



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5808

by Rep. Tom Demmer

#### SYNOPSIS AS INTRODUCED:

815 ILCS 505/2RRR new

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that it is an unlawful practice for an operator of a video service or a home entertainment device that is connected to a means of visual display to collect visual, auditory, location, or electromagnetic information from the vicinity of the device unless the device displays an onscreen message and provides a description of the types of information that will be collected and how that information will be used. Provides that, if an operator offers a video service involving the collection of visual or auditory information from the vicinity of the device used to display the video programming stream to the consumer of if a consumer's home entertainment device is a recording device, the operator or device maker, respectively, must offer a video service on home entertainment device that does not involve the collection of that information but is otherwise identical. Contains provisions regarding disclosures, alternative service or equipment, and other matters.

LRB098 18198 JLS 53327 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 2RRR as follows:

6 (815 ILCS 505/2RRR new)

7 Sec. 2RRR. Recording device notification.

8 (a) As used in this Section:

9 "Home entertainment device" means any device that  
10 transmits audio or video data primarily displayed on a  
11 television.

12 "Operator" means, with respect to a video service, the  
13 person with whom the consumer directly interacts to select  
14 and initiate the transmission of a video programming  
15 stream.

16 "Recording device" means a device that has capacity to  
17 capture, analyze, or transmit audio or video information  
18 from the surrounding environment.

19 (b) An operator of a video service or a home entertainment  
20 device that is connected to a means of visual display may not  
21 collect visual, auditory, location, or electromagnetic  
22 information from the vicinity of the device unless the device  
23 displays an onscreen message that reads: "Currently recording"

1 and provides to the consumer a description of the types of  
2 information that will be collected and how that information  
3 will be used. If the recording device has no means of visual  
4 display, the operator or device maker must provide a  
5 notification indicator on the exterior of the device.

6 (c) The onscreen message required under this Section shall  
7 be displayed continuously during the time information is being  
8 collected. The onscreen message shall be displayed in a color,  
9 font, and size easily readable at a normal viewing distance.

10 (d) The disclosure required under this Section shall be  
11 provided as part of the terms and conditions to which the  
12 consumer must agree before using the video service or home  
13 entertainment device. In the case of a video service that is  
14 accessed through a device sold or provided to the consumer by  
15 the operator of the video service, the disclosure required  
16 under this Section must be provided as part of the written  
17 instructions accompanying the device.

18 (e) If an operator offers a video service involving the  
19 collection of visual or auditory information from the vicinity  
20 of the device used to display the video programing stream to  
21 the consumer or if a consumer's home entertainment device is a  
22 recording device, the operator or device maker, respectively,  
23 must offer a video service on home entertainment device that  
24 does not involve the collection of that information, but is  
25 otherwise identical in all respects. In the case of a video  
26 service that is accessed through a device sold or provided to

1 the consumer by the operator of the video service or in the  
2 case of recording devices, the operator or device maker shall  
3 provide alternative service or equipment that is not capable of  
4 collecting that information.

5 (f) It is an unlawful practice within the meaning of this  
6 Act to collect visual, auditory, location, or electromagnetic  
7 information in a manner that violates this Section.