

1 AN ACT concerning telecommunications.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Wireless Emergency Telephone Safety Act  
5 is amended by changing Sections 10, 17, and 35 and by adding  
6 Section 70 as follows:

7 (50 ILCS 751/10)

8 (Section scheduled to be repealed on April 1, 2005)

9 Sec. 10. Definitions. In this Act:

10 "Active prepaid wireless telephone" means a prepaid  
11 wireless telephone that has been used or activated by the  
12 customer during the month to complete a telephone call for  
13 which the customer's card or account was decremented.

14 "Emergency telephone system board" means a board  
15 appointed by the corporate authorities of any county or  
16 municipality that provides for the management and operation  
17 of a 9-1-1 system within the scope of the duties and powers  
18 prescribed by the Emergency Telephone System Act.

19 "Master street address guide" means the computerized  
20 geographical database that consists of all street and address  
21 data within a 9-1-1 system.

22 "Mobile telephone number" or "MTN" shall mean the  
23 telephone number assigned to a wireless telephone at the time  
24 of initial activation.

25 "Prepaid wireless telephone service" means wireless  
26 telephone service which is activated by payment in advance of  
27 a finite dollar amount or for a finite set of minutes and  
28 which, unless an additional finite dollar amount or finite  
29 set of minutes is paid in advance, terminates either (i) upon  
30 use by a customer and delivery by the wireless carrier of an  
31 agreed-upon amount of service corresponding to the total

1 dollar amount paid in advance, or within a certain period of  
2 time following initial purchase or activation.

3 "Public safety agency" means a functional division of a  
4 public agency that provides fire fighting, police, medical,  
5 or other emergency services. For the purpose of providing  
6 wireless service to users of 9-1-1 emergency services, as  
7 expressly provided for in this Act, the Department of State  
8 Police may be considered a public safety agency.

9 "Qualified governmental entity" means a unit of local  
10 government authorized to provide 9-1-1 services pursuant to  
11 the Emergency Telephone System Act where no emergency  
12 telephone system board exists.

13 "Statewide wireless emergency 9-1-1 system" means all  
14 areas of the State where an emergency telephone system board  
15 or, in the absence of an emergency telephone system board, a  
16 qualified governmental entity has not declared its intention  
17 for one or more of its public safety answering points to  
18 serve as a primary wireless 9-1-1 public safety answering  
19 point for its jurisdiction. The operator of the statewide  
20 wireless emergency 9-1-1 system shall be the Department of  
21 State Police.

22 "Sufficient positive balance" means a dollar amount  
23 greater than or equal to the monthly wireless 9-1-1 surcharge  
24 amount.

25 "Wireless carrier" means a provider of two-way cellular,  
26 broadband PCS, geographic area 800 MHz and 900 MHz Commercial  
27 Mobile Radio Service (CMRS), Wireless Communications Service  
28 (WCS), or other Commercial Mobile Radio Service (CMRS), as  
29 defined by the Federal Communications Commission, offering  
30 radio communications that may provide fixed, mobile, radio  
31 location, or satellite communication services to individuals  
32 or businesses within its assigned spectrum block and  
33 geographical area or that offers real-time, two-way voice  
34 service that is interconnected with the public switched

1 network, including a reseller of such service.

2 "Wireless enhanced 9-1-1" means the ability to relay the  
3 telephone number of the originator of a 9-1-1 call and  
4 location information ~~and--the--location-of-the-cell-site-or~~  
5 ~~base-station-receiving-a-9-1-1-call~~ from any mobile handset  
6 or text telephone device accessing the wireless system to the  
7 designated wireless public safety answering point as set  
8 forth in the order of the Federal Communications Commission,  
9 FCC Docket No. 94-102, adopted June 12, 1996, with an  
10 effective date of October 1, 1996, and any subsequent  
11 amendment thereto ~~through--the--use--of--automatic---number~~  
12 ~~identification-and-pseudo-automatic-number-identification.~~

13 "Wireless public safety answering point" means the  
14 functional division of an emergency telephone system board,  
15 qualified governmental entity, or the Department of State  
16 Police accepting wireless 9-1-1 calls.

17 "Wireless subscriber" means an individual or entity to  
18 whom a wireless service account or number has been assigned  
19 by a wireless carrier.

20 "Wireless telephone service" includes prepaid wireless  
21 telephone service and means all "commercial mobile service",  
22 as that term is defined in 47 CFR 20.3, including all  
23 personal communications services, wireless radio telephone  
24 services, geographic area specialized and enhanced  
25 specialized mobile radio services, and incumbent wide area  
26 specialized mobile radio licensees that offer real time,  
27 two-way service that is interconnected with the public  
28 switched telephone network.

29 (Source: P.A. 91-660, eff. 12-22-99.)

30 (50 ILCS 751/17)

31 Sec. 17. Wireless carrier surcharge.

32 (a) Except as provided in Section 45, each wireless  
33 carrier shall impose a monthly wireless carrier surcharge per

1 CMRS connection that either has a telephone number within an  
2 area code assigned to Illinois by the North American  
3 Numbering Plan Administrator or has a billing address in this  
4 State. In the case of prepaid wireless telephone service,  
5 this surcharge shall be remitted based upon the address  
6 associated with the point of purchase, the customer billing  
7 address, or the location associated with the MTN for each  
8 active prepaid wireless telephone that has a sufficient  
9 positive balance as of the last day of each month, if that  
10 information is available. No wireless carrier shall impose  
11 the surcharge authorized by this Section upon any subscriber  
12 who is subject to the surcharge imposed by a unit of local  
13 government pursuant to Section 45. The wireless carrier that  
14 provides wireless service to the subscriber shall collect the  
15 surcharge set by the Wireless Enhanced 9-1-1 Board from the  
16 subscriber. For mobile telecommunications services provided  
17 on and after August 1, 2002, any surcharge imposed under this  
18 Act shall be imposed based upon the municipality or county  
19 that encompasses the customer's place of primary use as  
20 defined in the Mobile Telecommunications Sourcing Conformity  
21 Act. The surcharge shall be stated as a separate item on the  
22 subscriber's monthly bill. The wireless carrier shall begin  
23 collecting the surcharge on bills issued within 90 days after  
24 the Wireless Enhanced 9-1-1 Board sets the monthly wireless  
25 surcharge. State and local taxes shall not apply to the  
26 wireless carrier surcharge.

27 (b) Except as provided in Section 45, a wireless carrier  
28 shall, within 45 days of collection, remit, either by check  
29 or by electronic funds transfer, to the State Treasurer the  
30 amount of the wireless carrier surcharge collected from each  
31 subscriber. Of the amounts remitted under this subsection,  
32 the State Treasurer shall deposit one-third into the Wireless  
33 Carrier Reimbursement Fund and two-thirds into the Wireless  
34 Service Emergency Fund.

1 (c) The first such remittance by wireless carriers shall  
2 include the number of customers by zip code, and the 9-digit  
3 zip code if currently being used or later implemented by the  
4 carrier, that shall be the means by which the Department of  
5 Central Management Services shall determine distributions  
6 from the Wireless Service Emergency Fund. This information  
7 shall be updated no less often than every year. Wireless  
8 carriers are not required to remit surcharge moneys that are  
9 billed to subscribers but not yet collected.

10 (Source: P.A. 91-660, eff. 12-22-99; 92-526, eff. 7-1-02.)

11 (50 ILCS 751/35)

12 (Section scheduled to be repealed on April 1, 2005)

13 Sec. 35. Wireless Carrier Reimbursement Fund;  
14 reimbursement. To recover costs from the Wireless Carrier  
15 Reimbursement Fund, the wireless carrier shall submit sworn  
16 invoices to the Department of Central Management Services.  
17 In no event may any invoice for payment be approved for (i)  
18 costs that are not related to compliance with the  
19 requirements established by the wireless enhanced 9-1-1  
20 mandates of the Federal Communications Commission, (ii) costs  
21 with respect to any wireless enhanced 9-1-1 service that is  
22 not operable at the time the invoice is submitted, or (iii)  
23 costs of any wireless carrier exceeding 125% of the wireless  
24 emergency services charges remitted to the Wireless Carrier  
25 Reimbursement Fund by the wireless carrier under Section  
26 17(b)unless the wireless carrier received prior approval for  
27 the expenditures from the Department of Central Management  
28 Services.

29 If in any month the total amount of invoices submitted to  
30 the Department of Central Management Services and approved  
31 for payment exceeds the amount available in the Wireless  
32 Carrier Reimbursement Fund, wireless carriers that have  
33 invoices approved for payment shall receive a pro-rata share

1 of the amount available in the Wireless Carrier Reimbursement  
 2 Fund based on the relative amount of their approved invoices  
 3 available that month, and the balance of the payments shall  
 4 be carried into the following months, ~~and shall include~~  
 5 ~~appropriate interest at the statutory rate,~~ until all of the  
 6 approved payments are made.

7 A wireless carrier may not receive payment from the  
 8 Wireless Carrier Reimbursement Fund for its costs of  
 9 providing wireless enhanced 9-1-1 services in an area when a  
 10 unit of local government or emergency telephone system board  
 11 provides wireless 9-1-1 services in that area and was  
 12 imposing and collecting a wireless carrier surcharge prior to  
 13 July 1, 1998.

14 The Department of Central Management Services shall  
 15 maintain detailed records of all receipts and disbursements  
 16 and shall provide an annual accounting of all receipts and  
 17 disbursements to the Auditor General.

18 The Department of Central Management Services shall adopt  
 19 rules to govern the reimbursement process.

20 (Source: P.A. 91-660, eff. 12-22-99.)

21 (50 ILCS 751/70)

22 (Section scheduled to be repealed on April 1, 2005)

23 Sec. 70. Repealer. This Act is repealed on April 1,  
 24 2008 2005.

25 (Source: P.A. 91-660, eff. 12-22-99.)