

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 or service that causes or contributes to cause bodily  
18 injury, death, or property damage is not an action or  
19 transaction "specifically authorized" within the meaning of  
20 this item (1).

21 (2) The provisions of "An act to protect trademark owners,  
22 distributors, and the public against injurious and uneconomic  
23 practices in the distribution of articles of standard quality

1 under a trademark, brand or name," approved July 8, 1935, as  
2 amended.

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

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

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

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

1 misleading, or deceptive character of the information. This  
2 provision shall be effective as to any communications, whenever  
3 occurring. This item (6) applies to all causes of action that  
4 accrue on or after the effective date of this amendatory Act of  
5 1995.

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

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