

HB5432



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5432

by Rep. Michael J. Madigan - Barbara Flynn Currie - Marlow H. Colvin

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.

LRB095 19323 WGH 45618 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 ~~The~~ term "advertisement" includes 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,

1 member, stockholder, associate, trustee or cestui que trust
2 thereof.

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

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

9 (f) The terms "trade" and "commerce" mean the advertising,
10 offering for sale, sale, or distribution of any services and
11 any property, tangible or intangible, real, personal or mixed,
12 and any other article, commodity, or thing of value wherever
13 situated, and shall include any trade or commerce directly or
14 indirectly affecting the people of this State.

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

1 in making sales and not for resale.

2 (Source: P.A. 95-331, eff. 8-21-07.)