



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1305

by Rep. Robert F Martwick

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2J.3 new

Amends the Consumer Fraud and Deceptive Business Practices Act. Requires any person making a promotional offer to a consumer to include the following information in large print in a conspicuous and prominent location on the advertising material: (1) the cost per month, (2) any additional fees or taxes not included in the advertised price, (3) the total price to be paid by the consumer over the course of the promotion, (4) any early termination fees, and (5) the cost per month upon conclusion of the promotion. Allows the Illinois Department of Financial and Professional Regulation to impose additional requirements on these offers. Defines a promotional offer. Makes it an unlawful business practice to publish any advertising material that does not conform to the disclosure requirements.

LRB098 02937 MLW 32952 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 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by adding Section 2J.3 as follows:

6 (815 ILCS 505/2J.3 new)

7 Sec. 2J.3. Promotional Offer Advertising.

8 (a) For the purposes of this Section "promotional offer"
9 means a printed offer for consumers to enter into a contract
10 for a product or service in which the consumer pays a reduced
11 price or fee for the service or product during a specified
12 period of the contract.

13 (b) Any person that promotes or advertises any product or
14 service by means of a promotional offer must include the
15 following disclosures:

16 (1) The cost to the consumer per month.

17 (2) Any fees, taxes, or other costs not included in the
18 promotional price. This includes but is not limited to
19 delivery fees, installation fees, equipment rental fees,
20 and sales tax.

21 (3) The total price to be paid by the consumer over the
22 duration of the promotion's advertised term as calculated
23 by the price per month plus any monthly fees, taxes, or

1 other monthly costs not included in the monthly price
2 multiplied by the duration of the promotion plus any
3 non-monthly fees, taxes, or costs not included in the
4 promotional price.

5 (4) Any early termination fees.

6 (5) The cost to the consumer per month upon conclusion
7 of the promotion's term.

8 The disclosures must be printed in large print and be
9 placed in a conspicuous and prominent location on the
10 promotional offer.

11 (c) The Illinois Department of Financial and Professional
12 Regulation may supplement these disclosure requirements in
13 form or substance by rule.

14 (d) It shall be an unlawful practice within the meaning of
15 this Act for any person to cause to be published any
16 advertising material that does not conform to the requirements
17 of this Section.

18 (e) Nothing in this Section creates liability for acts by
19 the publisher, owner, agent, or employee of a newspaper,
20 periodical, radio station, television station, cable
21 television system, or other advertising medium arising out of
22 the publication or dissemination of advertising material
23 governed by this Section unless the publisher, owner agent, or
24 employee had knowledge that the advertising material violated
25 the requirements of this Section, or had a financial interest
26 in the underlying offer.