



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2134

Introduced 2/15/2019, by Sen. Jason A. Barickman

SYNOPSIS AS INTRODUCED:

740 ILCS 14/20
815 ILCS 505/2Z

from Ch. 121 1/2, par. 262Z

Amends the Biometric Information Privacy Act. Deletes language creating a private right of action. Provides instead that any violation that results from the collection of biometric information by an employer for employment, human resources, fraud prevention, or security purposes is subject to the enforcement authority of the Department of Labor. Provides that an employee or former employee may file a complaint with the Department alleging a violation, within one year from the date of the violation, by submitting a signed, completed complaint form. Provides that any violation of the Act constitutes a violation of the Consumer Fraud and Deceptive Business Practices Act and may be enforced by the Attorney General. Makes a corresponding change in the Consumer Fraud and Deceptive Business Practices Act. Effective immediately.

LRB101 10399 LNS 55505 b

1 AN ACT concerning civil law.

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

4 Section 5. The Biometric Information Privacy Act is amended
5 by changing Section 20 as follows:

6 (740 ILCS 14/20)

7 Sec. 20. Violation ~~Right of action.~~

8 (a) Any violation that results from the collection of
9 biometric information by an employer for employment, human
10 resources, fraud prevention, or security purposes is subject to
11 the enforcement authority of the Department of Labor. The
12 Director of Labor shall adopt rules necessary to administer and
13 enforce this authority.

14 (b) An employee or former employee may file a complaint
15 with the Department of Labor alleging a violation of this Act
16 by submitting a signed, completed complaint form. All
17 complaints shall be filed with the Department of Labor within
18 one year from the date of the violation.

19 (c) Any violation of this Act constitutes a violation of
20 the Consumer Fraud and Deceptive Business Practices Act. The
21 Office of the Attorney General or the appropriate State's
22 Attorney's Office has enforcement authority of the provisions
23 of this Act and may enforce a violation of this Act as an

1 unlawful practice under the Consumer Fraud and Deceptive
2 Business Practices Act.

3 ~~Any person aggrieved by a violation of this Act shall have a~~
4 ~~right of action in a State circuit court or as a supplemental~~
5 ~~claim in federal district court against an offending party. A~~
6 ~~prevailing party may recover for each violation:~~

7 ~~(1) against a private entity that negligently violates~~
8 ~~a provision of this Act, liquidated damages of \$1,000 or~~
9 ~~actual damages, whichever is greater;~~

10 ~~(2) against a private entity that intentionally or~~
11 ~~recklessly violates a provision of this Act, liquidated~~
12 ~~damages of \$5,000 or actual damages, whichever is greater;~~

13 ~~(3) reasonable attorneys' fees and costs, including~~
14 ~~expert witness fees and other litigation expenses; and~~

15 ~~(4) other relief, including an injunction, as the State~~
16 ~~or federal court may deem appropriate.~~

17 (Source: P.A. 95-994, eff. 10-3-08.)

18 Section 10. The Consumer Fraud and Deceptive Business
19 Practices Act is amended by changing Section 2Z as follows:

20 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

21 Sec. 2Z. Violations of other Acts. Any person who knowingly
22 violates the Automotive Repair Act, the Automotive Collision
23 Repair Act, the Biometric Information Privacy Act, the Home
24 Repair and Remodeling Act, the Dance Studio Act, the Physical

1 Fitness Services Act, the Hearing Instrument Consumer
2 Protection Act, the Illinois Union Label Act, the Installment
3 Sales Contract Act, the Job Referral and Job Listing Services
4 Consumer Protection Act, the Travel Promotion Consumer
5 Protection Act, the Credit Services Organizations Act, the
6 Automatic Telephone Dialers Act, the Pay-Per-Call Services
7 Consumer Protection Act, the Telephone Solicitations Act, the
8 Illinois Funeral or Burial Funds Act, the Cemetery Oversight
9 Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the
10 Illinois Pre-Need Cemetery Sales Act, the High Risk Home Loan
11 Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud Act,
12 subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act,
13 subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax
14 Act, the Electronic Mail Act, the Internet Caller
15 Identification Act, paragraph (6) of subsection (k) of Section
16 6-305 of the Illinois Vehicle Code, Section 11-1431, 18d-115,
17 18d-120, 18d-125, 18d-135, 18d-150, or 18d-153 of the Illinois
18 Vehicle Code, Article 3 of the Residential Real Property
19 Disclosure Act, the Automatic Contract Renewal Act, the Reverse
20 Mortgage Act, Section 25 of the Youth Mental Health Protection
21 Act, the Personal Information Protection Act, or the Student
22 Online Personal Protection Act commits an unlawful practice
23 within the meaning of this Act.

24 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642,
25 eff. 7-28-16; 100-315, eff. 8-24-17; 100-416, eff. 1-1-18;
26 100-863, eff. 8-14-18.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.