



Sen. James F. Clayborne Jr.

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09300HB4450sam001

LRB093 15641 RXD 50780 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, 15, and 20 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 to a consumer pursuant to a contract, where such
9 contract automatically renews unless the consumer cancels the
10 contract, shall disclose the automatic renewal clause clearly
11 and conspicuously in the contract, including the cancellation
12 procedure. ~~If a contract is subject to automatic renewal, the~~
13 ~~clause providing for automatic renewal must appear in the~~
14 ~~contract in a clear and conspicuous manner.~~

15 (b) Any person, firm, partnership, association, or
16 corporation that sells or offers to sell any products or
17 services to a consumer pursuant to a contract, where such
18 contract term is a specified term of 12 months or more, and
19 where such contract automatically renews for a specified term
20 of more than one month unless the consumer cancels the
21 contract, shall notify the consumer in writing of the automatic
22 renewal. Written notice shall be provided to the consumer no
23 less than 30 days and no more than 60 days before the
24 cancellation deadline pursuant to the automatic renewal
25 clause. Such written notice shall disclose clearly and
26 conspicuously:

27 (i) that unless the consumer cancels the contract it
28 will automatically renew; and

29 (ii) where the consumer can obtain details of the
30 automatic renewal provision and cancellation procedure
31 (for example, by contacting the business at a specified
32 telephone number or address or by referring to the

1 contract).

2 (c) A person, firm, partnership, association, or
3 corporation will not be liable for a violation of this Act or
4 the Consumer Fraud and Deceptive Business Practices Act if such
5 person, firm, partnership, association, or corporation
6 demonstrates that, as part of its routine business practice:

7 (i) it has established and implemented written
8 procedures to comply with this Act and enforces compliance
9 with the procedures;

10 (ii) any failure to comply with this Act is the result
11 of error; and

12 (iii) where an error has caused a failure to comply
13 with this Act, it provides a full refund or credit for all
14 amounts billed to or paid by the consumer from the date of
15 the renewal until the date of the termination of the
16 account, or the date of the subsequent notice of renewal,
17 whichever occurs first.

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

19 (815 ILCS 601/15)

20 Sec. 15. Violation. A violation of this Act constitutes an
21 unlawful practice under the Consumer Fraud and Deceptive
22 Business Practices Act ~~If a contract does not comply with this~~
23 ~~Act, the automatic renewal provisions are not enforceable by a~~
24 ~~party who prepared the contract or directed its preparation.~~

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

26 (815 ILCS 601/20)

27 Sec. 20. Applicability.

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

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

1 (c) This Act does not apply to business-to-business
2 contracts.

3 (d) This Act does not apply to banks, trust companies,
4 savings and loan associations, savings banks, or credit unions
5 licensed or organized under the laws of any state or the United
6 States, or any foreign bank maintaining a branch or agency
7 licensed or organized under the laws of any state of the United
8 States.

9 (e) This Act does not apply to a contract that is extended
10 beyond the original term of the contract as the result of the
11 consumer's initiation of a change in the original contract
12 terms.

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