



## 93RD GENERAL ASSEMBLY

### State of Illinois

### 2003 and 2004

Introduced 2/6/2004, by Michael J. Madigan

#### SYNOPSIS AS INTRODUCED:

815 ILCS 505/1

from Ch. 121 1/2, par. 261

Amends the Consumer Fraud and Deceptive Business Practices Act. Makes a stylistic change in a Section concerning definitions.

LRB093 16755 WGH 42406 b

1 AN ACT concerning consumer fraud.

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

4 Section 5. The Consumer Fraud and Deceptive Business  
5 Practices Act is amended by changing Section 1 as follows:

6 (815 ILCS 505/1) (from Ch. 121 1/2, par. 261)

7 Sec. 1. Definitions.

8 (a) The term "advertisement" includes the attempt by  
9 publication, dissemination, solicitation or circulation to  
10 induce directly or indirectly any person to enter into any  
11 obligation or acquire any title or interest in any merchandise  
12 and includes every work device to disguise any form of business  
13 solicitation by using such terms as "renewal", "invoice",  
14 "bill", "statement", or "reminder", to create an impression of  
15 existing obligation when there is none, or other language to  
16 mislead any person in relation to any sought after commercial  
17 transaction;

18 (b) The term "merchandise" includes any objects, wares,  
19 goods, commodities, intangibles, real estate situated outside  
20 the State of Illinois, or services;

21 (c) The term "person" includes any natural person or his  
22 legal representative, partnership, corporation (domestic and  
23 foreign), company, trust, business entity or association, and  
24 any agent, employee, salesman, partner, officer, director,  
25 member, stockholder, associate, trustee or cestui que trust  
26 thereof;

27 (d) The term "sale" includes any sale, offer for sale, or  
28 attempt to sell any merchandise for cash or on credit.

29 (e) The term "consumer" means any person who purchases or  
30 contracts for the purchase of merchandise not for resale in the  
31 ordinary course of his trade or business but for his use or  
32 that of a member of his household.

1           (f) The terms "trade" and "commerce" mean the advertising,  
2 offering for sale, sale, or distribution of any services and  
3 any property, tangible or intangible, real, personal or mixed,  
4 and any other article, commodity, or thing of value wherever  
5 situated, and shall include any trade or commerce directly or  
6 indirectly affecting the people of this State.

7           (g) The term "pyramid sales scheme" includes any plan or  
8 operation whereby a person in exchange for money or other thing  
9 of value acquires the opportunity to receive a benefit or thing  
10 of value, which is primarily based upon the inducement of  
11 additional persons, by himself or others, regardless of number,  
12 to participate in the same plan or operation and is not  
13 primarily contingent on the volume or quantity of goods,  
14 services, or other property sold or distributed or to be sold  
15 or distributed to persons for purposes of resale to consumers.  
16 For purposes of this subsection, "money or other thing of  
17 value" shall not include payments made for sales demonstration  
18 equipment and materials furnished on a nonprofit basis for use  
19 in making sales and not for resale.

20           (Source: P.A. 83-808.)