

# HB5097



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5097

Introduced 2/18/2020, by Rep. Dave Severin

#### SYNOPSIS AS INTRODUCED:

815 ILCS 413/5  
815 ILCS 413/15

Amends the Telephone Solicitations Act. Bans the practice of call spoofing. Provides that call spoofing is the practice of failing to transmit or cause be transmitted the true telephone number.

LRB101 18136 JLS 67576 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 Telephone Solicitations Act is amended by  
5 changing Sections 5 and 15 as follows:

6 (815 ILCS 413/5)

7 Sec. 5. Definitions. For purposes of this Act:

8 "Caller ID" means the display to the recipient of the call  
9 of the caller's telephone number or identity.

10 "Call spoofing" means the practice of failing to transmit  
11 or cause to be transmitted the true telephone number and, if  
12 made available by the telemarketer's carrier, the name of the  
13 telemarketer to any caller identification service in use by a  
14 recipient of a telemarketing call; however, the name of the  
15 seller or charitable organization of behalf of which a  
16 telemarketing call is placed and the seller' or charitable  
17 organizations' telephone number that is answered during  
18 regular business hours may be substituted for the name and  
19 phone number used in, or billed for, making the call and not be  
20 "call spoofing".

21 "Emergency telephone number" means any telephone number  
22 which accesses or calls a fire department, law enforcement  
23 agency, ambulance, hospital, medical center, poison control

1 center, rape crisis center, suicide prevention center, rescue  
2 service, the 911 emergency access number provided by law  
3 enforcement agencies and police departments.

4 "Subscriber" means:

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

7 (2) Other persons living or residing with the  
8 subscribing person.

9 "Telephone solicitation" means any communication through  
10 the use of a telephone by live operators for soliciting the  
11 sale of goods or services.

12 (Source: P.A. 95-331, eff. 8-21-07.)

13 (815 ILCS 413/15)

14 Sec. 15. Method of operation.

15 (a) No person shall solicit the sale of goods or services  
16 in this State by placing a telephone call during the hours  
17 between 9 p.m. and 8 a.m.

18 (b) A live operator soliciting the sale of goods or  
19 services shall:

20 (1) immediately state his or her name, the name of the  
21 business or organization being represented, and the  
22 purpose of the call; and

23 (2) inquire at the beginning of the call whether the  
24 person called consents to the solicitation; and

25 (3) if the person called requests to be taken off the

1 contact list of the business or organization, the operator  
2 must refrain from calling that person again and take all  
3 steps necessary to have that person's name and telephone  
4 number removed from the contact records of the business or  
5 organization so that the person will not be contacted again  
6 by the business or organization. Compliance with Section  
7 310.4(b) of the Federal Trade Commission's Telemarketing  
8 Sales Rule shall constitute compliance with this  
9 subsection (b) (3) of this Section.

10 (c) A person may not solicit the sale of goods or services  
11 by telephone in a manner that impedes the function of any  
12 caller ID when the telephone solicitor's service or equipment  
13 is capable of allowing the display of the solicitor's telephone  
14 number.

15 (d) A person may not make or cause to be made any telephone  
16 solicitation in a manner that incorporates the practice of call  
17 spoofing.

18 (Source: P.A. 90-541, eff. 6-1-98; 91-182, eff. 1-1-00.)