

# SB0227



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB0227

Introduced 2/17/2021, by Sen. Ann Gillespie

#### SYNOPSIS AS INTRODUCED:

815 ILCS 505/10b

from Ch. 121 1/2, par. 270b

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that the Act does not apply to the overcollection of any tax by a person, to the extent such overcollected tax is remitted to a government entity or agency. Provides that a tax is remitted to a governmental entity or agency when it is paid or transferred to the government entity or agency, or taken as a credit, allowance, or offset on a tax return or other tax form (including any amount of commission or discount taken by or allowed to a tax collector or taxpayer).

LRB102 02592 KTG 12595 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 Consumer Fraud and Deceptive Business  
5 Practices Act is amended by changing Section 10b as follows:

6 (815 ILCS 505/10b) (from Ch. 121 1/2, par. 270b)

7 Sec. 10b. Nothing in this Act shall apply to any of the  
8 following:

9 (1) Actions or transactions specifically authorized by  
10 laws administered by any regulatory body or officer acting  
11 under statutory authority of this State or the United  
12 States; however, notwithstanding any action or approval by  
13 a regulatory body or officer acting under statutory  
14 authority of this State or the United States, the  
15 manufacture, distribution, or sale of a product or service  
16 that causes or contributes to cause bodily injury, death,  
17 or property damage is not an action or transaction  
18 "specifically authorized" within the meaning of this item  
19 (1).

20 (2) The provisions of "An act to protect trademark  
21 owners, distributors, and the public against injurious and  
22 uneconomic practices in the distribution of articles of  
23 standard quality under a trademark, brand or name,"

1 approved July 8, 1935, as amended.

2 (3) Acts done by the publisher, owner, agent, or  
3 employee of a newspaper, periodical or radio or television  
4 station in the publication or dissemination of an  
5 advertisement, when the owner, agent or employee did not  
6 have knowledge of the false, misleading or deceptive  
7 character of the advertisement, did not prepare the  
8 advertisement, or did not have a direct financial interest  
9 in the sale or distribution of the advertised product or  
10 service.

11 (4) The communication of any false, misleading or  
12 deceptive information, provided by the seller of real  
13 estate located in Illinois, by a real estate salesman or  
14 broker licensed under "The Real Estate Brokers License  
15 Act", unless the salesman or broker knows of the false,  
16 misleading or deceptive character of such information.  
17 This provision shall be effective as to any communication,  
18 whenever occurring.

19 (5) (Blank).

20 (6) The communication of any false, misleading, or  
21 deceptive information by an insurance producer, registered  
22 firm, or limited insurance representative, as those terms  
23 are defined in the Illinois Insurance Code, or by an  
24 insurance agency or brokerage house concerning the sale,  
25 placement, procurement, renewal, binding, cancellation of,  
26 or terms of any type of insurance or any policy of

1 insurance unless the insurance producer has actual  
2 knowledge of the false, misleading, or deceptive character  
3 of the information. This provision shall be effective as  
4 to any communications, whenever occurring. This item (6)  
5 applies to all causes of action that accrue on or after the  
6 effective date of this amendatory Act of 1995.

7 (7) The overcollection of any tax by a person, to the  
8 extent such overcollected tax is remitted to a government  
9 entity or agency. For purposes of this Section, a tax is  
10 remitted to a governmental entity or agency when it is  
11 paid or transferred to the government entity or agency, or  
12 taken as a credit, allowance, or offset on a tax return or  
13 other tax form (including any amount of commission or  
14 discount taken by or allowed to a tax collector or  
15 taxpayer). This subsection applies in addition to any  
16 other defense to an action under this Act that may apply.

17 (Source: P.A. 101-25, eff. 6-21-19.)