



Rep. Ann M. Williams

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LRB100 08543 HEP 24351 a

1 AMENDMENT TO HOUSE BILL 3449

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3449 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Geolocation Privacy Protection Act.

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

7 "Geolocation information" means information that: (i) is  
8 not the contents of a communication; (ii) is generated by or  
9 derived from, in whole or in part, the operation of a mobile  
10 device, including, but not limited to, a smart phone, tablet,  
11 or laptop computer; and (iii) is sufficient to determine or  
12 infer location of that device. "Geolocation information" does  
13 not include Internet protocol addresses.

14 "Location-based application" means a software application  
15 that collects, uses, or stores geolocation information.

16 "Private entity" means any individual, partnership,

1 corporation, limited liability company, association, or other  
2 group, however organized. "Private entity" does not include any  
3 governmental agency.

4 Section 10. Collection, use, storage, and disclosure of  
5 geolocation information from location-based applications.

6 (a) A private entity may not collect, use, store, or  
7 disclose geolocation information from a location-based  
8 application on a person's device unless the private entity  
9 first receives the person's affirmative express consent after  
10 providing clear, prominent, and accurate notice that:

11 (1) informs the person that his or her geolocation  
12 information will be collected, used, or disclosed;

13 (2) informs the person in writing of the specific  
14 purposes for which his or her geolocation information will  
15 be collected, used, or disclosed; and

16 (3) provides the person a hyperlink or comparably  
17 easily accessible means to access the information  
18 specified in this subsection.

19 (b) A private entity may collect, use, or disclose  
20 geolocation information from a location-based application on a  
21 person's device without receiving affirmative express consent  
22 if the collection or disclosure is:

23 (1) to allow a parent or legal guardian to locate an  
24 unemancipated minor child;

25 (2) to allow a court-appointed guardian to locate a

1           legally incapacitated person; or

2                   (3) for the provision of fire, medical, public safety,  
3           or other emergency services.

4           (c) This Section applies to location-based applications  
5           created or modified after the effective date of this Act.

6           Section 15. Violation; right of action. A violation of this  
7           Act constitutes a violation of the Consumer Fraud and Deceptive  
8           Business Practices Act. A person whose rights under this Act  
9           are violated has, in addition to any rights under the Consumer  
10          Fraud and Deceptive Business Practices Act, a right of action  
11          to seek injunctive relief, if appropriate.

12          Section 20. Waivers; contracts.

13           (a) Any waiver of the provisions of this Act is void and  
14          unenforceable.

15           (b) Any contract relating to the use of a location-based  
16          application that does not comply with the applicable provisions  
17          of this Act is void and unenforceable.

18          Section 25. Applicability. This Act does not apply to: (i)  
19          a health care provider or other covered entity subject to the  
20          federal Health Insurance Portability and Accountability Act of  
21          1996 and the rules promulgated thereunder; (ii) a financial  
22          institution or an affiliate of a financial institution that is  
23          subject to Title V of the federal Gramm-Leach-Bliley Act of

1 1999 and the rules promulgated thereunder; (iii) an Internet,  
2 wireless, or telecommunications service provider; (iv) a cable  
3 or video service provider under Article XXI of the Public  
4 Utilities Act; or (v) a person licensed as a private detective  
5 under the Private Detective, Private Alarm, Private Security,  
6 Fingerprint Vendor, and Locksmith Act of 2004.

7 Section 90. The Consumer Fraud and Deceptive Business  
8 Practices Act is amended by changing Section 2Z as follows:

9 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

10 Sec. 2Z. Violations of other Acts. Any person who knowingly  
11 violates the Automotive Repair Act, the Automotive Collision  
12 Repair Act, the Home Repair and Remodeling Act, the Dance  
13 Studio Act, the Geolocation Privacy Protection Act, the  
14 Physical Fitness Services Act, the Hearing Instrument Consumer  
15 Protection Act, the Illinois Union Label Act, the Job Referral  
16 and Job Listing Services Consumer Protection Act, the Travel  
17 Promotion Consumer Protection Act, the Credit Services  
18 Organizations Act, the Automatic Telephone Dialers Act, the  
19 Pay-Per-Call Services Consumer Protection Act, the Telephone  
20 Solicitations Act, the Illinois Funeral or Burial Funds Act,  
21 the Cemetery Oversight Act, the Cemetery Care Act, the Safe and  
22 Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High  
23 Risk Home Loan Act, the Payday Loan Reform Act, the Mortgage  
24 Rescue Fraud Act, subsection (a) or (b) of Section 3-10 of the

1 Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the  
2 Cigarette Use Tax Act, the Electronic Mail Act, the Internet  
3 Caller Identification Act, paragraph (6) of subsection (k) of  
4 Section 6-305 of the Illinois Vehicle Code, Section 11-1431,  
5 18d-115, 18d-120, 18d-125, 18d-135, 18d-150, or 18d-153 of the  
6 Illinois Vehicle Code, Article 3 of the Residential Real  
7 Property Disclosure Act, the Automatic Contract Renewal Act,  
8 the Reverse Mortgage Act, Section 25 of the Youth Mental Health  
9 Protection Act, or the Personal Information Protection Act  
10 commits an unlawful practice within the meaning of this Act.

11 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642,  
12 eff. 7-28-16.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law."