



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5566

Introduced 2/9/2024, by Rep. Matt Hanson

SYNOPSIS AS INTRODUCED:

815 ILCS 413/5
815 ILCS 413/15
815 ILCS 413/16 new

Amends the Telephone Solicitations Act. Provides that no person shall solicit the sale of goods or services in the State by placing a telephone call more than 3 times to the same person during a 24-hour period. Provides that no person shall make a telephone solicitation, including a call made through automated dialing or a recorded message, by intentionally altering the voice of the caller in an attempt to disguise or conceal the identity of the caller in order to: (1) defraud, confuse, or financially or otherwise injure the called party; or (2) obtain personal information from the called party that may be used in a fraudulent or unlawful manner. Provides that a person shall not make or cause to be made, or attempt to make or cause to be made, a telephone call soliciting the sale of goods or services to a person in the State unless the person soliciting the sale of goods or services is registered with or employed by a person who is registered with the Secretary of State. Sets forth registration requirements and authorizes the Secretary of State to adopt rules to implement and administer the provision. Makes changes to definitions.

LRB103 39525 SPS 69727 b

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 and by adding Section 16 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
14 (including the 9-8-8 suicide and crisis lifeline), rescue
15 service, and the 911 emergency access number provided by law
16 enforcement agencies and police departments.

17 "Subscriber" means:

18 (1) A person who has subscribed to telephone service
19 from a telephone company; ~~or~~

20 (2) Other persons living or residing with the
21 subscribing person; or ~~or~~

22 (3) Other persons who receive telephone service under
23 a subscription agreement entered into by a subscribing

1 person.

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

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

6 (815 ILCS 413/15)

7 Sec. 15. Method of operation.

8 (a) No person shall solicit the sale of goods or services
9 in this State by placing a telephone call during the hours
10 between 9 p.m. and 8 a.m. or more than 3 times to the same
11 person during a 24-hour period.

12 (b) A live operator soliciting the sale of goods or
13 services shall:

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

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

19 (3) if the person called requests to be taken off the
20 contact list of the business or organization, the operator
21 must refrain from calling that person again and take all
22 steps necessary to have that person's name and telephone
23 number removed from the contact records of the business or
24 organization so that the person will not be contacted
25 again by the business or organization. Compliance with

1 Section 310.4(b) of the Federal Trade Commission's
2 Telemarketing Sales Rule shall constitute compliance with
3 this subsection (b) (3) of this Section.

4 (c) A person may not solicit the sale of goods or services
5 by telephone in a manner that impedes the function of any
6 caller ID when the telephone solicitor's service or equipment
7 is capable of allowing the display of the solicitor's
8 telephone number, including, but not limited to, the use of
9 any technology or method which displays a telephone number or
10 name not associated with the telephone solicitor or
11 intentionally designed to misrepresent the telephone
12 solicitor's identity.

13 (d) No person shall make a telephone solicitation,
14 including a call made through automated dialing or a recorded
15 message, by intentionally altering the voice of the caller in
16 an attempt to disguise or conceal the identity of the caller in
17 order to:

18 (1) defraud, confuse, or financially or otherwise
19 injure the called party; or

20 (2) obtain personal information from the called party
21 that may be used in a fraudulent or unlawful manner.

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

23 (815 ILCS 413/16 new)

24 Sec. 16. Registration required for telephone solicitors.

25 (a) A person shall not make or cause to be made, or attempt

1 to make or cause to be made, a telephone call soliciting the
2 sale of goods or services to a person in this State unless the
3 person soliciting the sale of goods or services is registered
4 with or employed by a person who is registered with the
5 Secretary of State.

6 (b) Every person who makes telephone calls soliciting the
7 sale of goods, including a person whose residence or principal
8 place of business is located outside of this State, shall
9 annually register with the Secretary of State. Application for
10 registration shall be on a form prescribed by the Secretary of
11 State and shall include the name and address of the applicant
12 and any other information that the Secretary of State shall
13 designate by rule. The application shall be accompanied by a
14 reasonable fee, set by the Secretary of State in an amount
15 sufficient to offset the Secretary of State's expenses
16 incurred in administering the provisions of this Section.

17 (c) After providing notice and the opportunity to be
18 heard, the Secretary of State may refuse to issue or renew or
19 revoke any registration for a violation of the provisions of
20 this Act. A refusal or revocation shall not be made except upon
21 reasonable notice to, and opportunity to be heard by, the
22 applicant or registrant. The Secretary of State may suspend a
23 registration for a reasonable period of time or assess a civil
24 penalty instead of suspension at the discretion of the
25 Secretary of State.

26 (d) The Secretary of State shall adopt rules to implement

1 and administer this Section.