



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0249

Introduced 1/19/2007, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

815 ILCS 305/20
815 ILCS 305/30

from Ch. 134, par. 120
from Ch. 134, par. 130

Amends the Automatic Telephone Dialers Act. Removes the exemption for autodialer calls placed on behalf of any political, charitable, public opinion polling, research survey, or radio or television broadcast rating organization. Provides that a violation of the Act is a petty offense and sets a fine of \$500 per phone call for the first autodialer message in violation of the Act and a fine of \$1,000 per phone call for each subsequent autodialer message in violation of the Act. Lists who may be fined. Effective immediately.

LRB095 03595 LCT 23604 b

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 Automatic Telephone Dialers Act is amended
5 by changing Sections 20 and 30 as follows:

6 (815 ILCS 305/20) (from Ch. 134, par. 120)
7 Sec. 20. Exemptions.

8 (a) Except as provided in subsection (b), the provisions of
9 this Act shall not apply to the following types of telephone
10 calls made by an autodialer:

11 (1) calls made in response to an express request of the
12 person called; or

13 (2) calls made to any person with whom the telephone
14 solicitor has a prior or existing business relationship. +

15 ~~(3) a telephone call placed on behalf of any political,~~
16 ~~charitable, public opinion polling, research survey, or~~
17 ~~radio or television broadcast rating organization.~~

18 (b) Notwithstanding the provisions of subsection (a), all
19 calls made by an autodialer must be made in compliance with the
20 requirements of subsection (d) of Section 15.

21 (Source: P.A. 91-182, eff. 1-1-00.)

22 (815 ILCS 305/30) (from Ch. 134, par. 130)

1 Sec. 30. Violations.

2 (a) It is a violation of this Act to make or cause to be
3 made telephone calls utilizing an autodialer to any emergency
4 telephone number as defined in Section 5. It is a violation of
5 this Act to make or cause to be made telephone calls utilizing
6 an autodialer in a manner that does not comply with Section 15.

7 (b) It is a violation of this Act to play a prerecorded
8 message placed by an autodialer unless a live operator requests
9 and obtains ~~without~~ the consent of the called party immediately
10 before the start of the prerecorded message.

11 (c) Enforcement by customer. Any customer injured by a
12 violation of this Act may bring an action for the recovery of
13 damages. Judgment may be entered for 3 times the amount at
14 which the actual damages are assessed, plus costs and
15 reasonable attorney fees.

16 (d) Enforcement by Attorney General. Violation of any of
17 the provisions of this Act is an unlawful practice under
18 Section 2Z of the Consumer Fraud and Deceptive Business
19 Practices Act. All remedies, penalties and authority granted to
20 the Attorney General by that Act shall be available to him for
21 the enforcement of this Act. In any action brought by the
22 Attorney General to enforce this Act, the court may order that
23 persons who incurred actual damages be awarded the amount at
24 which actual damages are assessed.

25 (e) Petty offense. In addition to any remedies or penalties
26 provided for in subsection (c) and (d) of this Section, any

1 person or entity who (i) originates a telephone call using an
2 autodialer, (ii) pays a service to make calls using an
3 autodialer, or (iii) knowingly allows his or her voice to be
4 recorded for an autodialer message, in violation of any of the
5 provisions of this Act, is guilty of a petty offense and shall
6 be fined \$500 per phone call for the first autodialer message
7 that is in violation of the Act and \$1,000 per phone call for
8 each subsequent autodialer message that is in violation of the
9 Act.

10 (Source: P.A. 91-182, eff. 1-1-00.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.