



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB2060

Introduced 2/14/2005, by Rep. Michael J. Madigan - Barbara Flynn Currie - Susana A Mendoza

#### SYNOPSIS AS INTRODUCED:

815 ILCS 145/2

from Ch. 17, par. 6102

Amends the Credit Card Liability Act. Makes a technical change in a Section concerning unsolicited credit cards.

LRB094 02762 RXD 32763 b

1 AN ACT concerning business.

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

4 Section 5. The Credit Card Liability Act is amended by  
5 changing Section 2 as follows:

6 (815 ILCS 145/2) (from Ch. 17, par. 6102)

7 Sec. 2. (a) Notwithstanding that ~~that~~ a person in whose  
8 name a credit card has been issued has requested or applied for  
9 such card or has indicated his acceptance of an unsolicited  
10 credit card, as provided in Section 1 hereof, such person shall  
11 not be liable to the issuer unless the card issuer has given  
12 notice to such person of his potential liability, on the card  
13 or within two years preceding such use, and has provided such  
14 person with an addressed notification requiring no postage to  
15 be paid by such person which may be mailed in the event of the  
16 loss, theft, or possible unauthorized use of the credit card,  
17 and such person shall not be liable for any amount in excess of  
18 the applicable amount hereinafter set forth, resulting from  
19 unauthorized use of that card prior to notification to the card  
20 issuer of the loss, theft, or possible unauthorized use of that  
21 card:

22 Card without a signature panel ..... \$25.00

23 Card with a signature panel ..... \$50.00

24 After the holder of the credit card gives notice to the  
25 issuer that a credit card is lost or stolen he is not liable  
26 for any amount resulting from unauthorized use of the card.

27 (b) When an action is brought by an issuer against the  
28 person named on a card, issuance of which has been requested,  
29 applied for, solicited or accepted and defendant puts in issue  
30 any transaction arising from the use of such card, the burden  
31 of proving benefit, authorization, use or permission by  
32 defendant as to such transaction shall be upon plaintiff. In

1 the event defendant prevails with respect to any transaction so  
2 put in issue, the court may enter as a credit against any  
3 judgment for plaintiff, or as a judgment for defendant, a  
4 reasonable attorney's fee for services in connection with the  
5 transaction in respect of which the defendant prevails.

6 (Source: P.A. 77-1637.)