

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 Automatic Telephone Dialers Act is amended
5 by changing Section 30 and by adding Section 22 as follows:

6 (815 ILCS 305/22 new)

7 Sec. 22. Recordkeeping.

8 (a) A person who operates an autodialer to communicate a
9 commercial message shall maintain a list of all telephone
10 numbers called.

11 (b) A person who operates an autodialer to communicate a
12 commercial message shall maintain records to sufficiently
13 document any exemption claimed under Section 20 of this Act.

14 (815 ILCS 305/30) (from Ch. 134, par. 130)

15 Sec. 30. Violations.

16 (a) It is a violation of this Act to make or cause to be
17 made telephone calls utilizing an autodialer to any emergency
18 telephone number as defined in Section 5. It is a violation of
19 this Act to make or cause to be made telephone calls utilizing
20 an autodialer in a manner that does not comply with Section 15.

21 (b) It is a violation of this Act to play a prerecorded
22 message placed by an autodialer without the consent of the

1 called party.

2 (c) Enforcement by customer. Any customer injured by a
3 violation of this Act may bring an action for the recovery of
4 damages. Judgment may be entered for 3 times the amount at
5 which the actual damages are assessed, plus costs and
6 reasonable attorney fees.

7 (c-5) In addition to the damages authorized under
8 subsection (c), a consumer may obtain statutory damages in the
9 amount of \$500 per violation.

10 (d) Enforcement by Attorney General. Violation of any of
11 the provisions of this Act is an unlawful practice under
12 Section 2Z of the Consumer Fraud and Deceptive Business
13 Practices Act. All remedies, penalties and authority granted to
14 the Attorney General by that Act shall be available to him for
15 the enforcement of this Act. In any action brought by the
16 Attorney General to enforce this Act, the court may order that
17 persons who incurred actual damages be awarded the amount at
18 which actual damages are assessed. In addition to actual
19 damages, a court may order that each person who received a call
20 in violation of this Act be awarded statutory damages in the
21 amount of \$500 per violation.

22 (Source: P.A. 91-182, eff. 1-1-00.)

23 Section 10. The Restricted Call Registry Act is amended by
24 adding Sections 45 and 50 as follows:

1 (815 ILCS 402/45 new)

2 Sec. 45. Recordkeeping.

3 (a) A person who makes or causes to be made calls to
4 communicate a commercial message subject to this Act shall
5 maintain a list of all telephone numbers called.

6 (b) A person who makes or causes to be made calls to
7 communicate a commercial message subject to this Act shall
8 maintain records to sufficiently document any exemption
9 claimed under Section 40 of this Act for a period of 24 months
10 from the date the call is made.

11 (815 ILCS 402/50 new)

12 Sec. 50. Enforcement by residential subscriber. Any
13 residential subscriber who receives a call in violation of this
14 Act may bring an action for the recovery of damages. In
15 addition to actual damages, if any, the subscriber may obtain
16 statutory damages in the amount of \$500 per violation. No
17 action or proceeding may be brought more than one year after
18 (1) the person bringing the action knew or should have known of
19 the alleged violation or (2) the termination of any proceeding
20 or action brought pursuant to Section 35 that arises out of the
21 same violation.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.