



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4588

by Rep. William Cunningham

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2NNN new

Amends the Consumer Fraud and Deceptive Business Practices Act. Requires distributors of yellow pages phone books to establish and maintain opt-out registries to provide a mechanism for residents and businesses to register and indicate that they do not wish to receive yellow pages phone book deliveries. Provides that a violation constitutes an unlawful practice. Authorizes the Attorney General to promulgate reasonable and necessary rules.

LRB097 17946 JLS 63169 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning business practices.

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 adding Section 2NNN as follows:

6 (815 ILCS 505/2NNN new)

7 Sec. 2NNN. Distribution of yellow pages phone books.

8 (a) As used in this Section:

9 "Distributor" means a person or organization engaged
10 in the business of arranging for the distribution of yellow
11 pages phone books in this State and includes those persons
12 or organizations who are primarily responsible for
13 arranging for the publication and distribution of the
14 yellow pages phone books and whose income is derived, at
15 least in part, from the advertising contained in the yellow
16 pages phone books. The term "distributor" does not include
17 those individuals whose role in the distribution of yellow
18 pages phone books is limited to making physical delivery of
19 the yellow pages phone books.

20 "Distribution" means the unsolicited delivery of more
21 than 4 tons annually of yellow pages phone books to the
22 addresses of residents and businesses within this State,
23 but does not include the delivery of yellow pages phone

1 books by membership organizations to their members or to
2 other residents or businesses requesting or expressly
3 accepting delivery.

4 "Membership organization" means an organization that
5 is organized and operated primarily or exclusively for the
6 purpose of providing services or benefits to a designated
7 group of members (identified, for example, by having to pay
8 membership dues or participating in membership events).

9 "Yellow pages phone book" means a publication that
10 consists primarily of a listing of business names and
11 telephone numbers and contains advertising for at least
12 some of those businesses (commonly, but not necessarily,
13 printed on yellow paper).

14 (b) Distributors shall establish and maintain an opt-out
15 registry to provide a mechanism for residents and businesses to
16 register and indicate that they do not wish to receive yellow
17 pages phone book deliveries. The registry shall maintain a list
18 of the addresses of all residents and businesses that have
19 indicated that they do not wish to receive yellow pages phone
20 book deliveries. The registry shall be conveniently accessible
21 to all residents and businesses and provide for notification by
22 mail, telephone, email, and online registration. The addresses
23 of residents and businesses that have registered with the
24 opt-out registry indicating that they do not wish to receive
25 yellow pages phone book deliveries shall remain on the registry
26 until they move or notify the registry that they wish to be

1 removed from the opt-out registry.

2 Distributors shall not make delivery of yellow pages phone
3 books to the addresses of residents and businesses that
4 registered with the opt-out registry more than 30 days before
5 the date of delivery indicating that they do not wish to
6 receive yellow pages phone book deliveries.

7 Distributors shall prominently and conspicuously display
8 on a portion of the front cover of each yellow pages phone book
9 distributed the telephone number, website address, and mailing
10 address that residents and businesses may use to notify
11 distributors that they do not wish to receive yellow pages
12 phone book deliveries.

13 Distributors shall also prominently and conspicuously
14 display on their websites a link to the opt-out registry
15 together with information regarding the process for residents
16 and businesses to opt out of receiving delivery of yellow pages
17 phone books.

18 Distributors shall retain the list of opt-out addresses
19 from the opt-out registry that was used at the time of
20 delivery.

21 Distributors shall ensure that the content of all yellow
22 pages phone books, and any materials included therewith,
23 distributed within the State are recyclable.

24 (c) Failure of a distributor to comply with any provision
25 of this Section is an unlawful practice within the meaning of
26 this Act.

1 (d) In accordance with the Illinois Administrative
2 Procedure Act, the Attorney General may adopt rules that are
3 reasonable and necessary for the administration and
4 enforcement of this Section.