



Sen. Dave Syverson

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10000SB2573sam003

LRB100 19049 JLS 38981 a

1 AMENDMENT TO SENATE BILL 2573

2 AMENDMENT NO. _____. Amend Senate Bill 2573, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Automatic Telephone Dialers Act is amended
6 by changing Sections 5, 15, and 30 as follows:

7 (815 ILCS 305/5) (from Ch. 134, par. 105)

8 Sec. 5. Definitions. For purpose of this Act:

9 (a) "Autodialer" or "Autodialer System" means any
10 telephone dialing or accessing device, machine, computer or
11 system capable of storing telephone numbers which is programmed
12 to sequentially or randomly access the stored telephone numbers
13 in order to automatically connect a telephone with a recorded
14 message, the term does not include any device associated with a
15 burglar alarm system, voice message system or fire alarm
16 system.

1 (b) "Emergency Telephone Number" means any telephone
2 number which accesses or calls a fire department, law
3 enforcement agency, ambulance, hospital, medical center,
4 poison control center, rape crisis center, suicide prevention
5 center, rescue service, the 911 emergency access number
6 provided by law enforcement agencies and police departments.

7 (c) "Prerecorded ~~Recorded~~ Message" means any artificial or
8 recorded ~~taped~~ communication that includes or introduces an
9 advertisement or constitutes telemarketing ~~soliciting the sale~~
10 ~~of goods or services~~ without live voice interaction.

11 (d) "Voice Messaging System" means any message delivery
12 service which utilizes an autodialer to deliver non-commercial
13 messages to domestic and international recipients.

14 (e) "Subscriber" means:

15 (1) A person who has subscribed to telephone service
16 from a telephone company; or

17 (2) Other persons living or residing with the
18 subscribing person.

19 (f) "Caller ID" means the display to the recipient of the
20 call the caller's telephone number or identity.

21 (g) "Telemarketing" means the initiation of a telephone
22 call or message, that is transmitted to any person, for the
23 purpose of encouraging the purchase or rental of, or investment
24 in, property, goods, or services.

25 (h) "Prior express written consent" has the meaning
26 ascribed to that term in 47 CFR 64.1200(f)(8).

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

2 (815 ILCS 305/15) (from Ch. 134, par. 115)

3 Sec. 15. Method of operation.

4 (a) No person shall operate an autodialer in this State to
5 place a telephone call during the hours between 9 p.m. and 9
6 a.m.

7 (b) All autodialers operated within the State of Illinois
8 shall disconnect within 30 seconds after termination of the
9 call by the subscriber or the autodialer. Where disconnection
10 in 30 seconds is technically not feasible, the autodialer shall
11 utilize a live operator who shall:

12 (1) state his name, the name, address and telephone
13 number of the business or organization being represented
14 and the purpose of the call; and

15 (2) inquire at the beginning of the call whether the
16 person called consents to hear the prerecorded message.

17 (c) An autodialer shall not be used to dial numbers
18 determined by successively increasing or decreasing integers.

19 (d) An autodialer may not be operated in a manner that
20 impedes the function of any caller ID when the telephone
21 solicitor's service or equipment is capable of allowing the
22 display of the solicitor's telephone number, or that provides
23 inaccurate caller ID information in violation of 47 U.S.C.
24 222(e) and the rules of the Federal Communications Commission
25 implementing 47 U.S.C. 222(e).

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

2 (815 ILCS 305/30) (from Ch. 134, par. 130)

3 Sec. 30. Violations.

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

9 (b) It is a violation of this Act to play a prerecorded
10 message placed by an autodialer without the (i) prior express
11 written consent of the called party or (ii) prior express
12 written consent if the call delivers a health care message made
13 by, or on behalf of, a covered entity or its business associate
14 as those terms are defined in the Health Insurance Portability
15 and Accountability Act of 1996 at 45 CFR 160.103.

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

21 (c-5) In addition to the damages authorized under
22 subsection (c), a consumer may obtain statutory damages in the
23 amount of \$500 per violation.

24 (d) Enforcement by Attorney General. Violation of any of
25 the provisions of this Act is an unlawful practice under

1 Section 22 of the Consumer Fraud and Deceptive Business
2 Practices Act. All remedies, penalties and authority granted to
3 the Attorney General by that Act shall be available to him for
4 the enforcement of this Act. In any action brought by the
5 Attorney General to enforce this Act, the court may order that
6 persons who incurred actual damages be awarded the amount at
7 which actual damages are assessed. In addition to actual
8 damages, a court may order that each person who received a call
9 in violation of this Act be awarded statutory damages in the
10 amount of \$500 per violation.

11 (Source: P.A. 98-546, eff. 8-26-13.)".