



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4786

Introduced 1/27/2022, by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

765 ILCS 705/4 new
815 ILCS 505/2Z

from Ch. 121 1/2, par. 262Z

Amends the Landlord and Tenant Act. Restricts a landlord from requiring a tenant or prospective tenant to remit any amount due to the landlord by means of an electronic funds transfer. Provides that beginning 90 days after the effective date of the amendatory Act, a landlord who violates the provision is guilty of an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act and is subject to a civil penalty of \$100 for each violation. Provides that a landlord who commits a second violation within 5 years of the first violation is subject to a civil penalty of \$200, and a landlord who commits a third violation within 5 years of the first or second violation is subject to a civil penalty of \$300. Makes a conforming change in the Consumer Fraud and Deceptive Business Practices Act.

LRB102 23082 LNS 32238 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Landlord and Tenant Act is amended by
5 adding Section 4 as follows:

6 (765 ILCS 705/4 new)

7 Sec. 4. Payment by electronic funds transfer.

8 (a) As used in this Section, "electronic funds transfer"
9 means a transfer of funds, other than a transaction originated
10 by check, draft, or similar paper instrument, that is
11 initiated through an electronic terminal, telephone, computer,
12 or magnetic tape for the purpose of ordering, instructing, or
13 authorizing a financial institution to debit or credit a
14 consumer's account, including, but not limited to, through the
15 use of an automated clearing house system.

16 (b) A landlord shall not require a tenant or prospective
17 tenant to remit any amount due to the landlord under a
18 residential lease, renewal, or extension agreement by means of
19 an electronic funds transfer, including, but not limited to,
20 an electronic funds transfer system that automatically
21 transfers funds on a regular, periodic, and recurring basis.

22 (c) Beginning 90 days after the effective date of this
23 amendatory Act of the 102nd General Assembly, a landlord who

1 violates this Section is guilty of an unlawful practice under
2 the Consumer Fraud and Deceptive Business Practices Act and is
3 subject to a civil penalty of \$100 for each violation.
4 However, a landlord who commits a second violation within 5
5 years of the first violation is subject to a civil penalty of
6 \$200, and a landlord who commits a third violation within 5
7 years of the first or second violation is subject to a civil
8 penalty of \$300.

9 Section 10. The Consumer Fraud and Deceptive Business
10 Practices Act is amended by changing Section 2Z as follows:

11 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

12 Sec. 2Z. Violations of other Acts. Any person who
13 knowingly violates the Automotive Repair Act, the Automotive
14 Collision Repair Act, the Home Repair and Remodeling Act, the
15 Dance Studio Act, the Physical Fitness Services Act, the
16 Hearing Instrument Consumer Protection Act, the Illinois Union
17 Label Act, the Installment Sales Contract Act, the Job
18 Referral and Job Listing Services Consumer Protection Act, the
19 Travel Promotion Consumer Protection Act, the Credit Services
20 Organizations Act, the Automatic Telephone Dialers Act, the
21 Pay-Per-Call Services Consumer Protection Act, the Telephone
22 Solicitations Act, the Illinois Funeral or Burial Funds Act,
23 the Cemetery Oversight Act, the Cemetery Care Act, the Safe
24 and Hygienic Bed Act, the Illinois Pre-Need Cemetery Sales

1 Act, the High Risk Home Loan Act, the Payday Loan Reform Act,
2 the Predatory Loan Prevention Act, the Mortgage Rescue Fraud
3 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax
4 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use
5 Tax Act, the Electronic Mail Act, the Internet Caller
6 Identification Act, paragraph (6) of subsection (k) of Section
7 6-305 of the Illinois Vehicle Code, Section 11-1431, 18d-115,
8 18d-120, 18d-125, 18d-135, 18d-150, or 18d-153 of the Illinois
9 Vehicle Code, Article 3 of the Residential Real Property
10 Disclosure Act, the Automatic Contract Renewal Act, the
11 Reverse Mortgage Act, Section 25 of the Youth Mental Health
12 Protection Act, the Personal Information Protection Act, ~~or~~
13 the Student Online Personal Protection Act, or Section 4 of
14 the Landlord and Tenant Act commits an unlawful practice
15 within the meaning of this Act.

16 (Source: P.A. 100-315, eff. 8-24-17; 100-416, eff. 1-1-18;
17 100-863, eff. 8-14-18; 101-658, eff. 3-23-21.)