

1 AN ACT concerning telephone solicitation.

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

4 Section 5. The Restricted Call Registry Act is amended
5 by changing Section 20 as follows:

6 (815 ILCS 402/20)

7 Sec. 20. Registry; establishment and maintenance.

8 (a) The Illinois Commerce Commission shall establish and
9 provide for the operation of a Restricted Call Registry,
10 which shall contain a list of the telephone numbers of
11 residential subscribers who do not wish to receive telephone
12 solicitation calls. The Illinois Commerce Commission may
13 contract with a private vendor to establish and maintain the
14 Registry if the contract requires the vendor to provide the
15 Registry in a printed hard copy format, in an electronic
16 format, and in any other format prescribed by the Illinois
17 Commerce Commission. Any person or entity conducting
18 telephone solicitation calls as defined by Section 5(e) of
19 this Act within the State of Illinois shall purchase the
20 Restricted Call Registry and updates exclusively from the
21 Illinois Commerce Commission. Failure to do so prior to
22 conducting telephone solicitation calls is a violation
23 subject to the penalties provided for in Section 35 of this
24 Act.

25 (b) No later than January 1, 2003, the Illinois Commerce
26 Commission shall adopt rules consistent with this Act that
27 the Illinois Commerce Commission deems necessary and
28 appropriate to fully implement this Act. The rules shall
29 include, at a minimum, methods by which any person or entity
30 desiring to make telephone solicitation calls may obtain
31 access to the Registry to avoid calling the telephone numbers

1 of residential subscribers included in the Registry.

2 (c) The fee for obtaining the Registry and updates shall
3 be set forth in rules adopted by the Illinois Commerce
4 Commission. The fee may not exceed \$1,000 annually and may
5 not exceed the costs incurred by the Commission in the
6 preparation, maintenance, production, and distribution of the
7 Registry. All copies requested in a printed hard copy format
8 shall be assessed a per page fee to be determined by rules
9 adopted by the Illinois Commerce Commission.

10 (d) The Illinois Commerce Commission shall update the
11 Registry and make information in the Registry available on a
12 quarterly basis in an electronic format that can be sorted by
13 individual fields and, if deemed appropriate by the Illinois
14 Commerce Commission, in one or more other formats.

15 (e) If the federal government establishes a single
16 national database of telephone numbers of subscribers who
17 object to receiving telephone solicitations, the following
18 provisions shall apply:

19 (i) If the federal laws or regulations restricting
20 telephone solicitation calls do not apply to intra-state
21 calls, this Act shall continue to apply to intra-state
22 calls, and the Illinois Commerce Commission may adopt
23 rules providing that it shall use the national database
24 of telephone numbers of subscribers who object to
25 receiving telephone solicitations (rather than the
26 Restricted Call Registry) for restricting intra-state
27 telephone solicitation calls to Illinois residential
28 subscribers under this Act.

29 (ii) If the federal laws or regulations restricting
30 telephone solicitation calls allow states to have more
31 restrictive regulation of telephone solicitation calls
32 and this Act has more restrictive regulation of telephone
33 solicitation calls than those federal laws or
34 regulations, this Act shall continue to apply to those

1 calls and the Illinois Commerce Commission may adopt
 2 rules providing that it shall use the national database
 3 of telephone numbers of subscribers who object to
 4 receiving telephone solicitations (rather than the
 5 Restricted Call Registry) for restricting telephone
 6 solicitation calls to Illinois residential subscribers
 7 under this Act.

8 (iii) If the Illinois Commerce Commission uses, for
 9 all purposes under this Act, the national database of
 10 telephone numbers of subscribers who object to receiving
 11 telephone solicitations (rather than the Restricted Call
 12 Registry), the Illinois Commerce Commission shall adopt
 13 rules discontinuing the Restricted Call Registry. If the
 14 Federal---Communications---Commission--or--Federal--Trade
 15 Commission--establishes--a--single--national--database--of
 16 telephone--numbers--of--subscribers--who--object--to--receiving
 17 telephone--solicitations,--which--restricts--both--inter--state
 18 and--intra--state--calls--and--at--a--minimum--covers--all
 19 telephone--solicitations--covered--by--this--Act,--this--State
 20 shall--discontinue--the--Registry.

21 (f) Information in the Registry is confidential and
 22 shall be afforded reasonable privacy protection except as
 23 necessary for compliance with Sections 10 and 25 and this
 24 Section or in a proceeding or action under Section 35 or 40.
 25 The information is not a public record under the Freedom of
 26 Information Act.

27 (g) The Illinois Commerce Commission shall periodically
 28 obtain subscription listings of residential subscribers in
 29 this State who have arranged to be included in any national
 30 do-not-call list and add those names to the Registry.

31 (h) A person or entity that obtains the Registry shall
 32 not use the Registry for any purpose other than to comply
 33 with this Act. These unlawful purposes include, but are not
 34 limited to, causing a subscriber to participate in and be

1 included in the Registry without the subscriber's knowledge
2 or consent, selling or leasing the Registry to a person other
3 than a telephone solicitor, selling or leasing by a telephone
4 solicitor of the Registry, and a telephone solicitor, either
5 directly or indirectly, persuading a subscriber with whom it
6 has an established business relationship to place his or her
7 telephone number in the Registry, if the solicitation has the
8 effect of preventing competitors from contacting that
9 solicitor's customers.

10 (i) No person or entity that sells, leases, exchanges,
11 or rents telephone solicitation lists, except for directory
12 assistance and telephone directories sold by telephone
13 companies or their affiliates, shall include in those lists
14 those telephone numbers that appear in the current Registry.

15 (Source: P.A. 92-795, eff. 8-9-02.)