

HB2156



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2156

by Rep. Theresa Mah

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2LLL

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that it is an unlawful practice to offer to consumers at retail a rebate made on a rebate card that charges dormancy fees or other post-issuance fees. Defines "rebate card".

LRB101 05071 TAE 50081 b

A BILL FOR

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 changing Section 2LLL as follows:

6 (815 ILCS 505/2LLL)

7 Sec. 2LLL. Retail rebates.

8 (a) In this Section, "rebate card" means a card, code, or
9 other device that is issued both (i) to a consumer in
10 connection with the consumer's purchase of a product or service
11 and the consumer's completion of the rebate submission process
12 as part of a rebate program operated or administered by a
13 merchant or product manufacturer and (ii) on a prepaid basis
14 primarily for personal, family, or household purposes to a
15 consumer in a specified amount, whether or not that amount may
16 be increased or reloaded, and is redeemable upon presentation
17 at multiple unaffiliated merchants for goods or services or
18 usable at automated teller machines. "Rebate card" does not
19 include (i) a payroll card as defined in the Illinois Wage
20 Payment and Collection Act, (ii) a gift card as defined in the
21 Revised Uniform Unclaimed Property Act, (iii) a stored-value
22 card, as defined in the Revised Uniform Unclaimed Property Act,
23 that is not issued to a consumer in connection with (1) the

1 consumer's purchase of a product or service and (2) the
2 consumer's completion of the rebate submission process as part
3 of a rebate program operated or administered by a merchant or
4 product manufacturer, or (iv) in-store credit for returned
5 merchandise redeemable for merchandise, goods, or services
6 upon presentation at a single merchant or an affiliated group
7 of merchants.

8 (b) Any person who offers a rebate to consumers at retail
9 on any merchandise must conspicuously display and clearly
10 disclose to the consumer the type of rebate being offered,
11 whether additional fees may apply on the rebate offered, and
12 the form of remittance that will be provided to the consumer.

13 (c) It is an unlawful practice within the meaning of this
14 Act for any person to offer to consumers at retail a rebate
15 when the rebate is made on a rebate card that charges dormancy
16 fees or other post-issuance fees, except fees for card
17 replacement.

18 (d) Any person who violates this Section commits an
19 unlawful practice within the meaning of this Act.

20 (Source: P.A. 97-308, eff. 1-1-12.)