



Rep. Michael Crawford

Filed: 4/7/2025

10400HB2435ham002

LRB104 05988 SPS 24593 a

1 AMENDMENT TO HOUSE BILL 2435

2 AMENDMENT NO. _____. Amend House Bill 2435, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Telephone Solicitations Act is amended by
6 changing Sections 5, 15, 20, and 25 as follows:

7 (815 ILCS 413/5)

8 Sec. 5. Definitions. For purposes of this Act:

9 "Automatic telephone dialing system" has the meaning set
10 forth in the Telephone Consumer Protection Act (47 U.S.C.
11 227). The use of an automatic telephone dialing system also
12 includes sending a message directly to the recipient's
13 voicemail or transmitting an artificial voice to the recipient
14 of a telephone call.

15 "Caller ID" means the display to the recipient of the call
16 of the caller's telephone number or identity.

1 "Emergency telephone number" means any telephone number
2 which accesses or calls a fire department, law enforcement
3 agency, ambulance, hospital, medical center, poison control
4 center, rape crisis center, suicide prevention center
5 (including the 9-8-8 suicide and crisis lifeline), rescue
6 service, the 911 emergency access number provided by law
7 enforcement agencies and police departments.

8 "Existing business relationship" means a relationship
9 formed by:

10 (1) a previous purchase, contract, or service
11 agreement between the customer and the caller within the
12 preceding 12 months;

13 (2) a current subscription, account, membership, or
14 ongoing transaction for goods or services between the
15 customer and the caller; or

16 (3) an inquiry related to goods or services made by
17 the customer to the caller within the preceding 12 months.

18 "Subscriber" means:

19 (1) A person who has subscribed to telephone service
20 from a telephone company; or

21 (2) Other persons living or residing with the
22 subscribing person.

23 "Telephone solicitation" means any voice communication
24 through the use of a telephone ~~by live operators~~ for
25 soliciting the sale of goods, ~~or~~ services, or property or
26 wrongfully obtaining anything of value.

1 (Source: P.A. 95-331, eff. 8-21-07.)

2 (815 ILCS 413/15)

3 Sec. 15. Method of operation.

4 (a) No person shall solicit the sale of goods or services
5 in this State by placing a telephone call during the hours
6 between 9 p.m. and 8 a.m.

7 (a-5) No person shall initiate a telephone solicitation in
8 this State through the use of an automatic telephone dialing
9 system. This subsection applies to all commercial telephone
10 solicitation intended to be received by a telephone customer
11 in this State, unless the person being contacted has expressly
12 consented to be contacted in this manner or has an existing
13 business relationship with the person initiating the telephone
14 solicitation. If a person has previously consented to be
15 contacted in a manner otherwise prohibited by this subsection,
16 the person shall be allowed to withdraw that consent at any
17 time in the same manner that the consent was given. A person to
18 whom consent has been given under this subsection shall not
19 sell, give, transfer, or assign that consent to another
20 person.

21 The provisions of this subsection shall not apply to calls
22 or alerts: (i) made through an emergency telephone number;
23 (ii) made by a unit of local, State, or federal government;
24 (iii) made by a government official acting in an official
25 capacity; (iv) made by a not-for-profit organization that is

1 exempt from taxation under Section 501 of the Internal Revenue
2 Code; (v) made by a health care provider, office, and facility
3 licensed in this State; (vi) made by a public utility or
4 telecommunications carrier in this State as defined in Section
5 3-105 of the Public Utilities Act; or (vii) otherwise
6 permitted by State or federal law.

7 (b) A live operator making a telephone solicitation
8 ~~soliciting the sale of goods or services~~ shall:

9 (1) immediately state his or her name, the name of the
10 business or organization being represented, and the
11 purpose of the call; and

12 (2) inquire at the beginning of the call whether the
13 person called consents to the solicitation; and

14 (3) if the person called requests to be taken off the
15 contact list of the business or organization, the operator
16 must refrain from calling that person again and take all
17 steps necessary to have that person's name and telephone
18 number removed from the contact records of the business or
19 organization so that the person will not be contacted
20 again by the business or organization. Compliance with
21 Section 310.4(b) of the Federal Trade Commission's
22 Telemarketing Sales Rule shall constitute compliance with
23 this subsection (b) (3) of this Section.

24 (c) A person may not initiate a telephone solicitation
25 ~~solicit the sale of goods or services by telephone~~ in a manner
26 that impedes the function of any caller ID when the telephone

1 solicitor's service or equipment is capable of allowing the
2 display of the solicitor's telephone number.

3 (Source: P.A. 90-541, eff. 6-1-98; 91-182, eff. 1-1-00.)

4 (815 ILCS 413/20)

5 Sec. 20. Exemptions.

6 (a) Except as provided in subsection (b), the ~~provisions~~
7 ~~of this Act shall not apply to telephone calls made by an~~
8 ~~autodialer.~~ The provisions of this Act do not apply to
9 telephone solicitations ~~calls~~ made by a person who is a
10 registered dealer, registered investment adviser, or
11 registered salesperson under Section 8 of the Illinois
12 Securities Law of 1953 or who is registered as a
13 broker-dealer, registered representative, or salesperson of a
14 broker-dealer under the federal securities laws, when
15 performing acts within the scope of that registration.

16 (b) Notwithstanding the provisions of subsection (a), all
17 telephone solicitations ~~calls~~ must be made in compliance with
18 the requirements of subsection (c) of Section 15.

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

20 (815 ILCS 413/25)

21 Sec. 25. Violations.

22 (a) It is a violation of this Act to make or cause to be
23 made telephone solicitations ~~calls~~ to any emergency telephone
24 number as defined in Section 5 of this Act. It is a violation

1 of this Act to make or cause to be made telephone calls in a
2 manner that does not comply with Section 15.

3 (b) It is a violation of this Act to continue with a
4 solicitation placed by a live operator without the consent of
5 the called party.

6 (c) It is an unlawful act or practice and a violation of
7 this Act for any person engaged in telephone solicitation to
8 obtain or submit for payment a check, draft, or other form of
9 negotiable paper drawn on a person's checking, savings, or
10 other account or on a bond without the person's express
11 written consent.

12 (d) ~~Enforcement by customer.~~ Any customer injured by a
13 violation of this Act, other than a violation of subsection
14 (a-5) of Section 15, may bring an action for the recovery of
15 damages. Judgment may be entered for 3 times the amount at
16 which the actual damages are assessed, plus costs and
17 reasonable attorney's attorney fees. Any person who receives a
18 telephone solicitation in violation of subsection (a-5) of
19 Section 15 may bring an action for damages of \$500 for each
20 solicitation received, plus costs and reasonable attorney's
21 fees. Any damages recoverable under this Section are in the
22 alternative to, and not in addition to, any damages that may be
23 recovered under the federal Telephone Consumer Protection Act,
24 47 U.S.C. 227 et seq.

25 (e) ~~Enforcement by Attorney General.~~ Violation of any of
26 the provisions of this Act is an unlawful practice under

1 Section 2Z of the Consumer Fraud and Deceptive Business
2 Practices Act. All remedies, penalties, and authority granted
3 to the Attorney General by that Act shall be available to him
4 for the enforcement of this Act. In any action brought by the
5 Attorney General to enforce this Act, the court may order that
6 persons who incurred actual damages be awarded the amount at
7 which actual damages are assessed.

8 (Source: P.A. 91-182, eff. 1-1-00; 91-761, eff. 1-1-01.)".