



Rep. Kelly M. Burke

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10100HB2472ham001

LRB101 07152 JLS 56837 a

1 AMENDMENT TO HOUSE BILL 2472

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2472 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Consumer Fraud and Deceptive Business  
5 Practices Act is amended by changing Section 10b as follows:

6 (815 ILCS 505/10b) (from Ch. 121 1/2, par. 270b)

7 (Text of Section WITHOUT the changes made by P.A. 89-7,  
8 which has been held unconstitutional)

9 Sec. 10b. Nothing in this Act shall apply to any of the  
10 following:

11 (1) Actions or transactions specifically authorized by  
12 laws administered by any regulatory body or officer acting  
13 under statutory authority of this State or the United States;  
14 however, notwithstanding any action or approval by a regulatory  
15 body or officer acting under statutory authority of this State  
16 or the United States, the manufacture, distribution, or sale of

1 a product or service that causes or contributes to cause bodily  
2 injury, death, or property damage is not an action or  
3 transaction "specifically authorized" within the meaning of  
4 this item (1).

5 (2) The provisions of "An act to protect trademark owners,  
6 distributors, and the public against injurious and uneconomic  
7 practices in the distribution of articles of standard quality  
8 under a trademark, brand or name," approved July 8, 1935, as  
9 amended.

10 (3) Acts done by the publisher, owner, agent, or employee  
11 of a newspaper, periodical or radio or television station in  
12 the publication or dissemination of an advertisement, when the  
13 owner, agent or employee did not have knowledge of the false,  
14 misleading or deceptive character of the advertisement, did not  
15 prepare the advertisement, or did not have a direct financial  
16 interest in the sale or distribution of the advertised product  
17 or service.

18 (4) The communication of any false, misleading or deceptive  
19 information, provided by the seller of real estate located in  
20 Illinois, by a real estate salesman or broker licensed under  
21 "The Real Estate Brokers License Act", unless the salesman or  
22 broker knows of the false, misleading or deceptive character of  
23 such information. This provision shall be effective as to any  
24 communication, whenever occurring.

25 (5) (Blank). ~~This item (5)~~

26 (6) The communication of any false, misleading, or

1 deceptive information by an insurance producer, registered  
2 firm, or limited insurance representative, as those terms are  
3 defined in the Illinois Insurance Code, or by an insurance  
4 agency or brokerage house concerning the sale, placement,  
5 procurement, renewal, binding, cancellation of, or terms of any  
6 type of insurance or any policy of insurance unless the  
7 insurance producer has actual knowledge of the false,  
8 misleading, or deceptive character of the information. This  
9 provision shall be effective as to any communications, whenever  
10 occurring. This item (6) applies to all causes of action that  
11 accrue on or after the effective date of this amendatory Act of  
12 1995.

13 (Source: P.A. 84-894; 89-152, eff. 1-1-96; revised 1-22-98.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law."