



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB5321

Introduced 01/26/06, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

50 ILCS 751/17

Amends the Wireless Emergency Telephone Safety Act. Provides that each wireless carrier shall collect a monthly wireless carrier surcharge in the amount of \$1.50 (now, in an amount set by the Wireless Enhanced 9-1-1 Board) from the subscriber for each CMRS connection. Authorizes the Wireless Enhanced 9-1-1 Board to increase the amount of the surcharge if it determines that the increase is necessary for the effective provision of 9-1-1 services.

LRB094 16880 HLH 52159 b

1 AN ACT concerning local government.

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 is
5 amended by changing Section 17 as follows:

6 (50 ILCS 751/17)

7 (Section scheduled to be repealed on April 1, 2008)

8 Sec. 17. Wireless carrier surcharge.

9 (a) Except as provided in Section 45, each wireless carrier
10 shall impose a monthly wireless carrier surcharge of \$1.50 per
11 CMRS connection that either has a telephone number within an
12 area code assigned to Illinois by the North American Numbering
13 Plan Administrator or has a billing address in this State. In
14 the case of prepaid wireless telephone service, this surcharge
15 shall be remitted based upon the address associated with the
16 point of purchase, the customer billing address, or the
17 location associated with the MTN for each active prepaid
18 wireless telephone that has a sufficient positive balance as of
19 the last day of each month, if that information is available.
20 No wireless carrier shall impose the surcharge authorized by
21 this Section upon any subscriber who is subject to the
22 surcharge imposed by a unit of local government pursuant to
23 Section 45. The wireless carrier that provides wireless service
24 to the subscriber shall collect the surcharge ~~set by the~~
25 ~~Wireless Enhanced 9-1-1 Board~~ from the subscriber. The Wireless
26 Enhanced 9-1-1 Board may increase the amount of the surcharge
27 if the Board determines that an increase is necessary for the
28 effective provision of 9-1-1 service in accordance with this
29 Act. For mobile telecommunications services provided on and
30 after August 1, 2002, any surcharge imposed under this Act
31 shall be imposed based upon the municipality or county that
32 encompasses the customer's place of primary use as defined in

1 the Mobile Telecommunications Sourcing Conformity Act. The
2 surcharge shall be stated as a separate item on the
3 subscriber's monthly bill. If the Wireless Enhanced 9-1-1 Board
4 increases the surcharge, then the ~~The~~ wireless carrier shall
5 begin collecting the surcharge on bills issued within 90 days
6 after the Wireless Enhanced 9-1-1 Board sets the increase
7 ~~monthly wireless surcharge~~. State and local taxes shall not
8 apply to the wireless carrier surcharge.

9 (b) Except as provided in Section 45, a wireless carrier
10 shall, within 45 days of collection, remit, either by check or
11 by electronic funds transfer, to the State Treasurer the amount
12 of the wireless carrier surcharge collected from each
13 subscriber. Of the amounts remitted under this subsection, the
14 State Treasurer shall deposit one-third into the Wireless
15 Carrier Reimbursement Fund and two-thirds into the Wireless
16 Service Emergency Fund.

17 (c) The first such remittance by wireless carriers shall
18 include the number of customers by zip code, and the 9-digit
19 zip code if currently being used or later implemented by the
20 carrier, that shall be the means by which the Illinois Commerce
21 Commission shall determine distributions from the Wireless
22 Service Emergency Fund. This information shall be updated no
23 less often than every year. Wireless carriers are not required
24 to remit surcharge moneys that are billed to subscribers but
25 not yet collected.

26 (Source: P.A. 92-526, eff. 7-1-02; 93-507, eff. 1-1-04; 93-839,
27 eff. 7-30-04.)