

HB2171



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2171

Introduced 2/7/2023, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

815 ILCS 505/1

from Ch. 121 1/2, par. 261

Amends the Consumer Fraud and Deceptive Business Practices Act. Makes a technical change in a Section concerning definitions.

LRB103 30112 SPS 56536 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 1 as follows:

6 (815 ILCS 505/1) (from Ch. 121 1/2, par. 261)

7 Sec. 1. (a) The ~~The~~ term "advertisement" includes the
8 attempt by publication, dissemination, solicitation or
9 circulation to induce directly or indirectly any person to
10 enter into any obligation or acquire any title or interest in
11 any merchandise and includes every work device to disguise any
12 form of business solicitation by using such terms as
13 "renewal", "invoice", "bill", "statement", or "reminder", to
14 create an impression of existing obligation when there is
15 none, or other language to mislead any person in relation to
16 any sought after commercial transaction.

17 (b) The term "merchandise" includes any objects, wares,
18 goods, commodities, intangibles, real estate situated outside
19 the State of Illinois, or services.

20 (c) The term "person" includes any natural person or his
21 legal representative, partnership, corporation (domestic and
22 foreign), company, trust, business entity or association, and
23 any agent, employee, salesman, partner, officer, director,

1 member, stockholder, associate, trustee or cestui que trust
2 thereof.

3 (d) The term "sale" includes any sale, offer for sale, or
4 attempt to sell any merchandise for cash or on credit.

5 (e) The term "consumer" means any person who purchases or
6 contracts for the purchase of merchandise not for resale in
7 the ordinary course of his trade or business but for his use or
8 that of a member of his household.

9 (f) The terms "trade" and "commerce" mean the advertising,
10 offering for sale, sale, or distribution of any services and
11 any property, tangible or intangible, real, personal or mixed,
12 and any other article, commodity, or thing of value wherever
13 situated, and shall include any trade or commerce directly or
14 indirectly affecting the people of this State.

15 (g) The term "pyramid sales scheme" includes any plan or
16 operation whereby a person in exchange for money or other
17 thing of value acquires the opportunity to receive a benefit
18 or thing of value, which is primarily based upon the
19 inducement of additional persons, by himself or others,
20 regardless of number, to participate in the same plan or
21 operation and is not primarily contingent on the volume or
22 quantity of goods, services, or other property sold or
23 distributed or to be sold or distributed to persons for
24 purposes of resale to consumers. For purposes of this
25 subsection, "money or other thing of value" shall not include
26 payments made for sales demonstration equipment and materials

1 furnished on a nonprofit basis for use in making sales and not
2 for resale.

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