



Sen. James F. Clayborne Jr.

**Filed: 4/11/2005**

09400SB1447sam001

LRB094 10609 MKM 44717 a

1 AMENDMENT TO SENATE BILL 1447

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1447 by replacing  
3 everything after the enacting clause:

4 "Section 5. The Emergency Telephone System Act is amended  
5 by adding Sections 15.7 and 15.80 as follows:

6 (50 ILCS 750/15.7 new)

7 Sec. 15.7. Voice over Internet Protocol 9-1-1 service.

8 (a) The General Assembly finds and declares that it is in  
9 the public interest for all 9-1-1 calls made or placed from  
10 locations within this State to be identified by telephone  
11 number and physical location, regardless of the technology used  
12 to complete those calls. The General Assembly specifically  
13 finds and declares that Voice over Internet Protocol (VoIP)  
14 service is particularly susceptible to improper identification  
15 of or failure to identify the telephone number and physical  
16 location from which a 9-1-1 call is made as a result of the use  
17 of VoIP technology to place the call and that this endangers  
18 the lives, safety, and property of the citizens of this State.  
19 The General Assembly further finds and declares that  
20 identification of the telephone number and physical location  
21 information for 9-1-1 calls made through VoIP service is  
22 necessary for the provision of universal access to public  
23 safety services and the protection of the consumers of this  
24 State from fraudulent, unfair, or misleading business

1 practices.

2 (b) "Voice over Internet Protocol service" or "VoIP  
3 service" means a service that provides features, functions, or  
4 protocols that allow end users to originate and receive  
5 Internet Protocol-enabled voice services that resemble the  
6 characteristics of traditional circuit switched voice  
7 telecommunications services.

8 (c) On and after September 1, 2005, each entity that  
9 provides or offers to provide VoIP service shall automatically  
10 forward to the appropriate 9-1-1 system the telephone number  
11 and physical location from which each 9-1-1 call is made  
12 through the VoIP service.

13 (d) Any entity that provides or offers to provide VoIP  
14 service may apply to the Commission for an extension of the  
15 deadline imposed under subsection (c). The Commission shall  
16 grant the extension if the entity:

17 (1) demonstrates that compliance with subsection (c)  
18 is not technically feasible or is unduly economically  
19 burdensome;

20 (2) certifies that, during the extension period  
21 granted by the Commission, it will advertise and disclose  
22 clearly and conspicuously to its customers and subscribers  
23 that 9-1-1 service may be unavailable or inadequate when  
24 using VoIP service; or

25 (3) certifies that, during the extension period  
26 granted by the Commission, it will obtain a separate,  
27 signed acknowledgment, in a form approved by the  
28 Commission, from each of its customers and subscribers in  
29 Illinois stating that the customer or subscriber is aware  
30 that 9-1-1 service may be unavailable or inadequate when  
31 using VoIP.

32 The term of any single extension granted pursuant to this  
33 subsection (d) shall not exceed one year.

34 (e) Any entity that violates this Section commits a

1 business offense for which the Commission may impose a fine of  
2 not less than \$1,000 and not more than \$5,000.

3 (f) Any entity that fails to act in accordance with a  
4 certification made in accordance with item (2) or (3) of  
5 subsection (d) is in violation of this Section.

6 (g) Nothing in this Section shall be construed to preclude  
7 the Attorney General on behalf of the Commission or on his or  
8 her own initiative, or any other interested person, from  
9 seeking judicial relief, by mandamus, injunction, or  
10 otherwise, to compel compliance with this Section.

11 (h) The Commission may promulgate rules for the  
12 administration of this Section.

13 (50 ILCS 750/15.80 new)

14 Sec. 15.80. Severability. If any provision of this Act or  
15 the application thereof to any person or circumstance is held  
16 invalid, the invalidity shall not affect other provisions or  
17 applications of the Act which can be given effect without the  
18 invalid provision or application and to this end the provisions  
19 of this Act are severable.

20 Section 10. The Consumer Fraud and Deceptive Business  
21 Practices Act is amended by adding Sections 2Z and 2VV as  
22 follows:

23 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

24 Sec. 2Z. Violations of other Acts. Any person who knowingly  
25 violates the Automotive Repair Act, the Home Repair and  
26 Remodeling Act, the Dance Studio Act, the Physical Fitness  
27 Services Act, the Hearing Instrument Consumer Protection Act,  
28 the Illinois Union Label Act, the Job Referral and Job Listing  
29 Services Consumer Protection Act, the Travel Promotion  
30 Consumer Protection Act, the Credit Services Organizations  
31 Act, the Automatic Telephone Dialers Act, the Pay-Per-Call

1 Services Consumer Protection Act, the Telephone Solicitations  
2 Act, the Illinois Funeral or Burial Funds Act, the Cemetery  
3 Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery  
4 Sales Act, the High Risk Home Loan Act, subsection (a) or (b)  
5 of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b)  
6 of Section 3-10 of the Cigarette Use Tax Act, the Electronic  
7 Mail Act, paragraph (6) of subsection (k) of Section 6-305 of  
8 the Illinois Vehicle Code, ~~or~~ the Automatic Contract Renewal  
9 Act, or Section 15.7 of the Emergency Telephone System Act  
10 commits an unlawful practice within the meaning of this Act.

11 (Source: P.A. 92-426, eff. 1-1-02; 93-561, eff. 1-1-04; 93-950,  
12 eff. 1-1-05.)

13 (815 ILCS 505/2VV new)

14 Sec. 2VV. Voice over Internet Protocol service.

15 (a) It is an unlawful act or practice to state or represent  
16 that a Voice over Internet Protocol (VoIP) service, as that  
17 term is defined in Section 15.7 of the Emergency Telephone  
18 System Act, has characteristics, uses, benefits, and qualities  
19 that the VoIP service does not in fact have, including the  
20 capability or functionality to make or place calls to 9-1-1  
21 that will be answered in the manner required by the Emergency  
22 Telephone System Act or that will be identified with automatic  
23 telephone number and physical location information in the  
24 manner required under the Emergency Telephone System Act.

25 (b) It is an unlawful act or practice to omit or to fail to  
26 disclose in a clear and conspicuous manner that a Voice over  
27 Internet Protocol (VoIP) service, as that term is defined in  
28 Section 15.7 of the Emergency Telephone System Act, lacks the  
29 capability or functionality to make or place calls to 9-1-1  
30 that will be answered in the manner required by the Emergency  
31 Telephone System Act or that will be identified with automatic  
32 telephone number and physical location identification in the  
33 manner required by the Emergency Telephone System Act if the

1 VoIP service does not in fact have the capability or  
2 functionality to do so.

3 (c) Any entity that fails to act in accordance with a  
4 certification made in accordance with item (2) or (3) of  
5 subsection (d) of Section 15.7 of the Emergency Telephone  
6 System Act is in violation of this Act.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.".