



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5566

Introduced 2/15/2012, by Rep. Karen May

SYNOPSIS AS INTRODUCED:

50 ILCS 751/15

Amends the Wireless Emergency Telephone Safety Act. Provides that upon request of a law enforcement agency or a public safety answering point on behalf of a law enforcement agency, a wireless service provider shall provide call location information concerning the telecommunications device of a user to the requesting law enforcement agency or public safety answering point. Provides that a law enforcement agency or public safety answering point may not request information under this provision unless for the purposes of responding to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm. Provides that a wireless service provider may establish protocols by which the carrier voluntarily discloses call location information. Provides that a claim for relief may not be brought in a court against a wireless service provider or any other person for providing call location information if acting in good faith. Provides that the Department of State Police shall obtain contact information from all wireless service providers authorized to do business in the State to facilitate a request from a law enforcement agency or a public safety answering point on behalf of a law enforcement agency for call location information. Provides that the Department shall disseminate the contact information to each public safety answering point in the State.

LRB097 18411 RLC 63637 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning wireless service.

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 15 as follows:

6 (50 ILCS 751/15)

7 (Section scheduled to be repealed on April 1, 2013)

8 Sec. 15. Wireless emergency 9-1-1 service. The digits
9 "9-1-1" shall be the designated emergency telephone number
10 within the wireless system.

11 (a) Standards. The Illinois Commerce Commission may set
12 non-discriminatory, uniform technical and operational
13 standards consistent with the rules of the Federal
14 Communications Commission for directing calls to authorized
15 public safety answering points. These standards shall not in
16 any way prescribe the technology or manner a wireless carrier
17 shall use to deliver wireless 9-1-1 or wireless E9-1-1 calls
18 and these standards shall not exceed the requirements set by
19 the Federal Communications Commission. However, standards for
20 directing calls to the authorized public safety answering point
21 shall be included. The authority given to the Illinois Commerce
22 Commission in this Section is limited to setting standards as
23 set forth herein and does not constitute authority to regulate

1 wireless carriers.

2 (b) Wireless public safety answering points. For the
3 purpose of providing wireless 9-1-1 emergency services, an
4 emergency telephone system board or, in the absence of an
5 emergency telephone system board, a qualified governmental
6 entity may declare its intention for one or more of its public
7 safety answering points to serve as a primary wireless 9-1-1
8 public safety answering point for its jurisdiction by notifying
9 the Chief Clerk of the Illinois Commerce Commission and the
10 Director of State Police in writing within 6 months after the
11 effective date of this Act or within 6 months after receiving
12 its authority to operate a 9-1-1 system under the Emergency
13 Telephone System Act, whichever is later. In addition, 2 or
14 more emergency telephone system boards or qualified units of
15 local government may, by virtue of an intergovernmental
16 agreement, provide wireless 9-1-1 service. The Department of
17 State Police shall be the primary wireless 9-1-1 public safety
18 answering point for any jurisdiction not providing notice to
19 the Commission and the Department of State Police. Nothing in
20 this Act shall require the provision of wireless enhanced 9-1-1
21 services.

22 (b-5) (1) Upon request of a law enforcement agency or a
23 public safety answering point on behalf of a law enforcement
24 agency, a wireless service provider shall provide call location
25 information concerning the telecommunications device of a user
26 to the requesting law enforcement agency or public safety

1 answering point. A law enforcement agency or public safety
2 answering point may not request information under this section
3 unless for the purposes of responding to a call for emergency
4 services or in an emergency situation that involves the risk of
5 death or serious physical harm.

6 (2) A wireless service provider may establish protocols by
7 which the carrier voluntarily discloses call location
8 information.

9 (3) A claim for relief may not be brought in any court
10 against any wireless service provider or any other person for
11 providing call location information if acting in good faith and
12 under this subsection (b-5).

13 (4) The Department of State Police shall obtain contact
14 information from all wireless service providers authorized to
15 do business in this State to facilitate a request from a law
16 enforcement agency or a public safety answering point on behalf
17 of a law enforcement agency for call location information under
18 this subsection (b-5). The Department shall disseminate the
19 contact information to each public safety answering point in
20 this State.

21 The Illinois Commerce Commission, upon a request from a
22 qualified governmental entity or an emergency telephone system
23 board, may grant authority to the emergency telephone system
24 board or a qualified governmental entity to provide wireless
25 9-1-1 service in areas for which the Department of State Police
26 has accepted wireless 9-1-1 responsibility. The Illinois

1 Commerce Commission shall maintain a current list of all 9-1-1
2 systems and qualified governmental entities providing wireless
3 9-1-1 service under this Act.

4 Any emergency telephone system board or qualified
5 governmental entity providing wireless 9-1-1 service prior to
6 the effective date of this Act may continue to operate upon
7 notification as previously described in this Section. An
8 emergency telephone system board or a qualified governmental
9 entity shall submit, with its notification, the date upon which
10 it commenced operating.

11 (c) Wireless Enhanced 9-1-1 Board. The Wireless Enhanced
12 9-1-1 Board is created. The Board consists of 7 members
13 appointed by the Governor with the advice and consent of the
14 Senate. It is recommended that the Governor appoint members
15 from the following: the Illinois Chapter of the National
16 Emergency Numbers Association, the Illinois State Police, law
17 enforcement agencies, the wireless telecommunications
18 industry, an emergency telephone system board in Cook County
19 (outside the City of Chicago), an emergency telephone system
20 board in the Metro-east area, and an emergency telephone system
21 board in the collar counties (Lake, McHenry, DuPage, Kane, and
22 Will counties). Members of the Board may not receive any
23 compensation but may, however, be reimbursed for any necessary
24 expenditure in connection with their duties.

25 Except as provided in Section 45, the Wireless Enhanced
26 9-1-1 Board shall set the amount of the monthly wireless

1 surcharge required to be imposed under Section 17 on all
2 wireless subscribers in this State. Prior to the Wireless
3 Enhanced 9-1-1 Board setting any surcharge, the Board shall
4 publish the proposed surcharge in the Illinois Register, hold
5 hearings on the surcharge and the requirements for an efficient
6 wireless emergency number system, and elicit public comment.
7 The Board shall determine the minimum cost necessary for
8 implementation of this system and the amount of revenue
9 produced based upon the number of wireless telephones in use.
10 The Board shall set the surcharge at the minimum amount
11 necessary to achieve the goals of the Act and shall, by July 1,
12 2000, file this information with the Governor, the Clerk of the
13 House, and the Secretary of the Senate. The surcharge may not
14 be more than \$0.75 per month per CMRS connection.

15 The Wireless Enhanced 9-1-1 Board shall report to the
16 General Assembly by July 1, 2000 on implementing wireless
17 non-emergency services for the purpose of public safety using
18 the digits 3-1-1. The Board shall consider the delivery of
19 3-1-1 services in a 6 county area, including rural Cook County
20 (outside of the City of Chicago), and DuPage, Lake, McHenry,
21 Will, and Kane Counties, as well as counties outside of this
22 area by an emergency telephone system board, a qualified
23 governmental entity, or private industry. The Board, upon
24 completion of all its duties required under this Act, is
25 dissolved.

26 (Source: P.A. 95-698, eff. 1-1-08.)