

1 AN ACT concerning telecommunications.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Public Utilities Act is amended by  
5 changing Section 5-109 as follows:

6 (220 ILCS 5/5-109) (from Ch. 111 2/3, par. 5-109)

7 Sec. 5-109. Each public utility in the State, other than  
8 a commercial mobile radio service provider, shall each year  
9 furnish to the Commission, in such form as the Commission  
10 shall require, annual reports as to all the items mentioned  
11 in the preceding Sections of this Article, and in addition  
12 such other items, whether of a nature similar to those  
13 therein enumerated or otherwise, as the Commission may  
14 prescribe. Such annual reports shall contain all the  
15 required information for the period of 12 ~~to--twelve~~ months  
16 ending on the thirtieth day of June in each year, or ending  
17 on the thirty-first day of December in each year, as the  
18 Commission may by order prescribe for each class of public  
19 utilities, except commercial mobile radio service providers,  
20 and shall be filed with the Commission at its office in  
21 Springfield within 3 ~~three~~ months after the close of the year  
22 for which the report is made. The Commission shall have  
23 authority to require any public utility, other than a  
24 commercial mobile radio service provider, to file monthly  
25 reports of earnings and expenses of such utility, and to file  
26 other periodical or special, or both periodical and special  
27 reports concerning any matter about which the Commission is  
28 authorized by law to keep itself informed. All reports shall  
29 be under oath.

30 When any report is erroneous or defective or appears to  
31 the Commission to be erroneous or defective, the Commission

1 may notify the public utility to amend such report within 30  
2 ~~thirty~~ days, and before or after the termination of such  
3 period the Commission may examine the officers, agents, or  
4 employees, and books, records, accounts, vouchers, plant,  
5 equipment and property of such public utility, and correct  
6 such items in the report as upon such examination the  
7 Commission may find defective or erroneous.

8 All reports made to the Commission by any public utility,  
9 other than a commercial mobile radio service provider, and  
10 the contents thereof shall be open to public inspection,  
11 unless otherwise ordered by the Commission. Such reports  
12 shall be preserved in the office of the Commission.

13 Any public utility which fails to make and file any  
14 report called for by the Commission within the time  
15 specified; or to make specific answer to any question  
16 propounded by the Commission within 30 ~~thirty~~ days from the  
17 time it is lawfully required to do so, or within such further  
18 time, not to exceed 90 ~~ninety~~ days, as may in its discretion  
19 be allowed by the Commission, shall forfeit up to \$100 for  
20 each and every day it may so be in default if the utility  
21 collects less than \$100,000 annually in gross revenue; and if  
22 the utility collects \$100,000 or more annually in gross  
23 revenue, it shall forfeit \$100 per day for each and every day  
24 it is in default.

25 Any person who wilfully makes any false return or report  
26 to the Commission, or to any member, officer or employee  
27 thereof, and any person who aids or abets such person shall  
28 be guilty of a Class A misdemeanor.

29 (Source: P.A. 84-617.)

30 Section 10. The Telephone Solicitations Act is amended  
31 by changing Section 25 as follows:

32 (815 ILCS 413/25)

1           Sec. 25. Violations.

2           (a) It is a violation of this Act to make or cause to be  
3 made telephone calls to any emergency telephone number as  
4 defined in Section 5 of this Act. It is a violation of this  
5 Act to make or cause to be made telephone calls in a manner  
6 that does not comply with Section 15. It is a violation of  
7 this Act to knowingly make or knowingly cause to be made a  
8 telephone solicitation call to any cellular phone unless the  
9 solicitor knows that the person receiving the call will not  
10 have to pay any charges or fees for receiving the call.

11           (b) It is a violation of this Act to continue with a  
12 solicitation placed by a live operator without the consent of  
13 the called party.

14           (c) It is an unlawful act or practice and a violation of  
15 this Act for any person engaged in telephone solicitation to  
16 obtain or submit for payment a check, draft, or other form of  
17 negotiable paper drawn on a person's checking, savings, or  
18 other account or on a bond without the person's express  
19 written consent.

20           (d) Enforcement by customer. Any customer injured by a  
21 violation of this Act may bring an action for the recovery of  
22 damages. Judgment may be entered for 3 times the amount at  
23 which the actual damages are assessed, plus costs and  
24 reasonable attorney fees.

25           (e) Enforcement by Attorney General. Violation of any of  
26 the provisions of this Act is an unlawful practice under  
27 Section 2Z of the Consumer Fraud and Deceptive Business  
28 Practices Act. All remedies, penalties, and authority granted  
29 to the Attorney General by that Act shall be available to him  
30 for the enforcement of this Act. In any action brought by the  
31 Attorney General to enforce this Act, the court may order  
32 that persons who incurred actual damages be awarded the  
33 amount at which actual damages are assessed.

34           (Source: P.A. 91-182, eff. 1-1-00; 91-761, eff. 1-1-01.)

1           Section 99.   Effective date.  This Act takes effect on  
2   January 1, 2004.