



Sen. Tom Bennett

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10300SB1132sam001

LRB103 05574 SPS 70478 a

1 AMENDMENT TO SENATE BILL 1132

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1132 by replacing  
3 everything after the enacting clause with the following:

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

1 information transmitted on a caller ID display to disguise an  
2 identity or phone number.

3 "Subscriber" means:

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

6 (2) Other persons living or residing with the  
7 subscribing person.

8 "Telephone solicitation" means any communication through  
9 the use of a telephone ~~by live operators~~ for soliciting the  
10 sale of goods or services.

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

12 (815 ILCS 413/15)

13 Sec. 15. Method of operation.

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

17 (b) A live operator soliciting the sale of goods or  
18 services shall:

19 (1) immediately state his or her name, the name of the  
20 business or organization being represented, and the  
21 purpose of the call; and

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

24 (3) if the person called requests to be taken off the  
25 contact list of the business or organization, the operator

1 must refrain from calling that person again and take all  
2 steps necessary to have that person's name and telephone  
3 number removed from the contact records of the business or  
4 organization so that the person will not be contacted  
5 again by the business or organization. Compliance with  
6 Section 310.4(b) of the Federal Trade Commission's  
7 Telemarketing Sales Rule shall constitute compliance with  
8 this paragraph ~~subsection (b) (3) of this Section.~~

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

11 (1) immediately state the business or organization  
12 being represented and the purpose of the call;

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

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

25 (c) A person, business, or organization may not solicit  
26 the sale of goods or services by telephone in a manner that

1 impedes the function of any caller ID when the telephone  
2 solicitor's service or equipment is capable of allowing the  
3 display of the solicitor's telephone number.

4 (d) A person, business, or organization may not spoof a  
5 caller's information or otherwise cause misleading information  
6 to be transmitted to a recipient's caller ID or to otherwise  
7 misrepresent the origin of a telemarketing call, unless the  
8 person, business, or organization has a right to use the name  
9 and the phone number displayed.

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