



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1564

Introduced 2/22/2007, by Rep. Eddie Washington

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2ZZ new

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that a payment owed by a consumer is deemed paid as of the post office cancellation date stamped on the envelope or other cover in which the payment is mailed, regardless of when the payment is received, and no additional fee, penalty, or interest may be imposed by any person on any consumer whose payment is delivered by United States mail if the post office cancellation date stamped on the envelope or other cover containing the payment falls within the prescribed period or on or before the prescribed date for making the payment. Provides that a person who imposes or attempts to impose a fee, penalty, or interest charge in violation of the new provisions commits an unlawful practice within the meaning of the Act.

LRB095 08304 LCT 28476 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 adding Section 2ZZ as follows:

6 (815 ILCS 505/2ZZ new)

7 Sec. 2ZZ. Postmark date; payments.

8 (1) A payment owed by a consumer is deemed paid as of the date
9 shown by the post office cancellation mark stamped on the
10 envelope or other wrapper containing it, regardless of when the
11 payment is received. No additional fee, penalty, or interest
12 may be imposed by any person on any consumer whose payment is
13 delivered by United States mail if the post office cancellation
14 date on the envelope or other wrapper containing the payment
15 falls within the prescribed period or on or before the
16 prescribed date for making the payment.

17 (2) If mailed but not received or received but without a
18 cancellation mark or with the cancellation mark illegible or
19 erroneous, the payment shall be deemed paid on the date it was
20 mailed, but only if the sender establishes by competent
21 evidence that the writing or payment was deposited, properly
22 addressed, in the United States mail on or before the date on
23 which it was due.

1 A person who imposes or attempts to impose a fee, penalty, or
2 interest charge in violation of this Section commits an
3 unlawful practice within the meaning of this Act.