



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5745

by Rep. Elizabeth Hernandez

SYNOPSIS AS INTRODUCED:

New Act
225 ILCS 470/19

from Ch. 147, par. 119

Creates the Retail Consumer Protection Act. Provides that certain businesses engaged in retail commerce shall have at least one designated employee responsible for ensuring the accuracy of posted and advertised prices and resolving customer complaints related to the accuracy of prices. Provides that any person engaged in retail commerce who is alerted by a customer of overcharging shall immediately report the overcharge to the designated employee, who shall investigate the alleged error. Provides that the Department of Agriculture shall maintain a hotline to receive complaints. Provides that the Director of Agriculture shall: provide an annual written report describing activities to implement the Act and any substitute local ordinances; and adopt rules. Establishes penalties. Amends the Weights and Measures Act to grant city sealers the powers established in the Retail Consumer Protection Act.

LRB095 16316 WGH 42340 b

FISCAL NOTE ACT
MAY APPLY

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 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 in a
21 facility with more than 10,000 square feet, but does not
22 include wholesale, business-to-business, or barter and

1 exchange transactions.

2 "Overcharging" means the demand for a payment that is in
3 excess of the lowest advertised or displayed price for that
4 commodity.

5 "Payment station" means each location where a person pays
6 for a retail purchase.

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

9 Section 15. Business practices against overcharging.

10 (a) All businesses engaged in retail commerce shall have at
11 least one designated employee who has the responsibility for
12 ensuring the accuracy of all posted and advertised prices and
13 for resolving any customer complaints related to the accuracy
14 of prices.

15 (b) Any person engaged in retail commerce who is alerted by
16 a customer of an overcharging shall report to the person
17 designated under subsection (a) of this Section, who shall
18 investigate the alleged error.

19 Section 20. Overcharging oversight.

20 (a) The Department shall maintain a hotline staffed during
21 normal business hours to receive customer complaints and
22 compliments about retail overcharging and undercharging. Any
23 person engaged in retail commerce in the State of Illinois
24 shall post the Department's hotline phone number on a sticker

1 or sign at each payment station or shall print the number on
2 any receipt given to a customer. If the hotline number is
3 displayed on a sticker or sign, it must be written in at least
4 12-point font and be conspicuously posted so that it can be
5 plainly viewed by a customer at the time of payment.

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

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

18 Section 25. Penalties. In addition to any other remedies
19 available under the Weights and Measures Act, the Department
20 may assess penalties for overcharging up to \$500 per violation
21 for the 6th and each subsequent violation within a 12-month
22 period.

23 Section 30. Local implementation. Cities that have sealers
24 of weights and measures appointed pursuant to Section 17 of the

1 Weights and Measures Act may opt by majority vote of the city
2 council to adopt the provisions of this Act or to substitute
3 local ordinances for those in this Act.

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

6 (225 ILCS 470/19) (from Ch. 147, par. 119)

7 Sec. 19. The sealer of a city, and each of his deputy
8 sealers when acting under his instructions and at his
9 direction, has the same powers and duties within the city for
10 which appointed as are conferred upon the director by Sections
11 10, 11, 12, 13, 14, 15 and 56 of this Act and those powers and
12 duties conferred under Sections 20 and 30 of the Retail
13 Consumer Protection Act. With respect to Section 10, in cities
14 of less than 200,000 population, the powers and duties shall be
15 strictly limited to weighing and measuring devices used in
16 retail trade including, for example, weighing scales of a
17 nominal capacity not greater than 400 pounds, retail
18 liquid-measuring devices, taximeters, odometers,
19 fabric-measuring devices and cordage-measuring devices.

20 The city inspector of weights and measures shall keep a
21 complete record of all his official acts and shall submit an
22 annual report to the council of the city, and an annual report
23 (on July 1) under oath to the Director of Agriculture on blanks
24 furnished by him, and any special reports that the Director of

1 Agriculture may request.

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