

# SB3340



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3340

Introduced 2/14/2020, by Sen. Dan McConchie

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Telemarketing Disclosure and Privacy Act. Provides that telemarketers may not interfere with the operation of a caller identification device or service. Provides for the Illinois Commerce Commission to impose an administrative penalty not to exceed \$1,000 for each violation. Effective immediately.

LRB101 17246 JLS 66650 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Act may be cited as the  
5 Telemarketing Disclosure and Privacy Act.

6 Section 5. Definitions. As used in this Act:

7 "Caller identification information" means the name,  
8 telephone number, or other identifying data of the person or  
9 entity originating a call using a telecommunications service or  
10 voice over Internet protocol (VoIP).

11 "Caller identification service" means any service or  
12 device designed to provide the user of the service or device  
13 with the telephone number or other information regarding the  
14 origination of a call made using a telecommunications service  
15 or VoIP service. This term includes automatic number  
16 identification services.

17 "Telemarketer" means a person who makes or causes to be  
18 made a telemarketing call.

19 "Telemarketing call" means an unsolicited telephone call  
20 made to:

- 21 (1) solicit a sale of a consumer good or service;
- 22 (2) solicit an extension of credit for a consumer good  
23 or service; or

1           (3) obtain information that may be used to solicit a  
2           sale of a consumer good or service or to extend credit for  
3           the sale.

4           Section 10. Circumvention of caller identification  
5           prohibited.

6           (a) A telemarketer may not:

7           (1) interfere with or circumvent the capability of a  
8           caller identification service or device to access or  
9           provide to the recipient of the telemarketing call any  
10          information regarding the call that the service or device  
11          is capable of providing;

12          (2) fail to provide caller identification information  
13          in a manner that is accessible by a caller identification  
14          service or device, if the telemarketer is capable of  
15          providing the information in that manner; or

16          (3) cause misleading information to be transmitted to a  
17          recipient's caller identification service or device or to  
18          otherwise misrepresent the origin of a telemarketing call.

19          (b) A telemarketer does not violate this Section if the  
20          telemarketer substitutes the name and telephone number of the  
21          person on whose behalf the call is made for the telemarketer's  
22          name and telephone number.

23          Section 15. Enforcement. The Illinois Commerce Commission  
24          shall receive and investigate complaints concerning violations

1 of this Act and may impose an administrative penalty not to  
2 exceed \$1,000 for each violation.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.