



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4078

Introduced 5/10/2023, by Rep. Martin J. Moylan

#### SYNOPSIS AS INTRODUCED:

220 ILCS 5/22-501

Amends the Public Utilities Act. Provides that the amendatory Act may be referred to as the Pay For Only The Channels You Want Act. Provides that, to the extent consistent with federal law, cable or video providers shall not charge a subscriber for any channel, service, or equipment (rather than service or equipment) that the subscriber has not affirmatively requested or affirmatively agreed to by name. Provides that, notwithstanding any other provision of law and to the extent consistent with federal law, cable or video providers shall not deny the ability of any subscriber to refuse to be charged for any particular channel and shall allow any subscriber to remove any specific channel and associated carriage fees from the subscriber's monthly bill. Provides that cable and video providers shall allow any subscriber to remove any channel and all associated carriage fees assessed to that subscriber via a website or toll-free telephone number. Provides that cable and video providers shall, for every new or renewing subscriber, list all channels offered in every particular service to all subscribers and allow the subscriber to approve or reject each channel and the associated carriage fee for that channel. Effective immediately.

LRB103 32041 SPS 60952 b

1 AN ACT concerning regulation.

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

4 Section 1. This Act may be referred to as the Pay For Only  
5 The Channels You Want Act.

6 Section 5. The Public Utilities Act is amended by changing  
7 Section 22-501 as follows:

8 (220 ILCS 5/22-501)

9 Sec. 22-501. Customer service and privacy protection. All  
10 cable or video providers in this State shall comply with the  
11 following customer service requirements and privacy  
12 protections. The provisions of this Act shall not apply to an  
13 incumbent cable operator prior to January 1, 2008. For  
14 purposes of this paragraph, an incumbent cable operator means  
15 a person or entity that provided cable services in a  
16 particular area under a franchise agreement with a local unit  
17 of government pursuant to Section 11-42-11 of the Illinois  
18 Municipal Code or Section 5-1095 of the Counties Code on  
19 January 1, 2007. A master antenna television, satellite master  
20 antenna television, direct broadcast satellite, multipoint  
21 distribution service, and other provider of video programming  
22 shall only be subject to the provisions of this Article to the

1 extent permitted by federal law.

2 The following definitions apply to the terms used in this  
3 Article:

4 "Basic cable or video service" means any service offering  
5 or tier that includes the retransmission of local television  
6 broadcast signals.

7 "Cable or video provider" means any person or entity  
8 providing cable service or video service pursuant to  
9 authorization under (i) the Cable and Video Competition Law of  
10 2007; (ii) Section 11-42-11 of the Illinois Municipal Code;  
11 (iii) Section 5-1095 of the Counties Code; or (iv) a master  
12 antenna television, satellite master antenna television,  
13 direct broadcast satellite, multipoint distribution services,  
14 and other providers of video programming, whatever their  
15 technology. A cable or video provider shall not include a  
16 landlord providing only broadcast video programming to a  
17 single-family home or other residential dwelling consisting of  
18 4 units or less.

19 "Franchise" has the same meaning as found in 47 U.S.C.  
20 522(9).

21 "Local unit of government" means a city, village,  
22 incorporated town, or a county.

23 "Normal business hours" means those hours during which  
24 most similar businesses in the geographic area of the local  
25 unit of government are open to serve customers. In all cases,  
26 "normal business hours" must include some evening hours at

1 least one night per week or some weekend hours.

2 "Normal operating conditions" means those service  
3 conditions that are within the control of cable or video  
4 providers. Those conditions that are not within the control of  
5 cable or video providers include, but are not limited to,  
6 natural disasters, civil disturbances, power outages,  
7 telephone network outages, and severe or unusual weather  
8 conditions. Those conditions that are ordinarily within the  
9 control of cable or video providers include, but are not  
10 limited to, special promotions, pay-per-view events, rate  
11 increases, regular peak or seasonal demand periods, and  
12 maintenance or upgrade of the cable service or video service  
13 network.

14 "Service interruption" means the loss of picture or sound  
15 on one or more cable service or video service on one or more  
16 cable or video channels.

17 "Service line drop" means the point of connection between  
18 a premises and the cable or video network that enables the  
19 premises to receive cable service or video service.

20 (a) General customer service standards:

21 (1) Cable or video providers shall establish general  
22 standards related to customer service, which shall  
23 include, but not be limited to, installation,  
24 disconnection, service and repair obligations; appointment  
25 hours and employee ID requirements; customer service  
26 telephone numbers and hours; procedures for billing,

1 charges, deposits, refunds, and credits; procedures for  
2 termination of service; notice of deletion of programming  
3 service; changes related to transmission of programming;  
4 changes or increases in rates; the use and availability of  
5 parental control or lock-out devices; the use and  
6 availability of an A/B switch if applicable; complaint  
7 procedures and procedures for bill dispute resolution; a  
8 description of the rights and remedies available to  
9 consumers if the cable or video provider does not  
10 materially meet its customer service standards; and  
11 special services for customers with visual, hearing, or  
12 mobility disabilities.

13 (2) Cable or video providers' rates for each level of  
14 service, rules, regulations, and policies related to its  
15 cable service or video service described in paragraph (1)  
16 of this subsection (a) must be made available to the  
17 public and displayed clearly and conspicuously on the  
18 cable or video provider's site on the Internet. If a  
19 promotional price or a price for a specified period of  
20 time is offered, the cable or video provider shall display  
21 the price at the end of the promotional period or  
22 specified period of time clearly and conspicuously with  
23 the display of the promotional price or price for a  
24 specified period of time. The cable or video provider  
25 shall provide this information upon request.

26 (3) Cable or video providers shall provide notice

1 concerning their general customer service standards to all  
2 customers. This notice shall be offered when service is  
3 first activated and upon request thereafter. The  
4 information in the notice shall also be available on the  
5 cable or video providers' websites and shall include all  
6 of the information specified in paragraph (1) of this  
7 subsection (a), as well as the following: a listing of  
8 services offered by the cable or video providers, which  
9 shall clearly describe programming for all services and  
10 all levels of service; the rates for all services and  
11 levels of service; a telephone number through which  
12 customers may subscribe to, change, or terminate service,  
13 request customer service, or seek general or billing  
14 information; instructions on the use of the cable or video  
15 services; and a description of rights and remedies that  
16 the cable or video providers shall make available to their  
17 customers if they do not materially meet the general  
18 customer service standards described in this Act.

19 (b) General customer service obligations:

20 (1) Cable or video providers shall render reasonably  
21 efficient service, promptly make repairs, and interrupt  
22 service only as necessary and for good cause, during  
23 periods of minimum use of the system and for no more than  
24 24 hours.

25 (2) All service representatives or any other person  
26 who contacts customers or potential customers on behalf of

1 the cable or video provider shall have a visible  
2 identification card with their name and photograph and  
3 shall orally identify themselves upon first contact with  
4 the customer. Customer service representatives shall  
5 orally identify themselves to callers immediately  
6 following the greeting during each telephone contact with  
7 the public.

8 (3) The cable or video providers shall: (i) maintain a  
9 customer service facility within the boundaries of a local  
10 unit of government staffed by customer service  
11 representatives that have the capacity to accept payment,  
12 adjust bills, and respond to repair, installation,  
13 reconnection, disconnection, or other service calls and  
14 distribute or receive converter boxes, remote control  
15 units, digital stereo units, or other equipment related to  
16 the provision of cable or video service; (ii) provide  
17 customers with bill payment facilities through retail,  
18 financial, or other commercial institutions located within  
19 the boundaries of a local unit of government; (iii)  
20 provide an address, toll-free telephone number or  
21 electronic address to accept bill payments and  
22 correspondence and provide secure collection boxes for the  
23 receipt of bill payments and the return of equipment,  
24 provided that if a cable or video provider provides secure  
25 collection boxes, it shall provide a printed receipt when  
26 items are deposited; or (iv) provide an address, toll-free

1 telephone number, or electronic address to accept bill  
2 payments and correspondence and provide a method for  
3 customers to return equipment to the cable or video  
4 provider at no cost to the customer.

5 (4) In each contact with a customer, the service  
6 representatives or any other person who contacts customers  
7 or potential customers on behalf of the cable or video  
8 provider shall state the estimated cost of the service,  
9 repair, or installation orally prior to delivery of the  
10 service or before any work is performed, shall provide the  
11 customer with an oral statement of the total charges  
12 before terminating the telephone call or other contact in  
13 which a service is ordered, whether in-person or over the  
14 Internet, and shall provide a written statement of the  
15 total charges before leaving the location at which the  
16 work was performed. In the event that the cost of service  
17 is a promotional price or is for a limited period of time,  
18 the cost of service at the end of the promotion or limited  
19 period of time shall be disclosed.

20 (5) Cable or video providers shall provide customers a  
21 minimum of 30 days' written notice before increasing rates  
22 or eliminating transmission of programming and shall  
23 submit the notice of any rate increase to the local unit of  
24 government in advance of distribution to customers,  
25 provided that the cable or video provider is not in  
26 violation of this provision if the elimination of



1 transmission of programming was outside the control of the  
2 provider, in which case the provider shall use reasonable  
3 efforts to provide as much notice as possible, and any  
4 rate decrease related to the elimination of transmission  
5 of programming shall be applied to the date of the change.

6 (6) Cable or video providers shall provide clear  
7 visual and audio reception that meets or exceeds  
8 applicable Federal Communications Commission technical  
9 standards. If a customer experiences poor video or audio  
10 reception due to the equipment of the cable or video  
11 provider, the cable or video provider shall promptly  
12 repair the problem at its own expense.

13 (c) Bills, payment, and termination:

14 (1) Cable or video providers shall render monthly  
15 bills that are clear, accurate, and understandable.

16 (2) Every residential customer who pays bills directly  
17 to the cable or video provider shall have at least 28 days  
18 from the date of the bill to pay the listed charges.

19 (3) Customer payments shall be posted promptly. When  
20 the payment is sent by United States mail, payment is  
21 considered paid on the date it is postmarked.

22 (4) Cable or video providers may not terminate  
23 residential service for nonpayment of a bill unless the  
24 cable or video provider furnishes notice of the  
25 delinquency and impending termination at least 15 days  
26 prior to the proposed termination. Notice of proposed

1 termination shall be mailed, postage prepaid, to the  
2 customer to whom service is billed. Notice of proposed  
3 termination shall not be mailed until the 24th day after  
4 the date of the bill for services. Notice of delinquency  
5 and impending termination may be part of a billing  
6 statement only if the notice is designed to be  
7 conspicuous. The cable or video providers may not assess a  
8 late fee prior to the 24th day after the date of the bill  
9 for service.

10 (5) Every notice of impending termination shall  
11 include all of the following: the name and address of  
12 customer; the amount of the delinquency; the date on which  
13 payment is required to avoid termination; and the  
14 telephone number of the cable or video provider's service  
15 representative to make payment arrangements and to provide  
16 additional information about the charges for failure to  
17 return equipment and for reconnection, if any.

18 (6) Service may only be terminated on days when the  
19 customer is able to reach a service representative of the  
20 cable or video providers, either in person or by  
21 telephone.

22 (7) Any service terminated by a cable or video  
23 provider without good cause shall be restored without any  
24 reconnection fee, charge, or penalty; good cause for  
25 termination includes, but is not limited to, failure to  
26 pay a bill by the date specified in the notice of impending

1 termination, payment by check for which there are  
2 insufficient funds, theft of service, abuse of equipment  
3 or personnel, or other similar subscriber actions.

4 (8) Cable or video providers shall cease charging a  
5 customer for any or all services within one business day  
6 after it receives a request to immediately terminate  
7 service or on the day requested by the customer if such a  
8 date is at least 5 days from the date requested by the  
9 customer. Nothing in this subsection (c) shall prohibit  
10 the provider from billing for charges that the customer  
11 incurs prior to the date of termination. Cable or video  
12 providers shall issue a credit no later than the  
13 customer's next billing cycle following the determination  
14 that a credit is warranted. Cable or video providers shall  
15 issue a refund or return a deposit promptly, but not later  
16 than either the customer's next billing cycle following  
17 resolution of the request or 30 days, whichever is  
18 earlier, or the return of equipment, if any, whichever is  
19 later.

20 (9) The customers or subscribers of a cable or video  
21 provider shall be allowed to disconnect their service at  
22 any time within the first 30 days after subscribing to or  
23 upgrading the service. Within this 30-day period, cable or  
24 video providers shall not charge or impose any fees or  
25 penalties on the customer for disconnecting service,  
26 including, but not limited to, any installation charge or

1 the imposition of an early termination charge, except the  
2 cable or video provider may impose a charge or fee to  
3 offset any rebates or credits received by the customer and  
4 may impose monthly service or maintenance charges,  
5 including pay-per-view and premium services charges,  
6 during such 30-day period.

7 (d) Response to customer inquiries:

8 (1) Cable or video providers will maintain a toll-free  
9 telephone access line that is available to customers 24  
10 hours a day, 7 days a week to accept calls regarding  
11 installation, termination, service, and complaints.  
12 Trained, knowledgeable, qualified service representatives  
13 of the cable or video providers will be available to  
14 respond to customer telephone inquiries during normal  
15 business hours. Customer service representatives shall be  
16 able to provide credit, waive fees, schedule appointments,  
17 and change billing cycles. Any difficulties that cannot be  
18 resolved by the customer service representatives shall be  
19 referred to a supervisor who shall make his or her best  
20 efforts to resolve the issue immediately. If the  
21 supervisor does not resolve the issue to the customer's  
22 satisfaction, the customer shall be informed of the cable  
23 or video provider's complaint procedures and procedures  
24 for billing dispute resolution and given a description of  
25 the rights and remedies available to customers to enforce  
26 the terms of this Article, including the customer's rights

1 to have the complaint reviewed by the local unit of  
2 government, to request mediation, and to review in a court  
3 of competent jurisdiction.

4 (2) After normal business hours, the access line may  
5 be answered by a service or an automated response system,  
6 including an answering machine. Inquiries received by  
7 telephone or e-mail after normal business hours shall be  
8 responded to by a trained service representative on the  
9 next business day. The cable or video provider shall  
10 respond to a written billing inquiry within 10 days of  
11 receipt of the inquiry.

12 (3) Cable or video providers shall provide customers  
13 seeking non-standard installations with a total  
14 installation cost estimate and an estimated date of  
15 completion. The actual charge to the customer shall not  
16 exceed the estimated cost without the written consent of  
17 the customer.

18 (4) If the cable or video provider receives notice  
19 that an unsafe condition exists with respect to its  
20 equipment, it shall investigate such condition immediately  
21 and shall take such measures as are necessary to remove or  
22 eliminate the unsafe condition. The cable or video  
23 provider shall inform the local unit of government  
24 promptly, but no later than 2 hours after it receives  
25 notification of an unsafe condition that it has not  
26 remedied.

1           (5) Under normal operating conditions, telephone  
2 answer time by the cable or video provider's customer  
3 representative, including wait time, shall not exceed 30  
4 seconds when the connection is made. If the call needs to  
5 be transferred, transfer time shall not exceed 30 seconds.  
6 These standards shall be met no less than 90% of the time  
7 under normal operating conditions, measured on a quarterly  
8 basis. The cable or video provider shall not be required  
9 to acquire equipment or perform surveys to measure  
10 compliance with these telephone answering standards unless  
11 an historical record of complaints indicates a clear  
12 failure to comply.

13           (6) Under normal operating conditions, the cable or  
14 video provider's customers will receive a busy signal less  
15 than 3% of the time.

16           (e) Under normal operating conditions, each of the  
17 following standards related to installations, outages, and  
18 service calls will be met no less than 95% of the time measured  
19 on a quarterly basis:

20           (1) Standard installations will be performed within 7  
21 business days after an order has been placed. "Standard"  
22 installations are those that are located up to 125 feet  
23 from the existing distribution system.

24           (2) Excluding conditions beyond the control of the  
25 cable or video providers, the cable or video providers  
26 will begin working on "service interruptions" promptly and

1 in no event later than 24 hours after the interruption is  
2 reported by the customer or otherwise becomes known to the  
3 cable or video providers. Cable or video providers must  
4 begin actions to correct other service problems the next  
5 business day after notification of the service problem and  
6 correct the problem.

7 (3) The "appointment window" alternatives for  
8 installations, service calls, and other installation  
9 activities will be either a specific time or, at a  
10 maximum, a 4-hour time block during evening, weekend, and  
11 normal business hours. The cable or video provider may  
12 schedule service calls and other installation activities  
13 outside of these hours for the express convenience of the  
14 customer.

15 (4) Cable or video providers may not cancel an  
16 appointment with a customer after the close of business on  
17 the business day prior to the scheduled appointment. If  
18 the cable or video provider's representative is running  
19 late for an appointment with a customer and will not be  
20 able to keep the appointment as scheduled, the customer  
21 will be contacted. The appointment will be rescheduled, as  
22 necessary, at a time that is convenient for the customer,  
23 even if the rescheduled appointment is not within normal  
24 business hours.

25 (f) Public benefit obligation:

26 (1) All cable or video providers offering service

1       pursuant to the Cable and Video Competition Law of 2007,  
2       the Illinois Municipal Code, or the Counties Code shall  
3       provide a free service line drop and free basic service to  
4       all current and future public buildings within their  
5       footprint, including, but not limited to, all local unit  
6       of government buildings, public libraries, and public  
7       primary and secondary schools, whether owned or leased by  
8       that local unit of government ("eligible buildings"). Such  
9       service shall be used in a manner consistent with the  
10      government purpose for the eligible building and shall not  
11      be resold.

12       (2) This obligation only applies to those cable or  
13      video service providers whose cable service or video  
14      service systems pass eligible buildings and its cable or  
15      video service is generally available to residential  
16      subscribers in the same local unit of government in which  
17      the eligible building is located. The burden of providing  
18      such service at each eligible building shall be shared by  
19      all cable and video providers whose systems pass the  
20      eligible buildings in an equitable and competitively  
21      neutral manner, and nothing herein shall require  
22      duplicative installations by more than one cable or video  
23      provider at each eligible building. Cable or video  
24      providers operating in a local unit of government shall  
25      meet as necessary and determine who will provide service  
26      to eligible buildings under this subsection (f). If the



1 cable or video providers are unable to reach an agreement,  
2 they shall meet with the local unit of government, which  
3 shall determine which cable or video providers will serve  
4 each eligible building. The local unit of government shall  
5 bear the costs of any inside wiring or video equipment  
6 costs not ordinarily provided as part of the cable or  
7 video provider's basic offering.

8 (g) After the cable or video providers have offered  
9 service for one year, the cable or video providers shall make  
10 an annual report to the Commission, to the local unit of  
11 government, and to the Attorney General that it is meeting the  
12 standards specified in this Article, identifying the number of  
13 complaints it received over the prior year in the State and  
14 specifying the number of complaints related to each of the  
15 following: (1) billing, charges, refunds, and credits; (2)  
16 installation or termination of service; (3) quality of service  
17 and repair; (4) programming; and (5) miscellaneous complaints  
18 that do not fall within these categories.

19 (h) To the extent consistent with federal law, cable or  
20 video providers shall offer the lowest-cost basic cable or  
21 video service as a stand-alone service to residential  
22 customers at reasonable rates. Cable or video providers shall  
23 not require the subscription to any service other than the  
24 lowest-cost basic service or to any telecommunications or  
25 information service, as a condition of access to cable or  
26 video service, including programming offered on a per channel

1 or per program basis. Cable or video providers shall not  
2 discriminate between subscribers to the lowest-cost basic  
3 service, subscribers to other cable services or video  
4 services, and other subscribers with regard to the rates  
5 charged for cable or video programming offered on a per  
6 channel or per program basis.

7 (i) To the extent consistent with federal law, cable or  
8 video providers shall ensure that charges for changes in the  
9 subscriber's selection of services or equipment shall be based  
10 on the cost of such change and shall not exceed nominal amounts  
11 when the system's configuration permits changes in service  
12 tier selection to be effected solely by coded entry on a  
13 computer terminal or by other similarly simple method.

14 (j) To the extent consistent with federal law, cable or  
15 video providers shall have a rate structure for the provision  
16 of cable or video service that is uniform throughout the area  
17 within the boundaries of the local unit of government. This  
18 subsection (j) is not intended to prohibit bulk discounts to  
19 multiple dwelling units or to prohibit reasonable discounts to  
20 senior citizens or other economically disadvantaged groups.

21 (k) To the extent consistent with federal law, cable or  
22 video providers shall not charge a subscriber for any channel,  
23 service, or equipment that the subscriber has not  
24 affirmatively requested or affirmatively agreed to by name.  
25 For purposes of this subsection (k), a subscriber's failure to  
26 refuse a cable or video provider's proposal to provide a

1 channel, service, or equipment shall not be deemed to be an  
2 affirmative request for such channel, service, or equipment.

3 Notwithstanding any other provision of law and to the  
4 extent consistent with federal law, cable or video providers  
5 shall not deny the ability of any subscriber to refuse to be  
6 charged for any particular channel and shall allow any  
7 subscriber to remove any specific channel and associated  
8 carriage fees from the subscriber's monthly bill. Cable and  
9 video providers shall allow any subscriber to remove any  
10 channel and all associated carriage fees assessed to that  
11 subscriber via a website or toll-free telephone number. Cable  
12 and video providers shall, for every new or renewing  
13 subscriber, list all channels offered in every particular  
14 service to all subscribers and allow the subscriber to approve  
15 or reject each channel and the associated carriage fee for  
16 that channel.

17 (1) No contract or service agreement containing an early  
18 termination clause offering residential cable or video  
19 services or any bundle including such services shall be for a  
20 term longer than 2 years. Any contract or service offering  
21 with a term of service that contains an early termination fee  
22 shall limit the early termination fee to not more than the  
23 value of any additional goods or services provided with the  
24 cable or video services, the amount of the discount reflected  
25 in the price for cable services or video services for the  
26 period during which the consumer benefited from the discount,

1 or a declining fee based on the remainder of the contract term.

2 (m) Cable or video providers shall not discriminate in the  
3 provision of services for the hearing and visually impaired,  
4 and shall comply with the accessibility requirements of 47  
5 U.S.C. 613. Cable or video providers shall deliver and pick-up  
6 or provide customers with pre-paid shipping and packaging for  
7 the return of converters and other necessary equipment at the  
8 home of customers with disabilities. Cable or video providers  
9 shall provide free use of a converter or remote control unit to  
10 mobility impaired customers.

11 (n) (1) To the extent consistent with federal law, cable or  
12 video providers shall comply with the provisions of 47 U.S.C.  
13 532(h) and (j). The cable or video providers shall not  
14 exercise any editorial control over any video programming  
15 provided pursuant to this Section, or in any other way  
16 consider the content of such programming, except that a cable  
17 or video provider may refuse to transmit any leased access  
18 program or portion of a leased access program that contains  
19 obscenity, indecency, or nudity and may consider such content  
20 to the minimum extent necessary to establish a reasonable  
21 price for the commercial use of designated channel capacity by  
22 an unaffiliated person. This subsection (n) shall permit cable  
23 or video providers to enforce prospectively a written and  
24 published policy of prohibiting programming that the cable or  
25 video provider reasonably believes describes or depicts sexual  
26 or excretory activities or organs in a patently offensive

1 manner as measured by contemporary community standards.

2 (2) Upon customer request, the cable or video provider  
3 shall, without charge, fully scramble or otherwise fully  
4 block the audio and video programming of each channel  
5 carrying such programming so that a person who is not a  
6 subscriber does not receive the channel or programming.

7 (3) In providing sexually explicit adult programming  
8 or other programming that is indecent on any channel of  
9 its service primarily dedicated to sexually oriented  
10 programming, the cable or video provider shall fully  
11 scramble or otherwise fully block the video and audio  
12 portion of such channel so that a person who is not a  
13 subscriber to such channel or programming does not receive  
14 it.

15 (4) Scramble means to rearrange the content of the  
16 signal of the programming so that the programming cannot  
17 be viewed or heard in an understandable manner.

18 (o) Cable or video providers will maintain a listing,  
19 specific to the level of street address, of the areas where its  
20 cable or video services are available. Customers who inquire  
21 about purchasing cable or video service shall be informed  
22 about whether the cable or video provider's cable or video  
23 services are currently available to them at their specific  
24 location.

25 (p) Cable or video providers shall not disclose the name,  
26 address, telephone number or other personally identifying

1 information of a cable service or video service customer to be  
2 used in mailing lists or to be used for other commercial  
3 purposes not reasonably related to the conduct of its business  
4 unless the cable or video provider has provided to the  
5 customer a notice, separately or included in any other  
6 customer service notice, that clearly and conspicuously  
7 describes the customer's ability to prohibit the disclosure.  
8 Cable or video providers shall provide an address and  
9 telephone number for a customer to use without a toll charge to  
10 prevent disclosure of the customer's name and address in  
11 mailing lists or for other commercial purposes not reasonably  
12 related to the conduct of its business to other businesses or  
13 affiliates of the cable or video provider. Cable or video  
14 providers shall comply with the consumer privacy requirements  
15 of Section 26-4.5 of the Criminal Code of 2012, the Restricted  
16 Call Registry Act, and 47 U.S.C. 551 that are in effect as of  
17 June 30, 2007 (the effective date of Public Act 95-9) and as  
18 amended thereafter.

19 (q) Cable or video providers shall implement an informal  
20 process for handling inquiries from local units of government  
21 and customers concerning billing issues, service issues,  
22 privacy concerns, and other consumer complaints. In the event  
23 that an issue is not resolved through this informal process, a  
24 local unit of government or the customer may request  
25 nonbinding mediation with the cable or video provider, with  
26 each party to bear its own costs of such mediation. Selection

1 of the mediator will be by mutual agreement, and preference  
2 will be given to mediation services that do not charge the  
3 consumer for their services. In the event that the informal  
4 process does not produce a satisfactory result to the customer  
5 or the local unit of government, enforcement may be pursued as  
6 provided in subdivision (4) of subsection (r) of this Section.

7 (r) The Attorney General and the local unit of government  
8 may enforce all of the customer service and privacy protection  
9 standards of this Section with respect to complaints received  
10 from residents within the local unit of government's  
11 jurisdiction, but it may not adopt or seek to enforce any  
12 additional or different customer service or performance  
13 standards under any other authority or provision of law.

14 (1) The local unit of government may, by ordinance,  
15 provide a schedule of penalties for any material breach of  
16 this Section by cable or video providers in addition to  
17 the penalties provided herein. No monetary penalties shall  
18 be assessed for a material breach if it is out of the  
19 reasonable control of the cable or video providers or its  
20 affiliate. Monetary penalties adopted in an ordinance  
21 pursuant to this Section shall apply on a competitively  
22 neutral basis to all providers of cable service or video  
23 service within the local unit of government's  
24 jurisdiction. In no event shall the penalties imposed  
25 under this subsection (r) exceed \$750 for each day of the  
26 material breach, and these penalties shall not exceed

1           \$25,000 for each occurrence of a material breach per  
2 customer.

3           (2) For purposes of this Section, "material breach"  
4 means any substantial failure of a cable or video service  
5 provider to comply with service quality and other  
6 standards specified in any provision of this Act. The  
7 Attorney General or the local unit of government shall  
8 give the cable or video provider written notice of any  
9 alleged material breaches of this Act and allow such  
10 provider at least 30 days from receipt of the notice to  
11 remedy the specified material breach.

12           (3) A material breach, for the purposes of assessing  
13 penalties, shall be deemed to have occurred for each day  
14 that a material breach has not been remedied by the cable  
15 service or video service provider after the expiration of  
16 the period specified in subdivision (2) of this subsection  
17 (r) in each local unit of government's jurisdiction,  
18 irrespective of the number of customers affected.

19           (4) Any customer, the Attorney General, or a local  
20 unit of government may pursue alleged violations of this  
21 Act by the cable or video provider in a court of competent  
22 jurisdiction. A cable or video provider may seek judicial  
23 review of a decision of a local unit of government  
24 imposing penalties in a court of competent jurisdiction.  
25 No local unit of government shall be subject to suit for  
26 damages or other relief based upon its action in



1 connection with its enforcement or review of any of the  
2 terms, conditions, and rights contained in this Act except  
3 a court may require the return of any penalty it finds was  
4 not properly assessed or imposed.

5 (s) Cable or video providers shall credit customers for  
6 violations in the amounts stated herein. The credits shall be  
7 applied on the statement issued to the customer for the next  
8 monthly billing cycle following the violation or following the  
9 discovery of the violation. Cable or video providers are  
10 responsible for providing the credits described herein and the  
11 customer is under no obligation to request the credit. If the  
12 customer is no longer taking service from the cable or video  
13 provider, the credit amount will be refunded to the customer  
14 by check within 30 days of the termination of service. A local  
15 unit of government may, by ordinance, adopt a schedule of  
16 credits payable directly to customers for breach of the  
17 customer service standards and obligations contained in this  
18 Article, provided the schedule of customer credits applies on  
19 a competitively neutral basis to all providers of cable  
20 service or video service in the local unit of government's  
21 jurisdiction and the credits are not greater than the credits  
22 provided in this Section.

23 (1) Failure to keep an appointment or to notify the  
24 customer prior to the close of business on the business  
25 day prior to the scheduled appointment: \$25.00.

26 (2) Violation of customer service and billing

1 standards in subsections (c) and (d) of this Section:  
2 \$25.00 per occurrence.

3 (3) Violation of the bundling rules in subsection (h)  
4 of this Section: \$25.00 per month.

5 (t) The enforcement powers granted to the Attorney General  
6 in Article XXI of this Act shall apply to this Article, except  
7 that the Attorney General may not seek penalties for violation  
8 of this Article other than in the amounts specified herein.  
9 Nothing in this Section shall limit or affect the powers of the  
10 Attorney General to enforce the provisions of Article XXI of  
11 this Act or the Consumer Fraud and Deceptive Business  
12 Practices Act.

13 (u) This Article applies to all cable and video providers  
14 in the State, including but not limited to those operating  
15 under a local franchise as that term is used in 47 U.S.C.  
16 522(9), those operating under authorization pursuant to  
17 Section 11-42-11 of the Illinois Municipal Code, those  
18 operating under authorization pursuant to Section 5-1095 of  
19 the Counties Code, and those operating under a State-issued  
20 authorization pursuant to Article XXI of this Act.

21 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13;  
22 98-45, eff. 6-28-13.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.