

HB2472



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2472

by Rep. Kelly M. Burke

SYNOPSIS AS INTRODUCED:

815 ILCS 505/10b

from Ch. 121 1/2, par. 270b

Amends the Consumer Fraud and Deceptive Business Practices Act. Excludes from provisions of the Act making the Act inapplicable to actions or transactions specifically authorized by laws administered by a regulatory body or officer, the manufacture, distribution, or sale of a product that causes or contributes to cause bodily injury, death, or property damage. Effective immediately.

LRB101 07152 JLS 52190 b

A BILL FOR

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 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by changing Section 10b as follows:

6 (815 ILCS 505/10b) (from Ch. 121 1/2, par. 270b)

7 (Text of Section WITHOUT the changes made by P.A. 89-7,
8 which has been held unconstitutional)

9 Sec. 10b. Nothing in this Act shall apply to any of the
10 following:

11 (1) Actions or transactions specifically authorized by
12 laws administered by any regulatory body or officer acting
13 under statutory authority of this State or the United States;
14 however, notwithstanding any action or approval by a regulatory
15 body or officer acting under statutory authority of this State
16 or the United States, the manufacture, distribution, or sale of
17 a product that causes or contributes to cause bodily injury,
18 death, or property damage is not an action or transaction
19 "specifically authorized" within the meaning of this item (1).

20 (2) The provisions of "An act to protect trademark owners,
21 distributors, and the public against injurious and uneconomic
22 practices in the distribution of articles of standard quality
23 under a trademark, brand or name," approved July 8, 1935, as

1 amended.

2 (3) Acts done by the publisher, owner, agent, or employee
3 of a newspaper, periodical or radio or television station in
4 the publication or dissemination of an advertisement, when the
5 owner, agent or employee did not have knowledge of the false,
6 misleading or deceptive character of the advertisement, did not
7 prepare the advertisement, or did not have a direct financial
8 interest in the sale or distribution of the advertised product
9 or service.

10 (4) The communication of any false, misleading or deceptive
11 information, provided by the seller of real estate located in
12 Illinois, by a real estate salesman or broker licensed under
13 "The Real Estate Brokers License Act", unless the salesman or
14 broker knows of the false, misleading or deceptive character of
15 such information. This provision shall be effective as to any
16 communication, whenever occurring.

17 (5) (Blank). ~~This item (5)~~

18 (6) The communication of any false, misleading, or
19 deceptive information by an insurance producer, registered
20 firm, or limited insurance representative, as those terms are
21 defined in the Illinois Insurance Code, or by an insurance
22 agency or brokerage house concerning the sale, placement,
23 procurement, renewal, binding, cancellation of, or terms of any
24 type of insurance or any policy of insurance unless the
25 insurance producer has actual knowledge of the false,
26 misleading, or deceptive character of the information. This

1 provision shall be effective as to any communications, whenever
2 occurring. This item (6) applies to all causes of action that
3 accrue on or after the effective date of this amendatory Act of
4 1995.

5 (Source: P.A. 84-894; 89-152, eff. 1-1-96; revised 1-22-98.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.