

1 AMENDMENT TO SENATE BILL 1637

2 AMENDMENT NO. _____. Amend Senate Bill 1637 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Telephone Solicitations Act is amended
5 by changing Section 25 as follows:

6 (815 ILCS 413/25)

7 Sec. 25. Violations.

8 (a) It is a violation of this Act to make or cause to be
9 made telephone calls to any emergency telephone number as
10 defined in Section 5 of this Act. It is a violation of this
11 Act to make or cause to be made telephone calls in a manner
12 that does not comply with Section 15. It is a violation of
13 this Act to make or cause to be made a telephone solicitation
14 call to any cellular phone unless the solicitor knows that
15 the person receiving the call will not have to pay any
16 charges or fees for receiving the call.

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

20 (c) It is an unlawful act or practice and a violation of
21 this Act for any person engaged in telephone solicitation to
22 obtain or submit for payment a check, draft, or other form of

1 negotiable paper drawn on a person's checking, savings, or
2 other account or on a bond without the person's express
3 written consent.

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

9 (e) Enforcement by Attorney General. Violation of any of
10 the provisions of this Act is an unlawful practice under
11 Section 2Z of the Consumer Fraud and Deceptive Business
12 Practices Act. All remedies, penalties, and authority granted
13 to the Attorney General by that Act shall be available to him
14 for the enforcement of this Act. In any action brought by the
15 Attorney General to enforce this Act, the court may order
16 that persons who incurred actual damages be awarded the
17 amount at which actual damages are assessed.

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

19 Section 99. Effective date. This Act takes effect on
20 January 1, 2003."