



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2909

by Rep. Sue Scherer

SYNOPSIS AS INTRODUCED:

New Act
815 ILCS 505/2Z

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

Creates the Wireless Telephone Customer Privacy Act. Prohibits the disclosure of customer proprietary network information. Defines terms. Provides exemptions for disclosure pursuant to law. Provides that a violation is a Class 2 felony. Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that a violation of the Wireless Telephone Customer Privacy Act is an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act.

LRB098 10235 JLS 40394 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning regulation.

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 Wireless Telephone Customer Privacy Act.

6 Section 5. Definitions. In this Act:

7 "Customer proprietary network information" has the meaning
8 given that term in 47 United States Code, Section 222(h)(1).

9 "Telecommunications carrier" has the meaning given that
10 term in 47 United States Code, Section 1153(44).

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

16 "Wireless telephone service provider" means a
17 telecommunications carrier that provides wireless telephone
18 service.

19 Section 10. Sale or disclosure of customer proprietary
20 network information prohibited.

21 (a) A person may not sell or disclose or offer to sell or
22 disclose any customer proprietary network information relating

1 to the wireless telephone service account of any resident of
2 this State except as provided in subsection (b).

3 (b) The prohibition set forth in subsection (a) does not
4 apply to a disclosure of customer proprietary network
5 information that is:

6 (1) authorized by:

7 (A) a law or rule;

8 (B) an order of an agency having regulatory
9 authority over a wireless telephone service provider;

10 or

11 (C) the wireless telephone service account holder;

12 or

13 (2) required by a subpoena, warrant, or other lawful
14 process.

15 (c) A person who knowingly violates this Section commits a
16 Class 2 felony.

17 (d) A violation of this Section constitutes a violation of
18 the Consumer Fraud and Deceptive Business Practices Act.

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

21 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

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

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

22 (Source: P.A. 96-863, eff. 1-19-10; 96-1369, eff. 1-1-11;
23 96-1376, eff. 7-29-10; 97-333, eff. 8-12-11.)