



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB1786**

Introduced 2/25/2005, by Sen. Dave Sullivan

**SYNOPSIS AS INTRODUCED:**

815 ILCS 505/10b

from Ch. 121 1/2, par. 270b

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that the Act does not apply to claims seeking damages for conduct that results in bodily injury, death, or damage to property other than the property that is the subject of the practice claimed to be unlawful. Applies to causes of action pending or filed on or after July 1, 2005. Effective July 1, 2005.

LRB094 11325 RXD 42152 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 Consumer Fraud and Deceptive Business  
5 Practices Act is amended by changing Section 10b as follows:

6 (815 ILCS 505/10b) (from Ch. 121 1/2, par. 270b)

7 (Text of Section WITHOUT the changes made by P.A. 89-7,  
8 which has been held unconstitutional)

9 Sec. 10b. Nothing in this Act shall apply to any of the  
10 following:

11 (1) Actions or transactions specifically authorized by  
12 laws administered by any regulatory body or officer acting  
13 under statutory authority of this State or the United States.

14 (2) The provisions of "An act to protect trademark owners,  
15 distributors, and the public against injurious and uneconomic  
16 practices in the distribution of articles of standard quality  
17 under a trademark, brand or name," approved July 8, 1935, as  
18 amended.

19 (3) Acts done by the publisher, owner, agent, or employee  
20 of a newspaper, periodical or radio or television station in  
21 the publication or dissemination of an advertisement, when the  
22 owner, agent or employee did not have knowledge of the false,  
23 misleading or deceptive character of the advertisement, did not  
24 prepare the advertisement, or did not have a direct financial  
25 interest in the sale or distribution of the advertised product  
26 or service.

27 (4) The communication of any false, misleading or deceptive  
28 information, provided by the seller of real estate located in  
29 Illinois, by a real estate salesman or broker licensed under  
30 "The Real Estate Brokers License Act", unless the salesman or  
31 broker knows of the false, misleading or deceptive character of  
32 such information. This provision shall be effective as to any

1 communication, whenever occurring.

2 (5) Claims seeking damages for conduct that results in  
3 bodily injury, death, or damage to property other than the  
4 property that is the subject of the practice claimed to be  
5 unlawful. ~~This item (5)~~

6 This item (5) applies to causes of action pending or filed  
7 on or after July 1, 2005.

8 (6) The communication of any false, misleading, or  
9 deceptive information by an insurance producer, registered  
10 firm, or limited insurance representative, as those terms are  
11 defined in the Illinois Insurance Code, or by an insurance  
12 agency or brokerage house concerning the sale, placement,  
13 procurement, renewal, binding, cancellation of, or terms of any  
14 type of insurance or any policy of insurance unless the  
15 insurance producer has actual knowledge of the false,  
16 misleading, or deceptive character of the information. This  
17 provision shall be effective as to any communications, whenever  
18 occurring. This item (6) applies to all causes of action that  
19 accrue on or after the effective date of this amendatory Act of  
20 1995.

21 (Source: P.A. 84-894; 89-152, eff. 1-1-96; revised 1-22-98.)

22 Section 99. Effective date. This Act takes effect July 1,  
23 2005.