

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 1. Short title. This Act may be cited as the Junk  
5 Fee Ban Act.

6 Section 5. Definitions.

7 "Ancillary good or service" means any additional  
8 merchandise offered to a consumer as part of the same  
9 transaction.

10 "Advertisement" means a notice in any printed material,  
11 television, Internet, email, text message, mobile or computer  
12 application, or any other similar physical, electronic, or  
13 digital communication regarding the sale of a consumer good or  
14 service.

15 "Bar" or "tavern" means an establishment that is devoted  
16 to the serving of alcoholic beverages for consumption by  
17 guests on the premises and that derives no more than 50% of its  
18 gross revenue from the sale of food consumed on the premises,  
19 including, but not limited to, bars, taverns, nightclubs,  
20 cocktail lounges, adult entertainment facilities, and  
21 cabarets.

22 "Consumer goods or services" means goods and services that  
23 are used or bought for use primarily for personal, family, or

1 household purposes.

2 "Display price" means the displayed price of a consumer  
3 good or service provided to the consumer within the retail  
4 mercantile establishment's physical location or Internet,  
5 email, text message, mobile or computer application, or any  
6 other similar physical, electronic, or digital communication.

7 "Delivery fees" means any fee charged to a consumer for  
8 providing delivery of consumer goods, food, or beverages.

9 "Food service establishment" means a bar, tavern, or  
10 restaurant.

11 "Interchange fee" means a fee that a financial  
12 institution, payment processor, credit card payment network,  
13 or other person or entity charges a person, retail mercantile  
14 establishment, or food service establishment when a consumer  
15 uses a card, note, plate, coupon book, credit, or similar  
16 device to purchase a consumer product or service.

17 "Place of short-term lodging" means a hotel, motel, inn,  
18 short-term rental, or other place of lodging that advertises  
19 at a price that is a nightly, hourly, or weekly rate.

20 "Person" means an individual, natural person, public or  
21 private corporation, government, partnership, unincorporated  
22 association, or other entity. "Person" does not include food  
23 service establishment, or retail mercantile establishment.

24 "Pricing information" means any information relating to an  
25 amount a consumer may pay as part of a transaction.

26 "Restaurant" means any business that is primarily engaged

1 in the sale of ready-to-eat food for immediate consumption.  
2 For the purpose of this definition, "primarily engaged" means  
3 having sales of ready-to-eat food for immediate consumption  
4 comprising at least 51% of the total sales, excluding the sale  
5 of liquor.

6 "Retail mercantile establishment" means a business that  
7 provides consumer goods and services to consumers at retail  
8 and generates occupation or use tax revenue. "Retail  
9 mercantile establishment" does not include a food service  
10 establishment.

11 "Shipping charges" means the fees or charges that  
12 reasonably reflect the amount to be incurred to send goods to a  
13 consumer through the mail, including private mail services.

14 "Total price" means the maximum total of all fees or  
15 charges a consumer shall pay for a good or service and any  
16 mandatory ancillary good or service. "Total price" does not  
17 include shipping charges or taxes, gratuities, interchange  
18 fees, discounts regulated pursuant to the Sale Price Ad Act,  
19 or fees collected and passed on to a quasi-governmental  
20 entity, including any assessment fees associated with a  
21 government created special district.

22 Section 10. Hidden and misleading fees. It is a violation  
23 of this Act for a person to:

24 (1) offer, display, or advertise an amount a consumer  
25 may pay for merchandise without clearly and conspicuously

1 disclosing the total price;

2 (2) fail, in any offer, display, or advertisement that  
3 contains an amount a consumer may pay, to display the  
4 total price more prominently than any other pricing  
5 information;

6 (3) misrepresent the nature and purpose of any amount  
7 a consumer may pay, including the ability to refund the  
8 fees and the identity of any merchandise for which fees  
9 are charged;

10 (4) fail to disclose clearly and conspicuously before  
11 the consumer consents to pay, the nature and purpose of  
12 any amount a consumer may pay that is excluded from the  
13 total price, including the ability to refund the fees and  
14 the identity of any merchandise for which fees are  
15 charged; or

16 (5) offer, display, or advertise, including through  
17 direct offerings, third-party distribution, or metasearch  
18 referrals, a total price for a place of short-term lodging  
19 that does not include all required fees.

20 Section 15. Retail mercantile establishments; disclosure  
21 of total price. A retail mercantile establishment is not  
22 required to provide the total price in the display price of a  
23 consumer good or service. A retail mercantile establishment  
24 shall provide notice of a consumer fee or charge prior to the  
25 purchase of the food or beverages. A retail mercantile

1 establishment may use any reasonable method available to  
2 provide notice of the total price, including, but not limited  
3 to, the following commercial channels:

4 (1) on a screen, monitor, or other display at the  
5 point of sale;

6 (2) website, Internet, email, text message, mobile or  
7 computer application, or any other electronic or digital  
8 communication;

9 (3) in-store consumer promotions, advertisement, or  
10 any other similar display;

11 (4) membership, loyalty, or reward program or any  
12 other similar program; or

13 (5) any other reasonable means available to the retail  
14 mercantile establishment.

15 Section 20. Food service establishments; disclosure of  
16 total price. A food service establishment is not required to  
17 provide the total price within the display price of food or  
18 beverages. A food service establishment shall provide notice  
19 of a consumer fee or charge prior to the purchase of the food  
20 or beverages. A food service establishment may use any  
21 reasonable method available to provide notice of the total  
22 price, including, but not limited to, the following commercial  
23 channels:

24 (1) at the establishment's premises on a menu, on a  
25 tabletop or countertop display, or through posted signage;

1           (2) on the establishment's website where food and  
2           beverage prices are advertised;

3           (3) on a screen, monitor, or other interactive  
4           display;

5           (4) email, text message, mobile or computer  
6           application, or any other electronic or digital  
7           communication;

8           (5) in-store consumer promotions, advertisement, or  
9           any other similar display;

10          (6) membership, loyalty, or reward program or any  
11          other similar program; or

12          (7) any other reasonable means available to the food  
13          service establishment.

14          Section 25. Disclosure of delivery fees.

15          (a) For consumer goods or services sold by a food service  
16          establishment or retail mercantile establishment that will be  
17          delivered by a third-party delivery service, the food service  
18          establishment or retail mercantile establishment shall require  
19          by contract with the third-party delivery service that the  
20          third-party delivery service shall comply with Section 10.

21          (b) A food service establishment or retail mercantile  
22          establishment is not responsible for violations of Section 10  
23          solely as a result of a third-party delivery service failing  
24          to comply with Section 10.

1 Section 30. Limitations.

2 (a) Nothing in this Act shall be construed to limit,  
3 regulate, or prohibit a retail mercantile establishment or  
4 food establishment's ability to charge consumers fees or  
5 similar charges associated with consumer goods, food,  
6 beverages, or services.

7 (b) Nothing in this Act shall be construed to limit,  
8 regulate, or prohibit a retail mercantile establishment's or  
9 food establishment's ability to set prices for consumer goods  
10 or services.

11 (c) The requirements of this Act do not apply to consumer  
12 purchases made at wholesale clubs that sell consumer goods and  
13 services through a membership model.

14 (d) Nothing in this Act alters any federal law or  
15 regulation.

16 (e) Nothing in this Act shall infringe or impede on any  
17 right or remedy available under State law or rule.

18 Section 35. Enforcement under the Consumer Fraud and  
19 Deceptive Business Practices Act. The Attorney General may  
20 enforce violations of this Act as an unlawful practice under  
21 the Consumer Fraud and Deceptive Business Practices Act. All  
22 remedies, penalties, and authority granted to the Attorney  
23 General by that Act shall be available to the Attorney General  
24 for the enforcement of this Act.

1           Section 40. Home rule. The disclosure of the total price,  
2           as defined in this Act, of a consumer good or service is an  
3           exclusive power and function of the State. A home rule unit may  
4           not regulate the disclosure of total prices by retail  
5           mercantile establishments or food service establishments. This  
6           Section is a denial and limitation of home rule powers and  
7           functions under subsection (h) of Section 6 of Article VII of  
8           the Illinois Constitution.