procedures for bill dispute resolution; a
18 description of the rights and remedies available to
19 consumers if the cable or video provider does not
20 materially meet its customer service standards; and
21 special services for customers with visual, hearing, or
22 mobility disabilities.

23 (2) Cable or video providers' rates for each level of
24 service, rules, regulations, and policies related to its
25 cable service or video service described in paragraph (1)
26 of this subsection (a) must be made available to the

1 public and displayed clearly and conspicuously on the
2 cable or video provider's site on the Internet. If a
3 promotional price or a price for a specified period of
4 time is offered, the cable or video provider shall display
5 the price at the end of the promotional period or
6 specified period of time clearly and conspicuously with
7 the display of the promotional price or price for a
8 specified period of time. The cable or video provider
9 shall provide this information upon request.

10 (3) Cable or video providers shall provide notice
11 concerning their general customer service standards to all
12 customers. This notice shall be offered when service is
13 first activated and upon request thereafter. The
14 information in the notice shall also be available on the
15 cable or video providers' websites and shall include all
16 of the information specified in paragraph (1) of this
17 subsection (a), as well as the following: a listing of
18 services offered by the cable or video providers, which
19 shall clearly describe programming for all services and
20 all levels of service; the rates for all services and
21 levels of service; a telephone number through which
22 customers may subscribe to, change, or terminate service,
23 request customer service, or seek general or billing
24 information; instructions on the use of the cable or video
25 services; and a description of rights and remedies that
26 the cable or video providers shall make available to their

1 customers if they do not materially meet the general
2 customer service standards described in this Act.

3 (b) General customer service obligations:

4 (1) Cable or video providers shall render reasonably
5 efficient service, promptly make repairs, and interrupt
6 service only as necessary and for good cause, during
7 periods of minimum use of the system and for no more than
8 24 hours.

9 (2) All service representatives or any other person
10 who contacts customers or potential customers on behalf of
11 the cable or video provider shall have a visible
12 identification card with their name and photograph and
13 shall orally identify themselves upon first contact with
14 the customer. Customer service representatives shall
15 orally identify themselves to callers immediately
16 following the greeting during each telephone contact with
17 the public.

18 (3) The cable or video providers shall: (i) maintain a
19 customer service facility within the boundaries of a local
20 unit of government staffed by customer service
21 representatives that have the capacity to accept payment,
22 adjust bills, and respond to repair, installation,
23 reconnection, disconnection, or other service calls and
24 distribute or receive converter boxes, remote control
25 units, digital stereo units, or other equipment related to
26 the provision of cable or video service; (ii) provide

1 customers with bill payment facilities through retail,
2 financial, or other commercial institutions located within
3 the boundaries of a local unit of government; (iii)
4 provide an address, toll-free telephone number or
5 electronic address to accept bill payments and
6 correspondence and provide secure collection boxes for the
7 receipt of bill payments and the return of equipment,
8 provided that if a cable or video provider provides secure
9 collection boxes, it shall provide a printed receipt when
10 items are deposited; or (iv) provide an address, toll-free
11 telephone number, or electronic address to accept bill
12 payments and correspondence and provide a method for
13 customers to return equipment to the cable or video
14 provider at no cost to the customer.

15 (4) In each contact with a customer, the service
16 representatives or any other person who contacts customers
17 or potential customers on behalf of the cable or video
18 provider shall state the estimated cost of the service,
19 repair, or installation orally prior to delivery of the
20 service or before any work is performed, shall provide the
21 customer with an oral statement of the total charges
22 before terminating the telephone call or other contact in
23 which a service is ordered, whether in-person or over the
24 Internet, and shall provide a written statement of the
25 total charges before leaving the location at which the
26 work was performed. In the event that the cost of service

1 is a promotional price or is for a limited period of time,
2 the cost of service at the end of the promotion or limited
3 period of time shall be disclosed.

4 (5) Cable or video providers shall provide customers a
5 minimum of 30 days' written notice before increasing rates
6 or eliminating transmission of programming and shall
7 submit the notice of any rate increase to the local unit of
8 government in advance of distribution to customers,
9 provided that the cable or video provider is not in
10 violation of this provision if the elimination of
11 transmission of programming was outside the control of the
12 provider, in which case the provider shall use reasonable
13 efforts to provide as much notice as possible, and any
14 rate decrease related to the elimination of transmission
15 of programming shall be applied to the date of the change.

16 (6) Cable or video providers shall provide clear
17 visual and audio reception that meets or exceeds
18 applicable Federal Communications Commission technical
19 standards. If a customer experiences poor video or audio
20 reception due to the equipment of the cable or video
21 provider, the cable or video provider shall promptly
22 repair the problem at its own expense.

23 (c) Bills, payment, and termination:

24 (1) Cable or video providers shall render monthly
25 bills that are clear, accurate, and understandable.

26 (2) Every residential customer who pays bills directly

1 to the cable or video provider shall have at least 28 days
2 from the date of the bill to pay the listed charges.

3 (3) Customer payments shall be posted promptly. When
4 the payment is sent by United States mail, payment is
5 considered paid on the date it is postmarked.

6 (4) Cable or video providers may not terminate
7 residential service for nonpayment of a bill unless the
8 cable or video provider furnishes notice of the
9 delinquency and impending termination at least 15 days
10 prior to the proposed termination. Notice of proposed
11 termination shall be mailed, postage prepaid, to the
12 customer to whom service is billed. Notice of proposed
13 termination shall not be mailed until the 24th day after
14 the date of the bill for services. Notice of delinquency
15 and impending termination may be part of a billing
16 statement only if the notice is designed to be
17 conspicuous. The cable or video providers may not assess a
18 late fee prior to the 24th day after the date of the bill
19 for service.

20 (5) Every notice of impending termination shall
21 include all of the following: the name and address of
22 customer; the amount of the delinquency; the date on which
23 payment is required to avoid termination; and the
24 telephone number of the cable or video provider's service
25 representative to make payment arrangements and to provide
26 additional information about the charges for failure to

1 return equipment and for reconnection, if any.

2 (6) Service may only be terminated on days when the
3 customer is able to reach a service representative of the
4 cable or video providers, either in person or by
5 telephone.

6 (7) Any service terminated by a cable or video
7 provider without good cause shall be restored without any
8 reconnection fee, charge, or penalty; good cause for
9 termination includes, but is not limited to, failure to
10 pay a bill by the date specified in the notice of impending
11 termination, payment by check for which there are
12 insufficient funds, theft of service, abuse of equipment
13 or personnel, or other similar subscriber actions.

14 (8) Cable or video providers shall cease charging a
15 customer for any or all services within one business day
16 after it receives a request to immediately terminate
17 service or on the day requested by the customer if such a
18 date is at least 5 days from the date requested by the
19 customer. Nothing in this subsection (c) shall prohibit
20 the provider from billing for charges that the customer
21 incurs prior to the date of termination. Cable or video
22 providers shall issue a credit no later than the
23 customer's next billing cycle following the determination
24 that a credit is warranted. Cable or video providers shall
25 issue a refund or return a deposit promptly, but not later
26 than either the customer's next billing cycle following

1 resolution of the request or 30 days, whichever is
2 earlier, or the return of equipment, if any, whichever is
3 later.

4 (9) The customers or subscribers of a cable or video
5 provider shall be allowed to disconnect their service at
6 any time within the first 30 days after subscribing to or
7 upgrading the service. Within this 30-day period, cable or
8 video providers shall not charge or impose any fees or
9 penalties on the customer for disconnecting service,
10 including, but not limited to, any installation charge or
11 the imposition of an early termination charge, except the
12 cable or video provider may impose a charge or fee to
13 offset any rebates or credits received by the customer and
14 may impose monthly service or maintenance charges,
15 including pay-per-view and premium services charges,
16 during such 30-day period.

17 (d) Response to customer inquiries:

18 (1) Cable or video providers will maintain a toll-free
19 telephone access line that is available to customers 24
20 hours a day, 7 days a week to accept calls regarding
21 installation, termination, service, and complaints.
22 Trained, knowledgeable, qualified service representatives
23 of the cable or video providers will be available to
24 respond to customer telephone inquiries during normal
25 business hours. Customer service representatives shall be
26 able to provide credit, waive fees, schedule appointments,

1 and change billing cycles. Any difficulties that cannot be
2 resolved by the customer service representatives shall be
3 referred to a supervisor who shall make his or her best
4 efforts to resolve the issue immediately. If the
5 supervisor does not resolve the issue to the customer's
6 satisfaction, the customer shall be informed of the cable
7 or video provider's complaint procedures and procedures
8 for billing dispute resolution and given a description of
9 the rights and remedies available to customers to enforce
10 the terms of this Article, including the customer's rights
11 to have the complaint reviewed by the local unit of
12 government, to request mediation, and to review in a court
13 of competent jurisdiction.

14 (2) After normal business hours, the access line may
15 be answered by a service or an automated response system,
16 including an answering machine. Inquiries received by
17 telephone or e-mail after normal business hours shall be
18 responded to by a trained service representative on the
19 next business day. The cable or video provider shall
20 respond to a written billing inquiry within 10 days of
21 receipt of the inquiry.

22 (3) Cable or video providers shall provide customers
23 seeking non-standard installations with a total
24 installation cost estimate and an estimated date of
25 completion. The actual charge to the customer shall not
26 exceed the estimated cost without the written consent of

1 the customer.

2 (4) If the cable or video provider receives notice
3 that an unsafe condition exists with respect to its
4 equipment, it shall investigate such condition immediately
5 and shall take such measures as are necessary to remove or
6 eliminate the unsafe condition. The cable or video
7 provider shall inform the local unit of government
8 promptly, but no later than 2 hours after it receives
9 notification of an unsafe condition that it has not
10 remedied.

11 (5) Under normal operating conditions, telephone
12 answer time by the cable or video provider's customer
13 representative, including wait time, shall not exceed 30
14 seconds when the connection is made. If the call needs to
15 be transferred, transfer time shall not exceed 30 seconds.
16 These standards shall be met no less than 90% of the time
17 under normal operating conditions, measured on a quarterly
18 basis. The cable or video provider shall not be required
19 to acquire equipment or perform surveys to measure
20 compliance with these telephone answering standards unless
21 an historical record of complaints indicates a clear
22 failure to comply.

23 (6) Under normal operating conditions, the cable or
24 video provider's customers will receive a busy signal less
25 than 3% of the time.

26 (e) Under normal operating conditions, each of the

1 following standards related to installations, outages, and
2 service calls will be met no less than 95% of the time measured
3 on a quarterly basis:

4 (1) Standard installations will be performed within 7
5 business days after an order has been placed. "Standard"
6 installations are those that are located up to 125 feet
7 from the existing distribution system.

8 (2) Excluding conditions beyond the control of the
9 cable or video providers, the cable or video providers
10 will begin working on "service interruptions" promptly and
11 in no event later than 24 hours after the interruption is
12 reported by the customer or otherwise becomes known to the
13 cable or video providers. Cable or video providers must
14 begin actions to correct other service problems the next
15 business day after notification of the service problem and
16 correct the problem.

17 (3) The "appointment window" alternatives for
18 installations, service calls, and other installation
19 activities will be either a specific time or, at a
20 maximum, a 4-hour time block during evening, weekend, and
21 normal business hours. The cable or video provider may
22 schedule service calls and other installation activities
23 outside of these hours for the express convenience of the
24 customer.

25 (4) Cable or video providers may not cancel an
26 appointment with a customer after the close of business on

1 the business day prior to the scheduled appointment. If
2 the cable or video provider's representative is running
3 late for an appointment with a customer and will not be
4 able to keep the appointment as scheduled, the customer
5 will be contacted. The appointment will be rescheduled, as
6 necessary, at a time that is convenient for the customer,
7 even if the rescheduled appointment is not within normal
8 business hours.

9 (f) Public benefit obligation:

10 (1) All cable or video providers offering service
11 pursuant to the Cable and Video Competition Law of 2007,
12 the Illinois Municipal Code, or the Counties Code shall
13 provide a free service line drop and free basic service to
14 all current and future public buildings within their
15 footprint, including, but not limited to, all local unit
16 of government buildings, public libraries, and public
17 primary and secondary schools, whether owned or leased by
18 that local unit of government ("eligible buildings"). Such
19 service shall be used in a manner consistent with the
20 government purpose for the eligible building and shall not
21 be resold.

22 (2) This obligation only applies to those cable or
23 video service providers whose cable service or video
24 service systems pass eligible buildings and its cable or
25 video service is generally available to residential
26 subscribers in the same local unit of government in which

1 the eligible building is located. The burden of providing
2 such service at each eligible building shall be shared by
3 all cable and video providers whose systems pass the
4 eligible buildings in an equitable and competitively
5 neutral manner, and nothing herein shall require
6 duplicative installations by more than one cable or video
7 provider at each eligible building. Cable or video
8 providers operating in a local unit of government shall
9 meet as necessary and determine who will provide service
10 to eligible buildings under this subsection (f). If the
11 cable or video providers are unable to reach an agreement,
12 they shall meet with the local unit of government, which
13 shall determine which cable or video providers will serve
14 each eligible building. The local unit of government shall
15 bear the costs of any inside wiring or video equipment
16 costs not ordinarily provided as part of the cable or
17 video provider's basic offering.

18 (g) After the cable or video providers have offered
19 service for one year, the cable or video providers shall make
20 an annual report to the Commission, to the local unit of
21 government, and to the Attorney General that it is meeting the
22 standards specified in this Article, identifying the number of
23 complaints it received over the prior year in the State and
24 specifying the number of complaints related to each of the
25 following: (1) billing, charges, refunds, and credits; (2)
26 installation or termination of service; (3) quality of service

1 and repair; (4) programming; and (5) miscellaneous complaints
2 that do not fall within these categories.

3 (h) To the extent consistent with federal law, cable or
4 video providers shall offer the lowest-cost basic cable or
5 video service as a stand-alone service to residential
6 customers at reasonable rates. Cable or video providers shall
7 not require the subscription to any service other than the
8 lowest-cost basic service or to any telecommunications or
9 information service, as a condition of access to cable or
10 video service, including programming offered on a per channel
11 or per program basis. Cable or video providers shall not
12 discriminate between subscribers to the lowest-cost basic
13 service, subscribers to other cable services or video
14 services, and other subscribers with regard to the rates
15 charged for cable or video programming offered on a per
16 channel or per program basis.

17 (i) To the extent consistent with federal law, cable or
18 video providers shall ensure that charges for changes in the
19 subscriber's selection of services or equipment shall be based
20 on the cost of such change and shall not exceed nominal amounts
21 when the system's configuration permits changes in service
22 tier selection to be effected solely by coded entry on a
23 computer terminal or by other similarly simple method.

24 (j) To the extent consistent with federal law, cable or
25 video providers shall have a rate structure for the provision
26 of cable or video service that is uniform throughout the area

1 within the boundaries of the local unit of government. This
2 subsection (j) is not intended to prohibit bulk discounts to
3 multiple dwelling units or to prohibit reasonable discounts to
4 senior citizens or other economically disadvantaged groups.

5 (k) To the extent consistent with federal law, cable or
6 video providers shall not charge a subscriber for any service
7 or equipment that the subscriber has not affirmatively
8 requested or affirmatively agreed to by name. For purposes of
9 this subsection (k), a subscriber's failure to refuse a cable
10 or video provider's proposal to provide service or equipment
11 shall not be deemed to be an affirmative request for such
12 service or equipment.

13 (l) No contract or service agreement containing an early
14 termination clause offering residential cable or video
15 services or any bundle including such services shall be for a
16 term longer than 2 years. Any contract or service offering
17 with a term of service that contains an early termination fee
18 shall limit the early termination fee to not more than the
19 value of any additional goods or services provided with the
20 cable or video services, the amount of the discount reflected
21 in the price for cable services or video services for the
22 period during which the consumer benefited from the discount,
23 or a declining fee based on the remainder of the contract term.

24 (m) Cable or video providers shall not discriminate in the
25 provision of services for the hearing and visually impaired,
26 and shall comply with the accessibility requirements of 47

1 U.S.C. 613. Cable or video providers shall deliver and pick-up
2 or provide customers with pre-paid shipping and packaging for
3 the return of converters and other necessary equipment at the
4 home of customers with disabilities. Cable or video providers
5 shall provide free use of a converter or remote control unit to
6 mobility impaired customers.

7 (n) (1) To the extent consistent with federal law, cable or
8 video providers shall comply with the provisions of 47 U.S.C.
9 532(h) and (j). The cable or video providers shall not
10 exercise any editorial control over any video programming
11 provided pursuant to this Section, or in any other way
12 consider the content of such programming, except that a cable
13 or video provider may refuse to transmit any leased access
14 program or portion of a leased access program that contains
15 obscenity, indecency, or nudity and may consider such content
16 to the minimum extent necessary to establish a reasonable
17 price for the commercial use of designated channel capacity by
18 an unaffiliated person. This subsection (n) shall permit cable
19 or video providers to enforce prospectively a written and
20 published policy of prohibiting programming that the cable or
21 video provider reasonably believes describes or depicts sexual
22 or excretory activities or organs in a patently offensive
23 manner as measured by contemporary community standards.

24 (2) Upon customer request, the cable or video provider
25 shall, without charge, fully scramble or otherwise fully
26 block the audio and video programming of each channel

1 carrying such programming so that a person who is not a
2 subscriber does not receive the channel or programming.

3 (3) In providing sexually explicit adult programming
4 or other programming that is indecent on any channel of
5 its service primarily dedicated to sexually oriented
6 programming, the cable or video provider shall fully
7 scramble or otherwise fully block the video and audio
8 portion of such channel so that a person who is not a
9 subscriber to such channel or programming does not receive
10 it.

11 (4) Scramble means to rearrange the content of the
12 signal of the programming so that the programming cannot
13 be viewed or heard in an understandable manner.

14 (o) Cable or video providers will maintain a listing,
15 specific to the level of street address, of the areas where its
16 cable or video services are available. Customers who inquire
17 about purchasing cable or video service shall be informed
18 about whether the cable or video provider's cable or video
19 services are currently available to them at their specific
20 location.

21 (p) Cable or video providers shall not disclose the name,
22 address, telephone number or other personally identifying
23 information of a cable service or video service customer to be
24 used in mailing lists or to be used for other commercial
25 purposes not reasonably related to the conduct of its business
26 unless the cable or video provider has provided to the

1 customer a notice, separately or included in any other
2 customer service notice, that clearly and conspicuously
3 describes the customer's ability to prohibit the disclosure.
4 Cable or video providers shall provide an address and
5 telephone number for a customer to use without a toll charge to
6 prevent disclosure of the customer's name and address in
7 mailing lists or for other commercial purposes not reasonably
8 related to the conduct of its business to other businesses or
9 affiliates of the cable or video provider. Cable or video
10 providers shall comply with the consumer privacy requirements
11 of Section 26-4.5 of the Criminal Code of 2012, the Restricted
12 Call Registry Act, and 47 U.S.C. 551 that are in effect as of
13 June 30, 2007 (the effective date of Public Act 95-9) and as
14 amended thereafter.

15 (q) Cable or video providers shall implement an informal
16 process for handling inquiries from local units of government
17 and customers concerning billing issues, service issues,
18 privacy concerns, and other consumer complaints. In the event
19 that an issue is not resolved through this informal process, a
20 local unit of government or the customer may request
21 nonbinding mediation with the cable or video provider, with
22 each party to bear its own costs of such mediation. Selection
23 of the mediator will be by mutual agreement, and preference
24 will be given to mediation services that do not charge the
25 consumer for their services. In the event that the informal
26 process does not produce a satisfactory result to the customer

1 or the local unit of government, enforcement may be pursued as
2 provided in subdivision (4) of subsection (r) of this Section.

3 (r) The Attorney General and the local unit of government
4 may enforce all of the customer service and privacy protection
5 standards of this Section with respect to complaints received
6 from residents within the local unit of government's
7 jurisdiction, but it may not adopt or seek to enforce any
8 additional or different customer service or performance
9 standards under any other authority or provision of law.

10 (1) The local unit of government may, by ordinance,
11 provide a schedule of penalties for any material breach of
12 this Section by cable or video providers in addition to
13 the penalties provided herein. No monetary penalties shall
14 be assessed for a material breach if it is out of the
15 reasonable control of the cable or video providers or its
16 affiliate. Monetary penalties adopted in an ordinance
17 pursuant to this Section shall apply on a competitively
18 neutral basis to all providers of cable service or video
19 service within the local unit of government's
20 jurisdiction. In no event shall the penalties imposed
21 under this subsection (r) exceed \$750 for each day of the
22 material breach, and these penalties shall not exceed
23 \$25,000 for each occurrence of a material breach per
24 customer.

25 (2) For purposes of this Section, "material breach"
26 means any substantial failure of a cable or video service

1 provider to comply with service quality and other
2 standards specified in any provision of this Act. The
3 Attorney General or the local unit of government shall
4 give the cable or video provider written notice of any
5 alleged material breaches of this Act and allow such
6 provider at least 30 days from receipt of the notice to
7 remedy the specified material breach.

8 (3) A material breach, for the purposes of assessing
9 penalties, shall be deemed to have occurred for each day
10 that a material breach has not been remedied by the cable
11 service or video service provider after the expiration of
12 the period specified in subdivision (2) of this subsection
13 (r) in each local unit of government's jurisdiction,
14 irrespective of the number of customers affected.

15 (4) Any customer, the Attorney General, or a local
16 unit of government may pursue alleged violations of this
17 Act by the cable or video provider in a court of competent
18 jurisdiction. A cable or video provider may seek judicial
19 review of a decision of a local unit of government
20 imposing penalties in a court of competent jurisdiction.
21 No local unit of government shall be subject to suit for
22 damages or other relief based upon its action in
23 connection with its enforcement or review of any of the
24 terms, conditions, and rights contained in this Act except
25 a court may require the return of any penalty it finds was
26 not properly assessed or imposed.

1 (s) Cable or video providers shall credit customers for
2 violations in the amounts stated herein. The credits shall be
3 applied on the statement issued to the customer for the next
4 monthly billing cycle following the violation or following the
5 discovery of the violation. Cable or video providers are
6 responsible for providing the credits described herein and the
7 customer is under no obligation to request the credit. If the
8 customer is no longer taking service from the cable or video
9 provider, the credit amount will be refunded to the customer
10 by check within 30 days of the termination of service. A local
11 unit of government may, by ordinance, adopt a schedule of
12 credits payable directly to customers for breach of the
13 customer service standards and obligations contained in this
14 Article, provided the schedule of customer credits applies on
15 a competitively neutral basis to all providers of cable
16 service or video service in the local unit of government's
17 jurisdiction and the credits are not greater than the credits
18 provided in this Section.

19 (1) Failure to keep an appointment or to notify the
20 customer prior to the close of business on the business
21 day prior to the scheduled appointment: \$25.00.

22 (2) Violation of customer service and billing
23 standards in subsections (c) and (d) of this Section:
24 \$25.00 per occurrence.

25 (3) Violation of the bundling rules in subsection (h)
26 of this Section: \$25.00 per month.

1 (t) The enforcement powers granted to the Attorney General
2 in Article XXI of this Act shall apply to this Article, except
3 that the Attorney General may not seek penalties for violation
4 of this Article other than in the amounts specified herein.
5 Nothing in this Section shall limit or affect the powers of the
6 Attorney General to enforce the provisions of Article XXI of
7 this Act or the Consumer Fraud and Deceptive Business
8 Practices Act.

9 (u) This Article applies to all cable and video providers
10 in the State, including but not limited to those operating
11 under a local franchise as that term is used in 47 U.S.C.
12 522(9), those operating under authorization pursuant to
13 Section 11-42-11 of the Illinois Municipal Code, those
14 operating under authorization pursuant to Section 5-1095 of
15 the Counties Code, and those operating under a State-issued
16 authorization pursuant to Article XXI of this Act.

17 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13;
18 98-45, eff. 6-28-13.)

19 (220 ILCS 5/22-504 new)

20 Sec. 22-504. Volume of commercial advertisements.

21 (a) On and after July 1, 2027, a video streaming service or
22 third-party advertising manager that serves consumers residing
23 in the State shall exercise reasonable care in normalizing the
24 audio of short-form content so that the audio is not
25 transmitted at a louder volume than the audio of the

1 accompanying long-form content, consistent with the
2 regulations adopted by the Federal Communications Commission
3 pursuant to the Commercial Advertisement Loudness Mitigation
4 (CALM) Act (Public Law 111-311) for television broadcast
5 stations, cable operators, and other video programming
6 distributors. There shall be a rebuttable presumption that a
7 video streaming service or third-party advertising manager
8 that maintains processes to require that the audio of
9 short-form content not be louder than the audio of the
10 accompanying long-form content that are similar to processes
11 employed by the video streaming service or third-party
12 advertising manager to comply with the CALM Act (Public Law
13 111-311) is exercising reasonable care.

14 (b) A video streaming service or third-party advertising
15 manager that engages in normalization shall be deemed in
16 compliance with this Section.

17 (c) A video streaming service that engages a third-party
18 advertising manager to solely control the loudness of the
19 audio of short-form content on the video streaming service
20 shall not be liable under subsection (a) for short-form
21 content distributed by the third-party advertising manager on
22 the video streaming service if the video streaming service
23 enters into a written agreement with the third-party
24 advertising manager that requires the audio of short-form
25 content distributed by the third-party advertising manager to
26 not be louder than the target loudness of the audio of the

1 accompanying long-form content distributed by the video
2 streaming service, consistent with established industry
3 standards.

4 (d) This Section does not create a private right of
5 action. The Attorney General shall have exclusive authority to
6 enforce the provisions of this Section.

7 (e) For purposes of this Section, the distribution of an
8 individually identifiable piece of short-form content within a
9 30-day period after the first distribution of the content in
10 violation of this Section constitutes a single violation,
11 regardless of how many individual consumers receive a
12 transmission of such content.

13 (f) Before initiating any action under this Section, the
14 Attorney General shall provide a video streaming service or
15 third-party advertising manager written notice of an alleged
16 violation. If, within 45 days after receipt of the notice, the
17 video streaming service or third-party advertising manager
18 cures the alleged violation by either (i) ceasing to
19 distribute the individually identifiable piece of short-form
20 content or (ii) normalizing the audio of the individually
21 identifiable piece of short-form content for all subsequent
22 distributions of the content, the video streaming service or
23 third-party advertising manager shall not be liable for the
24 alleged violation cured pursuant to this Section."