



Adopted in House Comm. on Mar 03, 2004

09300HB4450ham001

LRB093 15641 RXD 48342 a

1 AMENDMENT TO HOUSE BILL 4450

2 AMENDMENT NO. _____. Amend House Bill 4450 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by changing Section 2Z as follows:

6 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

7 Sec. 2Z. Violations of other Acts. Any person who knowingly
8 violates the Automotive Repair Act, the Home Repair and
9 Remodeling Act, the Dance Studio Act, the Physical Fitness
10 Services Act, the Hearing Instrument Consumer Protection Act,
11 the Illinois Union Label Act, the Job Referral and Job Listing
12 Services Consumer Protection Act, the Travel Promotion
13 Consumer Protection Act, the Credit Services Organizations
14 Act, the Automatic Telephone Dialers Act, the Pay-Per-Call
15 Services Consumer Protection Act, the Telephone Solicitations
16 Act, the Illinois Funeral or Burial Funds Act, the Cemetery
17 Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery
18 Sales Act, the High Risk Home Loan Act, subsection (a) or (b)
19 of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b)
20 of Section 3-10 of the Cigarette Use Tax Act, the Electronic
21 Mail Act, or paragraph (6) of subsection (k) of Section 6-305
22 of the Illinois Vehicle Code, or the Automatic Contract Renewal
23 Act commits an unlawful practice within the meaning of this
24 Act.

1 (Source: P.A. 92-426, eff. 1-1-02; 93-561, eff. 1-1-04.)

2 Section 10. The Automatic Contract Renewal Act is amended
3 by changing Sections 10 and 15 as follows:

4 (815 ILCS 601/10)

5 Sec. 10. Automatic renewal; requirements.

6 (a) Any person, firm, partnership, association, or
7 corporation that sells or offers to sell any products or
8 services for a specified period of time pursuant to a written
9 contract that contains an automatic renewal provision
10 effective at the end of the specified period of time must: (1)
11 disclose such automatic renewal provision clearly and
12 conspicuously in the contract, including the cancellation
13 procedure; and (2) provide the recipient of the products or
14 services, at least 30 days but no more than 60 days, prior to
15 the end of the specified period of time, with a clear and
16 conspicuous written notice that the recipient may cancel the
17 contract. Notice must include the procedure for cancellation.
18 If the contract is less than 30 days in duration, the contract
19 must contain a clear and conspicuous written notice of the
20 right to cancel the contract and the procedure for
21 cancellation. If notice is not provided to the recipient in
22 accordance with the provisions of this Section, any products or
23 services furnished to the recipient after the end of the period
24 of time specified in the contract shall be deemed an
25 unconditional gift.

26 ~~If a contract is subject to automatic renewal, the clause~~
27 ~~providing for automatic renewal must appear in the contract in~~
28 ~~a clear and conspicuous manner.~~

29 (b) Any person, firm, partnership, association, or
30 corporation that automatically withdraws or charges a
31 consumer's account for any product or service for a specified
32 period of time shall obtain the consumer's written

1 authorization to continue any automatic withdrawal or charge
2 beyond the specified period.

3 (Source: P.A. 91-674, eff. 6-1-00.)

4 (815 ILCS 601/15)

5 Sec. 15. Violation. If a contract does not comply with this
6 Act, the automatic renewal provisions are not enforceable by a
7 party who prepared the contract or directed its preparation. In
8 addition to any other penalties specified in this Act, a
9 violation of this Act constitutes an unlawful practice under
10 the Consumer Fraud and Deceptive Business Practices Act.

11 (Source: P.A. 91-674, eff. 6-1-00.)".