

SB2620



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2620

Introduced 10/24/2023, by Sen. Rachel Ventura

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2PP

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that provisions restricting the mailing of postcards or letters under specified circumstances apply to companies not connected to the company from which the recipient has purchased or obtained goods, services, or other merchandise. Provides that postcards or letters sent in compliance with the consumer protections of the Truth in Lending Act or the Truth in Savings Act are deemed to be in compliance with this Section. Makes conforming changes. Effective January 1, 2024.

LRB103 34670 SPS 64513 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 2PP as follows:

6 (815 ILCS 505/2PP)

7 (Text of Section before amendment by P.A. 103-87)

8 Sec. 2PP. Mail; disclosure. It is an unlawful practice
9 under this Act to knowingly mail or send or cause to be mailed
10 or sent a postcard or letter to a recipient in this State if:

11 (1) the postcard or letter contains a request that the
12 recipient call a telephone number; and

13 (2) the postcard or letter is mailed or sent to induce
14 the recipient to call the telephone number so that goods,
15 services, or other merchandise, as defined in Section 1,
16 may be offered for sale to the recipient; and

17 (3) the postcard or letter does not disclose that
18 goods, services, or other merchandise, as defined in
19 Section 1, may be offered for sale if the recipient calls
20 the telephone number.

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

22 (Text of Section after amendment by P.A. 103-87)

1 Sec. 2PP. Mail; disclosure.

2 (a) It is an unlawful practice under this Act for a company
3 not connected to the company from which the recipient has
4 purchased or obtained goods, services, or other merchandise,
5 as defined in Section 1, to knowingly mail or send or cause to
6 be mailed or sent a postcard or letter to a recipient in this
7 State if:

8 (1) the postcard or letter contains a request that the
9 recipient contact the sender by mail, telephone, email,
10 website, or other prescribed means and the primary purpose
11 of the postcard or letter is the commercial advertisement
12 or promotion of goods, services, or other merchandise, as
13 defined in Section 1; and

14 (2) the postcard or letter is mailed or sent to induce
15 the recipient to contact the sender by mail, telephone,
16 email, website, or other prescribed means so that goods,
17 services, or other merchandise, as defined in Section 1,
18 may be offered for sale to the recipient; and

19 (3) the postcard or letter does not disclose or
20 disclaim that it is not a bill and that it is a
21 solicitation for goods, services, or other merchandise, as
22 defined in Section 1, that may be offered for sale if the
23 recipient contacts the sender by mail, telephone, email,
24 website, or any other prescribed means; and

25 (4) the postcard or letter does not disclose or
26 disclaim the sender's full legal name and any assumed or

1 fictitious names used by the sender ~~any and all~~
2 ~~affiliations or lack thereof.~~

3 (b) All disclosures and disclaimers required by this
4 Section appearing on a postcard or letter must be
5 conspicuously located at the top of the postcard or letter, be
6 easily readable in clear and unambiguous language, and be
7 printed in at least 14-point bold-face font in a
8 black-outlined box. Postcards or letters sent in compliance
9 with the consumer protections of the Truth in Lending Act, 15
10 U.S.C. 1601 et seq., or the Truth in Savings Act, 12 U.S.C.
11 4301 et seq., are deemed to be in compliance with this Section.
12 (Source: P.A. 103-87, eff. 1-1-24.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.

20 Section 99. Effective date. This Act takes effect January
21 1, 2024.