

HB2686



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2686

Introduced 2/21/2013, by Rep. Frances Ann Hurley

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2HHH

Amends the Consumer Fraud and Deceptive Business Practices Act. Expands the scope of the prohibition on third-party vendor billing for consumer goods or services in a manner that the charge appears on a consumer's telephone bill to include goods or services billed by or through a provider of wireless services. Effective immediately.

LRB098 08135 JLS 38226 b

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 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by changing Section 2HHH as follows:

6 (815 ILCS 505/2HHH)

7 Sec. 2HHH. Product and service charges billed on a
8 telephone bill prohibited.

9 (a) Definitions. For purposes of this Section:

10 "Billing agent" means a person that submits charges for
11 services or goods to a telecommunications carrier on behalf of
12 a third-party vendor.

13 "Third-party vendor" means an entity not affiliated with a
14 telecommunications carrier that sells services or goods to a
15 consumer.

16 "Telecommunications carrier" has the same meaning as
17 defined in Section 13-202 of the Public Utilities Act.

18 (b) A third-party vendor shall not bill, directly or
19 through an intermediary, a consumer for goods or services,
20 including goods or services billed by or through a provider of
21 wireless services, that will appear as a charge on a consumer's
22 telephone bill.

23 (c) A billing agent, on behalf of a third-party vendor,

1 shall not submit, directly or through an intermediary, a charge
2 to a telecommunications carrier for goods or services that will
3 appear as a charge on a consumer's telephone bill.

4 (d) Any person who violates this Section commits an
5 unlawful practice within the meaning of this Act.

6 (e) This Section does not apply to:

7 (1) services or goods provided by a telecommunications
8 carrier subject to the provisions of Section 13-903 of the
9 Public Utilities Act;

10 (2) services or goods sold by any affiliate of the
11 telecommunications carrier issuing the bill to the
12 consumer;

13 (3) services or goods sold by any third-party vendor
14 that has a direct contractual arrangement for the joint or
15 cooperative sale of such services or goods with the
16 telecommunications carrier issuing the bill to the
17 consumer; provided however, that the telecommunications
18 carrier issuing the bill to the consumer shall be
19 responsible for assuring that such services or goods are
20 not sold without the informed authorization of the
21 consumer;

22 (4) (blank) ~~wireless services, as described in Section~~
23 ~~13-804 of the Public Utilities Act and any other services~~
24 ~~or goods billed by or through a provider of wireless~~
25 ~~services;~~

26 (5) message telecommunications services that are

1 initiated by dialing 1+, 0+, 0-, or 1010XXX and calls that
2 are subject to the Pay-Per-Call Services Consumer
3 Protection Act; or

4 (6) contributions to any charitable organization
5 subject to Section 501(c)(3) of the Internal Revenue Code.

6 (Source: P.A. 96-827, eff. 11-30-09; 97-822, eff. 1-1-13.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.