



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1615

Introduced 2/13/2013, by Sen. Ira I. Silverstein

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Unsolicited Text Message Act. Prohibits the sending of an unsolicited advertisement by text messaging to a resident of this State if it will cause the recipient to incur a telecommunications charge or a usage allocation deduction. Defines terms. Requires any telecommunications company that sells or offers to sell text messaging services to offer an option allowing customers to block all incoming and outgoing text messages. Provides for administration by the Attorney General. Provides that a violation constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act.

LRB098 09761 JLS 39911 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 1. Short title. This Act may be cited as the  
5 Unsolicited Text Message Act.

6 Section 5. Definitions. As used in this Act:

7 "Communication device capable of receiving text messaging"  
8 means a cellular telephone, a device for paging or message  
9 services, a personal digital assistant, or any other wireless  
10 telecommunication device or technology for short messaging  
11 services which receives text messages.

12 "Text messaging" means the wireless transmission of short  
13 messages of text by means of a cellular telephone, a paging or  
14 message service, a personal digital assistant, or similar  
15 telecommunications technology.

16 "Unsolicited advertisement" means any message sent without  
17 the prior permission of the recipient to encourage the purchase  
18 or rental of, or investment in, merchandise or services.

19 Section 10. Unsolicited text message advertisements  
20 prohibited. No person shall send or cause to be sent to a  
21 resident of this State an unsolicited advertisement by means of  
22 text messaging to a communication device capable of receiving

1 text messaging if the recipient of the message will incur a  
2 telecommunications charge or a usage allocation deduction as a  
3 result of the message being sent.

4 Section 15. Requirement for prior permission. Prior  
5 permission of the recipient to send an advertisement by means  
6 of text messaging may be granted only with prior express  
7 permission that includes the number to which the text message  
8 advertisement may be sent. The permission may be revoked at any  
9 time with a request that includes the number for which  
10 permission is being revoked.

11 Section 20. Option to block text messages. No  
12 telecommunications company shall sell or offer to sell text  
13 messaging services to customers in this State unless the  
14 company offers an option to those customers to block all  
15 incoming and outgoing text messages; provided, however, the  
16 telecommunications company may continue to send text messages  
17 to customers concerning their existing accounts if the customer  
18 will not incur a telecommunications charge or a usage  
19 allocation deduction as a result of the message being sent.

20 Section 25. Violation. A violation of this Act constitutes  
21 an unlawful practice under the Consumer Fraud and Deceptive  
22 Business Practices Act, except that a person may not be held  
23 liable for a violation of Section 10 of this Act if any

1 unsolicited advertisement sent by text messaging was an  
2 isolated message sent no more than one time in a 12-month  
3 period.

4 Section 30. Administration of Act. The Attorney General  
5 shall administer this Act and for that purpose has the powers  
6 conferred under Section 4 of the Consumer Fraud and Deceptive  
7 Business Practices Act.