

# SB3754



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3754

Introduced 2/14/2020, by Sen. Suzy Glowiak Hilton

#### SYNOPSIS AS INTRODUCED:

815 ILCS 413/5  
815 ILCS 413/15

Amends the Telephone Solicitations Act. Provides that a person, business, or organization may not spoof a caller's information or otherwise misrepresent the origin of a telemarketing call unless the person, business, or organization has the right to use the name and phone number displayed. Requires telephone solicitations placed in a manner other than by a live operator to immediately disclose their identity and the purpose of the call and prompt the recipient of the call to consent to the solicitation. Defines terms.

LRB101 16341 JLS 65717 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 "Emergency telephone number" means any telephone number  
11 which accesses or calls a fire department, law enforcement  
12 agency, ambulance, hospital, medical center, poison control  
13 center, rape crisis center, suicide prevention center, rescue  
14 service, the 911 emergency access number provided by law  
15 enforcement agencies and police departments.

16 "Spoofer" or "spoofing" means to deliberately falsify the  
17 information transmitted on a caller ID display to disguise an  
18 identity or phone number.

19 "Subscriber" means:

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

22 (2) Other persons living or residing with the  
23 subscribing person.

1 "Telephone solicitation" means any communication through  
2 the use of a telephone ~~by live operators~~ for soliciting the  
3 sale of goods or services.

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

5 (815 ILCS 413/15)

6 Sec. 15. Method of operation.

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

10 (b) A live operator soliciting the sale of goods or  
11 services shall:

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

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

17 (3) if the person called requests to be taken off the  
18 contact list of the business or organization, the operator  
19 must refrain from calling that person again and take all  
20 steps necessary to have that person's name and telephone  
21 number removed from the contact records of the business or  
22 organization so that the person will not be contacted again  
23 by the business or organization. Compliance with Section  
24 310.4(b) of the Federal Trade Commission's Telemarketing  
25 Sales Rule shall constitute compliance with this

1 subsection (b) (3) of this Section.

2 (b-5) Any telephone call soliciting the sale of goods or  
3 services placed in a manner other than by live operator shall:

4 (1) immediately state the business or organization  
5 being represented, and the purpose of the call;

6 (2) prompt the person called to confirm whether the  
7 person consents to solicitation, either by audio  
8 confirmation or selection of a number on the phone; and

9 (3) if the person called does not consent to  
10 solicitation, the business or organization must refrain  
11 from calling that person again and take all steps necessary  
12 to have that person's name and telephone number removed  
13 from the contact records of the business or organization so  
14 that the person will not be contacted again by the business  
15 or organization. Compliance with Section 310.4(b) of the  
16 Federal Trade Commission's Telemarketing Sales Rule shall  
17 constitute compliance with subsection (b-5)(3) of this  
18 Section.

19 (c) A person, business, or organization may not solicit the  
20 sale of goods or services by telephone in a manner that impedes  
21 the function of any caller ID when the telephone solicitor's  
22 service or equipment is capable of allowing the display of the  
23 solicitor's telephone number.

24 (d) A person, business, or organization may not spoof a  
25 caller's information or otherwise cause misleading information  
26 to be transmitted to a recipient's caller ID or to otherwise

1 misrepresent the origin of a telemarketing call, unless the  
2 person, business or organization has a right to use the name  
3 and the phone number displayed.

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