

SB2326



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2326

Introduced 1/8/2020, by Sen. Suzy Glowiak Hilton

SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-5.7

Amends the Criminal Code of 2012. In provisions concerning deceptive advertising, provides that a proof of purchase receipt issued by a retailer for motor fuel shall contain the pre-tax sale price of a gallon of motor fuel in addition to an itemized publication of any local, State, or federal tax imposed on the motor fuel. Effective July 1, 2021.

LRB101 16056 RLC 65418 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 17-5.7 as follows:

6 (720 ILCS 5/17-5.7)

7 Sec. 17-5.7. Deceptive advertising.

8 (a) Any person, firm, corporation or association or agent
9 or employee thereof, who, with intent to sell, purchase, or in
10 any wise dispose of, or to contract with reference to
11 merchandise, securities, real estate, service, employment,
12 money, credit or anything offered by such person, firm,
13 corporation or association, or agent or employee thereof,
14 directly or indirectly, to the public for sale, purchase, loan,
15 distribution, or the hire of personal services, or with intent
16 to increase the consumption of or to contract with reference to
17 any merchandise, real estate, securities, money, credit, loan,
18 service or employment, or to induce the public in any manner to
19 enter into any obligation relating thereto, or to acquire title
20 thereto, or an interest therein, or to make any loan, makes,
21 publishes, disseminates, circulates, or places before the
22 public, or causes, directly or indirectly, to be made,
23 published, disseminated, circulated, or placed before the

1 public, in this State, in a newspaper, magazine, or other
2 publication, or in the form of a book, notice, handbill,
3 poster, sign, bill, circular, pamphlet, letter, placard, card,
4 label, or over any radio or television station, or in any other
5 way similar or dissimilar to the foregoing, an advertisement,
6 announcement, or statement of any sort regarding merchandise,
7 securities, real estate, money, credit, service, employment,
8 or anything so offered for use, purchase, loan or sale, or the
9 interest, terms or conditions upon which such loan will be made
10 to the public, which advertisement contains any assertion,
11 representation or statement of fact which is untrue, misleading
12 or deceptive, shall be guilty of a Class A misdemeanor.

13 (b) Any person, firm or corporation offering for sale
14 merchandise, commodities or service by making, publishing,
15 disseminating, circulating or placing before the public within
16 this State in any manner an advertisement of merchandise,
17 commodities, or service, with the intent, design or purpose not
18 to sell the merchandise, commodities, or service so advertised
19 at the price stated therein, or otherwise communicated, or with
20 intent not to sell the merchandise, commodities, or service so
21 advertised, may be enjoined from such advertising upon
22 application for injunctive relief by the State's Attorney or
23 Attorney General, and shall also be guilty of a Class A
24 misdemeanor.

25 (c) Any person, firm or corporation who makes, publishes,
26 disseminates, circulates or places before the public, or

1 causes, directly or indirectly to be made, published,
2 disseminated, circulated or placed before the public, in this
3 State, in a newspaper, magazine or other publication published
4 in this State, or in the form of a book, notice, handbill,
5 poster, sign, bill, circular, pamphlet, letter, placard, card,
6 or label distributed in this State, or over any radio or
7 television station located in this State or in any other way in
8 this State similar or dissimilar to the foregoing, an
9 advertisement, announcement, statement or representation of
10 any kind to the public relating to the sale, offering for sale,
11 purchase, use or lease of any real estate in a subdivision
12 located outside the State of Illinois may be enjoined from such
13 activity upon application for injunctive relief by the State's
14 Attorney or Attorney General and shall also be guilty of a
15 Class A misdemeanor unless such advertisement, announcement,
16 statement or representation contains or is accompanied by a
17 clear, concise statement of the proximity of such real estate
18 in common units of measurement to public schools, public
19 highways, fresh water supply, public sewers, electric power,
20 stores and shops, and telephone service or contains a statement
21 that one or more of such facilities are not readily available,
22 and name those not available.

23 (d) Subsections (a), (b), and (c) do not apply to any
24 medium for the printing, publishing, or disseminating of
25 advertising, or any owner, agent or employee thereof, nor to
26 any advertising agency or owner, agent or employee thereof, nor

1 to any radio or television station, or owner, agent, or
2 employee thereof, for printing, publishing, or disseminating,
3 or causing to be printed, published, or disseminated, such
4 advertisement in good faith and without knowledge of the
5 deceptive character thereof.

6 (e) No person, firm or corporation owning or operating a
7 service station shall advertise or hold out or state to the
8 public the per gallon price of gasoline, upon any sign on the
9 premises of such station, unless such price includes all taxes,
10 and unless the price, as so advertised, corresponds with the
11 price appearing on the pump from which such gasoline is
12 dispensed. Also, the identity of the product must be included
13 with the price in any such advertisement, holding out or
14 statement to the public. Any person who violates this
15 subsection (e) shall be guilty of a petty offense.
16 Notwithstanding any other provision of law, a proof of purchase
17 receipt issued by a retailer for motor fuel, including
18 gasoline, gasohol, and diesel fuel, shall contain the pre-tax
19 sale price of a gallon of motor fuel in addition to an itemized
20 publication of any local, State, or federal tax imposed on the
21 motor fuel.

22 (Source: P.A. 96-1551, eff. 7-1-11.)

23 Section 99. Effective date. This Act takes effect July 1,
24 2021.