

1 AMENDMENT TO HOUSE BILL 570

2 AMENDMENT NO. _____. Amend House Bill 570 as follows:
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Telemarketing Registration and Fraud Prevention Act.

7 Section 5. Definitions. As used in this Act, unless the
8 context otherwise requires:

9 "Emergency telephone number" means any telephone number
10 that accesses or calls a fire department, law enforcement
11 agency, ambulance, hospital, medical center, poison control
12 center, rape crisis center, suicide prevention center, rescue
13 service, or the 911 emergency access number provided by law
14 enforcement agencies and police departments.

15 "Investment opportunity" means anything tangible or
16 intangible, that is offered for sale, sold, or traded based
17 wholly or in part on representations, either express or
18 implied, about past, present, or future income, profit, or
19 appreciation.

20 "Person" includes any individual, group of individuals,
21 firm, association, corporation, partnership, joint venture,
22 sole proprietorship, or any other business entity.

1 "Prize" means anything offered or purportedly offered and
2 given or purportedly given to a person by chance.

3 "Prize promotion" means a sweepstakes or other game of
4 chance or an oral or written, express or implied
5 representation that a person has won, has been selected to
6 receive, or is eligible to receive a prize or purported
7 prize.

8 "Seller" means any person who, in connection with a
9 telemarketing transaction, provides, offers to provide, or
10 arranges for others to provide goods or services to the
11 customer in exchange for consideration.

12 "Telemarketer" means any person who, in connection with
13 telemarketing, initiates telephone calls to a person in this
14 State. "Telemarketer" also means any person located within
15 this State who, in connection with telemarketing, initiates
16 telephone calls. "Telemarketer" includes, but is not limited
17 to, any person who is an owner, operator, officer, director,
18 or partner to the management activities of a business.

19 "Telemarketing" means a plan, program, or campaign which
20 is conducted to induce the purchase of goods or services by
21 use of one or more telephones and which involves more than
22 one telephone call. "Telemarketing" may also include the
23 notification of a prize award. "Telemarketing" does not
24 include political fundraising.

25 Section 10. Exemptions. For purposes of registration
26 and bonding under Sections 15 and 20, "telemarketer" does not
27 include any of the following:

28 (1) Any securities, commodities, or investment brokers,
29 dealers, or investment advisers or associates of securities,
30 commodities, or investment brokers, dealers, or investment
31 advisers subject to license or registration by the Securities
32 and Exchange Commission, the National Association of
33 Securities Dealers, or any other self regulatory organization

1 as defined by 15 U.S.C. 781, or by an agency of this State or
2 any other state, who are soliciting within the scope of their
3 license or registration.

4 (2) A person engaged in solicitation for a religious,
5 charitable, political, educational, or other noncommercial
6 purpose; a person soliciting for a domestic or foreign
7 nonprofit corporation that is registered with the Illinois
8 Secretary of State; or the Illinois Attorney General's Office
9 under the Charitable Trust Act.

10 (3) A business making a sale to another business.

11 (4) A person that solicits sales by periodically
12 publishing and delivering a catalog of the person's
13 merchandise to prospective purchasers, if the catalog:

14 (A) Contains a written description or illustration
15 of each item offered for sale; and

16 (B) Includes the business or home address of the
17 person soliciting the sale.

18 (5) A person who solicits contracts for maintenance or
19 repair of goods previously purchased from that person or from
20 the person on whose behalf the solicitation is made.

21 (6) A person soliciting a transaction regulated by the
22 Commodity Futures Trading Commission if the person is
23 registered or temporarily licensed with the Commodity Futures
24 Trading Commission under the Commodity Exchange Act (7 U.S.C.
25 1 et seq.), and the person's registration or license is not
26 expired, suspended, or revoked.

27 (7) A supervised financial organization or parent,
28 subsidiary, or affiliate of a supervised financial
29 organization, or a licensee under the Consumer Installment
30 Loan Act.

31 (8) A person licensed as an insurance producer under
32 Article XXXI of the Illinois Insurance Code.

33 (9) An insurance company licensed under the Illinois
34 Insurance Code.

1 (10) A person soliciting the sale of services provided
2 by a satellite or cable television system authorized by the
3 federal government or this State to provide services in this
4 State.

5 (11) A telecommunications carrier or its subsidiary or
6 agent, or other business, regulated by the Illinois Commerce
7 Commission under Article XIII of the Public Utilities Act,
8 including but not limited to a telecommunications carrier as
9 defined at Section 13-202 of the Public Utilities Act; a
10 federally licensed cellular telephone service partner or its
11 agents; or a radio telecommunication service provider.

12 (12) A person soliciting business from consumers that
13 have an existing business relationship with or have
14 previously purchased from the business enterprise for which
15 the person is soliciting.

16 (13) A person operating a retail business establishment
17 under the same name as that used in the solicitation:

18 (A) Whose goods or services are displayed and
19 offered for sale at the business establishment; and

20 (B) A majority of whose business involves the
21 consumer obtaining the goods or services at the business
22 establishment.

23 (14) A person soliciting for the sale of a magazine or
24 newspaper of general circulation.

25 (15) An issuer or a subsidiary of an issuer that is
26 authorized to offer securities for sale in this State.

27 (16) A seller who offers:

28 (A) A book, video, record, multimedia club offer,
29 contractual plan, or arrangement along with which the
30 seller provides the consumer with a form the consumer may
31 use to instruct the seller not to ship the offered
32 merchandise;

33 (B) A book, video, record, multimedia club offer,
34 contractual plan, or arrangement that is regulated by

1 Part 425 of the Federal Trade Commission regulation
2 concerning the use of negative option plans by sellers in
3 commerce (16 CFR 425); or

4 (C) Books, records, videos, multimedia products, or
5 other goods for sale that are not covered by subdivisions
6 (A) or (B) of this item (16), including continuity plans,
7 subscription arrangements, standing order arrangements,
8 single sales, supplements, or series arrangements under
9 which the seller periodically ships merchandise to a
10 consumer who has consented in advance to receive the
11 merchandise on a periodic basis.

12 (17) A real estate salesperson or broker licensed by
13 this State.

14 (18) Any person that has provided telemarketing sales
15 services under the same business name as, and derives at
16 least 50% of gross telemarketing sales revenues from
17 contracts with, persons exempted under this Section from
18 registration requirements.

19 (19) A person soliciting the sale of food or food
20 products if the solicitation is not intended to and does not
21 result in a sale in excess of \$100 to a single address.

22 (20) A public utility or its subsidiary, affiliate, or
23 agent, or other business regulated by the Illinois Commerce
24 Commission under the Public Utilities Act.

25 (21) A person, partnership, association, corporation, or
26 any other entity licensed under the Residential Mortgage
27 License Act of 1987.

28 Section 15. Registration of telemarketers.

29 (a) No person shall act as a seller or telemarketer
30 without first having registered with the Attorney General.
31 The initial application for registration shall be made at
32 least 60 days prior to offering consumer goods or services
33 and an application for renewal shall be made on an annual

1 basis thereafter.

2 (b) The Attorney General's Office shall charge
3 reasonable application and renewal fees for administration of
4 the registration requirements pursuant to this Section. All
5 fees collected under this Section shall be deposited in the
6 State Treasury in the special fund known as the
7 Telemarketing Fraud Enforcement Fund and shall be used only
8 for the purposes described in Section 75. The certificate of
9 registration or registration renewal shall expire one year
10 after the date on which it is issued. The application and
11 renewal fees and process shall be established through the
12 promulgation of a rule pursuant to the Illinois
13 Administrative Procedure Act.

14 (c) The application for a certificate of registration
15 or renewal shall include, but not be limited to, the
16 following information:

17 (1) The true name, date of birth, driver's license
18 number, social security number or tax identification
19 number, business address, and home address of the
20 applicant (post office boxes or commercial mail receiving
21 agencies are not permitted), including each name under
22 which the applicant intends to engage in telephone
23 solicitations.

24 (2) Each business or occupation engaged in by the
25 applicant during the 2 years immediately preceding the
26 date of the application, and the location of each such
27 business or occupation.

28 (3) Whether, in a court of competent jurisdiction
29 in this State, any other state, or the United States, any
30 principal or manager has been convicted of, has pleaded
31 guilty to, has entered a plea of no contest for, or is
32 being prosecuted by indictment or information for
33 racketeering, any violation of state or federal
34 securities law, or a theft offense.

1 (4) Whether, in any jurisdiction, there has been
2 entered against the applicant an injunction, a temporary
3 restraining order, or a final judgment or order,
4 including an agreed judgment or order, an assurance of
5 voluntary compliance, or any similar instrument, in any
6 civil or administrative action involving fraud, theft,
7 racketeering, embezzlement, fraudulent conversion,
8 misappropriation of property, or any consumer protection
9 law or telemarketing law, or if there is any pending
10 litigation against the applicant involving these matters.

11 (5) Whether, in any jurisdiction, the applicant has
12 been arrested for, has been convicted of, has pleaded
13 guilty to, has entered a plea of no contest to, or is
14 being prosecuted by indictment or information for a
15 felony and, if so, the nature of the felony.

16 (6) Whether in a court of competent jurisdiction of
17 this State, any other state, or the United States, the
18 applicant has been convicted of, has pleaded guilty to,
19 has entered a plea of no contest for, or is being
20 prosecuted by indictment or information for engaging in a
21 pattern of corrupt activity, racketeering, a violation of
22 federal or state securities law, or a theft offense as
23 defined in Section 16-1 of the Criminal Code of 1961 or
24 in similar law of any other state or the United States.

25 (7) Whether the applicant, at any time during the
26 previous 7 years, has filed for bankruptcy, been adjudged
27 bankrupt, or been reorganized because of insolvency.

28 (8) The true name, current home address, date of
29 birth, social security number, and all others by which
30 known or previously known, of each of the following:

31 (A) Each principal officer, director, owner,
32 or partner of the applicant, and each other person
33 participating in or responsible for the management
34 of the applicant's business.

1 (B) Each office manager or other person
2 principally responsible for each location from which
3 the applicant will do business.

4 (9) The name and address of every institution where
5 banking or any other monetary transactions are done by
6 the seller.

7 (10) A copy of all scripts, outlines, or
8 presentation material the applicant will require or
9 suggest be used by a salesperson when soliciting as well
10 as all sales information to be provided by the applicant
11 to a purchaser in connection with any solicitation.

12 Section 20. Surety bond.

13 (a) No person shall act as a telemarketer without having
14 first obtained a surety bond issued by a surety company that
15 holds a certificate of authority to do business in this State
16 issued by the Department of Insurance under the Illinois
17 Insurance Code. With regard to the surety bond, the
18 following conditions must be met before a person may act as a
19 telemarketer:

20 (1) A copy of the bond must be filed with the
21 Attorney General.

22 (2) The bond must be in favor of any person, and of
23 the State for the benefit of any person, that is injured
24 by violation of this Act or a rule adopted under this Act
25 pursuant to the Illinois Administrative Procedure Act.

26 (3) The bond must be in the amount of \$100,000.

27 (4) The bond must be maintained and in effect for
28 at least 2 years after the date on which the telemarketer
29 ceases to engage in telephone solicitations.

30 (b) Any person making a claim against the bond for
31 violation of any provision of this Act or rule adopted under
32 this Act may maintain a civil action against the telemarketer
33 and the surety company. The surety company is liable only

1 for damages awarded under Section 70 and is not liable for
2 attorney's fees awarded under Section 70. The aggregate
3 liability of the surety company to all persons injured by a
4 telemarketer's violation of this Act shall not exceed the
5 amount of the bond.

6 (c) The registration of any telemarketer shall be void
7 upon termination of the bond of the surety company or loss of
8 the bond unless, prior to such termination, a new bond has
9 been filed with the Attorney General's Office. The surety,
10 for any cause, may cancel the bond upon giving a 60 day
11 written notice to the telemarketer and to the Attorney
12 General. Unless the bond is replaced by that of another
13 surety before the expiration of the 60 day notice of
14 cancellation, the registration of the telemarketer shall be
15 treated as lapsed. For 2 years after the cancellation takes
16 effect, a person may make a claim against the bond for a
17 violation that occurred while the bond was in effect.

18 (d) Any person required under this Act to file a bond
19 with a registration application may file, in lieu of the
20 bond, a certificate of deposit, in cash or government bond,
21 in the amount of \$100,000.

22 (e) The Attorney General shall hold the cash,
23 certificate of deposit, or government bond for 2 years from
24 the period the telemarketing business ceases to operate or
25 registration lapses in order to pay out claims made against
26 the telemarketing business during its period of operation.

27 Section 25. Record keeping requirements.

28 (a) Any telemarketer shall keep, for a period of 24
29 months from the date the record is produced, the following
30 records:

31 (1) All substantially different advertisements,
32 brochures, and other promotional materials.

33 (2) The name and last known address of each prize

1 recipient and the prize awarded for prizes that are
2 represented to have a value of \$25 or more.

3 (3) The name and last known address of each
4 consumer, the goods or services purchased, the date such
5 goods or services were shipped or provided, and the
6 amount paid by the consumer for the goods or services.

7 (4) The name, last known home address, telephone
8 number, and job title for all current and former
9 employees directly involved in telephone sales.

10 (5) All written confirmations required to be
11 provided or received under this Act.

12 (b) In the event of any dissolution or termination of
13 the telemarketer's business, the principal of that
14 telemarketer shall maintain all records as required under
15 this Section. In the event of any sale, assignment, or other
16 change in ownership of the seller's business, the purchaser
17 shall maintain all records required under this Section.

18 Section 30. Mandatory disclosures.

19 (a) The telemarketer shall disclose promptly and in a
20 clear and conspicuous manner to a consumer during a telephone
21 solicitation:

22 (1) The identity of the seller.

23 (2) That the purpose of the call is to sell goods
24 or services.

25 (3) The nature of the goods or services.

26 (b) Before a consumer pays for the goods or services
27 offered for sale or provides any financial or payment
28 information to a telemarketer, the telemarketer shall
29 disclose, clearly and conspicuously, the following material
30 information:

31 (1) The total cost to purchase, receive, or use the
32 consumer goods or services that are the subject of the
33 telemarketing communication. For offers of consumer

1 credit products subject to the federal Truth in Lending
2 Act, 15, U.S.C. 1601 et seq., and Regulation Z, 12 C.F.R.
3 Part 226, compliance with the disclosure requirements
4 under the Truth in Lending Act and Regulation Z shall
5 constitute compliance with this subdivision (b) (1).

6 (2) The quantity of the consumer goods or services
7 that are the subject of the telemarketing solicitation.

8 (3) All material restrictions, limitations, or
9 conditions to purchase, receive, or use the consumer
10 goods or services that are the subject of the
11 telemarketing solicitation.

12 (4) All material aspects of the nature or terms of
13 the telemarketer's refund, cancellation, exchange, or
14 repurchase policies.

15 (5) In any prize promotion:

16 (A) A statement of all material conditions to
17 receive or redeem the prize.

18 (B) The odds of receiving a prize, and if the
19 odds are not calculable in advance, the factors and
20 methods used in calculating the odds.

21 (C) A clear statement that the consumer is not
22 required to make any purchase to win a prize or
23 participate in the prize promotion, including a
24 statement that the consumer is not required to pay
25 any shipping or handling costs.

26 (D) A clear explanation of the
27 no-purchase/no-payment method of participating in
28 the prize promotion.

29 Section 35. Do not call list. It is an unlawful act or
30 practice and violation of this Act for any telemarketer to
31 initiate a telephone solicitation to a consumer who
32 previously has requested the telemarketer to refrain from
33 calling the consumer. Compliance with Section 310.4(b) of

1 the Federal Trade Commission's Telemarketing Sales Rule shall
2 constitute compliance with this Section. This Section does
3 not apply to a supervised financial organization or a parent,
4 subsidiary, or affiliate of a supervised financial
5 organization until July1, 2002.

6 Section 40. Written confirmation.

7 (a) Except as provided in subsection (c), (d), (e), and
8 (f), the telemarketer shall furnish the consumer, in the same
9 language as that principally used in the sales presentation,
10 a written confirmation.

11 (b) The written confirmation furnished under subsection
12 (a) shall be mailed using first class mail, postage prepaid,
13 no later than 10 days after the telemarketing sale. The
14 written confirmation shall be in 12 point type; shall be a
15 separate document for the purpose of confirming the
16 telemarketing sale; and shall contain the following
17 information:

18 (1) The name and address of the seller.

19 (2) The total costs to purchase, receive, or use,
20 and the quantity of, any goods or services that are the
21 subject of the sale.

22 (3) All material restrictions, limitations, or
23 conditions to purchase, receive, or use the goods or
24 services that are the subject of the sale.

25 (4) If the seller has a policy of not making
26 refunds, cancellations, exchanges, or repurchases, a
27 statement informing the customer that this is the
28 seller's policy; or, if the seller or telemarketer makes
29 a representation about a refund, cancellation, exchange,
30 or repurchase policy, a statement of all material terms
31 and conditions of the policy.

32 (5) A toll-free number to call should the consumer
33 wish to cancel the telemarketing sale.

1 (c) A written confirmation is not required if the
2 telemarketing sale is regulated by other laws of the State.

3 (d) A sale is not subject to the requirements of this
4 Section if the seller, at a minimum, has a policy of:

5 (1) accepting returns or cancelling services in
6 connection with the return of unused and undamaged goods
7 or cancelled services for a period of not less than 7
8 days after the date of delivery to the consumer and
9 providing a cash refund for a cash purchase or issuing a
10 credit for a credit purchase applied to the account that
11 was debited;

12 (2) disclosing the seller's refund and return
13 policy to the consumer by telephone or in writing
14 included with advertising or promotional material, or
15 with the delivery of the goods or services; and

16 (3) restoring payments or issuing credits pursuant
17 to subdivision (d)(1), within 30 days after the date on
18 which the seller receives the returned goods or notice of
19 cancellation of services. A seller who discloses in
20 writing that a sale is subject to "satisfaction
21 guaranteed", "free inspection", "a no risk guarantee", or
22 similar words or phrases shall be considered to have met
23 the review and return for refund policy requirements of
24 this subsection.

25 (e) A written confirmation is not required if the
26 telemarketing sale results in a written contract signed by
27 the consumer.

28 (f) This Section does not apply to a supervised
29 financial organization or a parent, subsidiary, or affiliate
30 of a supervised financial organization.

31 Section 45. Acts and practices not covered under this
32 Act. The following acts and practices are not covered under
33 this Act:

1 (1) Telephone calls in which the sale of goods or
2 services is not completed, and payment, payment information,
3 and authorization of are not obtained until:

4 (A) there has been a face-to-face presentation by
5 the seller; or

6 (B) there is a written contract signed by the
7 consumer.

8 (2) Telephone calls initiated by a consumer that are not
9 the result of any telephone solicitation by a telemarketer.

10 (3) Telephone calls made by an autodialer as defined in
11 the Automatic Telephone Dialers Act.

12 (4) Telephone calls made by a collection agency
13 registered with the Department of Professional Regulation
14 under the Illinois Collection Agency Act.

15 Section 50. Unlawful acts or practices.

16 (a) It is an unlawful act or practice and a violation of
17 this Act for any telemarketer to engage in the following
18 conduct:

19 (1) To obtain a certificate of registration or
20 registration renewal through any false or fraudulent
21 representation or make any material misrepresentation in
22 any registration or registration renewal application.

23 (2) To fail to maintain a valid certificate of
24 registration or registration renewal.

25 (3) To provide inaccurate or incomplete information
26 to the Attorney General when making an application for a
27 certificate of registration or registration renewal.

28 (4) To misrepresent that a person is registered or
29 that a person has a valid certificate number.

30 (5) To misrepresent, directly or by implication,
31 any of the following information:

32 (A) The total cost to purchase, receive, or
33 use, and the quantity of, any goods or services that

1 are the subject of a solicitation.

2 (B) A material restriction, limitation, or
3 condition to purchase, receive, or use goods or
4 services that are the subject of a solicitation.

5 (C) A material aspect of the performance,
6 efficacy, nature, or characteristics of goods or
7 services that are the subject of a solicitation.

8 (D) A material aspect of the nature or terms
9 of the seller's refund, cancellation, exchange, or
10 repurchase policies.

11 (E) A material aspect of a prize promotion,
12 including, but not limited to, the odds of being
13 able to receive a prize, the nature of a prize, the
14 actual number of each prize to be awarded or given,
15 or that a purchase or payment of any kind is
16 required to win a prize or participate in a prize
17 promotion.

18 (F) A material aspect of an investment
19 opportunity, including, but not limited to, risk,
20 liquidity, earnings potential, or profitability.

21 (G) The telemarketer's affiliation with or
22 endorsement by any government or third-party
23 organization.

24 (6) To make a false or misleading statement to
25 induce a consumer to pay for goods or services.

26 (7) To fail to notify the Attorney General within
27 15 days if, in a court of competent jurisdiction of this
28 State or any other state or the United States, the
29 telemarketer is convicted of, pleads guilty to, or enters
30 a plea of no contest for a felony, engaging in a pattern
31 of corrupt activity, racketeering, a violation of federal
32 or state securities law, or a theft offense.

33 (8) To advertise or represent that registration as
34 a telemarketer is an endorsement or approval by the State

1 or any governmental agency of the State.

2 (9) To request or receive payment of any fee or
3 consideration for goods or services represented to remove
4 derogatory information from or improve a person's credit
5 history, credit record, or credit rating until:

6 (A) The time frame in which the telemarketer
7 has represented all of the goods or services will be
8 provided to that person has expired; and

9 (B) The telemarketer has provided the person
10 with documentation in the form of a consumer report
11 from a consumer reporting agency demonstrating that
12 the promised results have been achieved, such report
13 having been issued more than 6 months after the
14 results were achieved.

15 (10) Obtain or submit for payment a check, draft,
16 or other form of negotiable paper drawn on a person's
17 checking, savings, bond, or other account without the
18 consumer's express written authorization.

19 (11) To procure the services of any professional
20 delivery, courier, or other pick-up service to obtain
21 immediate receipt and possession of a consumer's payment
22 unless:

23 (A) Such service is requested by the consumer;
24 and

25 (B) The consumer is actually afforded an
26 opportunity to inspect the goods or services prior
27 to payment.

28 (12) To request or receive payment in advance from
29 a consumer to recover or otherwise aid in the return of
30 money or any other item lost by the consumer in a prior
31 telemarketing transaction.

32 (13) To misrepresent the requirements of this
33 Section.

34 (14) To assist, support, or provide substantial

1 assistance to any telemarketer when the seller knows or
2 should know that the telemarketer is engaged in any act
3 or practice which violates this Section or Section 30.

4 (15) To make or cause to be made a telephone call
5 to any emergency telephone number.

6 (16) To request or receive payment of any fee or
7 consideration in advance of obtaining a loan or other
8 extension of credit when the seller or telemarketer has
9 guaranteed or represented a high likelihood of success in
10 obtaining or arranging a loan or other extension of
11 credit for a consumer.

12 Section 55. Abusive acts and practices unlawful under
13 this Act. It is an abusive telemarketing act or practice and
14 a violation of this Act for any telemarketer to engage in the
15 following conduct:

16 (1) Threaten, intimidate, or use profane or obscene
17 language.

18 (2) Engage any person repeatedly or continuously
19 with behavior a reasonable person would deem to be
20 annoying, abusive, or harassing.

21 (3) Initiate an outbound telephone call to a person
22 when that person previously has stated that he or she
23 does not wish to receive an outbound telephone call made
24 on behalf of the telemarketer whose goods or services are
25 being offered in compliance with Section 35.

26 (4) Engage in telemarketing to a person's residence
27 at any time other than between 8 a.m. and 9 p.m. local
28 time, Monday through Sunday, at the called person's
29 location.

30 Section 60. Enforcement by Attorney General. Violation
31 of any of the provisions of this Act is an unlawful practice
32 under the Consumer Fraud and Deceptive Business Practices

1 Act. All remedies, penalties, and authority granted to the
2 Attorney General by that Act shall be available to him for
3 the enforcement of this Act.

4 Section 65. Criminal penalties. A knowing violation of
5 Section 15, 20, 25, 30, 35, 40, 50, or 55 is a Class 4
6 felony.

7 Section 70. Private right of action.

8 (a) Any person who suffers actual damages as a result
9 of a violation of this Act committed by any other person may
10 bring an action against that person. The court, in its
11 discretion, may award actual economic damages or any other
12 relief which the court deems proper.

13 (b) Such action may be commenced in the county in which
14 the person against whom it is brought resides, has his
15 principal place of business, or is doing business, or in the
16 county where the transaction or any substantial portion of
17 the transaction occurred.

18 (c) In any action brought by a person under this
19 Section, the court may grant injunctive relief where
20 appropriate and may award, in addition to the relief provided
21 in this Section, reasonable attorney's fees and costs to the
22 prevailing party.

23 (d) Upon commencement of any action brought under this
24 Section, the plaintiff shall mail a copy of the complaint or
25 other initial pleading to the Attorney General and, upon
26 entry of any judgment or order in the action, shall mail a
27 copy of the judgment or order to the Attorney General.

28 (e) Any action for damages under this Section shall be
29 forever barred unless commenced within 3 years after the
30 cause of action accrued; provided that, whenever any action
31 is brought by the Attorney General or a State's Attorney for
32 a violation of this Act, the running of the statute of

1 limitations, with respect to every private right of action
2 for damages which is based in whole or in part on any matter
3 complained of in the action by the Attorney General or
4 State's Attorney, shall be suspended during the pendency of
5 the action, and for one year thereafter.

6 Section 75. Telemarketing Fraud Enforcement Fund. There
7 is hereby created in the State Treasury the Attorney General
8 Telemarketing Fraud Enforcement Fund. The State Treasurer
9 shall deposit in the fund registration fees paid pursuant to
10 this Act. Subject to appropriation by the legislature, the
11 Attorney General shall use the monies in the fund for the
12 administration and enforcement of the program of registration
13 established in this Act and also for educational activities
14 that advance the purposes of this Act.

15 Section 80. Rules. The Attorney General may promulgate
16 any rules necessary to implement this Act, pursuant to the
17 Illinois Administrative Procedure Act, which rules shall have
18 the force of law.

19 Section 85. Construction of Act. This Act shall be
20 liberally construed to effect its purposes.

21 Section 905. The State Finance Act is amended by adding
22 Section 5.545 as follows:

23 (30 ILCS 105/5.545 new)

24 Sec. 5.545. The Attorney General Telemarketing Fraud
25 Enforcement Fund.

26 (815 ILCS 413/Act rep.)

27 Section 910. The Telephone Solicitations Act is
28 repealed.

1 Section 915. The Consumer Fraud and Deceptive Business
2 Practices Act is amended by changing Section 2Z as follows:

3 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

4 Sec. 2Z. Violations of other Acts. Any person who
5 knowingly violates the Automotive Repair Act, the Home Repair
6 and Remodeling Act, the Dance Studio Act, the Physical
7 Fitness Services Act, the Hearing Instrument Consumer
8 Protection Act, the Illinois Union Label Act, the Job
9 Referral and Job Listing Services Consumer Protection Act,
10 the Travel Promotion Consumer Protection Act, the Credit
11 Services Organizations Act, the Automatic Telephone Dialers
12 Act, the Pay-Per-Call Services Consumer Protection Act, the
13 Telemarketing Registration and Fraud Prevention Telephone
14 Solicitations Act, the Illinois Funeral or Burial Funds Act,
15 the Cemetery Care Act, the Safe and Hygienic Bed Act, the
16 Pre-Need Cemetery Sales Act, subsection (a) or (b) of Section
17 3-10 of the Cigarette Tax Act, subsection (a) or (b) of
18 Section 3-10 of the Cigarette Use Tax Act, or the Electronic
19 Mail Act commits an unlawful practice within the meaning of
20 this Act.

21 (Source: P.A. 90-426, eff. 1-1-98; 91-164, eff. 7-16-99;
22 91-230, eff. 1-1-00; 91-233, eff. 1-1-00; 91-810, eff.
23 6-13-00.)".