



Rep. Robin Kelly

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09300HB4450ham002

LRB093 15641 RXD 48794 a

1 AMENDMENT TO HOUSE BILL 4450

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4450, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

7 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

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

1 Act.

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

3 Section 10. The Automatic Contract Renewal Act is amended  
4 by changing Sections 10, 15, and 20 as follows:

5 (815 ILCS 601/10)

6 Sec. 10. Automatic renewal; requirements.

7 (a) Any person, firm, partnership, association, or  
8 corporation that sells or offers to sell any products or  
9 services on a contract basis to a consumer for services and  
10 goods intended for personal use and consumption that  
11 automatically withdraws or charges a consumer's account for any  
12 product or service for a specified term longer than 12 months  
13 shall obtain the consumer's written authorization to continue  
14 any automatic withdrawal or charge if the contract  
15 automatically renews for a term equal to or longer than the  
16 original term. ~~If a contract is subject to automatic renewal,~~  
17 ~~the clause providing for automatic renewal must appear in the~~  
18 ~~contract in a clear and conspicuous manner.~~

19 (b) This Section does not apply to banks, trust companies,  
20 savings and loan associations, savings banks, or credit unions  
21 licensed or organized under the laws of any state or of the  
22 United States, any foreign bank maintaining a branch or agency  
23 licensed or organized under the laws of any state or the United  
24 States and licensed under the Consumer Installment Loan Act, or  
25 any subsidiary or affiliate, and to any product or service  
26 required to be offered by tariff subject to the jurisdiction of  
27 the Illinois Commerce Commission.

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

29 (815 ILCS 601/15)

30 Sec. 15. Violation. If a contract does not comply with this  
31 Act, the automatic renewal provisions are not enforceable by a

1 party who prepared the contract or directed its preparation. In  
2 addition to any other penalties specified in this Act, a  
3 violation of this Act constitutes an unlawful practice under  
4 the Consumer Fraud and Deceptive Business Practices Act.

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

6 (815 ILCS 601/20)

7 Sec. 20. Applicability.

8 (a) This Act does not apply to a contract entered into  
9 before the effective date of this Act.

10 (b) This amendatory Act of the 93rd General Assembly does  
11 not apply to a contract entered into before the effective date  
12 of this amendatory Act of the 93rd General Assembly.

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