

SB2143



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2143

Introduced 2/20/2009, by Sen. William Delgado

SYNOPSIS AS INTRODUCED:

New Act

Creates the Retail Consumer Protection Act. Provides that certain businesses engaged in retail commerce must make best efforts to 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 must immediately report the overcharge to their on-site management or supervisor, who then must investigate the alleged error and keep a record of the incident. Limits the concurrent exercise of home rule powers.

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HOME RULE 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 some
7 retail customers are being overcharged due to inadequate
8 management oversight, computer errors, and other problems. The
9 General Assembly further finds that there are insufficient
10 remedies available to customers who are victims of
11 overcharging.

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

13 "Person" means both the singular and plural, as the case
14 demands, and includes individuals, partnerships, corporations,
15 companies, societies, and associations.

16 "Retail commerce" means a retail sale of a commodity in a
17 facility with more than 10,000 square feet, but does not
18 include wholesale, business-to-business, or barter and
19 exchange transactions.

20 "Overcharging" means the demand for a payment that is in
21 excess of the lowest advertised or displayed price for that
22 commodity.

1 Section 15. Business practices against overcharging.

2 (a) All businesses engaged in retail commerce must make
3 best efforts to have one or more designated employees given the
4 responsibility of ensuring the accuracy of all posted and
5 advertised prices and for resolving any customer complaints
6 related to the accuracy of prices.

7 (b) Any person engaged in retail commerce who is alerted by
8 a customer of an overcharging must report to their local
9 on-site manager or supervisor, who then must investigate the
10 alleged error and keep a record of the incident. The recorded
11 information must include the date and time of the incident, the
12 product or products involved, and the results of the
13 investigation.

14 Section 30. Local implementation. Any home rule unit of
15 government may by a majority vote of the authorities of that
16 unit of government substitute a local ordinance for the
17 provisions of this Act provided that the ordinance carries with
18 it at least the same penalties as provided for in this Act.
19 This Section is a limitation under subsection (i) of Section 6
20 of Article VII of the Illinois Constitution on the concurrent
21 exercise by home rule units of powers and functions exercised
22 by the State.