

**94TH GENERAL ASSEMBLY****State of Illinois****2005 and 2006****SB2685**

Introduced 1/20/2006, by Sen. Miguel del Valle

**SYNOPSIS AS INTRODUCED:**New Act  
225 ILCS 470/19

from Ch. 147, par. 119

Creates the Retail Consumer Protection Act. Provides that all businesses engaged in retail commerce shall have a designated employee who has the responsibility for ensuring the accuracy of all posted and advertised prices. Provides that the person designated for ensuring the accuracy of all posted and advertised prices shall keep a written record of any customer complaints received concerning any overcharging or other acts of consumer fraud, unfair methods of competition, and deceptive business practices. Requires the record to be kept for no less than 2 years and made available to investigators of the Department of Agriculture Bureau of Weights and Measures upon request. Provides that any person engaged in retail commerce that is alerted by a customer of any overcharging shall immediately report the overcharge to the person designated for ensuring the accuracy of posted and advertised prices, who shall investigate the alleged error. Provides that, if the customer was charged more than the advertised or posted price, and the value of the item in question was less than \$3, the customer shall be given the item for free. Provides that, if the value of the item in question was \$3 or more, the customer shall be sold the item at the correct price and \$3 shall be deducted from the price charged. Requires the designated person to ensure that the correct price is posted and programmed into all payment systems within 30 minutes of receiving a customer complaint. Establishes penalties. Provides that the Director shall provide an annual written report to the Attorney General and the Governor describing the activities undertaken by himself or herself and any city sealers to implement the Act, and any substitute local ordinances. Amends the Weights and Measures Act to grant city sealers the powers established in the Retail Consumer Protection Act.

LRB094 17111 LCT 52397 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning consumer protection.

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

4 Section 1. Short title. This Act may be cited as the Retail  
5 Consumer Protection Act.

6 Section 5. Purpose. The General Assembly finds that there  
7 is a proliferation of computerized pricing systems in retail  
8 stores. The General Assembly further finds that some retail  
9 customers are being overcharged due to inadequate management  
10 oversight, computer errors, and other problems. The General  
11 Assembly further finds that there are insufficient penalties  
12 and remedies available to customers who are victims of  
13 overcharging.

14 Section 10. Definitions. As used in this Act:

15 "Department" means the Department of Agriculture.

16 "Director" means the Director of Agriculture.

17 "Person" means both the singular and plural, as the case  
18 demands, and includes individuals, partnerships, corporations,  
19 companies, societies, and associations.

20 "Retail commerce" means a retail sale of a commodity and  
21 does not include wholesale, business-to-business, or barter  
22 and exchange transactions.

23 "Overcharging" means the demand for a payment that is in  
24 excess of the lowest advertised or displayed price for that  
25 commodity.

26 "Payment station" means each location where a person pays  
27 for a retail purchase.

28 "Sealer" has the same meaning as defined in Section 2 of  
29 the Weights and Measures Act.

30 Section 15. Business practices against overcharging.

1 (a) All businesses engaged in retail commerce shall have a  
2 designated employee who has the responsibility for ensuring the  
3 accuracy of all posted and advertised prices. That employee  
4 must be given the authority to resolve any customer complaints.

5 (b) The person designated in subsection (a) of this Section  
6 shall keep a written record of any customer complaints received  
7 concerning any overcharging or other acts of consumer fraud,  
8 unfair methods of competition, and deceptive business  
9 practices. The record shall be kept for no less than 2 years  
10 and shall be made available to investigators of the Department  
11 of Agriculture Bureau of Weights and Measures upon request.

12 (c) Any person engaged in retail commerce that is alerted  
13 by a customer of an overcharging shall immediately report to  
14 the person designated under subsection (a) of this Section, who  
15 shall investigate the alleged error. If the customer was  
16 charged more than the advertised or posted price, and the value  
17 of the item in question was less than \$3, the customer shall be  
18 given the item for free. If the value of the item in question  
19 was \$3 or more, the customer shall be sold the item at the  
20 correct price and \$3 shall be deducted from the price charged.  
21 The person designated under subsection (a) of this Section  
22 shall further ensure that the correct price is posted and  
23 programmed into all payment systems within 30 minutes of  
24 receiving a customer complaint.

25 Section 20. Overcharging oversight.

26 (a) The Department shall maintain a hotline staffed during  
27 normal business hours to receive customer complaints and  
28 compliments about retail overcharging and undercharging. Any  
29 person engaged in retail commerce in the State of Illinois  
30 shall post the Department's hotline phone number on a sticker  
31 or sign at each payment station or shall print the number on  
32 any receipt given to a customer. If the hotline number is  
33 displayed on a sticker or sign, it must be written in at least  
34 12-point font and be conspicuously posted so that it can be  
35 plainly viewed by a customer at the time of payment.

1 (b) The Director shall provide an annual written report to  
2 the Attorney General and the Governor describing the activities  
3 of himself or herself and any city sealers to implement this  
4 Act, and any substitute local ordinances. The report shall be  
5 delivered and also posted on the Department's website no later  
6 than July 10 of each year. All persons engaged in retail  
7 commerce within this State and all city sealers shall provide  
8 any necessary records for the compilation of this report.

9 (c) The Director shall adopt regulations to implement this  
10 Act that shall be based upon commonly accepted national  
11 standards such as those issued by the National Institute of  
12 Standards and Technology.

13 Section 25. Penalties. In addition to any other remedies  
14 available under the Weights and Measures Act, the Department  
15 may assess penalties for overcharging up to \$5,000 per  
16 violation.

17 Section 30. Local implementation. Cities that have sealers  
18 of weights and measures appointed pursuant to Section 17 of the  
19 Weights and Measures Act may opt by majority vote of the city  
20 council to adopt the provisions of this Act or to substitute  
21 local ordinances for those in this Act.

22 Section 300. The Weights and Measures Act is amended by  
23 changing Section 19 as follows:

24 (225 ILCS 470/19) (from Ch. 147, par. 119)

25 Sec. 19. The sealer of a city, and each of his deputy  
26 sealers when acting under his instructions and at his  
27 direction, has the same powers and duties within the city for  
28 which appointed as are conferred upon the director by Sections  
29 10, 11, 12, 13, 14, 15 and 56 of this Act and those powers and  
30 duties conferred under Sections 20 and 30 of the Retail  
31 Consumer Protection Act. With respect to Section 10, in cities  
32 of less than 200,000 population, the powers and duties shall be

1 strictly limited to weighing and measuring devices used in  
2 retail trade including, for example, weighing scales of a  
3 nominal capacity not greater than 400 pounds, retail  
4 liquid-measuring devices, taximeters, odometers,  
5 fabric-measuring devices and cordage-measuring devices.

6 The city inspector of weights and measures shall keep a  
7 complete record of all his official acts and shall submit an  
8 annual report to the council of the city, and an annual report  
9 (on July 1) under oath to the Director of Agriculture on blanks  
10 furnished by him, and any special reports that the Director of  
11 Agriculture may request.

12 (Source: Laws 1963, p. 3433.)