

HB3438



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3438

Introduced 2/22/2005, by Rep. Monique D. Davis

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 technical change in a Section concerning definitions.

LRB094 10426 RCE 40696 b

A BILL FOR

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

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

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

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

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

32 (f) The terms "trade" and "commerce" mean the advertising,

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

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

19 (Source: P.A. 83-808.)