



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB3035

Introduced 1/20/2006, by Sen. Peter J. Roskam - Dave Syverson

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2XX new

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that, in any transaction in which an individual authorizes a person or entity to make a debit from his or her bank account for the purpose of placing a hold on the account to ensure payment for future services, the person or entity must provide the individual with a written statement that includes a reasonable price quote for the transaction. Prohibits the person or entity from debiting the individual's bank account in amount greater than the price quoted on the written statement unless, at the time services are complete, the amount actually incurred by the individual exceeds the amount of the quoted price. Provides that the requirements do not apply to credit card transactions. Makes violation of the provisions an unlawful practice under the Act.

LRB094 18894 MKM 54338 b

FISCAL NOTE ACT
MAY APPLY

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 adding Section 2XX as follows:

6 (815 ILCS 505/2XX new)

7 Sec. 2XX. Debit hold limit.

8 (a) As used in this Section:

9 "Credit card" means that term as it is defined in Section
10 2.03 of the Illinois Credit Card and Debit Card Act.

11 "Debit card" means that term as it is defined in Section
12 2.15 of the Illinois Credit Card and Debit Card Act.

13 (b) In any transaction in which an individual authorizes a
14 person or entity to make a debit from his or her bank account
15 for the purpose of placing a hold on the account to ensure
16 payment for future services, the person or entity must provide
17 the individual with a written statement that includes a
18 reasonable price quote for the transaction. The person or
19 entity must not debit the individual's bank account in amount
20 greater than the price quoted on the written statement unless,
21 at the time services are complete, the amount actually incurred
22 by the individual exceeds the amount of the quoted price.

23 (c) This Section applies to any transaction in which a
24 person or entity debits an amount directly from an individual's
25 personal bank account, by use of a debit card or any other
26 method, for the purpose of ensuring payment for future
27 services. This Section does not apply to any credit card
28 transaction.

29 (d) Any person or entity that violates this Section commits
30 an unlawful practice within the meaning of this Act.