

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 Telephone Solicitations Act is amended by
5 changing Sections 5 and 15 as follows:

6 (815 ILCS 413/5)

7 Sec. 5. Definitions. For purposes of this Act:

8 "Caller ID" means the display to the recipient of the call
9 of the caller's telephone number or identity.

10 "Emergency telephone number" means any telephone number
11 which accesses or calls a fire department, law enforcement
12 agency, ambulance, hospital, medical center, poison control
13 center, rape crisis center, suicide prevention center, rescue
14 service, the 911 emergency access number provided by law
15 enforcement agencies and police departments.

16 "Spoofer" or "spoofing" means to deliberately falsify the
17 information transmitted on a caller ID display to disguise an
18 identity or phone number.

19 "Subscriber" means:

20 (1) A person who has subscribed to telephone service
21 from a telephone company; or

22 (2) Other persons living or residing with the
23 subscribing person.

1 "Telephone solicitation" means any communication through
2 the use of a telephone ~~by live operators~~ for soliciting the
3 sale of goods or services.

4 (Source: P.A. 95-331, eff. 8-21-07.)

5 (815 ILCS 413/15)

6 Sec. 15. Method of operation.

7 (a) No person shall solicit the sale of goods or services
8 in this State by placing a telephone call during the hours
9 between 9 p.m. and 8 a.m.

10 (b) A live operator soliciting the sale of goods or
11 services shall:

12 (1) immediately state his or her name, the name of the
13 business or organization being represented, and the
14 purpose of the call; and

15 (2) inquire at the beginning of the call whether the
16 person called consents to the solicitation; and

17 (3) if the person called requests to be taken off the
18 contact list of the business or organization, the operator
19 must refrain from calling that person again and take all
20 steps necessary to have that person's name and telephone
21 number removed from the contact records of the business or
22 organization so that the person will not be contacted
23 again by the business or organization. Compliance with
24 Section 310.4(b) of the Federal Trade Commission's
25 Telemarketing Sales Rule shall constitute compliance with

1 this subsection (b) (3) of this Section.

2 (b-5) Any telephone call soliciting the sale of goods or
3 services placed in a manner other than by live operator shall:

4 (1) immediately state the business or organization
5 being represented, and the purpose of the call;

6 (2) prompt the person called to confirm whether the
7 person consents to solicitation, either by audio
8 confirmation or selection of a number on the phone; and

9 (3) if the person called does not consent to
10 solicitation, refrain from calling that person again and
11 take all steps necessary to have that person's name and
12 telephone number removed from the contact records of the
13 business or organization so that the person will not be
14 contacted again by the business or organization.
15 Compliance with Section 310.4(b) of the Federal Trade
16 Commission's Telemarketing Sales Rule shall constitute
17 compliance with subsection (b-5) (3) of this Section.

18 (c) A person, business, or organization may not solicit
19 the sale of goods or services by telephone in a manner that
20 impedes the function of any caller ID when the telephone
21 solicitor's service or equipment is capable of allowing the
22 display of the solicitor's telephone number.

23 (d) A person, business, or organization may not spoof a
24 caller's information or otherwise cause misleading information
25 to be transmitted to a recipient's caller ID or to otherwise
26 misrepresent the origin of a telemarketing call, unless the

1 person, business or organization has a right to use the name
2 and the phone number displayed.

3 (Source: P.A. 90-541, eff. 6-1-98; 91-182, eff. 1-1-00.)