

1 AMENDMENT TO SENATE BILL 368

2 AMENDMENT NO. _____. Amend Senate Bill 368 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Credit Card Liability Act is amended by
5 changing the title of the Act and Sections 0.01, 1, and 2 as
6 follows:

7 (815 ILCS 145/Act title)

8 An Act defining and limiting the liability of persons in
9 whose names credit cards and debit cards are issued.

10 (815 ILCS 145/0.01) (from Ch. 17, par. 6100)

11 Sec. 0.01. Short title. This Act may be cited as the
12 Credit Card and Debit Card Liability Act.

13 (Source: P.A. 86-1324.)

14 (815 ILCS 145/1) (from Ch. 17, par. 6101)

15 Sec. 1. Unsolicited cards; liability.

16 (a) No person in whose name a credit card or debit card
17 is issued without his having requested or applied for the
18 card or for the extension of the credit or establishment of a
19 charge account or other account which that card evidences is
20 liable to the issuer of the card for any purchases made or

1 other amounts owing by a use of that card from which he or a
 2 member of his family or household derive no benefit unless he
 3 has indicated his acceptance of the card by signing or using
 4 the card or by permitting or authorizing use of the card by
 5 another. A mere failure to destroy or return an unsolicited
 6 card is not such an indication. As used in this Act, "credit
 7 card" and "debit card" have has the meanings meaning ascribed
 8 to those terms ~~it-in-Section-2.03-of~~ the Illinois Credit Card
 9 and Debit Card Act, except that the terms do ~~it--does~~ not
 10 include a card issued by any telephone company that is
 11 subject to supervision or regulation by the Illinois Commerce
 12 Commission or other public authority.

13 (b) When an action is brought by an issuer against the
 14 person named on the card, the burden of proving the request,
 15 application, authorization, permission, use or benefit as set
 16 forth in Section 1 hereof shall be upon plaintiff if put in
 17 issue by defendant. In the event of judgment for defendant,
 18 the court shall allow defendant a reasonable attorney's fee,
 19 to be taxed as costs.

20 (Source: P.A. 78-777.)

21 (815 ILCS 145/2) (from Ch. 17, par. 6102)

22 Sec. 2. Requested or accepted cards; liability.

23 (a) Notwithstanding that a person in whose name a credit
 24 card or debit card has been issued has requested or applied
 25 for such card or has indicated his acceptance of an
 26 unsolicited credit card or debit card, as provided in Section
 27 1 hereof, such person shall not be liable to the issuer
 28 unless the card issuer has given notice to such person of his
 29 potential liability, on the card or within 2 ~~two~~ years
 30 preceding such use, and has provided such person with an
 31 addressed notification requiring no postage to be paid by
 32 such person which may be mailed in the event of the loss,
 33 theft, or possible unauthorized use of the credit card or

1 debit card, and such person shall not be liable for any
 2 amount in excess of the applicable amount hereinafter set
 3 forth, resulting from unauthorized use of that card prior to
 4 notification to the card issuer of the loss, theft, or
 5 possible unauthorized use of that card:

6 Card without a signature panel.....\$25.00

7 Card with a signature panel.....\$50.00

8 After the holder of the credit card or debit card gives
 9 notice to the issuer that a credit card or debit card is lost
 10 or stolen he is not liable for any amount resulting from
 11 unauthorized use of the card.

12 (b) When an action is brought by an issuer against the
 13 person named on a card, issuance of which has been requested,
 14 applied for, solicited or accepted and defendant puts in
 15 issue any transaction arising from the use of such card, the
 16 burden of proving benefit, authorization, use, or permission
 17 by defendant as to such transaction shall be upon plaintiff.
 18 In the event defendant prevails with respect to any
 19 transaction so put in issue, the court may enter as a credit
 20 against any judgment for plaintiff, or as a judgment for
 21 defendant, a reasonable attorney's fee for services in
 22 connection with the transaction in respect of which the
 23 defendant prevails.

24 (Source: P.A. 77-1637.)".