



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2952

Introduced 2/23/2011, by Rep. Jehan A. Gordon

SYNOPSIS AS INTRODUCED:

New Act
815 ILCS 505/2Z

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

Creates the Cellular Telephone Customer Privacy Act. Provides that, with specified exceptions, a person may not sell or disclose or offer to sell or disclose any customer proprietary network information relating to the wireless telephone service account of any resident of this State. Provides that a person who knowingly violates this Act commits an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act, and amends the Consumer Fraud and Deceptive Business Practices Act accordingly.

LRB097 08325 AEK 48452 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 1. Short title. This Act may be cited as the
5 Cellular Telephone Customer Privacy Act.

6 Section 5. Definitions. As used in this Act, unless the
7 context otherwise indicates, the following terms have the
8 following meanings:

9 "Customer proprietary network information" has the same
10 meaning as in 47 United States Code, Section 222(h)(1).

11 "Telecommunications carrier" has the same meaning as in 47
12 United States Code, Section 1153(44).

13 "Wireless telephone service" means any form of wireless
14 telephone service, including cellular telephone service,
15 broadband personal communications telephone service, covered
16 specialized mobile radio service, and any successors to such
17 services.

18 "Wireless telephone service provider" means a
19 telecommunications carrier that provides wireless telephone
20 service.

21 Section 10. Sale or disclosure of customer proprietary
22 network information.

1 (a) Prohibition. A person may not sell or disclose or offer
2 to sell or disclose any customer proprietary network
3 information relating to the wireless telephone service account
4 of any resident of this State.

5 (b) Exception. The prohibition contained in subsection (a)
6 does not apply to a disclosure of customer proprietary network
7 information:

8 (1) authorized by:

9 (A) a law, regulation, or rule;

10 (B) an order of an agency having regulatory
11 authority over a wireless telephone service provider;
12 or

13 (C) the wireless telephone service account holder;

14 or

15 (2) required by a subpoena, warrant, or other lawful
16 process.

17 (c) Penalty. A person who knowingly violates this Act
18 commits an unlawful practice under the Consumer Fraud and
19 Deceptive Business Practices Act.

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

22 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

23 Sec. 2Z. Violations of other Acts. Any person who knowingly
24 violates the Automotive Repair Act, the Automotive Collision

1 Repair Act, the Home Repair and Remodeling Act, the Dance
2 Studio Act, the Physical Fitness Services Act, the Hearing
3 Instrument Consumer Protection Act, the Illinois Union Label
4 Act, the Job Referral and Job Listing Services Consumer
5 Protection Act, the Travel Promotion Consumer Protection Act,
6 the Credit Services Organizations Act, the Automatic Telephone
7 Dialers Act, the Pay-Per-Call Services Consumer Protection
8 Act, the Telephone Solicitations Act, the Illinois Funeral or
9 Burial Funds Act, the Cemetery Oversight Act, the Cemetery Care
10 Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales
11 Act, the High Risk Home Loan Act, the Payday Loan Reform Act,
12 the Mortgage Rescue Fraud Act, the Cellular Telephone Customer
13 Privacy Act, subsection (a) or (b) of Section 3-10 of the
14 Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the
15 Cigarette Use Tax Act, the Electronic Mail Act, the Internet
16 Caller Identification Act, paragraph (6) of subsection (k) of
17 Section 6-305 of the Illinois Vehicle Code, Section 11-1431,
18 18d-115, 18d-120, 18d-125, 18d-135, 18d-150, or 18d-153 of the
19 Illinois Vehicle Code, Article 3 of the Residential Real
20 Property Disclosure Act, the Automatic Contract Renewal Act, or
21 the Personal Information Protection Act commits an unlawful
22 practice within the meaning of this Act.

23 (Source: P.A. 95-413, eff. 1-1-08; 95-562, eff. 7-1-08; 95-876,
24 eff. 8-21-08; 96-863, eff. 1-19-10; 96-1369, eff. 1-1-11;
25 96-1376, eff. 7-29-10; revised 9-2-10.)