



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0028

Introduced 1/31/2007, by Sen. Jacqueline Y. Collins

SYNOPSIS AS INTRODUCED:

New Act
815 ILCS 505/2Z

from Ch. 121 1/2, par. 262Z

Creates the Automated Teller Machine Overdraft Disclosure Act. Requires operators of automated teller machines to provide customers with a full and complete disclosure of overdraft fees and penalties if the customer completes a transaction that causes the associated account to be overdrawn. Makes a violation of the Automated Teller Machine Overdraft Disclosure Act an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act. Provides that the Department of Financial and Professional Regulation may adopt any rules that it deems necessary to implement the Act. Amends the Consumer Fraud and Deceptive Business Practices Act to include a violation of the Automated Teller Machine Overdraft Disclosure Act as a violation of the Consumer Fraud and Deceptive Business Practices Act.

LRB095 03631 MJR 23654 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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
5 Automated Teller Machine Overdraft Disclosure Act.

6 Section 5. Definitions. In this Act, "automated teller
7 machine", "customer", and "operator" have the same meanings
8 found in the Automated Teller Machine Security Act.

9 Section 10. Full disclosure by operators of automated
10 teller machines of overdrafts by customers. Operators of
11 automated teller machines must provide customers with a full
12 and complete disclosure of overdraft fees and penalties if the
13 customer completes a transaction that causes the associated
14 account to be overdrawn.

15 Section 15. Violation of Act. Any operator of an automated
16 teller machine who knowingly violates this Act commits an
17 unlawful practice within the meaning of the Consumer Fraud and
18 Deceptive Business Practices Act.

19 Section 20. Rules. The Department of Financial and
20 Professional Regulation may adopt any rules that it deems

1 necessary to implement this Act.

2 Section 90. The Consumer Fraud and Deceptive Business
3 Practices Act is amended by changing Section 2Z as follows:

4 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

5 Sec. 2Z. Violations of other Acts. Any person who knowingly
6 violates the Automotive Repair Act, the Automotive Collision
7 Repair Act, the Home Repair and Remodeling Act, the Dance
8 Studio Act, the Physical Fitness Services Act, the Hearing
9 Instrument Consumer Protection Act, the Illinois Union Label
10 Act, the Job Referral and Job Listing Services Consumer
11 Protection Act, the Travel Promotion Consumer Protection Act,
12 the Credit Services Organizations Act, the Automatic Telephone
13 Dialers Act, the Pay-Per-Call Services Consumer Protection
14 Act, the Telephone Solicitations Act, the Illinois Funeral or
15 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic
16 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home
17 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud
18 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax
19 Act, the Payday Loan Reform Act, subsection (a) or (b) of
20 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail
21 Act, paragraph (6) of subsection (k) of Section 6-305 of the
22 Illinois Vehicle Code, Article 3 of the Residential Real
23 Property Disclosure Act, the Automatic Contract Renewal Act,
24 the Automated Teller Machine Overdraft Disclosure Act, or the

1 Personal Information Protection Act commits an unlawful
2 practice within the meaning of this Act.

3 (Source: P.A. 93-561, eff. 1-1-04; 93-950, eff. 1-1-05; 94-13,
4 eff. 12-6-05; 94-36, eff. 1-1-06; 94-280, eff. 1-1-06; 94-292,
5 eff. 1-1-06; 94-822, eff. 1-1-07.)