



Rep. John E. Bradley

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1 AMENDMENT TO SENATE BILL 96

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 96 by replacing  
3 everything after the enacting clause with the following:

4 "ARTICLE I

5 Section 1-5. The Attorney General Act is amended by  
6 changing Section 6.5 as follows:

7 (15 ILCS 205/6.5)

8 Sec. 6.5. Consumer Utilities Unit.

9 (a) The General Assembly finds that the health, welfare,  
10 and prosperity of all Illinois citizens, and the public's  
11 interest in adequate, safe, reliable, cost-effective electric,  
12 natural gas, water, cable, video, and telecommunications  
13 services, requires effective public representation by the  
14 Attorney General to protect the rights and interests of the  
15 public in the provision of all elements of electric, natural

1 gas, water, cable, video, and telecommunications service both  
2 during and after the transition to a competitive market, and  
3 that to ensure that the benefits of competition in the  
4 provision of electric, natural gas, water, cable, video, and  
5 telecommunications services to all consumers are attained,  
6 there shall be created within the Office of the Attorney  
7 General a Consumer Utilities Unit.

8 (b) As used in this Section: "Electric services" means  
9 services sold by an electric service provider. "Electric  
10 service provider" shall mean anyone who sells, contracts to  
11 sell, or markets electric power, generation, distribution,  
12 transmission, or services (including metering and billing) in  
13 connection therewith. Electric service providers shall include  
14 any electric utility and any alternative retail electric  
15 supplier as defined in Section 16-102 of the Public Utilities  
16 Act.

17 (b-5) As used in this Section: "Telecommunications  
18 services" means services sold by a telecommunications carrier,  
19 as provided for in Section 13-203 of the Public Utilities Act.  
20 "Telecommunications carrier" means anyone who sells, contracts  
21 to sell, or markets telecommunications services, whether  
22 noncompetitive or competitive, including access services,  
23 interconnection services, or any services in connection  
24 therewith. Telecommunications carriers include any carrier as  
25 defined in Section 13-202 of the Public Utilities Act.

26 (b-10) As used in this Section, "natural gas services"

1 means natural gas services sold by a "gas utility" or by an  
2 "alternative gas supplier", as those terms are defined in  
3 Section 19-105 of the Public Utilities Act.

4 (b-15) As used in this Section, "water services" means  
5 services sold by any corporation, company, limited liability  
6 company, association, joint stock company or association,  
7 firm, partnership, or individual, its lessees, trustees, or  
8 receivers appointed by any court and that owns, controls,  
9 operates, or manages within this State, directly or indirectly,  
10 for public use, any plant, equipment, or property used or to be  
11 used for or in connection with (i) the production, storage,  
12 transmission, sale, delivery, or furnishing of water or (ii)  
13 the treatment, storage, transmission, disposal, sale of  
14 services, delivery, or furnishing of sewage or sewage services.

15 (b-20) As used in this Section, "cable service and video  
16 service" means services sold by anyone who sells, contracts to  
17 sell, or markets cable services or video services pursuant to a  
18 State-issued authorization under the Cable and Video  
19 Competition Law of 2007.

20 (c) There is created within the Office of the Attorney  
21 General a Consumer Utilities Unit, consisting of Assistant  
22 Attorneys General appointed by the Attorney General, who,  
23 together with such other staff as is deemed necessary by the  
24 Attorney General, shall have the power and duty on behalf of  
25 the people of the State to intervene in, initiate, enforce, and  
26 defend all legal proceedings on matters relating to the

1 provision, marketing, and sale of electric, natural gas, water,  
2 cable, video, and telecommunications service whenever the  
3 Attorney General determines that such action is necessary to  
4 promote or protect the rights and interests of all Illinois  
5 citizens, classes of customers, and users of electric, natural  
6 gas, water, cable, video, and telecommunications services.

7 (d) In addition to the investigative and enforcement powers  
8 available to the Attorney General, including without  
9 limitation those under the Consumer Fraud and Deceptive  
10 Business Practices Act, the Illinois Antitrust Act, and any  
11 other law of this State, the Attorney General shall be a party  
12 as a matter of right to all proceedings, investigations, and  
13 related matters involving the provision of electric, natural  
14 gas, water, cable, video, and telecommunications services  
15 before the Illinois Commerce Commission, the courts, and other  
16 public bodies. Upon request, the Office of the Attorney General  
17 shall have access to and the use of all files, records, data,  
18 and documents in the possession or control of the Commission.  
19 The Office of the Attorney General may use information obtained  
20 under this Section, including information that is designated as  
21 and that qualifies for confidential treatment, which  
22 information the Attorney General's office shall maintain as  
23 confidential, to be used for law enforcement purposes only,  
24 which information may be shared with other law enforcement  
25 officials. Nothing in this Section is intended to take away or  
26 limit any of the powers the Attorney General has pursuant to

1 common law or other statutory law.

2 (Source: P.A. 94-291, eff. 7-21-05; 95-9, eff. 6-30-07; 95-876,  
3 eff. 8-21-08.)

4 Section 1-10. The Department of State Police Law of the  
5 Civil Administrative Code of Illinois is amended by changing  
6 Section 2605-25 and by adding Section 2605-52 as follows:

7 (20 ILCS 2605/2605-25) (was 20 ILCS 2605/55a-1)

8 Sec. 2605-25. Department divisions. The Department is  
9 divided into the Illinois State Police Academy and 5 ~~4~~  
10 divisions: the Division of Operations, the Division of Forensic  
11 Services, the Division of Administration, ~~and~~ the Division of  
12 Internal Investigation, and the Division of 9-1-1. ~~Beginning on~~  
13 ~~July 1, 2015, there shall be the Division of the Statewide~~  
14 ~~9-1-1 Administrator within the Department of State Police to~~  
15 ~~develop, implement, and oversee a uniform statewide 9-1-1~~  
16 ~~system for all areas of the State outside of municipalities~~  
17 ~~having a population of more than 500,000.~~

18 (Source: P.A. 98-634, eff. 6-6-14.)

19 (20 ILCS 2605/2605-52 new)

20 Sec. 2605-52. Division of 9-1-1.

21 (a) There shall be established a Division of 9-1-1 within  
22 the Department. Beginning January 1, 2016, the Division of  
23 9-1-1 shall be responsible for developing, implementing, and

1 overseeing a uniform statewide 9-1-1 system for all areas of  
2 the State outside of municipalities having a population over  
3 500,000.

4 (b) The Governor shall appoint, with the advice and consent  
5 of the Senate, a Statewide 9-1-1 Administrator as the head of  
6 the Division of 9-1-1. The Administrator shall serve for a term  
7 of 2 years, and until a successor is appointed and qualified;  
8 except that the term of the first 9-1-1 Administrator appointed  
9 under this Act shall expire on the third Monday in January,  
10 2017. The Administrator shall not hold any other remunerative  
11 public office. The Administrator shall receive an annual salary  
12 as set by the Governor.

13 Section 1-15. The State Finance Act is amended by adding  
14 Section 5.866 as follows:

15 (30 ILCS 105/5.866 new)

16 Sec. 5.866. The Illinois Telecommunications Access  
17 Corporation Fund.

18 Section 1-20. The Emergency Telephone System Act is amended  
19 by changing Section 15.3 and by adding Sections 19, 75, and 99  
20 as follows:

21 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

22 Sec. 15.3. Surcharge.

1           (a) The corporate authorities of any municipality or any  
2 county may, subject to the limitations of subsections (c), (d),  
3 and (h), and in addition to any tax levied pursuant to the  
4 Simplified Municipal Telecommunications Tax Act, impose a  
5 monthly surcharge on billed subscribers of network connection  
6 provided by telecommunication carriers engaged in the business  
7 of transmitting messages by means of electricity originating  
8 within the corporate limits of the municipality or county  
9 imposing the surcharge at a rate per network connection  
10 determined in accordance with subsection (c), however the  
11 monthly surcharge shall not apply to a network connection  
12 provided for use with pay telephone services. Provided,  
13 however, that where multiple voice grade communications  
14 channels are connected between the subscriber's premises and a  
15 public switched network through private branch exchange (PBX)  
16 or centrex type service, a municipality imposing a surcharge at  
17 a rate per network connection, as determined in accordance with  
18 this Act, shall impose:

19           (i) in a municipality with a population of 500,000 or  
20 less or in any county, 5 such surcharges per network  
21 connection, as determined in accordance with subsections  
22 (a) and (d) of Section 2.12 of this Act, for both regular  
23 service and advanced service provisioned trunk lines;

24           (ii) in a municipality with a population, prior to  
25 March 1, 2010, of 500,000 or more, 5 surcharges per network  
26 connection, as determined in accordance with subsections

1 (a) and (d) of Section 2.12 of this Act, for both regular  
2 service and advanced service provisioned trunk lines;

3 (iii) in a municipality with a population, as of March  
4 1, 2010, of 500,000 or more, 5 surcharges per network  
5 connection, as determined in accordance with subsections  
6 (a) and (d) of Section 2.12 of this Act, for regular  
7 service provisioned trunk lines, and 12 surcharges per  
8 network connection, as determined in accordance with  
9 subsections (a) and (d) of Section 2.12 of this Act, for  
10 advanced service provisioned trunk lines, except where an  
11 advanced service provisioned trunk line supports at least 2  
12 but fewer than 23 simultaneous voice grade calls ("VGC's"),  
13 a telecommunication carrier may elect to impose fewer than  
14 12 surcharges per trunk line as provided in subsection (iv)  
15 of this Section; or

16 (iv) for an advanced service provisioned trunk line  
17 connected between the subscriber's premises and the public  
18 switched network through a P.B.X., where the advanced  
19 service provisioned trunk line is capable of transporting  
20 at least 2 but fewer than 23 simultaneous VGC's per trunk  
21 line, the telecommunications carrier collecting the  
22 surcharge may elect to impose surcharges in accordance with  
23 the table provided in this Section, without limiting any  
24 telecommunications carrier's obligations to otherwise keep  
25 and maintain records. Any telecommunications carrier  
26 electing to impose fewer than 12 surcharges per an advanced



1 service provisioned trunk line shall keep and maintain  
 2 records adequately to demonstrate the VGC capability of  
 3 each advanced service provisioned trunk line with fewer  
 4 than 12 surcharges imposed, provided that 12 surcharges  
 5 shall be imposed on an advanced service provisioned trunk  
 6 line regardless of the VGC capability where a  
 7 telecommunications carrier cannot demonstrate the VGC  
 8 capability of the advanced service provisioned trunk line.

9	Facility	VGC's	911 Surcharges
10	Advanced service provisioned trunk line	18-23	12
11	Advanced service provisioned trunk line	12-17	10
12	Advanced service provisioned trunk line	2-11	8

13 Subsections (i), (ii), (iii), and (iv) are not intended to  
 14 make any change in the meaning of this Section, but are  
 15 intended to remove possible ambiguity, thereby confirming the  
 16 intent of paragraph (a) as it existed prior to and following  
 17 the effective date of this amendatory Act of the 97th General  
 18 Assembly.

19 For mobile telecommunications services, if a surcharge is  
 20 imposed it shall be imposed based upon the municipality or  
 21 county that encompasses the customer's place of primary use as  
 22 defined in the Mobile Telecommunications Sourcing Conformity  
 23 Act. A municipality may enter into an intergovernmental  
 24 agreement with any county in which it is partially located,

1 when the county has adopted an ordinance to impose a surcharge  
2 as provided in subsection (c), to include that portion of the  
3 municipality lying outside the county in that county's  
4 surcharge referendum. If the county's surcharge referendum is  
5 approved, the portion of the municipality identified in the  
6 intergovernmental agreement shall automatically be  
7 disconnected from the county in which it lies and connected to  
8 the county which approved the referendum for purposes of a  
9 surcharge on telecommunications carriers.

10 (b) For purposes of computing the surcharge imposed by  
11 subsection (a), the network connections to which the surcharge  
12 shall apply shall be those in-service network connections,  
13 other than those network connections assigned to the  
14 municipality or county, where the service address for each such  
15 network connection or connections is located within the  
16 corporate limits of the municipality or county levying the  
17 surcharge. Except for mobile telecommunication services, the  
18 "service address" shall mean the location of the primary use of  
19 the network connection or connections. For mobile  
20 telecommunication services, "service address" means the  
21 customer's place of primary use as defined in the Mobile  
22 Telecommunications Sourcing Conformity Act.

23 (c) Upon the passage of an ordinance to impose a surcharge  
24 under this Section the clerk of the municipality or county  
25 shall certify the question of whether the surcharge may be  
26 imposed to the proper election authority who shall submit the

1 public question to the electors of the municipality or county  
 2 in accordance with the general election law; provided that such  
 3 question shall not be submitted at a consolidated primary  
 4 election. The public question shall be in substantially the  
 5 following form:

6 -----

7 Shall the county (or city, village  
 8 or incorporated town) of ..... impose YES  
 9 a surcharge of up to ...¢ per month per  
 10 network connection, which surcharge will  
 11 be added to the monthly bill you receive -----  
 12 for telephone or telecommunications  
 13 charges, for the purpose of installing  
 14 (or improving) a 9-1-1 Emergency NO  
 15 Telephone System?

16 -----

17 If a majority of the votes cast upon the public question  
 18 are in favor thereof, the surcharge shall be imposed.

19 However, if a Joint Emergency Telephone System Board is to  
 20 be created pursuant to an intergovernmental agreement under  
 21 Section 15.4, the ordinance to impose the surcharge shall be  
 22 subject to the approval of a majority of the total number of  
 23 votes cast upon the public question by the electors of all of  
 24 the municipalities or counties, or combination thereof, that  
 25 are parties to the intergovernmental agreement.

26 The referendum requirement of this subsection (c) shall not

1 apply to any municipality with a population over 500,000 or to  
2 any county in which a proposition as to whether a sophisticated  
3 9-1-1 Emergency Telephone System should be installed in the  
4 county, at a cost not to exceed a specified monthly amount per  
5 network connection, has previously been approved by a majority  
6 of the electors of the county voting on the proposition at an  
7 election conducted before the effective date of this amendatory  
8 Act of 1987.

9 (d) A county may not impose a surcharge, unless requested  
10 by a municipality, in any incorporated area which has  
11 previously approved a surcharge as provided in subsection (c)  
12 or in any incorporated area where the corporate authorities of  
13 the municipality have previously entered into a binding  
14 contract or letter of intent with a telecommunications carrier  
15 to provide sophisticated 9-1-1 service through municipal  
16 funds.

17 (e) A municipality or county may at any time by ordinance  
18 change the rate of the surcharge imposed under this Section if  
19 the new rate does not exceed the rate specified in the  
20 referendum held pursuant to subsection (c).

21 (f) The surcharge authorized by this Section shall be  
22 collected from the subscriber by the telecommunications  
23 carrier providing the subscriber the network connection as a  
24 separately stated item on the subscriber's bill.

25 (g) The amount of surcharge collected by the  
26 telecommunications carrier shall be paid to the particular

1 municipality or county or Joint Emergency Telephone System  
2 Board not later than 30 days after the surcharge is collected,  
3 net of any network or other 9-1-1 or sophisticated 9-1-1 system  
4 charges then due the particular telecommunications carrier, as  
5 shown on an itemized bill. The telecommunications carrier  
6 collecting the surcharge shall also be entitled to deduct 3% of  
7 the gross amount of surcharge collected to reimburse the  
8 telecommunications carrier for the expense of accounting and  
9 collecting the surcharge.

10 (h) Except as expressly provided in subsection (a) of this  
11 Section, on or after the effective date of this amendatory Act  
12 of the 98th General Assembly and until July 1, 2017 ~~2015~~, a  
13 municipality with a population of 500,000 or more shall not  
14 impose a monthly surcharge per network connection in excess of  
15 the highest monthly surcharge imposed as of January 1, 2014 by  
16 any county or municipality under subsection (c) of this  
17 Section. On or after July 1, 2017 ~~2015~~, a municipality with a  
18 population over 500,000 may not impose a monthly surcharge in  
19 excess of \$2.50 per network connection.

20 (i) Any municipality or county or joint emergency telephone  
21 system board that has imposed a surcharge pursuant to this  
22 Section prior to the effective date of this amendatory Act of  
23 1990 shall hereafter impose the surcharge in accordance with  
24 subsection (b) of this Section.

25 (j) The corporate authorities of any municipality or county  
26 may issue, in accordance with Illinois law, bonds, notes or

1 other obligations secured in whole or in part by the proceeds  
2 of the surcharge described in this Section. Notwithstanding any  
3 change in law subsequent to the issuance of any bonds, notes or  
4 other obligations secured by the surcharge, every municipality  
5 or county issuing such bonds, notes or other obligations shall  
6 be authorized to impose the surcharge as though the laws  
7 relating to the imposition of the surcharge in effect at the  
8 time of issuance of the bonds, notes or other obligations were  
9 in full force and effect until the bonds, notes or other  
10 obligations are paid in full. The State of Illinois pledges and  
11 agrees that it will not limit or alter the rights and powers  
12 vested in municipalities and counties by this Section to impose  
13 the surcharge so as to impair the terms of or affect the  
14 security for bonds, notes or other obligations secured in whole  
15 or in part with the proceeds of the surcharge described in this  
16 Section.

17 (k) Any surcharge collected by or imposed on a  
18 telecommunications carrier pursuant to this Section shall be  
19 held to be a special fund in trust for the municipality, county  
20 or Joint Emergency Telephone Board imposing the surcharge.  
21 Except for the 3% deduction provided in subsection (g) above,  
22 the special fund shall not be subject to the claims of  
23 creditors of the telecommunication carrier.

24 (Source: P.A. 97-463, eff. 8-19-11; 98-634, eff. 6-6-14.)

1           Sec. 19. Statewide 9-1-1 Advisory Board.

2           (a) Beginning July 1, 2015, there is created the Statewide  
3 9-1-1 Advisory Board within the Department of State Police. The  
4 Board shall consist of the following 11 voting members:

5           (1) The Director of the State Police, or his or her  
6 designee, who shall serve as chairman.

7           (2) The Executive Director of the Commission, or his or  
8 her designee.

9           (3) Nine members appointed by the Governor as follows:

10           (A) one member representing the Illinois chapter  
11 of the National Emergency Number Association, or his or  
12 her designee;

13           (B) one member representing the Illinois chapter  
14 of the Association of Public-Safety Communications  
15 Officials, or his or her designee;

16           (C) one member representing a county 9-1-1 system  
17 from a county with a population of less than 50,000;

18           (D) one member representing a county 9-1-1 system  
19 from a county with a population between 50,000 and  
20 250,000;

21           (E) one member representing a county 9-1-1 system  
22 from a county with a population of more than 250,000;

23           (F) one member representing a municipality with a  
24 population of less than 500,000 in a county with a  
25 population of in excess of 2,000,000;

26           (G) one member representing the Illinois

1           Association of Chiefs of Police;

2                   (H) one member representing the Illinois Sheriffs'

3           Association; and

4                   (I) one member representing the Illinois Fire

5           Chiefs Association.

6           The Governor shall appoint the following non-voting  
7 members: (i) one member representing an incumbent local  
8 exchange 9-1-1 system provider; (ii) one member representing a  
9 non-incumbent local exchange 9-1-1 system provider; (iii) one  
10 member representing a large wireless carrier; (iv) one member  
11 representing a small wireless carrier; and (v) one member  
12 representing the Illinois Telecommunications Association.

13           (b) The Governor shall make initial appointments to the  
14 Statewide 9-1-1 Advisory Board by August 31, 2015. Six of the  
15 voting members appointed by the Governor shall serve an initial  
16 term of 2 years, and the remaining voting members appointed by  
17 the Governor shall serve an initial term of 3 years.  
18 Thereafter, each appointment by the Governor shall be for a  
19 term of 3 years. Non-voting members shall serve for a term of 3  
20 years. Vacancies shall be filled in the same manner as the  
21 original appointment. Persons appointed to fill a vacancy shall  
22 serve for the balance of the unexpired term.

23           Members of the Statewide 9-1-1 Advisory Board shall serve  
24 without compensation.

25           (c) The 9-1-1 Services Advisory Board, as constituted on  
26 June 1, 2015 without the legislative members, shall serve in



1 the role of the Statewide 9-1-1 Advisory Board until all  
2 appointments of voting members have been made by the Governor  
3 under subsection (a) of this Section.

4 (d) The Statewide 9-1-1 Advisory Board shall:

5 (1) advise the Department of State Police and the  
6 Statewide 9-1-1 Administrator on the oversight of 9-1-1  
7 systems and the development and implementation of a uniform  
8 statewide 9-1-1 system;

9 (2) make recommendations to the Governor and the  
10 General Assembly regarding improvements to 9-1-1 services  
11 throughout the State; and

12 (3) exercise all other powers and duties provided in  
13 this Act.

14 (e) The Statewide 9-1-1 Advisory Board shall submit to the  
15 General Assembly a report by March 1 of each year providing an  
16 update on the transition to a statewide 9-1-1 system and  
17 recommending any legislative action.

18 (f) The Department of State Police shall provide  
19 administrative support to the Statewide 9-1-1 Advisory Board.

20 (50 ILCS 750/75 new)

21 Sec. 75. Transfer of rights, functions, powers, duties, and  
22 property to Department of State Police; rules and standards;  
23 savings provisions.

24 (a) On January 1, 2016, the rights, functions, powers, and  
25 duties of the Illinois Commerce Commission as set forth in this

1 Act and the Wireless Emergency Telephone Safety Act existing  
2 prior to January 1, 2016, are transferred to and shall be  
3 exercised by the Department of State Police. On or before  
4 January 1, 2016, the Commission shall transfer and deliver to  
5 the Department all books, records, documents, property (real  
6 and personal), unexpended appropriations, and pending business  
7 pertaining to the rights, powers, duties, and functions  
8 transferred to the Department under this amendatory Act of the  
9 99th General Assembly.

10 (b) The rules and standards of the Commission that are in  
11 effect on January 1, 2016 and that pertain to the rights,  
12 powers, duties, and functions transferred to the Department  
13 under this amendatory Act of the 99th General Assembly shall  
14 become the rules and standards of the Department on January 1,  
15 2016, and shall continue in effect until amended or repealed by  
16 the Department.

17 Any rules pertaining to the rights, powers, duties, and  
18 functions transferred to the Department under this amendatory  
19 Act of the 99th General Assembly that have been proposed by the  
20 Commission but have not taken effect or been finally adopted by  
21 January 1, 2016, shall become proposed rules of the Department  
22 on January 1, 2016, and any rulemaking procedures that have  
23 already been completed by the Commission for those proposed  
24 rules need not be repealed.

25 As soon as it is practical after January 1, 2016, the  
26 Department shall revise and clarify the rules transferred to it

1 under this amendatory Act of the 99th General Assembly to  
2 reflect the transfer of rights, powers, duties, and functions  
3 effected by this amendatory Act of the 99th General Assembly  
4 using the procedures for recodification of rules available  
5 under the Illinois Administrative Procedure Act, except that  
6 existing title, part, and section numbering for the affected  
7 rules may be retained. The Department may propose and adopt  
8 under the Illinois Administrative Procedure Act any other rules  
9 necessary to consolidate and clarify those rules.

10 (c) The rights, powers, duties, and functions transferred  
11 to the Department by this amendatory Act of the 99th General  
12 Assembly shall be vested in and exercised by the Department  
13 subject to the provisions of this Act and the Wireless  
14 Emergency Telephone Safety Act. An act done by the Department  
15 or an officer, employee, or agent of the Department in the  
16 exercise of the transferred rights, powers, duties, and  
17 functions shall have the same legal effect as if done by the  
18 Commission or an officer, employee, or agent of the Commission.

19 The transfer of rights, powers, duties, and functions to  
20 the Department under this amendatory Act of the 99th General  
21 Assembly does not invalidate any previous action taken by or in  
22 respect to the Commission, its officers, employees, or agents.  
23 References to the Commission or its officers, employees, or  
24 agents in any document, contract, agreement, or law shall, in  
25 appropriate contexts, be deemed to refer to the Department or  
26 its officers, employees, or agents.

1       The transfer of rights, powers, duties, and functions to  
2 the Department under this amendatory Act of the 99th General  
3 Assembly does not affect any person's rights, obligations, or  
4 duties, including any civil or criminal penalties applicable  
5 thereto, arising out of those transferred rights, powers,  
6 duties, and functions.

7       This amendatory Act of the 99th General Assembly does not  
8 affect any act done, ratified, or cancelled, any right  
9 occurring or established, or any action or proceeding commenced  
10 in an administrative, civil, or criminal case before January 1,  
11 2016. Any such action or proceeding that pertains to a right,  
12 power, duty, or function transferred to the Department under  
13 this amendatory Act of the 99th General Assembly that is  
14 pending on that date may be prosecuted, defended, or continued  
15 by the Commission.

16       For the purposes of Section 9b of the State Finance Act,  
17 the Department is the successor to the Commission with respect  
18 to the rights, duties, powers, and functions transferred by  
19 this amendatory Act of the 99th General Assembly.

20       (c) The Department is authorized to enter into an  
21 intergovernmental agreement with the Commission for the  
22 purpose of having the Commission assist the Department and the  
23 Statewide 9-1-1 Administrator in carrying out their duties and  
24 functions under this Act.

1       Sec. 99. Repealer. This Act is repealed on July 1, 2017.

2       Section 1-25. The Wireless Emergency Telephone Safety Act  
3 is amended by changing Sections 27, 45, and 70 as follows:

4       (50 ILCS 751/27)

5       (Section scheduled to be repealed on July 1, 2015)

6       Sec. 27. Financial reports.

7       (a) The Illinois Commerce Commission shall create uniform  
8 accounting procedures, with such modification as may be  
9 required to give effect to statutory provisions applicable only  
10 to municipalities with a population in excess of 500,000, that  
11 any emergency telephone system board, qualified governmental  
12 entity, or unit of local government described in Section 15 of  
13 this Act and Section 15.4 of the Emergency Telephone System Act  
14 or any entity imposing a wireless surcharge pursuant to Section  
15 45 of this Act must follow.

16       (b) By October 1, 2014, each emergency telephone system  
17 board, qualified governmental entity, or unit of local  
18 government described in Section 15 of this Act and Section 15.4  
19 of the Emergency Telephone System Act or any entity imposing a  
20 wireless surcharge pursuant to Section 45 of this Act shall  
21 report to the Illinois Commerce Commission audited financial  
22 statements showing total revenue and expenditures for each of  
23 the last two of its fiscal years in a form and manner as  
24 prescribed by the Illinois Commerce Commission's Manager of

1 Accounting. Such financial information shall include:

2 (1) a detailed summary of revenue from all sources  
3 including, but not limited to, local, State, federal, and  
4 private revenues, and any other funds received;

5 (2) operating expenses, capital expenditures, and cash  
6 balances; and

7 (3) such other financial information that is relevant  
8 to the provision of 9-1-1 services as determined by the  
9 Illinois Commerce Commission's Manager of Accounting.

10 The emergency telephone system board, qualified  
11 governmental entity, or unit of local government is responsible  
12 for any costs associated with auditing such financial  
13 statements. The Illinois Commerce Commission shall post the  
14 audited financial statements on the Commission's website.

15 (c) By October 1, 2015 ~~January 31, 2016~~ and each year  
16 thereafter, each emergency telephone system board, qualified  
17 governmental entity, or unit of local government described in  
18 Section 15 of this Act and Section 15.4 of the Emergency  
19 Telephone System Act or any entity imposing a wireless  
20 surcharge pursuant to Section 45 of this Act shall report to  
21 the Illinois Commerce Commission audited annual financial  
22 statements showing total revenue and expenditures in a form and  
23 manner as prescribed by the Illinois Commerce Commission's  
24 Manager of Accounting.

25 The emergency telephone system board, qualified  
26 governmental entity, or unit of local government is responsible

1 for any costs associated with auditing such financial  
2 statements.

3 The Illinois Commerce Commission shall post each entity's  
4 individual audited annual financial statements on the  
5 Commission's website.

6 (d) If an emergency telephone system board or qualified  
7 governmental entity that receives funds from the Wireless  
8 Service Emergency Fund fails to file the 9-1-1 system financial  
9 reports as required under this Section, the Illinois Commerce  
10 Commission shall suspend and withhold monthly grants otherwise  
11 due to the emergency telephone system board or qualified  
12 governmental entity under Section 25 of this Act until the  
13 report is filed.

14 Any monthly grants that have been withheld for 12 months or  
15 more shall be forfeited by the emergency telephone system board  
16 or qualified governmental entity and shall be distributed  
17 proportionally by the Illinois Commerce Commission to  
18 compliant emergency telephone system boards and qualified  
19 governmental entities that receive funds from the Wireless  
20 Service Emergency Fund.

21 (e) The Illinois Commerce Commission may adopt emergency  
22 rules necessary to carry out the provisions of this Section.

23 (Source: P.A. 98-634, eff. 6-6-14.)

24 (50 ILCS 751/45)

25 (Section scheduled to be repealed on July 1, 2015)

1           Sec. 45. Continuation of current practices.

2           (a) Notwithstanding any other provision of this Act, a unit  
3 of local government or emergency telephone system board  
4 providing wireless 9-1-1 service and imposing and collecting a  
5 wireless carrier surcharge prior to July 1, 1998 may continue  
6 its practices of imposing and collecting its wireless carrier  
7 surcharge, but, except as provided in subsection (b) of this  
8 Section, in no event shall that monthly surcharge exceed \$2.50  
9 per commercial mobile radio service (CMRS) connection or  
10 in-service telephone number billed on a monthly basis. For  
11 mobile telecommunications services provided on and after  
12 August 1, 2002, any surcharge imposed shall be imposed based  
13 upon the municipality or county that encompasses the customer's  
14 place of primary use as defined in the Mobile  
15 Telecommunications Sourcing Conformity Act.

16           (b) On or after the effective date of this amendatory Act  
17 of the 98th General Assembly and until July 1, 2017 ~~2015~~, the  
18 corporate authorities of a municipality with a population in  
19 excess of 500,000 on the effective date of this amendatory Act  
20 may by ordinance impose and collect a monthly surcharge per  
21 commercial mobile radio service (CMRS) connection or  
22 in-service telephone number billed on a monthly basis that does  
23 not exceed the highest monthly surcharge imposed as of January  
24 1, 2014 by any county or municipality under subsection (c) of  
25 Section 15.3 of the Emergency Telephone System Act. On or after  
26 July 1, 2017 ~~2015~~, the municipality may continue imposing and



1 collecting its wireless carrier surcharge as provided in and  
2 subject to the limitations of subsection (a) of this Section.

3 (c) In addition to any other lawful purpose, a municipality  
4 with a population over 500,000 may use the moneys collected  
5 under this Section for any anti-terrorism or emergency  
6 preparedness measures, including, but not limited to,  
7 preparedness planning, providing local matching funds for  
8 federal or State grants, personnel training, and specialized  
9 equipment, including surveillance cameras as needed to deal  
10 with natural and terrorist-inspired emergency situations or  
11 events.

12 (Source: P.A. 98-634, eff. 6-6-14.)

13 (50 ILCS 751/70)

14 (Section scheduled to be repealed on July 1, 2015)

15 Sec. 70. Repealer. This Act is repealed on December 31 ~~July~~  
16 ~~1~~, 2015.

17 (Source: P.A. 97-1163, eff. 2-4-13; 98-45, eff. 6-28-13;  
18 98-634, eff. 6-6-14.)

19 Section 1-30. The Prepaid Wireless 9-1-1 Surcharge Act is  
20 amended by changing Section 15 as follows:

21 (50 ILCS 753/15)

22 Sec. 15. Prepaid wireless 9-1-1 surcharge.

23 (a) Until September 30, 2015, there ~~There~~ is hereby imposed

1 on consumers a prepaid wireless 9-1-1 surcharge of 1.5% per  
2 retail transaction. Beginning October 1, 2015, the prepaid  
3 wireless 9-1-1 surcharge shall be 3% per retail transaction.

4 The surcharge authorized by this subsection (a) does not apply  
5 in a home rule municipality having a population in excess of  
6 500,000. ~~The amount of the surcharge may be reduced or~~  
7 ~~increased pursuant to subsection (c).~~

8 (a-5) On or after the effective date of this amendatory Act  
9 of the 98th General Assembly and until July 1, 2017 ~~2015~~, a  
10 home rule municipality having a population in excess of 500,000  
11 on the effective date of this amendatory Act may impose a  
12 prepaid wireless 9-1-1 surcharge not to exceed 9% per retail  
13 transaction sourced to that jurisdiction and collected and  
14 remitted in accordance with the provisions of subsection (b-5)  
15 of this Section. On or after July 1, 2017 ~~2015~~, a home rule  
16 municipality having a population in excess of 500,000 on the  
17 effective date of this Act may only impose a prepaid wireless  
18 9-1-1 surcharge not to exceed 7% per retail transaction sourced  
19 to that jurisdiction and collected and remitted in accordance  
20 with the provisions of subsection (b-5).

21 (b) The prepaid wireless 9-1-1 surcharge shall be collected  
22 by the seller from the consumer with respect to each retail  
23 transaction occurring in this State and shall be remitted to  
24 the Department by the seller as provided in this Act. The  
25 amount of the prepaid wireless 9-1-1 surcharge shall be  
26 separately stated as a distinct item apart from the charge for

1 the prepaid wireless telecommunications service on an invoice,  
2 receipt, or other similar document that is provided to the  
3 consumer by the seller or shall be otherwise disclosed to the  
4 consumer. If the seller does not separately state the surcharge  
5 as a distinct item to the consumer as provided in this Section,  
6 then the seller shall maintain books and records as required by  
7 this Act which clearly identify the amount of the 9-1-1  
8 surcharge for retail transactions.

9 For purposes of this subsection (b), a retail transaction  
10 occurs in this State if (i) the retail transaction is made in  
11 person by a consumer at the seller's business location and the  
12 business is located within the State; (ii) the seller is a  
13 provider and sells prepaid wireless telecommunications service  
14 to a consumer located in Illinois; (iii) the retail transaction  
15 is treated as occurring in this State for purposes of the  
16 Retailers' Occupation Tax Act; or (iv) a seller that is  
17 included within the definition of a "retailer maintaining a  
18 place of business in this State" under Section 2 of the Use Tax  
19 Act makes a sale of prepaid wireless telecommunications service  
20 to a consumer located in Illinois. In the case of a retail  
21 transaction which does not occur in person at a seller's  
22 business location, if a consumer uses a credit card to purchase  
23 prepaid wireless telecommunications service on-line or over  
24 the telephone, and no product is shipped to the consumer, the  
25 transaction occurs in this State if the billing address for the  
26 consumer's credit card is in this State.

1           (b-5) The prepaid wireless 9-1-1 surcharge imposed under  
2 subsection (a-5) of this Section shall be collected by the  
3 seller from the consumer with respect to each retail  
4 transaction occurring in the municipality imposing the  
5 surcharge. The amount of the prepaid wireless 9-1-1 surcharge  
6 shall be separately stated on an invoice, receipt, or other  
7 similar document that is provided to the consumer by the seller  
8 or shall be otherwise disclosed to the consumer. If the seller  
9 does not separately state the surcharge as a distinct item to  
10 the consumer as provided in this Section, then the seller shall  
11 maintain books and records as required by this Act which  
12 clearly identify the amount of the 9-1-1 surcharge for retail  
13 transactions.

14           For purposes of this subsection (b-5), a retail transaction  
15 occurs in the municipality if (i) the retail transaction is  
16 made in person by a consumer at the seller's business location  
17 and the business is located within the municipality; (ii) the  
18 seller is a provider and sells prepaid wireless  
19 telecommunications service to a consumer located in the  
20 municipality; (iii) the retail transaction is treated as  
21 occurring in the municipality for purposes of the Retailers'  
22 Occupation Tax Act; or (iv) a seller that is included within  
23 the definition of a "retailer maintaining a place of business  
24 in this State" under Section 2 of the Use Tax Act makes a sale  
25 of prepaid wireless telecommunications service to a consumer  
26 located in the municipality. In the case of a retail

1 transaction which does not occur in person at a seller's  
2 business location, if a consumer uses a credit card to purchase  
3 prepaid wireless telecommunications service on-line or over  
4 the telephone, and no product is shipped to the consumer, the  
5 transaction occurs in the municipality if the billing address  
6 for the consumer's credit card is in the municipality.

7 (c) The prepaid wireless 9-1-1 surcharge is imposed on the  
8 consumer and not on any provider. The seller shall be liable to  
9 remit all prepaid wireless 9-1-1 surcharges that the seller  
10 collects from consumers as provided in Section 20, including  
11 all such surcharges that the seller is deemed to collect where  
12 the amount of the surcharge has not been separately stated on  
13 an invoice, receipt, or other similar document provided to the  
14 consumer by the seller. The surcharge collected or deemed  
15 collected by a seller shall constitute a debt owed by the  
16 seller to this State, and any such surcharge actually collected  
17 shall be held in trust for the benefit of the Department.

18 For purposes of this subsection (c), the surcharge shall  
19 not be imposed or collected from entities that have an active  
20 tax exemption identification number issued by the Department  
21 under Section 1g of the Retailers' Occupation Tax Act.

22 (d) The amount of the prepaid wireless 9-1-1 surcharge that  
23 is collected by a seller from a consumer, if such amount is  
24 separately stated on an invoice, receipt, or other similar  
25 document provided to the consumer by the seller, shall not be  
26 included in the base for measuring any tax, fee, surcharge, or

1 other charge that is imposed by this State, any political  
2 subdivision of this State, or any intergovernmental agency.

3 (e) (Blank.) ~~The prepaid wireless 9-1-1 charge imposed~~  
4 ~~under subsection (a) of this Section shall be proportionately~~  
5 ~~increased or reduced, as applicable, upon any change to the~~  
6 ~~surcharge imposed under Section 17 of the Wireless Emergency~~  
7 ~~Telephone Safety Act. The adjusted rate shall be determined by~~  
8 ~~dividing the amount of the surcharge imposed under Section 17~~  
9 ~~of the Wireless Emergency Telephone Safety Act by \$50. Such~~  
10 ~~increase or reduction shall be effective on the first day of~~  
11 ~~the first calendar month to occur at least 60 days after the~~  
12 ~~enactment of the change to the surcharge imposed under Section~~  
13 ~~17 of the Wireless Emergency Telephone Safety Act. The~~  
14 ~~Department shall provide not less than 30 days' notice of an~~  
15 ~~increase or reduction in the amount of the surcharge on the~~  
16 ~~Department's website.~~

17 (e-5) Any changes in the rate of the surcharge imposed by a  
18 municipality under the authority granted in subsection (a-5) of  
19 this Section shall be effective on the first day of the first  
20 calendar month to occur at least 60 days after the enactment of  
21 the change. The Department shall provide not less than 30 days'  
22 notice of the increase or reduction in the rate of such  
23 surcharge on the Department's website.

24 (f) When prepaid wireless telecommunications service is  
25 sold with one or more other products or services for a single,  
26 non-itemized price, then the percentage specified in

1 subsection (a) or (a-5) of this Section 15 shall be applied to  
2 the entire non-itemized price unless the seller elects to apply  
3 the percentage to (i) the dollar amount of the prepaid wireless  
4 telecommunications service if that dollar amount is disclosed  
5 to the consumer or (ii) the portion of the price that is  
6 attributable to the prepaid wireless telecommunications  
7 service if the retailer can identify that portion by reasonable  
8 and verifiable standards from its books and records that are  
9 kept in the regular course of business for other purposes,  
10 including, but not limited to, books and records that are kept  
11 for non-tax purposes. However, if a minimal amount of prepaid  
12 wireless telecommunications service is sold with a prepaid  
13 wireless device for a single, non-itemized price, then the  
14 seller may elect not to apply the percentage specified in  
15 subsection (a) or (a-5) of this Section 15 to such transaction.  
16 For purposes of this subsection, an amount of service  
17 denominated as 10 minutes or less or \$5 or less is considered  
18 minimal.

19 (g) The prepaid wireless 9-1-1 surcharge imposed under  
20 subsections (a) and (a-5) of this Section is not imposed on the  
21 provider or the consumer for wireless Lifeline service where  
22 the consumer does not pay the provider for the service. Where  
23 the consumer purchases from the provider optional minutes,  
24 texts, or other services in addition to the federally-funded  
25 Lifeline benefit, a consumer must pay the prepaid wireless  
26 9-1-1 surcharge, and it must be collected by the seller

1 according to subsection (b-5).

2 (Source: P.A. 97-463, eff. 1-1-12; 97-748, eff. 7-6-12; 98-634,  
3 eff. 6-6-14.)

4 Section 1-35. The Public Utilities Act is amended by  
5 changing Sections 13-506.2, 13-703, 13-1200, 21-401, 21-801,  
6 21-1001, and 21-1601 as follows:

7 (220 ILCS 5/13-506.2)

8 (Section scheduled to be repealed on July 1, 2015)

9 Sec. 13-506.2. Market regulation for competitive retail  
10 services.

11 (a) Definitions. As used in this Section:

12 (1) "Electing Provider" means a telecommunications  
13 carrier that is subject to either rate regulation pursuant  
14 to Section 13-504 or Section 13-505 or alternative  
15 regulation pursuant to Section 13-506.1 and that elects to  
16 have the rates, terms, and conditions of its competitive  
17 retail telecommunications services solely determined and  
18 regulated pursuant to the terms of this Article.

19 (2) "Basic local exchange service" means either a  
20 stand-alone residence network access line and per-call  
21 usage or, for any geographic area in which such stand-alone  
22 service is not offered, a stand-alone flat rate residence  
23 network access line for which local calls are not charged  
24 for frequency or duration. Extended Area Service shall be



1 included in basic local exchange service.

2 (3) "Existing customer" means a residential customer  
3 who was subscribing to one of the optional packages  
4 described in subsection (d) of this Section as of the  
5 effective date of this amendatory Act of the 99th General  
6 Assembly. A customer who was subscribing to one of the  
7 optional packages on that date but stops subscribing  
8 thereafter shall not be considered an "existing customer"  
9 as of the date the customer stopped subscribing to the  
10 optional package, unless the stoppage is temporary and  
11 caused by the customer changing service address locations,  
12 or unless the customer resumes subscribing and is eligible  
13 to receive discounts on monthly telephone service under the  
14 federal Lifeline program, 47 C.F.R. Part 54, Subpart E.

15 (4) "New customer" means a residential customer who was  
16 not subscribing to one of the optional packages described  
17 in subsection (d) of this Section as of the effective date  
18 of this amendatory Act of the 99th General Assembly and who  
19 is eligible to receive discounts on monthly telephone  
20 service under the federal Lifeline program, 47 C.F.R. 54,  
21 Subpart E.

22 (b) Election for market regulation. Notwithstanding any  
23 other provision of this Act, an Electing Provider may elect to  
24 have the rates, terms, and conditions of its competitive retail  
25 telecommunications services solely determined and regulated  
26 pursuant to the terms of this Section by filing written notice

1 of its election for market regulation with the Commission. The  
2 notice of election shall designate the geographic area of the  
3 Electing Provider's service territory where the market  
4 regulation shall apply, either on a state-wide basis or in one  
5 or more specified Market Service Areas ("MSA") or Exchange  
6 areas. An Electing Provider shall not make an election for  
7 market regulation under this Section unless it commits in its  
8 written notice of election for market regulation to fulfill the  
9 conditions and requirements in this Section in each geographic  
10 area in which market regulation is elected. Immediately upon  
11 filing the notice of election for market regulation, the  
12 Electing Provider shall be subject to the jurisdiction of the  
13 Commission to the extent expressly provided in this Section.

14 (c) Competitive classification. Market regulation shall be  
15 available for competitive retail telecommunications services  
16 as provided in this subsection.

17 (1) For geographic areas in which telecommunications  
18 services provided by the Electing Provider were classified  
19 as competitive either through legislative action or a  
20 tariff filing pursuant to Section 13-502 prior to January  
21 1, 2010, and that are included in the Electing Provider's  
22 notice of election pursuant to subsection (b) of this  
23 Section, such services, and all recurring and nonrecurring  
24 charges associated with, related to or used in connection  
25 with such services, shall be classified as competitive  
26 without further Commission review. For services classified

1 as competitive pursuant to this subsection, the  
2 requirements or conditions in any order or decision  
3 rendered by the Commission pursuant to Section 13-502 prior  
4 to the effective date of this amendatory Act of the 96th  
5 General Assembly, except for the commitments made by the  
6 Electing Provider in such order or decision concerning the  
7 optional packages required in subsection (d) of this  
8 Section and basic local exchange service as defined in this  
9 Section, shall no longer be in effect and no Commission  
10 investigation, review, or proceeding under Section 13-502  
11 shall be continued, conducted, or maintained with respect  
12 to such services, charges, requirements, or conditions.  
13 Beginning July 1, 2017, the commitments made by the  
14 Electing Provider in such order or decision concerning the  
15 optional packages under subsection (d) of this Section  
16 shall no longer be in effect and no Commission  
17 investigation, review, or proceeding under Section 13-502  
18 shall be continued, conducted, or maintained with respect  
19 to such packages.

20 (2) For those geographic areas in which residential  
21 local exchange telecommunications services have not been  
22 classified as competitive as of the effective date of this  
23 amendatory Act of the 96th General Assembly, all  
24 telecommunications services provided to residential and  
25 business end users by an Electing Provider in the  
26 geographic area that is included in its notice of election

1       pursuant to subsection (b) shall be classified as  
2       competitive for purposes of this Article without further  
3       Commission review.

4       (3) If an Electing Provider was previously subject to  
5       alternative regulation pursuant to Section 13-506.1 of  
6       this Article, the alternative regulation plan shall  
7       terminate in whole for all services subject to that plan  
8       and be of no force or effect, without further Commission  
9       review or action, when the Electing Provider's residential  
10      local exchange telecommunications service in each MSA in  
11      its telecommunications service area in the State has been  
12      classified as competitive pursuant to either subdivision  
13      (c) (1) or (c) (2) of this Section.

14      (4) The service packages described in Section 13-518  
15      shall be classified as competitive for purposes of this  
16      Section if offered by an Electing Provider in a geographic  
17      area in which local exchange telecommunications service  
18      has been classified as competitive pursuant to either  
19      subdivision (c) (1) or (c) (2) of this Section.

20      (5) Where a service, or its functional equivalent, or a  
21      substitute service offered by a carrier that is not an  
22      Electing Provider or the incumbent local exchange carrier  
23      for that area is also being offered by an Electing Provider  
24      for some identifiable class or group of customers in an  
25      exchange, group of exchanges, or some other clearly defined  
26      geographical area, the service offered by a carrier that is

1 not an Electing Provider or the incumbent local exchange  
2 carrier for that area shall be classified as competitive  
3 without further Commission review.

4 (6) Notwithstanding any other provision of this Act,  
5 retail telecommunications services classified as  
6 competitive pursuant to Section 13-502 or subdivision  
7 (c)(5) of this Section shall have their rates, terms, and  
8 conditions solely determined and regulated pursuant to the  
9 terms of this Section in the same manner and to the same  
10 extent as the competitive retail telecommunications  
11 services of an Electing Provider, except that subsections  
12 (d), (g), and (j) of this Section shall not apply to a  
13 carrier that is not an Electing Provider or to the  
14 competitive telecommunications services of a carrier that  
15 is not an Electing Provider. The access services of a  
16 carrier that is not an Electing Provider shall remain  
17 subject to Section 13-900.2. The requirements in  
18 subdivision (e)(3) of this Section shall not apply to  
19 retail telecommunications services classified as  
20 competitive pursuant to Section 13-502 or subdivision  
21 (c)(5) of this Section, except that, upon request from the  
22 Commission, the telecommunications carrier providing  
23 competitive retail telecommunications services shall  
24 provide a report showing the number of credits and  
25 exemptions for the requested time period.

26 (d) Consumer choice safe harbor options.

1           (1) Subject to subdivision (d)(8) of this Section, an  
2 ~~An~~ Electing Provider in each of the MSA or Exchange areas  
3 classified as competitive pursuant to subdivision (c)(1)  
4 or (c)(2) of this Section shall offer to all residential  
5 customers who choose to subscribe the following optional  
6 packages of services priced at the same rate levels in  
7 effect on January 1, 2010:

8           (A) A basic package, which shall consist of a  
9 stand-alone residential network access line and 30  
10 local calls. If the Electing Provider offers a  
11 stand-alone residential access line and local usage on  
12 a per call basis, the price for the basic package shall  
13 be the Electing Provider's applicable price in effect  
14 on January 1, 2010 for the sum of a residential access  
15 line and 30 local calls, additional calls over 30 calls  
16 shall be provided at the current per call rate.  
17 However, this basic package is not required if  
18 stand-alone residential network access lines or  
19 per-call local usage are not offered by the Electing  
20 Provider in the geographic area on January 1, 2010 or  
21 if the Electing Provider has not increased its  
22 stand-alone network access line and local usage rates,  
23 including Extended Area Service rates, since January  
24 1, 2010.

25           (B) An extra package, which shall consist of  
26 residential basic local exchange network access line

1 and unlimited local calls. The price for the extra  
2 package shall be the Electing Provider's applicable  
3 price in effect on January 1, 2010 for a residential  
4 access line with unlimited local calls.

5 (C) A plus package, which shall consist of  
6 residential basic local exchange network access line,  
7 unlimited local calls, and the customer's choice of 2  
8 vertical services offered by the Electing Provider.  
9 The term "vertical services" as used in this  
10 subsection, includes, but is not limited to, call  
11 waiting, call forwarding, 3-way calling, caller ID,  
12 call tracing, automatic callback, repeat dialing, and  
13 voicemail. The price for the plus package shall be the  
14 Electing Provider's applicable price in effect on  
15 January 1, 2010 for the sum of a residential access  
16 line with unlimited local calls and 2 times the average  
17 price for the vertical features included in the  
18 package.

19 (2) Subject to subdivision (d)(8) of this Section, for  
20 ~~For~~ those geographic areas in which local exchange  
21 telecommunications services were classified as competitive  
22 on the effective date of this amendatory Act of the 96th  
23 General Assembly, an Electing Provider in each such MSA or  
24 Exchange area shall be subject to the same terms and  
25 conditions as provided in commitments made by the Electing  
26 Provider in connection with such previous competitive

1 classifications, which shall apply with equal force under  
2 this Section, except as follows: (i) the limits on price  
3 increases on the optional packages required by this Section  
4 shall be extended consistent with subsection (d)(1) of this  
5 Section and (ii) the price for the extra package required  
6 by subsection (d)(1)(B) shall be reduced by one dollar from  
7 the price in effect on January 1, 2010. In addition, if an  
8 Electing Provider obtains a competitive classification  
9 pursuant to subsection (c)(1) and (c)(2), the price for the  
10 optional packages shall be determined in such area in  
11 compliance with subsection (d)(1), except the price for the  
12 plus package required by subsection (d)(1)(C) shall be the  
13 lower of the price for such area or the price of the plus  
14 package in effect on January 1, 2010 for areas classified  
15 as competitive pursuant to subsection (c)(1).

16 (3) To the extent that the requirements in Section  
17 13-518 applied to a telecommunications carrier prior to the  
18 effective date of this Section and that telecommunications  
19 carrier becomes an Electing Provider in accordance with the  
20 provisions of this Section, the requirements in Section  
21 13-518 shall cease to apply to that Electing Provider in  
22 those geographic areas included in the Electing Provider's  
23 notice of election pursuant to subsection (b) of this  
24 Section.

25 (4) Subject to subdivision (d)(8) of this Section, an  
26 ~~An~~ Electing Provider shall make the optional packages



1 required by this subsection and stand-alone residential  
2 network access lines and local usage, where offered,  
3 readily available to the public by providing information,  
4 in a clear manner, to residential customers. Information  
5 shall be made available on a website, and an Electing  
6 Provider shall provide notification to its customers every  
7 6 months, provided that notification may consist of a bill  
8 page message that provides an objective description of the  
9 safe harbor options that includes a telephone number and  
10 website address where the customer may obtain additional  
11 information about the packages from the Electing Provider.  
12 The optional packages shall be offered on a monthly basis  
13 with no term of service requirement. An Electing Provider  
14 shall allow online electronic ordering of the optional  
15 packages and stand-alone residential network access lines  
16 and local usage, where offered, on its website in a manner  
17 similar to the online electronic ordering of its other  
18 residential services.

19 (5) Subject to subdivision (d)(8) of this Section, an  
20 ~~An~~ Electing Provider shall comply with the Commission's  
21 existing rules, regulations, and notices in Title 83, Part  
22 735 of the Illinois Administrative Code when offering or  
23 providing the optional packages required by this  
24 subsection (d) and stand-alone residential network access  
25 lines.

26 (6) Subject to subdivision (d)(8) of this Section, an

1       ~~An~~ Electing Provider shall provide to the Commission  
2       semi-annual subscribership reports as of June 30 and  
3       December 31 that contain the number of its customers  
4       subscribing to each of the consumer choice safe harbor  
5       packages required by subsection (d)(1) of this Section and  
6       the number of its customers subscribing to retail  
7       residential basic local exchange service as defined in  
8       subsection (a)(2) of this Section. The first semi-annual  
9       reports shall be made on April 1, 2011 for December 31,  
10       2010, and on September 1, 2011 for June 30, 2011, and  
11       semi-annually on April 1 and September 1 thereafter. Such  
12       subscribership information shall be accorded confidential  
13       and proprietary treatment upon request by the Electing  
14       Provider.

15               (7) The Commission shall have the power, after notice  
16       and hearing as provided in this Article, upon complaint or  
17       upon its own motion, to take corrective action if the  
18       requirements of this Section are not complied with by an  
19       Electing Provider.

20               (8) On and after the effective date of this amendatory  
21       act of the 99th General Assembly, an Electing Provider  
22       shall continue to offer and provide the optional packages  
23       described in this subsection (d) to existing customers and  
24       new customers. On and after July 1, 2017, an Electing  
25       Provider may immediately stop offering the optional  
26       packages described in this subsection (d) and, upon

1 providing two notices to affected customers and to the  
2 Commission, may stop providing the optional packages  
3 described in this subsection (d) to all customers who  
4 subscribe to one of the optional packages. The first notice  
5 shall be provided at least 90 days before the date upon  
6 which the Electing Provider intends to stop providing the  
7 optional packages, and the second notice must be provided  
8 at least 30 days before that date. The first notice shall  
9 not be provided prior to July 1, 2017. Each notice must  
10 identify the date on which the Electing Provider intends to  
11 stop providing the optional packages, at least one  
12 alternative service available to the customer, and a  
13 telephone number by which the customer may contact a  
14 service representative of the Electing Provider. After  
15 July 1, 2017 with respect to new customers, and upon the  
16 expiration of the second notice period with respect to  
17 customers who were subscribing to one of the optional  
18 packages, subdivisions (d) (1), (d) (2), (d) (4), (d) (5),  
19 (d) (6), and (d) (7) of this Section shall not apply to the  
20 Electing Provider. Notwithstanding any other provision of  
21 this Act, and subject to subdivision (d) (7) of this of this  
22 Section, the Commission's authority over the  
23 discontinuance of the optional packages described in this  
24 subsection (d) by an Electing Provider shall be governed  
25 solely by this subsection (d) (8).

26 (e) Service quality and customer credits for basic local

1 exchange service.

2 (1) An Electing Provider shall meet the following  
3 service quality standards in providing basic local  
4 exchange service, which for purposes of this subsection  
5 (e), includes both basic local exchange service and any ~~the~~  
6 consumer choice safe harbor options that may be required by  
7 subsection (d) of this Section.

8 (A) Install basic local exchange service within 5  
9 business days after receipt of an order from the  
10 customer unless the customer requests an installation  
11 date that is beyond 5 business days after placing the  
12 order for basic service and to inform the customer of  
13 the Electing Provider's duty to install service within  
14 this timeframe. If installation of service is  
15 requested on or by a date more than 5 business days in  
16 the future, the Electing Provider shall install  
17 service by the date requested.

18 (B) Restore basic local exchange service for the  
19 customer within 30 hours after receiving notice that  
20 the customer is out of service.

21 (C) Keep all repair and installation appointments  
22 for basic local exchange service if a customer premises  
23 visit requires a customer to be present. The  
24 appointment window shall be either a specific time or,  
25 at a maximum, a 4-hour time block during evening,  
26 weekend, and normal business hours.

1           (D) Inform a customer when a repair or installation  
2           appointment requires the customer to be present.

3           (2) Customers shall be credited by the Electing  
4           Provider for violations of basic local exchange service  
5           quality standards described in subdivision (e)(1) of this  
6           Section. The credits shall be applied automatically on the  
7           statement issued to the customer for the next monthly  
8           billing cycle following the violation or following the  
9           discovery of the violation. The next monthly billing cycle  
10          following the violation or the discovery of the violation  
11          means the billing cycle immediately following the billing  
12          cycle in process at the time of the violation or discovery  
13          of the violation, provided the total time between the  
14          violation or discovery of the violation and the issuance of  
15          the credit shall not exceed 60 calendar days. The Electing  
16          Provider is responsible for providing the credits and the  
17          customer is under no obligation to request such credits.  
18          The following credits shall apply:

19           (A) If an Electing Provider fails to repair an  
20           out-of-service condition for basic local exchange  
21           service within 30 hours, the Electing Provider shall  
22           provide a credit to the customer. If the service  
23           disruption is for more than 30 hours, but not more than  
24           48 hours, the credit must be equal to a pro-rata  
25           portion of the monthly recurring charges for all basic  
26           local exchange services disrupted. If the service

1 disruption is for more than 48 hours, but not more than  
2 72 hours, the credit must be equal to at least 33% of  
3 one month's recurring charges for all local services  
4 disrupted. If the service disruption is for more than  
5 72 hours, but not more than 96 hours, the credit must  
6 be equal to at least 67% of one month's recurring  
7 charges for all basic local exchange services  
8 disrupted. If the service disruption is for more than  
9 96 hours, but not more than 120 hours, the credit must  
10 be equal to one month's recurring charges for all basic  
11 local exchange services disrupted. For each day or  
12 portion thereof that the service disruption continues  
13 beyond the initial 120-hour period, the Electing  
14 Provider shall also provide an additional credit of \$20  
15 per calendar day.

16 (B) If an Electing Provider fails to install basic  
17 local exchange service as required under subdivision  
18 (e)(1) of this Section, the Electing Provider shall  
19 waive 50% of any installation charges, or in the  
20 absence of an installation charge or where  
21 installation is pursuant to the Link Up program, the  
22 Electing Provider shall provide a credit of \$25. If an  
23 Electing Provider fails to install service within 10  
24 business days after the service application is placed,  
25 or fails to install service within 5 business days  
26 after the customer's requested installation date, if

1           the requested date was more than 5 business days after  
2           the date of the order, the Electing Provider shall  
3           waive 100% of the installation charge, or in the  
4           absence of an installation charge or where  
5           installation is provided pursuant to the Link Up  
6           program, the Electing Provider shall provide a credit  
7           of \$50. For each day that the failure to install  
8           service continues beyond the initial 10 business days,  
9           or beyond 5 business days after the customer's  
10          requested installation date, if the requested date was  
11          more than 5 business days after the date of the order,  
12          the Electing Provider shall also provide an additional  
13          credit of \$20 per calendar day until the basic local  
14          exchange service is installed.

15           (C) If an Electing Provider fails to keep a  
16          scheduled repair or installation appointment when a  
17          customer premises visit requires a customer to be  
18          present as required under subdivision (e)(1) of this  
19          Section, the Electing Provider shall credit the  
20          customer \$25 per missed appointment. A credit required  
21          by this subdivision does not apply when the Electing  
22          Provider provides the customer notice of its inability  
23          to keep the appointment no later than 8:00 pm of the  
24          day prior to the scheduled date of the appointment.

25           (D) Credits required by this subsection do not  
26          apply if the violation of a service quality standard:

1 (i) occurs as a result of a negligent or  
2 willful act on the part of the customer;

3 (ii) occurs as a result of a malfunction of  
4 customer-owned telephone equipment or inside  
5 wiring;

6 (iii) occurs as a result of, or is extended by,  
7 an emergency situation as defined in 83 Ill. Adm.  
8 Code 732.10;

9 (iv) is extended by the Electing Provider's  
10 inability to gain access to the customer's  
11 premises due to the customer missing an  
12 appointment, provided that the violation is not  
13 further extended by the Electing Provider;

14 (v) occurs as a result of a customer request to  
15 change the scheduled appointment, provided that  
16 the violation is not further extended by the  
17 Electing Provider;

18 (vi) occurs as a result of an Electing  
19 Provider's right to refuse service to a customer as  
20 provided in Commission rules; or

21 (vii) occurs as a result of a lack of  
22 facilities where a customer requests service at a  
23 geographically remote location, where a customer  
24 requests service in a geographic area where the  
25 Electing Provider is not currently offering  
26 service, or where there are insufficient



1 facilities to meet the customer's request for  
2 service, subject to an Electing Provider's  
3 obligation for reasonable facilities planning.

4 (3) Each Electing Provider shall provide to the  
5 Commission on a quarterly basis and in a form suitable for  
6 posting on the Commission's website in conformance with the  
7 rules adopted by the Commission and in effect on April 1,  
8 2010, a public report that includes the following data for  
9 basic local exchange service quality of service:

10 (A) With regard to credits due in accordance with  
11 subdivision (e) (2) (A) as a result of out-of-service  
12 conditions lasting more than 30 hours:

13 (i) the total dollar amount of any customer  
14 credits paid;

15 (ii) the number of credits issued for repairs  
16 between 30 and 48 hours;

17 (iii) the number of credits issued for repairs  
18 between 49 and 72 hours;

19 (iv) the number of credits issued for repairs  
20 between 73 and 96 hours;

21 (v) the number of credits used for repairs  
22 between 97 and 120 hours;

23 (vi) the number of credits issued for repairs  
24 greater than 120 hours; and

25 (vii) the number of exemptions claimed for  
26 each of the categories identified in subdivision

1 (e) (2) (D) .

2 (B) With regard to credits due in accordance with  
3 subdivision (e) (2) (B) as a result of failure to install  
4 basic local exchange service:

5 (i) the total dollar amount of any customer  
6 credits paid;

7 (ii) the number of installations after 5  
8 business days;

9 (iii) the number of installations after 10  
10 business days;

11 (iv) the number of installations after 11  
12 business days; and

13 (v) the number of exemptions claimed for each  
14 of the categories identified in subdivision  
15 (e) (2) (D) .

16 (C) With regard to credits due in accordance with  
17 subdivision (e) (2) (C) as a result of missed  
18 appointments:

19 (i) the total dollar amount of any customer  
20 credits paid;

21 (ii) the number of any customers receiving  
22 credits; and

23 (iii) the number of exemptions claimed for  
24 each of the categories identified in subdivision  
25 (e) (2) (D) .

26 (D) The Electing Provider's annual report required

1           by this subsection shall also include, for  
2           informational reporting, the performance data  
3           described in subdivisions (e) (2) (A), (e) (2) (B), and  
4           (e) (2) (C), and trouble reports per 100 access lines  
5           calculated using the Commission's existing applicable  
6           rules and regulations for such measures, including the  
7           requirements for service standards established in this  
8           Section.

9           (4) It is the intent of the General Assembly that the  
10          service quality rules and customer credits in this  
11          subsection (e) of this Section and other enforcement  
12          mechanisms, including fines and penalties authorized by  
13          Section 13-305, shall apply on a nondiscriminatory basis to  
14          all Electing Providers. Accordingly, notwithstanding any  
15          provision of any service quality rules promulgated by the  
16          Commission, any alternative regulation plan adopted by the  
17          Commission, or any other order of the Commission, any  
18          Electing Provider that is subject to any other order of the  
19          Commission and that violates or fails to comply with the  
20          service quality standards promulgated pursuant to this  
21          subsection (e) or any other order of the Commission shall  
22          not be subject to any fines, penalties, customer credits,  
23          or enforcement mechanisms other than such fines or  
24          penalties or customer credits as may be imposed by the  
25          Commission in accordance with the provisions of this  
26          subsection (e) and Section 13-305, which are to be

1 generally applicable to all Electing Providers. The amount  
2 of any fines or penalties imposed by the Commission for  
3 failure to comply with the requirements of this subsection  
4 (e) shall be an appropriate amount, taking into account, at  
5 a minimum, the Electing Provider's gross annual intrastate  
6 revenue; the frequency, duration, and recurrence of the  
7 violation; and the relative harm caused to the affected  
8 customers or other users of the network. In imposing fines  
9 and penalties, the Commission shall take into account  
10 compensation or credits paid by the Electing Provider to  
11 its customers pursuant to this subsection (e) in  
12 compensation for any violation found pursuant to this  
13 subsection (e), and in any event the fine or penalty shall  
14 not exceed an amount equal to the maximum amount of a civil  
15 penalty that may be imposed under Section 13-305.

16 (5) An Electing Provider in each of the MSA or Exchange  
17 areas classified as competitive pursuant to subsection (c)  
18 of this Section shall fulfill the requirements in  
19 subdivision (e)(3) of this Section for 3 years after its  
20 notice of election becomes effective. After such 3 years,  
21 the requirements in subdivision (e)(3) of this Section  
22 shall not apply to such Electing Provider, except that,  
23 upon request from the Commission, the Electing Provider  
24 shall provide a report showing the number of credits and  
25 exemptions for the requested time period.

26 (f) Commission jurisdiction over competitive retail

1 telecommunications services. Except as otherwise expressly  
2 stated in this Section, the Commission shall thereafter have no  
3 jurisdiction or authority over any aspect of competitive retail  
4 telecommunications service of an Electing Provider in those  
5 geographic areas included in the Electing Provider's notice of  
6 election pursuant to subsection (b) of this Section or of a  
7 retail telecommunications service classified as competitive  
8 pursuant to Section 13-502 or subdivision (c)(5) of this  
9 Section, heretofore subject to the jurisdiction of the  
10 Commission, including but not limited to, any requirements of  
11 this Article related to the terms, conditions, rates, quality  
12 of service, availability, classification or any other aspect of  
13 any competitive retail telecommunications services. No  
14 telecommunications carrier shall commit any unfair or  
15 deceptive act or practice in connection with any aspect of the  
16 offering or provision of any competitive retail  
17 telecommunications service. Nothing in this Article shall  
18 limit or affect any provisions in the Consumer Fraud and  
19 Deceptive Business Practices Act with respect to any unfair or  
20 deceptive act or practice by a telecommunications carrier.

21 (g) Commission authority over access services upon  
22 election for market regulation.

23 (1) As part of its Notice of Election for Market  
24 Regulation, the Electing Provider shall reduce its  
25 intrastate switched access rates to rates no higher than  
26 its interstate switched access rates in 4 installments. The

1 first reduction must be made 30 days after submission of  
2 its complete application for Notice of Election for Market  
3 Regulation, and the Electing Provider must reduce its  
4 intrastate switched access rates by an amount equal to 33%  
5 of the difference between its current intrastate switched  
6 access rates and its current interstate switched access  
7 rates. The second reduction must be made no later than one  
8 year after the first reduction, and the Electing Provider  
9 must reduce its then current intrastate switched access  
10 rates by an amount equal to 41% of the difference between  
11 its then current intrastate switched access rates and its  
12 then current interstate switched access rates. The third  
13 reduction must be made no later than one year after the  
14 second reduction, and the Electing Provider must reduce its  
15 then current intrastate switched access rates by an amount  
16 equal to 50% of the difference between its then current  
17 intrastate switched access rate and its then current  
18 interstate switched access rates. The fourth reduction  
19 must be made on or before June 30, 2013, and the Electing  
20 Provider must reduce its intrastate switched access rate to  
21 mirror its then current interstate switched access rates  
22 and rate structure. Following the fourth reduction, each  
23 Electing Provider must continue to set its intrastate  
24 switched access rates to mirror its interstate switched  
25 access rates and rate structure. For purposes of this  
26 subsection, the rate for intrastate switched access

1 service means the composite, per-minute rate for that  
2 service, including all applicable fixed and  
3 traffic-sensitive charges, including, but not limited to,  
4 carrier common line charges.

5 (2) Nothing in paragraph (1) of this subsection (g)  
6 prohibits an Electing Provider from electing to offer  
7 intrastate switched access service at rates lower than its  
8 interstate switched access rates.

9 (3) The Commission shall have no authority to order an  
10 Electing Provider to set its rates for intrastate switched  
11 access at a level lower than its interstate switched access  
12 rates.

13 (4) The Commission's authority under this subsection  
14 (g) shall only apply to Electing Providers under Market  
15 Regulation. The Commission's authority over switched  
16 access services for all other carriers is retained under  
17 Section 13-900.2 of this Act.

18 (h) Safety of service equipment and facilities.

19 (1) An Electing Provider shall furnish, provide, and  
20 maintain such service instrumentalities, equipment, and  
21 facilities as shall promote the safety, health, comfort,  
22 and convenience of its patrons, employees, and public and  
23 as shall be in all respects adequate, reliable, and  
24 efficient without discrimination or delay. Every Electing  
25 Provider shall provide service and facilities that are in  
26 all respects environmentally safe.

1           (2) The Commission is authorized to conduct an  
2 investigation of any Electing Provider or part thereof. The  
3 investigation may examine the reasonableness, prudence, or  
4 efficiency of any aspect of the Electing Provider's  
5 operations or functions that may affect the adequacy,  
6 safety, efficiency, or reliability of telecommunications  
7 service. The Commission may conduct or order an  
8 investigation only when it has reasonable grounds to  
9 believe that the investigation is necessary to assure that  
10 the Electing Provider is providing adequate, efficient,  
11 reliable, and safe service. The Commission shall, before  
12 initiating any such investigation, issue an order  
13 describing the grounds for the investigation and the  
14 appropriate scope and nature of the investigation, which  
15 shall be reasonably related to the grounds relied upon by  
16 the Commission in its order.

17           (i) (Blank).

18           (j) Application of Article VII. The provisions of Sections  
19 7-101, 7-102, 7-104, 7-204, 7-205, and 7-206 of this Act are  
20 applicable to an Electing Provider offering or providing retail  
21 telecommunications service, and the Commission's regulation  
22 thereof, except that (1) the approval of contracts and  
23 arrangements with affiliated interests required by paragraph  
24 (3) of Section 7-101 shall not apply to such telecommunications  
25 carriers provided that, except as provided in item (2), those  
26 contracts and arrangements shall be filed with the Commission;



1 (2) affiliated interest contracts or arrangements entered into  
2 by such telecommunications carriers where the increased  
3 obligation thereunder does not exceed the lesser of \$5,000,000  
4 or 5% of such carrier's prior annual revenue from  
5 noncompetitive services are not required to be filed with the  
6 Commission; and (3) any consent and approval of the Commission  
7 required by Section 7-102 is not required for the sale, lease,  
8 assignment, or transfer by any Electing Provider of any  
9 property that is not necessary or useful in the performance of  
10 its duties to the public.

11 (k) Notwithstanding other provisions of this Section, the  
12 Commission retains its existing authority to enforce the  
13 provisions, conditions, and requirements of the following  
14 Sections of this Article: 13-101, 13-103, 13-201, 13-301,  
15 13-301.1, 13-301.2, 13-301.3, 13-303, 13-303.5, 13-304,  
16 13-305, 13-401, 13-401.1, 13-402, 13-403, 13-404, 13-404.1,  
17 13-404.2, 13-405, 13-406, 13-407, 13-501, 13-501.5, 13-503,  
18 13-505, 13-509, 13-510, 13-512, 13-513, 13-514, 13-515,  
19 13-516, 13-519, 13-702, 13-703, 13-704, 13-705, 13-706,  
20 13-707, 13-709, 13-713, 13-801, 13-802.1, 13-804, 13-900,  
21 13-900.1, 13-900.2, 13-901, 13-902, and 13-903, which are fully  
22 and equally applicable to Electing Providers and to  
23 telecommunications carriers providing retail  
24 telecommunications service classified as competitive pursuant  
25 to Section 13-502 or subdivision (c) (5) of this Section subject  
26 to the provisions of this Section. On the effective date of

1 this amendatory Act of the 98th General Assembly, the following  
2 Sections of this Article shall cease to apply to Electing  
3 Providers and to telecommunications carriers providing retail  
4 telecommunications service classified as competitive pursuant  
5 to Section 13-502 or subdivision (c)(5) of this Section:  
6 13-302, 13-405.1, 13-502, 13-502.5, 13-504, 13-505.2,  
7 13-505.3, 13-505.4, 13-505.5, 13-505.6, 13-506.1, 13-507,  
8 13-507.1, 13-508, 13-508.1, 13-517, 13-518, 13-601, 13-701,  
9 and 13-712.

10 (Source: P.A. 98-45, eff. 6-28-13.)

11 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

12 (Section scheduled to be repealed on July 1, 2015)

13 Sec. 13-703. (a) The Commission shall design and implement  
14 a program whereby each telecommunications carrier providing  
15 local exchange service shall provide a telecommunications  
16 device capable of servicing the needs of those persons with a  
17 hearing or speech disability together with a single party line,  
18 at no charge additional to the basic exchange rate, to any  
19 subscriber who is certified as having a hearing or speech  
20 disability by a licensed physician, speech-language  
21 pathologist, audiologist or a qualified State agency and to any  
22 subscriber which is an organization serving the needs of those  
23 persons with a hearing or speech disability as determined and  
24 specified by the Commission pursuant to subsection (d).

25 (b) The Commission shall design and implement a program,

1 whereby each telecommunications carrier providing local  
2 exchange service shall provide a telecommunications relay  
3 system, using third party intervention to connect those persons  
4 having a hearing or speech disability with persons of normal  
5 hearing by way of intercommunications devices and the telephone  
6 system, making available reasonable access to all phases of  
7 public telephone service to persons who have a hearing or  
8 speech disability. In order to design a telecommunications  
9 relay system which will meet the requirements of those persons  
10 with a hearing or speech disability available at a reasonable  
11 cost, the Commission shall initiate an investigation and  
12 conduct public hearings to determine the most cost-effective  
13 method of providing telecommunications relay service to those  
14 persons who have a hearing or speech disability when using  
15 telecommunications devices and therein solicit the advice,  
16 counsel, and physical assistance of Statewide nonprofit  
17 consumer organizations that serve persons with hearing or  
18 speech disabilities in such hearings and during the development  
19 and implementation of the system. The Commission shall phase in  
20 this program, on a geographical basis, as soon as is  
21 practicable, but no later than June 30, 1990.

22 (c) The Commission shall establish a competitively neutral  
23 rate recovery mechanism that establishes ~~, authorizing~~ charges  
24 in an amount to be determined by the Commission for each line  
25 of a subscriber to allow telecommunications carriers providing  
26 local exchange service to recover costs as they are incurred

1 under this Section. Beginning no later than April 1, 2016, and  
2 on a yearly basis thereafter, the Commission shall initiate a  
3 proceeding to establish the amount to be charged or assessed to  
4 subscribers of telecommunications carriers and wireless  
5 carriers, Interconnected VoIP service providers and purchasers  
6 of prepaid wireless telecommunications service in a manner  
7 consistent with this subsection (c) and subsection (f) of this  
8 Section. The Commission shall issue its order establishing the  
9 amount to be charged or assessed to subscribers of  
10 telecommunications carriers and wireless carriers,  
11 Interconnected VoIP service providers and purchasers of  
12 prepaid wireless telecommunications service on or prior to June  
13 1 of each year, and such amount shall take effect June 1 of  
14 each year.

15 (d) The Commission shall determine and specify those  
16 organizations serving the needs of those persons having a  
17 hearing or speech disability that shall receive a  
18 telecommunications device and in which offices the equipment  
19 shall be installed in the case of an organization having more  
20 than one office. For the purposes of this Section,  
21 "organizations serving the needs of those persons with hearing  
22 or speech disabilities" means centers for independent living as  
23 described in Section 12a of the Disabled Persons Rehabilitation  
24 Act and not-for-profit organizations whose primary purpose is  
25 serving the needs of those persons with hearing or speech  
26 disabilities. The Commission shall direct the

1 telecommunications carriers subject to its jurisdiction and  
2 this Section to comply with its determinations and  
3 specifications in this regard.

4 (e) As used in this Section:

5 "Prepaid wireless telecommunications service" has the  
6 meaning given to that term under Section 10 of the Prepaid  
7 Wireless 9-1-1 Surcharge Act.

8 "Retail transaction" has the meaning given to that term  
9 under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

10 "Telecommunications ~~, the phrase "telecommunications~~  
11 carrier providing local exchange service" includes, without  
12 otherwise limiting the meaning of the term, telecommunications  
13 carriers which are purely mutual concerns, having no rates or  
14 charges for services, but paying the operating expenses by  
15 assessment upon the members of such a company and no other  
16 person.

17 "Wireless carrier" has the meaning given to that term under  
18 Section 10 of the Wireless Emergency Telephone Safety Act.

19 (f) Interconnected VoIP service providers, sellers of  
20 prepaid wireless telecommunications service, and wireless  
21 carriers in Illinois shall collect and remit assessments  
22 determined in accordance with this Section in a competitively  
23 neutral manner in the same manner as a telecommunications  
24 carrier providing local exchange service. However, the  
25 assessment imposed on consumers of prepaid wireless  
26 telecommunications service shall be imposed per retail

1 transaction as a percentage of that retail transaction on all  
2 retail transactions occurring in this State. The assessment on  
3 subscribers of wireless carriers and consumers of prepaid  
4 wireless telecommunications service providers shall not be  
5 imposed or collected prior to June 1, 2016.

6 Sellers of prepaid wireless telecommunications service  
7 shall remit the assessments to the Department of Revenue on the  
8 same form and in the same manner which they remit the fee  
9 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For  
10 the purposes of display on the consumers' receipts, the rates  
11 of the fee collected under the Prepaid Wireless 9-1-1 Surcharge  
12 Act and the assessment under this Section may be combined. In  
13 administration and enforcement of this Section, the provisions  
14 of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge  
15 Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of  
16 Section 15 and subsections (c) and (e) of Section 20 of the  
17 Prepaid Wireless 9-1-1 Surcharge Act and, from the effective  
18 date of this amendatory Act of the 99th General Assembly, the  
19 seller shall be permitted to deduct and retain 3% of the  
20 assessments that are collected by the seller from consumers and  
21 that are remitted and timely filed with the Department) that  
22 are not inconsistent with this Section, shall apply, as far as  
23 practicable, to the subject matter of this Section to the same  
24 extent as if those provisions were included in this Section.  
25 The Department shall deposit all assessments and penalties  
26 collected under this Section into the Illinois

1 Telecommunications Access Corporation Fund, a special fund  
2 created in the State treasury. On or before the 25th day of  
3 each calendar month, the Department shall prepare and certify  
4 to the Comptroller the amount available to the Commission for  
5 distribution out of the Illinois Telecommunications Access  
6 Corporation Fund. The amount certified shall be the amount (not  
7 including credit memoranda) collected during the second  
8 preceding calendar month by the Department, plus an amount the  
9 Department determines is necessary to offset any amounts which  
10 were erroneously paid to a different taxing body or fund. The  
11 amount paid to the Illinois Telecommunications Access  
12 Corporation Fund shall not include any amount equal to the  
13 amount of refunds made during the second preceding calendar  
14 month by the Department to retailers under this Section or any  
15 amount that the Department determines is necessary to offset  
16 any amounts which were payable to a different taxing body or  
17 fund but were erroneously paid to the Illinois  
18 Telecommunications Access Corporation Fund. The Commission  
19 shall distribute all the funds to the Illinois  
20 Telecommunications Access Corporation and the funds may only be  
21 used in accordance with the provisions of this Section. The  
22 Department shall deduct 2% of all amounts deposited in the  
23 Illinois Telecommunications Access Corporation Fund during  
24 every year of remitted assessments. Of the 2% deducted by the  
25 Department, one-half shall be transferred into the Tax  
26 Compliance and Administration Fund to reimburse the Department

1 for its direct costs of administering the collection and  
2 remittance of the assessment. The remaining one-half shall be  
3 transferred into the Public Utilities Fund to reimburse the  
4 Commission for its costs of distributing to the Illinois  
5 Telecommunications Access Corporation the amount certified by  
6 the Department for distribution.

7 Interconnected VoIP services shall not be considered an  
8 intrastate telecommunications service for the purposes of this  
9 Section in a manner inconsistent with federal law or Federal  
10 Communications Commission regulation.

11 (g) The provisions of this Section are severable under  
12 Section 1.31 of the Statute on Statutes.

13 (h) The Commission may adopt rules necessary to implement  
14 this Section.

15 (Source: P.A. 96-927, eff. 6-15-10.)

16 (220 ILCS 5/13-1200)

17 (Section scheduled to be repealed on July 1, 2015)

18 Sec. 13-1200. Repealer. This Article is repealed July 1,  
19 2017 ~~2015~~.

20 (Source: P.A. 98-45, eff. 6-28-13.)

21 (220 ILCS 5/21-401)

22 (Section scheduled to be repealed on July 1, 2015)

23 Sec. 21-401. Applications.

24 (a) (1) A person or entity seeking to provide cable service



1 or video service pursuant to this Article shall not use the  
2 public rights-of-way for the installation or construction of  
3 facilities for the provision of cable service or video service  
4 or offer cable service or video service until it has obtained a  
5 State-issued authorization to offer or provide cable or video  
6 service under this Section, except as provided for in item (2)  
7 of this subsection (a). All cable or video providers offering  
8 or providing service in this State shall have authorization  
9 pursuant to either (i) the Cable and Video Competition Law of  
10 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the  
11 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section  
12 5-1095 of the Counties Code (55 ILCS 5/5-1095).

13 (2) Nothing in this Section shall prohibit a local unit of  
14 government from granting a permit to a person or entity for the  
15 use of the public rights-of-way to install or construct  
16 facilities to provide cable service or video service, at its  
17 sole discretion. No unit of local government shall be liable  
18 for denial or delay of a permit prior to the issuance of a  
19 State-issued authorization.

20 (b) The application to the Commission for State-issued  
21 authorization shall contain a completed affidavit submitted by  
22 the applicant and signed by an officer or general partner of  
23 the applicant affirming all of the following:

24 (1) That the applicant has filed or will timely file  
25 with the Federal Communications Commission all forms  
26 required by that agency in advance of offering cable

1 service or video service in this State.

2 (2) That the applicant agrees to comply with all  
3 applicable federal and State statutes and regulations.

4 (3) That the applicant agrees to comply with all  
5 applicable local unit of government regulations.

6 (4) An exact description of the cable service or video  
7 service area where the cable service or video service will  
8 be offered during the term of the State-issued  
9 authorization. The service area shall be identified in  
10 terms of either (i) exchanges, as that term is defined in  
11 Section 13-206 of this Act; (ii) a collection of United  
12 States Census Bureau Block numbers (13 digit); (iii) if the  
13 area is smaller than the areas identified in either (i) or  
14 (ii), by geographic information system digital boundaries  
15 meeting or exceeding national map accuracy standards; or  
16 (iv) local unit of government. The description shall  
17 include the number of low-income households within the  
18 service area or footprint. If an applicant is an incumbent  
19 cable operator, the incumbent cable operator and any  
20 successor-in-interest shall be obligated to provide access  
21 to cable services or video services within any local units  
22 of government at the same levels required by the local  
23 franchising authorities for the local unit of government on  
24 June 30, 2007 (the effective date of Public Act 95-9), and  
25 its application shall provide a description of an area no  
26 smaller than the service areas contained in its franchise

1 or franchises within the jurisdiction of the local unit of  
2 government in which it seeks to offer cable or video  
3 service.

4 (5) The location and telephone number of the  
5 applicant's principal place of business within this State  
6 and the names of the applicant's principal executive  
7 officers who are responsible for communications concerning  
8 the application and the services to be offered pursuant to  
9 the application, the applicant's legal name, and any name  
10 or names under which the applicant does or will provide  
11 cable services or video services in this State.

12 (6) A certification that the applicant has  
13 concurrently delivered a copy of the application to all  
14 local units of government that include all or any part of  
15 the service area identified in item (4) of this subsection  
16 (b) within such local unit of government's jurisdictional  
17 boundaries.

18 (7) The expected date that cable service or video  
19 service will be initially offered in the area identified in  
20 item (4) of this subsection (b). In the event that a holder  
21 does not offer cable services or video services within 3  
22 months after the expected date, it shall amend its  
23 application and update the expected date service will be  
24 offered and explain the delay in offering cable services or  
25 video services.

26 (8) For any entity that received State-issued

1 authorization prior to this amendatory Act of the 98th  
2 General Assembly as a cable operator and that intends to  
3 proceed as a cable operator under this Article, the entity  
4 shall file a written affidavit with the Commission and  
5 shall serve a copy of the affidavit with any local units of  
6 government affected by the authorization within 30 days  
7 after the effective date of this amendatory Act of the 98th  
8 General Assembly stating that the holder will be providing  
9 cable service under the State-issued authorization.

10 The application shall include adequate assurance that the  
11 applicant possesses the financial, managerial, legal, and  
12 technical qualifications necessary to construct and operate  
13 the proposed system, to promptly repair any damage to the  
14 public right-of-way caused by the applicant, and to pay the  
15 cost of removal of its facilities. To accomplish these  
16 requirements, the applicant may, at the time the applicant  
17 seeks to use the public rights-of-way in that jurisdiction, be  
18 required by the State of Illinois or later be required by the  
19 local unit of government, or both, to post a bond, produce a  
20 certificate of insurance, or otherwise demonstrate its  
21 financial responsibility.

22 The application shall include the applicant's general  
23 standards related to customer service required by Section  
24 22-501 of this Act, which shall include, but not be limited to,  
25 installation, disconnection, service and repair obligations;  
26 appointment hours; employee ID requirements; customer service

1 telephone numbers and hours; procedures for billing, charges,  
2 deposits, refunds, and credits; procedures for termination of  
3 service; notice of deletion of programming service and changes  
4 related to transmission of programming or changes or increases  
5 in rates; use and availability of parental control or lock-out  
6 devices; complaint procedures and procedures for bill dispute  
7 resolution and a description of the rights and remedies  
8 available to consumers if the holder does not materially meet  
9 their customer service standards; and special services for  
10 customers with visual, hearing, or mobility disabilities.

11 (c)(1) The applicant may designate information that it  
12 submits in its application or subsequent reports as  
13 confidential or proprietary, provided that the applicant  
14 states the reasons the confidential designation is necessary.  
15 The Commission shall provide adequate protection for such  
16 information pursuant to Section 4-404 of this Act. If the  
17 Commission, a local unit of government, or any other party  
18 seeks public disclosure of information designated as  
19 confidential, the Commission shall consider the confidential  
20 designation in a proceeding under the Illinois Administrative  
21 Procedure Act, and the burden of proof to demonstrate that the  
22 designated information is confidential shall be upon the  
23 applicant. Designated information shall remain confidential  
24 pending the Commission's determination of whether the  
25 information is entitled to confidential treatment. Information  
26 designated as confidential shall be provided to local units of

1 government for purposes of assessing compliance with this  
2 Article as permitted under a Protective Order issued by the  
3 Commission pursuant to the Commission's rules and to the  
4 Attorney General pursuant to Section 6.5 of the Attorney  
5 General Act (15 ILCS 205/6.5). Information designated as  
6 confidential under this Section or determined to be  
7 confidential upon Commission review shall only be disclosed  
8 pursuant to a valid and enforceable subpoena or court order or  
9 as required by the Freedom of Information Act. Nothing herein  
10 shall delay the application approval timeframes set forth in  
11 this Article.

12 (2) Information regarding the location of video services  
13 that have been or are being offered to the public and aggregate  
14 information included in the reports required by this Article  
15 shall not be designated or treated as confidential.

16 (d)(1) The Commission shall post all applications it  
17 receives under this Article on its web site within 5 business  
18 days.

19 (2) The Commission shall notify an applicant for a cable  
20 service or video service authorization whether the applicant's  
21 application and affidavit are complete on or before the 15th  
22 business day after the applicant submits the application. If  
23 the application and affidavit are not complete, the Commission  
24 shall state in its notice all of the reasons the application or  
25 affidavit are incomplete, and the applicant shall resubmit a  
26 complete application. The Commission shall have 30 days after

1 submission by the applicant of a complete application and  
2 affidavit to issue the service authorization. If the Commission  
3 does not notify the applicant regarding the completeness of the  
4 application and affidavit or issue the service authorization  
5 within the time periods required under this subsection, the  
6 application and affidavit shall be considered complete and the  
7 service authorization issued upon the expiration of the 30th  
8 day.

9 (e) Any authorization issued by the Commission will expire  
10 on December 31, 2020 ~~2015~~ and shall contain or include all of  
11 the following:

12 (1) A grant of authority, including an authorization  
13 issued prior to this amendatory Act of the 98th General  
14 Assembly, to provide cable service or video service in the  
15 service area footprint as requested in the application,  
16 subject to the provisions of this Article in existence on  
17 the date the grant of authority was issued, and any  
18 modifications to this Article enacted at any time prior to  
19 the date in Section 21-1601 of this Act, and to the laws of  
20 the State and the ordinances, rules, and regulations of the  
21 local units of government.

22 (2) A grant of authority to use, occupy, and construct  
23 facilities in the public rights-of-way for the delivery of  
24 cable service or video service in the service area  
25 footprint, subject to the laws, ordinances, rules, or  
26 regulations of this State and local units of governments.

1           (3) A statement that the grant of authority is subject  
2           to lawful operation of the cable service or video service  
3           by the applicant, its affiliated entities, or its  
4           successors-in-interest.

5           (e-5) ~~(4)~~ The Commission shall notify a local unit of  
6           government within 3 business days of the grant of any  
7           authorization within a service area footprint if that  
8           authorization includes any part of the local unit of  
9           government's jurisdictional boundaries and state whether the  
10          holder will be providing video service or cable service under  
11          the authorization.

12          (f) The authorization issued pursuant to this Section by  
13          the Commission may be transferred to any successor-in-interest  
14          to the applicant to which it is initially granted without  
15          further Commission action if the successor-in-interest (i)  
16          submits an application and the information required by  
17          subsection (b) of this Section for the successor-in-interest  
18          and (ii) is not in violation of this Article or of any federal,  
19          State, or local law, ordinance, rule, or regulation. A  
20          successor-in-interest shall file its application and notice of  
21          transfer with the Commission and the relevant local units of  
22          government no less than 15 business days prior to the  
23          completion of the transfer. The Commission is not required or  
24          authorized to act upon the notice of transfer; however, the  
25          transfer is not effective until the Commission approves the  
26          successor-in-interest's application. A local unit of



1 government or the Attorney General may seek to bar a transfer  
2 of ownership by filing suit in a court of competent  
3 jurisdiction predicated on the existence of a material and  
4 continuing breach of this Article by the holder, a pattern of  
5 noncompliance with customer service standards by the potential  
6 successor-in-interest, or the insolvency of the potential  
7 successor-in-interest. If a transfer is made when there are  
8 violations of this Article or of any federal, State, or local  
9 law, ordinance, rule, or regulation, the successor-in-interest  
10 shall be subject to 3 times the penalties provided for in this  
11 Article.

12 (g) The authorization issued pursuant to this Section  
13 ~~21-401 of this Article~~ by the Commission may be terminated, or  
14 its cable service or video service area footprint may be  
15 modified, by the cable service provider or video service  
16 provider by submitting notice to the Commission and to the  
17 relevant local unit of government containing a description of  
18 the change on the same terms as the initial description  
19 pursuant to item (4) of subsection (b) of this Section. The  
20 Commission is not required or authorized to act upon that  
21 notice. It shall be a violation of this Article for a holder to  
22 discriminate against potential residential subscribers because  
23 of the race or income of the residents in the local area in  
24 which the group resides by terminating or modifying its cable  
25 service or video service area footprint. It shall be a  
26 violation of this Article for a holder to terminate or modify

1 its cable service or video service area footprint if it leaves  
2 an area with no cable service or video service from any  
3 provider.

4 (h) The Commission's authority to administer this Article  
5 is limited to the powers and duties explicitly provided under  
6 this Article. Its authority under this Article does not include  
7 or limit the powers and duties that the Commission has under  
8 the other Articles of this Act, the Illinois Administrative  
9 Procedure Act, or any other law or regulation to conduct  
10 proceedings, other than as provided in subsection (c), or has  
11 to promulgate rules or regulations. The Commission shall not  
12 have the authority to limit or expand the obligations and  
13 requirements provided in this Section or to regulate or control  
14 a person or entity to the extent that person or entity is  
15 providing cable service or video service, except as provided in  
16 this Article.

17 (Source: P.A. 98-45, eff. 6-28-13; 98-756, eff. 7-16-14.)

18 (220 ILCS 5/21-801)

19 (Section scheduled to be repealed on July 1, 2015)

20 Sec. 21-801. Applicable fees payable to the local unit of  
21 government.

22 (a) Prior to offering cable service or video service in a  
23 local unit of government's jurisdiction, a holder shall notify  
24 the local unit of government. The notice shall be given to the  
25 local unit of government at least 10 days before the holder

1 begins to offer cable service or video service within the  
2 boundaries of that local unit of government.

3 (b) In any local unit of government in which a holder  
4 offers cable service or video service on a commercial basis,  
5 the holder shall be liable for and pay the service provider fee  
6 to the local unit of government. The local unit of government  
7 shall adopt an ordinance imposing such a fee. The holder's  
8 liability for the fee shall commence on the first day of the  
9 calendar month that is at least 30 days after the adoption of  
10 ~~holder receives~~ such ordinance. The ordinance shall be sent by  
11 mail, postage prepaid, to the address listed on the holder's  
12 application provided to the local unit of government pursuant  
13 to item (6) of subsection (b) of Section 21-401 of this Act.  
14 The fee authorized by this Section shall be 5% of gross  
15 revenues or the same as the fee paid to the local unit of  
16 government by any incumbent cable operator providing cable  
17 service. The payment of the service provider fee shall be due  
18 on a quarterly basis, 45 days after the close of the calendar  
19 quarter. If mailed, the fee is considered paid on the date it  
20 is postmarked. Except as provided in this Article, the local  
21 unit of government may not demand any additional fees or  
22 charges from the holder and may not demand the use of any other  
23 calculation method other than allowed under this Article.

24 (c) For purposes of this Article, "gross revenues" means  
25 all consideration of any kind or nature, including, without  
26 limitation, cash, credits, property, and in-kind contributions

1 received by the holder for the operation of a cable or video  
2 system to provide cable service or video service within the  
3 holder's cable service or video service area within the local  
4 unit of government's jurisdiction.

5 (1) Gross revenues shall include the following:

6 (i) Recurring charges for cable service or video  
7 service.

8 (ii) Event-based charges for cable service or  
9 video service, including, but not limited to,  
10 pay-per-view and video-on-demand charges.

11 (iii) Rental of set-top boxes and other cable  
12 service or video service equipment.

13 (iv) Service charges related to the provision of  
14 cable service or video service, including, but not  
15 limited to, activation, installation, and repair  
16 charges.

17 (v) Administrative charges related to the  
18 provision of cable service or video service, including  
19 but not limited to service order and service  
20 termination charges.

21 (vi) Late payment fees or charges, insufficient  
22 funds check charges, and other charges assessed to  
23 recover the costs of collecting delinquent payments.

24 (vii) A pro rata portion of all revenue derived by  
25 the holder or its affiliates pursuant to compensation  
26 arrangements for advertising or for promotion or

1           exhibition of any products or services derived from the  
2           operation of the holder's network to provide cable  
3           service or video service within the local unit of  
4           government's jurisdiction. The allocation shall be  
5           based on the number of subscribers in the local unit of  
6           government divided by the total number of subscribers  
7           in relation to the relevant regional or national  
8           compensation arrangement.

9           (viii) Compensation received by the holder that is  
10          derived from the operation of the holder's network to  
11          provide cable service or video service with respect to  
12          commissions that are received by the holder as  
13          compensation for promotion or exhibition of any  
14          products or services on the holder's network, such as a  
15          "home shopping" or similar channel, subject to item  
16          (ix) of this paragraph (1).

17          (ix) In the case of a cable service or video  
18          service that is bundled or integrated functionally  
19          with other services, capabilities, or applications,  
20          the portion of the holder's revenue attributable to the  
21          other services, capabilities, or applications shall be  
22          included in gross revenue unless the holder can  
23          reasonably identify the division or exclusion of the  
24          revenue from its books and records that are kept in the  
25          regular course of business.

26          (x) The service provider fee permitted by

1 subsection (b) of this Section.

2 (2) Gross revenues do not include any of the following:

3 (i) Revenues not actually received, even if  
4 billed, such as bad debt, subject to item (vi) of  
5 paragraph (1) of this subsection (c).

6 (ii) Refunds, discounts, or other price  
7 adjustments that reduce the amount of gross revenues  
8 received by the holder of the State-issued  
9 authorization to the extent the refund, rebate,  
10 credit, or discount is attributable to cable service or  
11 video service.

12 (iii) Regardless of whether the services are  
13 bundled, packaged, or functionally integrated with  
14 cable service or video service, any revenues received  
15 from services not classified as cable service or video  
16 service, including, without limitation, revenue  
17 received from telecommunications services, information  
18 services, or the provision of directory or Internet  
19 advertising, including yellow pages, white pages,  
20 banner advertisement, and electronic publishing, or  
21 any other revenues attributed by the holder to noncable  
22 service or nonvideo service in accordance with the  
23 holder's books and records and records kept in the  
24 regular course of business and any applicable laws,  
25 rules, regulations, standards, or orders.

26 (iv) The sale of cable services or video services

1           for resale in which the purchaser is required to  
2           collect the service provider fee from the purchaser's  
3           subscribers to the extent the purchaser certifies in  
4           writing that it will resell the service within the  
5           local unit of government's jurisdiction and pay the fee  
6           permitted by subsection (b) of this Section with  
7           respect to the service.

8           (v) Any tax or fee of general applicability imposed  
9           upon the subscribers or the transaction by a city,  
10          State, federal, or any other governmental entity and  
11          collected by the holder of the State-issued  
12          authorization and required to be remitted to the taxing  
13          entity, including sales and use taxes.

14          (vi) Security deposits collected from subscribers.

15          (vii) Amounts paid by subscribers to "home  
16          shopping" or similar vendors for merchandise sold  
17          through any home shopping channel offered as part of  
18          the cable service or video service.

19          (3) Revenue of an affiliate of a holder shall be  
20          included in the calculation of gross revenues to the extent  
21          the treatment of the revenue as revenue of the affiliate  
22          rather than the holder has the effect of evading the  
23          payment of the fee permitted by subsection (b) of this  
24          Section which would otherwise be paid by the cable service  
25          or video service.

26          (d) (1) Except for a holder providing cable service that is

1 subject to the fee in subsection (i) of this Section, the  
2 holder shall pay to the local unit of government or the entity  
3 designated by that local unit of government to manage public,  
4 education, and government access, upon request as support for  
5 public, education, and government access, a fee equal to no  
6 less than (i) 1% of gross revenues or (ii) if greater, the  
7 percentage of gross revenues that incumbent cable operators pay  
8 to the local unit of government or its designee for public,  
9 education, and government access support in the local unit of  
10 government's jurisdiction. For purposes of item (ii) of  
11 paragraph (1) of this subsection (d), the percentage of gross  
12 revenues that all incumbent cable operators pay shall be equal  
13 to the annual sum of the payments that incumbent cable  
14 operators in the service area are obligated to pay by  
15 franchises and agreements or by contracts with the local  
16 government designee for public, education and government  
17 access in effect on January 1, 2007, including the total of any  
18 lump sum payments required to be made over the term of each  
19 franchise or agreement divided by the number of years of the  
20 applicable term, divided by the annual sum of such incumbent  
21 cable operator's or operators' gross revenues during the  
22 immediately prior calendar year. The sum of payments includes  
23 any payments that an incumbent cable operator is required to  
24 pay pursuant to item (3) of subsection (c) of Section 21-301.

25 (2) A local unit of government may require all holders of a  
26 State-issued authorization and all cable operators franchised



1 by that local unit of government on June 30, 2007 (the  
2 effective date of this Section) in the franchise area to  
3 provide to the local unit of government, or to the entity  
4 designated by that local unit of government to manage public,  
5 education, and government access, information sufficient to  
6 calculate the public, education, and government access  
7 equivalent fee and any credits under paragraph (1) of this  
8 subsection (d).

9 (3) The fee shall be due on a quarterly basis and paid 45  
10 days after the close of the calendar quarter. Each payment  
11 shall include a statement explaining the basis for the  
12 calculation of the fee. If mailed, the fee is considered paid  
13 on the date it is postmarked. The liability of the holder for  
14 payment of the fee under this subsection shall commence on the  
15 same date as the payment of the service provider fee pursuant  
16 to subsection (b) of this Section.

17 (e) The holder may identify and collect the amount of the  
18 service provider fee as a separate line item on the regular  
19 bill of each subscriber.

20 (f) The holder may identify and collect the amount of the  
21 public, education, and government programming support fee as a  
22 separate line item on the regular bill of each subscriber.

23 (g) All determinations and computations under this Section  
24 shall be made pursuant to the definition of gross revenues set  
25 forth in this Section and shall be made pursuant to generally  
26 accepted accounting principles.

1 (h) Nothing contained in this Article shall be construed to  
2 exempt a holder from any tax that is or may later be imposed by  
3 the local unit of government, including any tax that is or may  
4 later be required to be paid by or through the holder with  
5 respect to cable service or video service. A State-issued  
6 authorization shall not affect any requirement of the holder  
7 with respect to payment of the local unit of government's  
8 simplified municipal telecommunications tax or any other tax as  
9 it applies to any telephone service provided by the holder. A  
10 State-issued authorization shall not affect any requirement of  
11 the holder with respect to payment of the local unit of  
12 government's 911 or E911 fees, taxes, or charges.

13 (i) Except for a municipality having a population of  
14 2,000,000 or more, the fee imposed under paragraph (1) of  
15 subsection (d) by a local unit of government against a holder  
16 who is a cable operator shall be as follows:

17 (1) the fee shall be collected and paid only for  
18 capital costs that are considered lawful under Subchapter  
19 VI of the federal Communications Act of 1934, as amended,  
20 and as implemented by the Federal Communications  
21 Commission;

22 (2) the local unit of government shall impose any fee  
23 by ordinance; and

24 (3) the fee may not exceed 1% of gross revenue; if,  
25 however, on the date that an incumbent cable operator files  
26 an application under Section 21-401, the incumbent cable

1 operator is operating under a franchise agreement that  
2 imposes a fee for support for capital costs for public,  
3 education, and government access facilities obligations in  
4 excess of 1% of gross revenue, then the cable operator  
5 shall continue to provide support for capital costs for  
6 public, education, and government access facilities  
7 obligations at the rate stated in such agreement.

8 (Source: P.A. 98-45, eff. 6-28-13.)

9 (220 ILCS 5/21-1001)

10 (Section scheduled to be repealed on July 1, 2015)

11 Sec. 21-1001. Local unit of government authority.

12 (a) The holder of a State-issued authorization shall comply  
13 with all the applicable construction and technical standards  
14 and right-of-way occupancy standards set forth in a local unit  
15 of government's code of ordinances relating to the use of  
16 public rights-of-way, pole attachments, permit obligations,  
17 indemnification, performance bonds, penalties, or liquidated  
18 damages. The applicable requirements for a holder that is using  
19 its existing telecommunications network or constructing a  
20 telecommunications network shall be the same requirements that  
21 the local unit of government imposes on telecommunications  
22 providers in its jurisdiction. The applicable requirements for  
23 a holder that is using or constructing a cable system shall be  
24 the same requirements the local unit of government imposes on  
25 other cable operators in its jurisdiction.

1           (b) A local unit of government shall allow the holder to  
2 install, construct, operate, maintain, and remove a cable  
3 service, video service, or telecommunications network within a  
4 public right-of-way and shall provide the holder with open,  
5 comparable, nondiscriminatory, and competitively neutral  
6 access to the public right-of-way on the same terms applicable  
7 to other cable service or video service providers or cable  
8 operators in its jurisdiction. Notwithstanding any other  
9 provisions of law, if a local unit of government is permitted  
10 by law to require the holder of a State authorization to seek a  
11 permit to install, construct, operate, maintain, or remove its  
12 cable service, video service, or telecommunications network  
13 within a public right-of-way, those permits shall be deemed  
14 granted within 45 days after being submitted, if not otherwise  
15 acted upon by the local unit of government, provided the holder  
16 complies with the requirements applicable to the holder in its  
17 jurisdiction.

18           (c) A local unit of government may impose reasonable terms,  
19 but it may not discriminate against the holder with respect to  
20 any of the following:

21           (1) The authorization or placement of a cable service,  
22 video service, or telecommunications network or equipment  
23 in public rights-of-way.

24           (2) Access to a building.

25           (3) A local unit of government utility pole attachment.

26           (d) If a local unit of government imposes a permit fee on

1 incumbent cable operators, it may impose a permit fee on the  
2 holder only to the extent it imposes such a fee on incumbent  
3 cable operators. In all other cases, these fees may not exceed  
4 the actual, direct costs incurred by the local unit of  
5 government for issuing the relevant permit. In no event may a  
6 fee under this Section be levied if the holder already has paid  
7 a permit fee of any kind in connection with the same activity  
8 that would otherwise be covered by the permit fee under this  
9 Section provided no additional equipment, work, function, or  
10 other burden is added to the existing activity for which the  
11 permit was issued.

12 (e) Nothing in this Article shall affect the rights that  
13 any holder has under Section 4 of the Telephone Line Right of  
14 Way Act (220 ILCS 65/4).

15 (f) In addition to the other requirements in this Section,  
16 if the holder installs, upgrades, constructs, operates,  
17 maintains, and removes facilities or equipment within a public  
18 right-of-way to provide cable service or video service, it  
19 shall comply with the following:

20 (1) The holder must locate its equipment in the  
21 right-of-way as to cause only minimum interference with the  
22 use of streets, alleys, and other public ways and places,  
23 and to cause only minimum impact upon and interference with  
24 the rights and reasonable convenience of property owners  
25 who adjoin any of the said streets, alleys, or other public  
26 ways. No fixtures shall be placed in any public ways in

1       such a manner to interfere with the usual travel on such  
2       public ways, nor shall such fixtures or equipment limit the  
3       visibility of vehicular or pedestrian traffic, or both.

4       (2) The holder shall comply with a local unit of  
5       government's reasonable requests to place equipment on  
6       public property where possible and promptly comply with  
7       local unit of government direction with respect to the  
8       location and screening of equipment and facilities. In  
9       constructing or upgrading its cable or video network in the  
10      right-of-way, the holder shall use the smallest suitable  
11      equipment enclosures and power pedestals and cabinets then  
12      in use by the holder for the application.

13      (3) The holder's construction practices shall be in  
14      accordance with all applicable Sections of the  
15      Occupational Safety and Health Act of 1970, as amended, as  
16      well as all applicable State laws, including the Civil  
17      Administrative Code of Illinois, and local codes, where  
18      applicable, as adopted by the local unit of government. All  
19      installation of electronic equipment shall be of a  
20      permanent nature, durable, and, where applicable,  
21      installed in accordance with the provisions of the National  
22      Electrical Safety Code of the National Bureau of Standards  
23      and National Electrical Code of the National Board of Fire  
24      Underwriters.

25      (4) The holder shall not interfere with the local unit  
26      of government's performance of public works. Nothing in the

1 State-issued authorization shall be in preference or  
2 hindrance to the right of the local unit of government to  
3 perform or carry on any public works or public improvements  
4 of any kind. The holder expressly agrees that it shall, at  
5 its own expense, protect, support, temporarily disconnect,  
6 relocate in the same street or other public place, or  
7 remove from such street or other public place any of the  
8 network, system, facilities, or equipment when required to  
9 do so by the local unit of government because of necessary  
10 public health, safety, and welfare improvements. In the  
11 event a holder and other users of a public right-of-way,  
12 including incumbent cable operators or utilities, are  
13 required to relocate and compensation is paid to the users  
14 of such public right-of-way, such parties shall be treated  
15 equally with respect to such compensation.

16 (5) The holder shall comply with all local units of  
17 government inspection requirements. The making of  
18 post-construction, subsequent or periodic inspections, or  
19 both, or the failure to do so shall not operate to relieve  
20 the holder of any responsibility, obligation, or  
21 liability.

22 (6) The holder shall maintain insurance or provide  
23 evidence of self insurance as required by an applicable  
24 ordinance of the local unit of government.

25 (7) The holder shall reimburse all reasonable  
26 make-ready expenses, including aerial and underground

1 installation expenses requested by the holder to the local  
2 unit of government within 30 days of billing to the holder,  
3 provided that such charges shall be at the same rates as  
4 charges to others for the same or similar services.

5 (8) The holder shall indemnify and hold harmless the  
6 local unit of government and all boards, officers,  
7 employees, and representatives thereof from all claims,  
8 demands, causes of action, liability, judgments, costs and  
9 expenses, or losses for injury or death to persons or  
10 damage to property owned by, and Worker's Compensation  
11 claims against any parties indemnified herein, arising out  
12 of, caused by, or as a result of the holder's construction,  
13 lines, cable, erection, maintenance, use or presence of, or  
14 removal of any poles, wires, conduit, appurtenances  
15 thereto, or equipment or attachments thereto. The holder,  
16 however, shall not indemnify the local unit of government  
17 for any liabilities, damages, cost, and expense resulting  
18 from the willful misconduct, or negligence of the local  
19 unit of government, its officers, employees, and agents.  
20 The obligations imposed pursuant to this Section by a local  
21 unit of government shall be competitively neutral.

22 (9) The holder, upon request, shall provide the local  
23 unit of government with information describing the  
24 location of the cable service or video service facilities  
25 and equipment located in the unit of local government's  
26 rights-of-way pursuant to its State-issued authorization.



1 If designated by the holder as confidential, such  
2 information provided pursuant to this subsection shall be  
3 exempt from inspection and copying under the ~~Illinois~~  
4 Freedom of Information Act ~~pursuant to the exemption~~  
5 ~~provided for under provision (mm) of item (1) of Section 7~~  
6 ~~of the Freedom of Information Act and any other present or~~  
7 ~~future exemptions applicable to such information~~ and shall  
8 not be disclosed by the unit of local government to any  
9 third party without the written consent of the holder.

10 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)

11 (220 ILCS 5/21-1601)

12 Sec. 21-1601. Repealer. Sections 21-101 through 21-1501 of  
13 this Article are repealed July 1, 2017 ~~2015~~.

14 (Source: P.A. 98-45, eff. 6-28-13.)

15 ARTICLE II

16 Section 2-3. The Illinois Administrative Procedure Act is  
17 amended by changing Section 5-45 as follows:

18 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

19 Sec. 5-45. Emergency rulemaking.

20 (a) "Emergency" means the existence of any situation that  
21 any agency finds reasonably constitutes a threat to the public  
22 interest, safety, or welfare.

1 (b) If any agency finds that an emergency exists that  
2 requires adoption of a rule upon fewer days than is required by  
3 Section 5-40 and states in writing its reasons for that  
4 finding, the agency may adopt an emergency rule without prior  
5 notice or hearing upon filing a notice of emergency rulemaking  
6 with the Secretary of State under Section 5-70. The notice  
7 shall include the text of the emergency rule and shall be  
8 published in the Illinois Register. Consent orders or other  
9 court orders adopting settlements negotiated by an agency may  
10 be adopted under this Section. Subject to applicable  
11 constitutional or statutory provisions, an emergency rule  
12 becomes effective immediately upon filing under Section 5-65 or  
13 at a stated date less than 10 days thereafter. The agency's  
14 finding and a statement of the specific reasons for the finding  
15 shall be filed with the rule. The agency shall take reasonable  
16 and appropriate measures to make emergency rules known to the  
17 persons who may be affected by them.

18 (c) An emergency rule may be effective for a period of not  
19 longer than 150 days, but the agency's authority to adopt an  
20 identical rule under Section 5-40 is not precluded. No  
21 emergency rule may be adopted more than once in any 24 month  
22 period, except that this limitation on the number of emergency  
23 rules that may be adopted in a 24 month period does not apply  
24 to (i) emergency rules that make additions to and deletions  
25 from the Drug Manual under Section 5-5.16 of the Illinois  
26 Public Aid Code or the generic drug formulary under Section

1 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)  
2 emergency rules adopted by the Pollution Control Board before  
3 July 1, 1997 to implement portions of the Livestock Management  
4 Facilities Act, (iii) emergency rules adopted by the Illinois  
5 Department of Public Health under subsections (a) through (i)  
6 of Section 2 of the Department of Public Health Act when  
7 necessary to protect the public's health, (iv) emergency rules  
8 adopted pursuant to subsection (n) of this Section, (v)  
9 emergency rules adopted pursuant to subsection (o) of this  
10 Section, or (vi) emergency rules adopted pursuant to subsection  
11 (c-5) of this Section. Two or more emergency rules having  
12 substantially the same purpose and effect shall be deemed to be  
13 a single rule for purposes of this Section.

14 (c-5) To facilitate the maintenance of the program of group  
15 health benefits provided to annuitants, survivors, and retired  
16 employees under the State Employees Group Insurance Act of  
17 1971, rules to alter the contributions to be paid by the State,  
18 annuitants, survivors, retired employees, or any combination  
19 of those entities, for that program of group health benefits,  
20 shall be adopted as emergency rules. The adoption of those  
21 rules shall be considered an emergency and necessary for the  
22 public interest, safety, and welfare.

23 (d) In order to provide for the expeditious and timely  
24 implementation of the State's fiscal year 1999 budget,  
25 emergency rules to implement any provision of Public Act 90-587  
26 or 90-588 or any other budget initiative for fiscal year 1999

1 may be adopted in accordance with this Section by the agency  
2 charged with administering that provision or initiative,  
3 except that the 24-month limitation on the adoption of  
4 emergency rules and the provisions of Sections 5-115 and 5-125  
5 do not apply to rules adopted under this subsection (d). The  
6 adoption of emergency rules authorized by this subsection (d)  
7 shall be deemed to be necessary for the public interest,  
8 safety, and welfare.

9 (e) In order to provide for the expeditious and timely  
10 implementation of the State's fiscal year 2000 budget,  
11 emergency rules to implement any provision of this amendatory  
12 Act of the 91st General Assembly or any other budget initiative  
13 for fiscal year 2000 may be adopted in accordance with this  
14 Section by the agency charged with administering that provision  
15 or initiative, except that the 24-month limitation on the  
16 adoption of emergency rules and the provisions of Sections  
17 5-115 and 5-125 do not apply to rules adopted under this  
18 subsection (e). The adoption of emergency rules authorized by  
19 this subsection (e) shall be deemed to be necessary for the  
20 public interest, safety, and welfare.

21 (f) In order to provide for the expeditious and timely  
22 implementation of the State's fiscal year 2001 budget,  
23 emergency rules to implement any provision of this amendatory  
24 Act of the 91st General Assembly or any other budget initiative  
25 for fiscal year 2001 may be adopted in accordance with this  
26 Section by the agency charged with administering that provision

1 or initiative, except that the 24-month limitation on the  
2 adoption of emergency rules and the provisions of Sections  
3 5-115 and 5-125 do not apply to rules adopted under this  
4 subsection (f). The adoption of emergency rules authorized by  
5 this subsection (f) shall be deemed to be necessary for the  
6 public interest, safety, and welfare.

7 (g) In order to provide for the expeditious and timely  
8 implementation of the State's fiscal year 2002 budget,  
9 emergency rules to implement any provision of this amendatory  
10 Act of the 92nd General Assembly or any other budget initiative  
11 for fiscal year 2002 may be adopted in accordance with this  
12 Section by the agency charged with administering that provision  
13 or initiative, except that the 24-month limitation on the  
14 adoption of emergency rules and the provisions of Sections  
15 5-115 and 5-125 do not apply to rules adopted under this  
16 subsection (g). The adoption of emergency rules authorized by  
17 this subsection (g) shall be deemed to be necessary for the  
18 public interest, safety, and welfare.

19 (h) In order to provide for the expeditious and timely  
20 implementation of the State's fiscal year 2003 budget,  
21 emergency rules to implement any provision of this amendatory  
22 Act of the 92nd General Assembly or any other budget initiative  
23 for fiscal year 2003 may be adopted in accordance with this  
24 Section by the agency charged with administering that provision  
25 or initiative, except that the 24-month limitation on the  
26 adoption of emergency rules and the provisions of Sections

1 5-115 and 5-125 do not apply to rules adopted under this  
2 subsection (h). The adoption of emergency rules authorized by  
3 this subsection (h) shall be deemed to be necessary for the  
4 public interest, safety, and welfare.

5 (i) In order to provide for the expeditious and timely  
6 implementation of the State's fiscal year 2004 budget,  
7 emergency rules to implement any provision of this amendatory  
8 Act of the 93rd General Assembly or any other budget initiative  
9 for fiscal year 2004 may be adopted in accordance with this  
10 Section by the agency charged with administering that provision  
11 or initiative, except that the 24-month limitation on the  
12 adoption of emergency rules and the provisions of Sections  
13 5-115 and 5-125 do not apply to rules adopted under this  
14 subsection (i). The adoption of emergency rules authorized by  
15 this subsection (i) shall be deemed to be necessary for the  
16 public interest, safety, and welfare.

17 (j) In order to provide for the expeditious and timely  
18 implementation of the provisions of the State's fiscal year  
19 2005 budget as provided under the Fiscal Year 2005 Budget  
20 Implementation (Human Services) Act, emergency rules to  
21 implement any provision of the Fiscal Year 2005 Budget  
22 Implementation (Human Services) Act may be adopted in  
23 accordance with this Section by the agency charged with  
24 administering that provision, except that the 24-month  
25 limitation on the adoption of emergency rules and the  
26 provisions of Sections 5-115 and 5-125 do not apply to rules

1 adopted under this subsection (j). The Department of Public Aid  
2 may also adopt rules under this subsection (j) necessary to  
3 administer the Illinois Public Aid Code and the Children's  
4 Health Insurance Program Act. The adoption of emergency rules  
5 authorized by this subsection (j) shall be deemed to be  
6 necessary for the public interest, safety, and welfare.

7 (k) In order to provide for the expeditious and timely  
8 implementation of the provisions of the State's fiscal year  
9 2006 budget, emergency rules to implement any provision of this  
10 amendatory Act of the 94th General Assembly or any other budget  
11 initiative for fiscal year 2006 may be adopted in accordance  
12 with this Section by the agency charged with administering that  
13 provision or initiative, except that the 24-month limitation on  
14 the adoption of emergency rules and the provisions of Sections  
15 5-115 and 5-125 do not apply to rules adopted under this  
16 subsection (k). The Department of Healthcare and Family  
17 Services may also adopt rules under this subsection (k)  
18 necessary to administer the Illinois Public Aid Code, the  
19 Senior Citizens and Disabled Persons Property Tax Relief Act,  
20 the Senior Citizens and Disabled Persons Prescription Drug  
21 Discount Program Act (now the Illinois Prescription Drug  
22 Discount Program Act), and the Children's Health Insurance  
23 Program Act. The adoption of emergency rules authorized by this  
24 subsection (k) shall be deemed to be necessary for the public  
25 interest, safety, and welfare.

26 (l) In order to provide for the expeditious and timely

1 implementation of the provisions of the State's fiscal year  
2 2007 budget, the Department of Healthcare and Family Services  
3 may adopt emergency rules during fiscal year 2007, including  
4 rules effective July 1, 2007, in accordance with this  
5 subsection to the extent necessary to administer the  
6 Department's responsibilities with respect to amendments to  
7 the State plans and Illinois waivers approved by the federal  
8 Centers for Medicare and Medicaid Services necessitated by the  
9 requirements of Title XIX and Title XXI of the federal Social  
10 Security Act. The adoption of emergency rules authorized by  
11 this subsection (l) shall be deemed to be necessary for the  
12 public interest, safety, and welfare.

13 (m) In order to provide for the expeditious and timely  
14 implementation of the provisions of the State's fiscal year  
15 2008 budget, the Department of Healthcare and Family Services  
16 may adopt emergency rules during fiscal year 2008, including  
17 rules effective July 1, 2008, in accordance with this  
18 subsection to the extent necessary to administer the  
19 Department's responsibilities with respect to amendments to  
20 the State plans and Illinois waivers approved by the federal  
21 Centers for Medicare and Medicaid Services necessitated by the  
22 requirements of Title XIX and Title XXI of the federal Social  
23 Security Act. The adoption of emergency rules authorized by  
24 this subsection (m) shall be deemed to be necessary for the  
25 public interest, safety, and welfare.

26 (n) In order to provide for the expeditious and timely



1 implementation of the provisions of the State's fiscal year  
2 2010 budget, emergency rules to implement any provision of this  
3 amendatory Act of the 96th General Assembly or any other budget  
4 initiative authorized by the 96th General Assembly for fiscal  
5 year 2010 may be adopted in accordance with this Section by the  
6 agency charged with administering that provision or  
7 initiative. The adoption of emergency rules authorized by this  
8 subsection (n) shall be deemed to be necessary for the public  
9 interest, safety, and welfare. The rulemaking authority  
10 granted in this subsection (n) shall apply only to rules  
11 promulgated during Fiscal Year 2010.

12 (o) In order to provide for the expeditious and timely  
13 implementation of the provisions of the State's fiscal year  
14 2011 budget, emergency rules to implement any provision of this  
15 amendatory Act of the 96th General Assembly or any other budget  
16 initiative authorized by the 96th General Assembly for fiscal  
17 year 2011 may be adopted in accordance with this Section by the  
18 agency charged with administering that provision or  
19 initiative. The adoption of emergency rules authorized by this  
20 subsection (o) is deemed to be necessary for the public  
21 interest, safety, and welfare. The rulemaking authority  
22 granted in this subsection (o) applies only to rules  
23 promulgated on or after the effective date of this amendatory  
24 Act of the 96th General Assembly through June 30, 2011.

25 (p) In order to provide for the expeditious and timely  
26 implementation of the provisions of Public Act 97-689,

1 emergency rules to implement any provision of Public Act 97-689  
2 may be adopted in accordance with this subsection (p) by the  
3 agency charged with administering that provision or  
4 initiative. The 150-day limitation of the effective period of  
5 emergency rules does not apply to rules adopted under this  
6 subsection (p), and the effective period may continue through  
7 June 30, 2013. The 24-month limitation on the adoption of  
8 emergency rules does not apply to rules adopted under this  
9 subsection (p). The adoption of emergency rules authorized by  
10 this subsection (p) is deemed to be necessary for the public  
11 interest, safety, and welfare.

12 (q) In order to provide for the expeditious and timely  
13 implementation of the provisions of Articles 7, 8, 9, 11, and  
14 12 of this amendatory Act of the 98th General Assembly,  
15 emergency rules to implement any provision of Articles 7, 8, 9,  
16 11, and 12 of this amendatory Act of the 98th General Assembly  
17 may be adopted in accordance with this subsection (q) by the  
18 agency charged with administering that provision or  
19 initiative. The 24-month limitation on the adoption of  
20 emergency rules does not apply to rules adopted under this  
21 subsection (q). The adoption of emergency rules authorized by  
22 this subsection (q) is deemed to be necessary for the public  
23 interest, safety, and welfare.

24 (r) In order to provide for the expeditious and timely  
25 implementation of the provisions of this amendatory Act of the  
26 98th General Assembly, emergency rules to implement this

1 amendatory Act of the 98th General Assembly may be adopted in  
2 accordance with this subsection (r) by the Department of  
3 Healthcare and Family Services. The 24-month limitation on the  
4 adoption of emergency rules does not apply to rules adopted  
5 under this subsection (r). The adoption of emergency rules  
6 authorized by this subsection (r) is deemed to be necessary for  
7 the public interest, safety, and welfare.

8 (s) In order to provide for the expeditious and timely  
9 implementation of the provisions of Sections 5-5b.1 and 5A-2 of  
10 the Illinois Public Aid Code, emergency rules to implement any  
11 provision of Section 5-5b.1 or Section 5A-2 of the Illinois  
12 Public Aid Code may be adopted in accordance with this  
13 subsection (s) by the Department of Healthcare and Family  
14 Services. The rulemaking authority granted in this subsection  
15 (s) shall apply only to those rules adopted prior to July 1,  
16 2015. Notwithstanding any other provision of this Section, any  
17 emergency rule adopted under this subsection (s) shall only  
18 apply to payments made for State fiscal year 2015. The adoption  
19 of emergency rules authorized by this subsection (s) is deemed  
20 to be necessary for the public interest, safety, and welfare.

21 (t) In order to provide for the expeditious and timely  
22 implementation of the provisions of Article II of this  
23 amendatory Act of the 99th General Assembly, emergency rules to  
24 implement the changes made by Article II of this amendatory Act  
25 of the 99th General Assembly to the Emergency Telephone System  
26 Act may be adopted in accordance with this subsection (t) by

1 the Department of State Police. The rulemaking authority  
2 granted in this subsection (t) shall apply only to those rules  
3 adopted prior to July 1, 2016. The 24-month limitation on the  
4 adoption of emergency rules does not apply to rules adopted  
5 under this subsection (t). The adoption of emergency rules  
6 authorized by this subsection (t) is deemed to be necessary for  
7 the public interest, safety, and welfare.

8 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;  
9 98-651, eff. 6-16-14; 99-2, eff. 3-26-15.)

10 Section 2-5. The State Finance Act is amended by changing  
11 Section 5.529 as follows:

12 (30 ILCS 105/5.529)

13 Sec. 5.529. The Statewide 9-1-1 Wireless Service Emergency  
14 Fund.

15 (Source: P.A. 91-660, eff. 12-22-99; 92-16, eff. 6-28-01.)

16 Section 2-10. The Emergency Telephone System Act is amended  
17 by changing Sections 2, 3, 4, 6, 6.1, 7, 8, 10, 10.2, 11, 12,  
18 15, 15.1, 15.3, 15.4, 15.5, 15.6, 15.7, and 15.8 and by adding  
19 Sections 15.2c, 15.3a, 15.4a, 15.4b, 15.6a, 15.6b, 20, 30, 35,  
20 40, 45, 50, and 55 as follows:

21 (50 ILCS 750/2) (from Ch. 134, par. 32)

22 Sec. 2. Definitions. As used in this Act, unless the

1 context otherwise requires:

2 "9-1-1 system" means the geographic area that has been  
3 granted an order of authority by the Commission or the  
4 Statewide 9-1-1 Administrator to use "9-1-1" as the primary  
5 emergency telephone number.

6 "9-1-1 Authority" includes an Emergency Telephone System  
7 Board, Joint Emergency Telephone System Board, and a qualified  
8 governmental entity. "9-1-1 Authority" includes the Department  
9 of State Police only to the extent it provides 9-1-1 services  
10 under this Act.

11 "Administrator" means the Statewide 9-1-1 Administrator.

12 "Advanced service" means any telecommunications service  
13 with dynamic bandwidth allocation, including, but not limited  
14 to, ISDN Primary Rate Interface (PRI), that, through the use of  
15 a DS-1, T-1, or similar un-channelized or multi-channel  
16 transmission facility, is capable of transporting either the  
17 subscriber's inter-premises voice telecommunications services  
18 to the public switched network or the subscriber's 9-1-1 calls  
19 to the public agency.

20 "ALI" or "automatic location identification" means, in an  
21 E9-1-1 system, the automatic display at the public safety  
22 answering point of the caller's telephone number, the address  
23 or location of the telephone, and supplementary emergency  
24 services information.

25 "ANI" or "automatic number identification" means the  
26 automatic display of the 9-1-1 calling party's number on the

1 PSAP monitor.

2 "Automatic alarm" and "automatic alerting device" mean any  
3 device that will access the 9-1-1 system for emergency services  
4 upon activation.

5 "Board" means an Emergency Telephone System Board or a  
6 Joint Emergency Telephone System Board created pursuant to  
7 Section 15.4.

8 "Carrier" includes a telecommunications carrier and a  
9 wireless carrier.

10 "Commission" means the Illinois Commerce Commission.

11 "Computer aided dispatch" or "CAD" means a database  
12 maintained by the public safety agency or public safety  
13 answering point used in conjunction with 9-1-1 caller data.

14 "Direct dispatch method" means a 9-1-1 service that  
15 provides for the direct dispatch by a PSAP telecommunicator of  
16 the appropriate unit upon receipt of an emergency call and the  
17 decision as to the proper action to be taken.

18 "Department" means the Department of State Police.

19 "Division of 9-1-1" means the Division of 9-1-1 within the  
20 Department of State Police.

21 "DS-1, T-1, or similar un-channelized or multi-channel  
22 transmission facility" means a facility that can transmit and  
23 receive a bit rate of at least 1.544 megabits per second  
24 (Mbps).

25 "Dynamic bandwidth allocation" means the ability of the  
26 facility or customer to drop and add channels, or adjust

1 bandwidth, when needed in real time for voice or data purposes.

2 "Enhanced 9-1-1" or "E9-1-1" means an emergency telephone  
3 system that includes dedicated network, selective routing,  
4 database, ALI, ANI, selective transfer, fixed transfer, and a  
5 call back number.

6 "ETSB" means an emergency telephone system board appointed  
7 by the corporate authorities of any county or municipality that  
8 provides for the management and operation of a 9-1-1 system.

9 "Hearing-impaired individual" means a person with a  
10 permanent hearing loss who can regularly and routinely  
11 communicate by telephone only through the aid of devices which  
12 can send and receive written messages over the telephone  
13 network.

14 "Hosted supplemental 9-1-1 service" means a database  
15 service that:

16 (1) electronically provides information to 9-1-1 call  
17 takers when a call is placed to 9-1-1;

18 (2) allows telephone subscribers to provide  
19 information to 9-1-1 to be used in emergency scenarios;

20 (3) collects a variety of formatted data relevant to  
21 9-1-1 and first responder needs, which may include, but is  
22 not limited to, photographs of the telephone subscribers,  
23 physical descriptions, medical information, household  
24 data, and emergency contacts;

25 (4) allows for information to be entered by telephone  
26 subscribers through a secure website where they can elect

1 to provide as little or as much information as they choose;

2 (5) automatically displays data provided by telephone  
3 subscribers to 9-1-1 call takers for all types of  
4 telephones when a call is placed to 9-1-1 from a registered  
5 and confirmed phone number;

6 (6) supports the delivery of telephone subscriber  
7 information through a secure internet connection to all  
8 emergency telephone system boards;

9 (7) works across all 9-1-1 call taking equipment and  
10 allow for the easy transfer of information into a computer  
11 aided dispatch system; and

12 (8) may be used to collect information pursuant to an  
13 Illinois Premise Alert Program as defined in the Illinois  
14 Premise Alert Program (PAP) Act.

15 "Interconnected voice over Internet protocol provider" or  
16 "Interconnected VoIP provider," has the meaning given to that  
17 term under Section 13-235 of the Public Utilities Act.

18 "Joint ETSB" means a Joint Emergency Telephone System Board  
19 established by intergovernmental agreement of two or more  
20 municipalities or counties, or a combination thereof, to  
21 provide for the management and operation of a 9-1-1 system.

22 "Local public agency" means any unit of local government or  
23 special purpose district located in whole or in part within  
24 this State that provides or has authority to provide  
25 firefighting, police, ambulance, medical, or other emergency  
26 services.



1       "Mechanical dialer" means any device that either manually  
2 or remotely triggers a dialing device to access the 9-1-1  
3 system.

4       "Master Street Address Guide" means the computerized  
5 geographical database that consists of all street and address  
6 data within a 9-1-1 system.

7       "Mobile telephone number" or "MTN" means the telephone  
8 number assigned to a wireless telephone at the time of initial  
9 activation.

10       "Network connections" means the number of voice grade  
11 communications channels directly between a subscriber and a  
12 telecommunications carrier's public switched network, without  
13 the intervention of any other telecommunications carrier's  
14 switched network, which would be required to carry the  
15 subscriber's inter-premises traffic and which connection  
16 either (1) is capable of providing access through the public  
17 switched network to a 9-1-1 Emergency Telephone System, if one  
18 exists, or (2) if no system exists at the time a surcharge is  
19 imposed under Section 15.3, that would be capable of providing  
20 access through the public switched network to the local 9-1-1  
21 Emergency Telephone System if one existed. Where multiple voice  
22 grade communication channels are connected to a  
23 telecommunications carrier's public switched network through a  
24 private branch exchange (PBX) service, there shall be  
25 determined to be one network connection for each trunk line  
26 capable of transporting either the subscriber's inter-premises

1 traffic to the public switched network or the subscriber's  
2 9-1-1 calls to the public agency. Where multiple voice grade  
3 communication channels are connected to a telecommunications  
4 carrier's public switched network through centrex type  
5 service, the number of network connections shall be equal to  
6 the number of PBX trunk equivalents for the subscriber's  
7 service, as determined by reference to any generally applicable  
8 exchange access service tariff filed by the subscriber's  
9 telecommunications carrier with the Commission.

10 "Network costs" means those recurring costs that that  
11 directly relate to the operation of the 9-1-1 network as  
12 determined by the Statewide 9-1-1 Advisory Board, including,  
13 but not limited to, costs for interoffice trunks, selective  
14 routing charges, transfer lines and toll charges for 9-1-1  
15 services, Automatic Location Information (ALI) database  
16 charges, call box trunk circuit (including central office only  
17 and not including extensions to fire stations), independent  
18 local exchange carrier charges and non-system provider  
19 charges, carrier charge for third party database for on-site  
20 customer premises equipment, back-up PSAP trunks for  
21 non-system providers, periodic database updates as provided by  
22 carrier (also known as "ALI data dump"), regional ALI storage  
23 charges, circuits for call delivery (fiber or circuit  
24 connection), NG9-1-1 costs, and all associated fees, taxes, and  
25 surcharges on each invoice. "Network costs" shall not include  
26 radio circuits, or toll charges that are other than for 9-1-1

1 services.

2 "Next generation 9-1-1" or "NG9-1-1" means an Internet  
3 Protocol-based (IP-based) system comprised of managed ESInets,  
4 functional elements and applications, and databases that  
5 replicate traditional E9-1-1 features and functions and  
6 provide additional capabilities. "NG9-1-1" systems are  
7 designed to provide access to emergency services from all  
8 connected communications sources, and provide multimedia data  
9 capabilities for PSAPs and other emergency services  
10 organizations.

11 "NG9-1-1 costs" means those recurring costs that that  
12 directly relate to the Next Generation 9-1-1 service as  
13 determined by the Statewide 9-1-1 Advisory Board, including,  
14 but not limited to, costs for Emergency System Routing Proxy  
15 (ESRP), Emergency Call Routing Function/Location Validation  
16 Function (ECRF/LVF), Spatial Information Function (SIF), the  
17 Border Control Function (BCF), and the Emergency Services  
18 Internet Protocol networks (ESInets), legacy network gateways,  
19 and all associated fees, taxes, and surcharges on each invoice.

20 "Private branch exchange" or "PBX" means a private  
21 telephone system and associated equipment located on the user's  
22 property that provides communications between internal  
23 stations and external networks.

24 "Private business switch service" means a  
25 telecommunications service including centrex type service and  
26 PBX service, even though key telephone systems or equivalent

1 telephone systems registered with the Federal Communications  
2 Commission under 47 C.F.R. Part 68 are directly connected to  
3 centrex type and PBX systems providing 9-1-1 services equipped  
4 for switched local network connections or 9-1-1 system access  
5 to business end users through a private telephone switch.

6 "Private business switch service" does not include key  
7 telephone systems or equivalent telephone systems registered  
8 with the Federal Communications Commission under 47 C.F.R. Part  
9 68 when not used in conjunction with centrex type and PBX  
10 systems. "Private business switch service" typically includes,  
11 but is not limited to, private businesses, corporations, and  
12 industries where the telecommunications service is primarily  
13 for conducting business.

14 "Private residential switch service" means a  
15 telecommunications service including centrex type service and  
16 PBX service, even though key telephone systems or equivalent  
17 telephone systems registered with the Federal Communications  
18 Commission under 47 C.F.R. Part 68 are directly connected to  
19 centrex type and PBX systems providing 9-1-1 services equipped  
20 for switched local network connections or 9-1-1 system access  
21 to residential end users through a private telephone switch.

22 "Private residential switch service" does not include key  
23 telephone systems or equivalent telephone systems registered  
24 with the Federal Communications Commission under 47 C.F.R. Part  
25 68 when not used in conjunction with centrex type and PBX  
26 systems. "Private residential switch service" typically

1 includes, but is not limited to, apartment complexes,  
2 condominiums, and campus or university environments where  
3 shared tenant service is provided and where the usage of the  
4 telecommunications service is primarily residential.

5 "Public agency" means the State, and any unit of local  
6 government or special purpose district located in whole or in  
7 part within this State, that provides or has authority to  
8 provide firefighting, police, ambulance, medical, or other  
9 emergency services.

10 "Public safety agency" means a functional division of a  
11 public agency that provides firefighting, police, medical, or  
12 other emergency services. For the purpose of providing wireless  
13 service to users of 9-1-1 emergency services, as expressly  
14 provided for in this Act, the Department of State Police may be  
15 considered a public safety agency.

16 "Public safety answering point" or "PSAP" means the initial  
17 answering location of an emergency call.

18 "Qualified governmental entity" means a unit of local  
19 government authorized to provide 9-1-1 services pursuant to  
20 this Act where no emergency telephone system board exists.

21 "Referral method" means a 9-1-1 service in which the PSAP  
22 telecommunicator provides the calling party with the telephone  
23 number of the appropriate public safety agency or other  
24 provider of emergency services.

25 "Regular service" means any telecommunications service,  
26 other than advanced service, that is capable of transporting

1 either the subscriber's inter-premises voice  
2 telecommunications services to the public switched network or  
3 the subscriber's 9-1-1 calls to the public agency.

4 "Relay method" means a 9-1-1 service in which the PSAP  
5 telecommunicator takes the pertinent information from a caller  
6 and relays that information to the appropriate public safety  
7 agency or other provider of emergency services.

8 "Remit period" means the billing period, one month in  
9 duration, for which a wireless carrier remits a surcharge and  
10 provides subscriber information by zip code to the Department,  
11 in accordance with Section 20 of this Act.

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

20 "System" means the communications equipment and related  
21 software applications required to produce a response by the  
22 appropriate emergency public safety agency or other provider of  
23 emergency services as a result of an emergency call being  
24 placed to 9-1-1.

25 "System provider" means the contracted entity providing  
26 9-1-1 network and database services.

1       "Telecommunications carrier" means those entities included  
2 within the definition specified in Section 13-202 of the Public  
3 Utilities Act, and includes those carriers acting as resellers  
4 of telecommunications services. "Telecommunications carrier"  
5 includes telephone systems operating as mutual concerns and  
6 Interconnected VoIP providers. "Telecommunications carrier"  
7 does not include a wireless carrier.

8       "Telecommunications technology" means equipment that can  
9 send and receive written messages over the telephone network.

10       "Transfer method" means a 9-1-1 service in which the PSAP  
11 telecommunicator receiving a call transfers that call to the  
12 appropriate public safety agency or other provider of emergency  
13 services.

14       "Transmitting messages" shall have the meaning given to  
15 that term under Section 8-11-2 of the Illinois Municipal Code.

16       "Trunk line" means a transmission path, or group of  
17 transmission paths, connecting a subscriber's PBX to a  
18 telecommunications carrier's public switched network. In the  
19 case of regular service, each voice grade communications  
20 channel or equivalent amount of bandwidth capable of  
21 transporting either the subscriber's inter-premises voice  
22 telecommunications services to the public switched network or  
23 the subscriber's 9-1-1 calls to the public agency shall be  
24 considered a trunk line, even if it is bundled with other  
25 channels or additional bandwidth. In the case of advanced  
26 service, each DS-1, T-1, or similar un-channelized or

1 multi-channel transmission facility that is capable of  
2 transporting either the subscriber's inter-premises voice  
3 telecommunications services to the public switched network or  
4 the subscriber's 9-1-1 calls to the public agency shall be  
5 considered a single trunk line, even if it contains multiple  
6 voice grade communications channels or otherwise supports 2 or  
7 more voice grade calls at a time; provided, however, that each  
8 additional 1.544 Mbps of transmission capacity that is capable  
9 of transporting either the subscriber's inter-premises voice  
10 telecommunications services to the public switched network or  
11 the subscriber's 9-1-1 calls to the public agency shall be  
12 considered an additional trunk line.

13 "Voice-impaired individual" means a person with a  
14 permanent speech disability which precludes oral  
15 communication, who can regularly and routinely communicate by  
16 telephone only through the aid of devices which can send and  
17 receive written messages over the telephone network.

18 "Wireless carrier" means a provider of two-way cellular,  
19 broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial  
20 Mobile Radio Service (CMRS), Wireless Communications Service  
21 (WCS), or other Commercial Mobile Radio Service (CMRS), as  
22 defined by the Federal Communications Commission, offering  
23 radio communications that may provide fixed, mobile, radio  
24 location, or satellite communication services to individuals  
25 or businesses within its assigned spectrum block and  
26 geographical area or that offers real-time, two-way voice



1 service that is interconnected with the public switched  
2 network, including a reseller of such service.

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

11 "Wireless public safety answering point" means the  
12 functional division of a 9-1-1 authority accepting wireless  
13 9-1-1 calls.

14 "Wireless subscriber" means an individual or entity to whom  
15 a wireless service account or number has been assigned by a  
16 wireless carrier, other than an account or number associated  
17 with prepaid wireless telecommunication service.

18 ~~As used in this Act, the terms defined in Sections following~~  
19 ~~this Section and preceding Section 3 have the meanings ascribed~~  
20 ~~to them in those Sections.~~

21 (Source: P.A. 88-497.)

22 (50 ILCS 750/3) (from Ch. 134, par. 33)

23 Sec. 3. By July 1, 2017, every local public agency  
24 shall be within the jurisdiction of a 9-1-1 system. ~~Every local~~  
25 public agency in a county having 100,000 or more inhabitants,

1 ~~within its respective jurisdiction, shall establish and have in~~  
2 ~~operation within 3 years after the implementation date or by~~  
3 ~~December 31, 1985, whichever is later, a basic or sophisticated~~  
4 ~~system as specified in this Act. Other public agencies may~~  
5 ~~establish such a system, and shall be entitled to participate~~  
6 ~~in any program of grants or other State funding of such~~  
7 ~~systems.~~

8 (b) By July 1, 2020, every 9-1-1 system in Illinois shall  
9 provide Next Generation 9-1-1 service. ~~The establishment of~~  
10 ~~such systems shall be centralized to the extent feasible.~~

11 (c) Nothing in this Act shall be construed to prohibit or  
12 discourage in any way the formation of multijurisdictional or  
13 regional systems, and any system established pursuant to this  
14 Act may include the territory of more than one public agency or  
15 may include a segment of the territory of a public agency.

16 (Source: P.A. 81-1509.)

17 (50 ILCS 750/4) (from Ch. 134, par. 34)

18 Sec. 4. Every system shall include police, firefighting,  
19 and emergency medical and ambulance services, and may include  
20 other emergency services, ~~in the discretion of the affected~~  
21 ~~local public agency, such as poison control services, suicide~~  
22 ~~prevention services, and civil defense services.~~ The system may  
23 incorporate private ambulance service. In those areas in which  
24 a public safety agency of the state provides such emergency  
25 services, the system shall include such public safety agencies.

1 (Source: P.A. 79-1092.)

2 (50 ILCS 750/6) (from Ch. 134, par. 36)

3 Sec. 6. Capabilities of system; pay telephones. All systems  
4 shall be designed to meet the specific requirements of each  
5 community and public agency served by the system. Every system,  
6 ~~whether basic or sophisticated,~~ shall be designed to have the  
7 capability of utilizing the direct dispatch method, relay  
8 method, transfer method, or referral method ~~at least 1 of the~~  
9 ~~methods specified in Sections 2.03 through 2.06,~~ in response to  
10 emergency calls. The General Assembly finds and declares that  
11 the most critical aspect of the design of any system is the  
12 procedure established for handling a telephone request for  
13 emergency services.

14 In addition, to maximize efficiency and utilization of the  
15 system, all pay telephones within each system shall, ~~within 3~~  
16 ~~years after the implementation date or by December 31, 1985,~~  
17 ~~whichever is later,~~ enable a caller to dial "9-1-1" for  
18 emergency services without the necessity of inserting a coin.  
19 This paragraph does not apply to pay telephones located in  
20 penal institutions, as defined in Section 2-14 of the Criminal  
21 Code of 2012, that have been designated for the exclusive use  
22 of committed persons.

23 (Source: P.A. 97-1150, eff. 1-25-13.)

24 (50 ILCS 750/6.1) (from Ch. 134, par. 36.1)

1           Sec. 6.1. Every ~~The Commission shall require that every~~  
2 9-1-1 system shall be readily accessible to hearing-impaired  
3 and voice-impaired individuals through the use of  
4 telecommunications technology for hearing-impaired and  
5 speech-impaired individuals.

6           ~~As used in this Section:~~

7           ~~"Hearing impaired individual" means a person with a~~  
8 ~~permanent hearing loss who can regularly and routinely~~  
9 ~~communicate by telephone only through the aid of devices~~  
10 ~~which can send and receive written messages over the~~  
11 ~~telephone network.~~

12           ~~"Voice impaired individual" means a person with a~~  
13 ~~permanent speech disability which precludes oral~~  
14 ~~communication, who can regularly and routinely communicate~~  
15 ~~by telephone only through the aid of devices which can send~~  
16 ~~and receive written messages over the telephone network.~~

17           ~~"Telecommunications technology" means equipment that~~  
18 ~~can send and receive written messages over the telephone~~  
19 ~~network.~~

20           (Source: P.A. 87-146.)

21           (50 ILCS 750/7) (from Ch. 134, par. 37)

22           Sec. 7. The General Assembly finds that, because of  
23 overlapping jurisdiction of public agencies, public safety  
24 agencies and telephone service areas, the Administrator, with  
25 the advice of the Statewide 9-1-1 Advisory Board, Commission

1 shall establish a general overview or plan to effectuate the  
2 purposes of this Act within the time frame provided in this  
3 Act. In order to insure that proper preparation and  
4 implementation of emergency telephone systems are accomplished  
5 by all public agencies as required under this Act ~~in a county~~  
6 ~~having 100,000 or more inhabitants within 3 years after the~~  
7 ~~implementation date or by December 31, 1985, whichever is~~  
8 ~~later,~~ the Department Commission, with the advice and  
9 assistance of the Attorney General, shall secure compliance by  
10 public agencies as provided in this Act.

11 (Source: P.A. 81-1122.)

12 (50 ILCS 750/8) (from Ch. 134, par. 38)

13 Sec. 8. The Administrator Commission, with the advice and  
14 assistance of the Statewide 9-1-1 Advisory Board ~~Attorney~~  
15 ~~General~~, shall coordinate the implementation of systems  
16 established under this Act. ~~The Commission, with the advice and~~  
17 ~~assistance of the Attorney General, shall assist local public~~  
18 ~~agencies and local public safety agencies in obtaining~~  
19 ~~financial help to establish emergency telephone service, and~~  
20 ~~shall aid such agencies in the formulation of concepts,~~  
21 ~~methods, and procedures which will improve the operation of~~  
22 ~~systems required by this Act and which will increase~~  
23 ~~cooperation between public safety agencies.~~

24 (Source: P.A. 79-1092.)

1 (50 ILCS 750/10) (from Ch. 134, par. 40)

2 Sec. 10. The Administrator, after consultation with the  
3 Statewide 9-1-1 Advisory Board, shall establish uniform  
4 technical and operational standards for all 9-1-1 systems in  
5 Illinois. All findings, orders, decisions, rules, and  
6 regulations issued or promulgated by the Commission under this  
7 Act or any other Act establishing or conferring power on the  
8 Commission with respect to emergency telecommunications  
9 services, shall continue in force. Notwithstanding the  
10 provisions of this Section, where applicable, the  
11 Administrator shall, after consultation with the Statewide  
12 9-1-1 Advisory Board, amend the Commission's findings, orders,  
13 decisions, rules, and regulations to conform to the specific  
14 provisions of this Act as soon as practicable after the  
15 effective date of this amendatory Act of the 99th General  
16 Assembly. The Department may adopt emergency rules necessary to  
17 implement the provisions of this amendatory Act of the 99th  
18 General Assembly under subsection (t) of Section 5-45 of the  
19 Illinois Administrative Procedure Act. ~~Technical and~~  
20 ~~operational standards for the development of the local agency~~  
21 ~~systems shall be established and reviewed by the Commission on~~  
22 ~~or before December 31, 1979, after consultation with all~~  
23 ~~agencies specified in Section 9.~~

24 ~~For the limited purpose of permitting a board, a qualified~~  
25 ~~governmental entity, a group of boards, or a group of~~  
26 ~~governmental entities to participate in a Regional Pilot~~

1 ~~Project to implement next generation 9-1-1, as defined in this~~  
2 ~~Act, the Commission may forbear from applying any rule adopted~~  
3 ~~under the Emergency Telephone Systems Act as it applies to~~  
4 ~~conducting of the Regional Pilot Project to implement next~~  
5 ~~generation 9-1-1, if the Commission determines, after notice~~  
6 ~~and hearing, that:~~

7 ~~(1) enforcement of the rule is not necessary to ensure~~  
8 ~~the development and improvement of emergency communication~~  
9 ~~procedures and facilities in such a manner as to be able to~~  
10 ~~quickly respond to any person requesting 9-1-1 service from~~  
11 ~~police, fire, medical, rescue, and other emergency~~  
12 ~~services;~~

13 ~~(2) enforcement of the rule or provision is not~~  
14 ~~necessary for the protection of consumers; and~~

15 ~~(3) forbearance from applying the provisions or rules~~  
16 ~~is consistent with the public interest.~~

17 ~~The Commission may exercise such forbearance with respect~~  
18 ~~to one, and only one, Regional Pilot Project to implement next~~  
19 ~~generation 9-1-1.~~

20 ~~If the Commission authorizes a Regional Pilot Project, then~~  
21 ~~telecommunications carriers shall not be liable for any civil~~  
22 ~~damages as a result of any act or omission, except willful or~~  
23 ~~wanton misconduct, in connection with developing, adopting,~~  
24 ~~operating, implementing, or delivering or receiving calls in~~  
25 ~~connection with any plan or system authorized by this Section~~  
26 ~~and Section 11 of this Act.~~

1 (Source: P.A. 96-1443, eff. 8-20-10.)

2 (50 ILCS 750/10.2) (from Ch. 134, par. 40.2)

3 Sec. 10.2. The Emergency Telephone System Board ~~in any~~  
4 ~~county passing a referendum under Section 15.3,~~ and the  
5 Chairman of the County Board in any county implementing a 9-1-1  
6 system shall ensure that all areas of the county are included  
7 in the system.

8 (Source: P.A. 87-146.)

9 (50 ILCS 750/11) (from Ch. 134, par. 41)

10 Sec. 11. ~~Within one year after the implementation date or~~  
11 ~~by January 31, 1980, whichever is later, all public agencies in~~  
12 ~~a county having 100,000 or more inhabitants shall submit~~  
13 ~~tentative plans of the establishment of a system required by~~  
14 ~~this Act to the public utility or utilities providing public~~  
15 ~~telephone service within the respective jurisdiction of each~~  
16 ~~public agency. A copy of each such plan shall be filed with the~~  
17 ~~Commission.~~

18 ~~Within 2 years after the implementation date or by January~~  
19 ~~31, 1982, whichever is later, all public agencies in a county~~  
20 ~~having 100,000 or more inhabitants shall submit final plans for~~  
21 ~~the establishment of the system to such utilities, and shall~~  
22 ~~make arrangements with such utilities for the implementation of~~  
23 ~~the planned emergency telephone system no later than 3 years~~  
24 ~~after the implementation date or by December 31, 1985,~~



1 ~~whichever is later. A copy of the plan required by this~~  
2 ~~subdivision shall be filed with the Commission. In order to~~  
3 ~~secure compliance with the standards promulgated under Section~~  
4 ~~10, the Commission shall have the power to approve or~~  
5 ~~disapprove such plan, unless such plan was announced before the~~  
6 ~~effective date of this Act.~~

7 ~~If any public agency has implemented or is a part of a~~  
8 ~~system required by this Act on a deadline specified in this~~  
9 ~~Section, such public agency shall submit in lieu of the~~  
10 ~~tentative or final plan a report describing the system and~~  
11 ~~stating its operational date.~~

12 ~~A board, a qualified governmental entity, a group of~~  
13 ~~boards, or a group of qualified governmental entities involved~~  
14 ~~in a Regional Pilot Project to implement next generation 9 1 1,~~  
15 ~~as defined in this Act, shall submit a plan to the Commission~~  
16 ~~describing in detail the Regional Pilot Project no fewer than~~  
17 ~~180 days prior to the implementation of the plan. The~~  
18 ~~Commission may approve the plan after notice and hearing to~~  
19 ~~authorize such Regional Pilot Project. Such shall not exceed~~  
20 ~~one year duration or other time period approved by the~~  
21 ~~Commission. No entity may proceed with the Regional Pilot~~  
22 ~~Project until it receives Commission approval. In approving any~~  
23 ~~plan for a Regional Pilot Project under this Section, the~~  
24 ~~Commission may impose such terms, conditions, or requirements~~  
25 ~~as, in its judgment, are necessary to protect the interests of~~  
26 ~~the public.~~

1       ~~The Commission shall have authority to approve one, and~~  
2 ~~only one, Regional Pilot Project to implement next generation~~  
3 ~~9-1-1.~~

4       All local public agencies operating a 9-1-1 system shall  
5 operate under a plan that has been filed with and approved by  
6 the Commission prior to January 1, 2016, or the Administrator.

7 Plans filed under this Section shall conform to minimum  
8 standards established pursuant to Section 10.

9 (Source: P.A. 96-1443, eff. 8-20-10.)

10 (50 ILCS 750/12) (from Ch. 134, par. 42)

11       Sec. 12. The Attorney General may, in behalf of the  
12 Department ~~Commission~~ or on his own initiative, commence  
13 judicial proceedings to enforce compliance by any public agency  
14 or public utility providing telephone service with this Act.

15 (Source: P.A. 79-1092.)

16 (50 ILCS 750/15) (from Ch. 134, par. 45)

17       Sec. 15. Copies of the annual certified notification of  
18 continuing agreement required by Section 14 shall be filed with  
19 the Attorney General and the Administrator ~~Commission~~. All  
20 ~~Commencing with the year 1987, all~~ such agreements shall be so  
21 filed prior to the 31st day of January. The Attorney General  
22 shall commence judicial proceedings to enforce compliance with  
23 this Section and Section 14, where a public agency or public  
24 safety agency has failed to timely enter into such agreement or

1 file copies thereof.

2 (Source: P.A. 86-101.)

3 (50 ILCS 750/15.1) (from Ch. 134, par. 45.1)

4 Sec. 15.1. Public body; exemption from civil liability for  
5 developing or operating emergency telephone system.

6 (a) In no event shall a ~~No~~ public agency, ~~the Commission,~~  
7 ~~the Statewide 9-1-1 Advisory Board, the Administrator, the~~  
8 ~~Department of State Police, public safety agency, public safety~~  
9 ~~answering point, emergency telephone system board, or unit of~~  
10 ~~local government assuming the duties of an emergency telephone~~  
11 ~~system board, or carrier, or its officers, employees, assigns,~~  
12 ~~or agents nor any officer, agent or employee of any public~~  
13 ~~agency, public safety agency, emergency telephone system~~  
14 ~~board, or unit of local government assuming the duties of an~~  
15 ~~emergency telephone system board, shall~~ be liable for any civil  
16 damages ~~or criminal liability that directly or indirectly~~  
17 ~~results from, or is caused by, any act or omission in the~~  
18 ~~development, design, installation, operation, maintenance,~~  
19 ~~performance, or provision of 9-1-1 service required by this~~  
20 ~~Act, unless the act or omission constitutes gross negligence,~~  
21 ~~recklessness, or intentional misconduct as a result of any act~~  
22 ~~or omission, except willful or wanton misconduct, in connection~~  
23 ~~with developing, adopting, operating or implementing any plan~~  
24 ~~or system required by this Act.~~

25 A unit of local government, the Commission, the Statewide

1 9-1-1 Advisory Board, the Administrator, the Department of  
2 State Police, public safety agency, public safety answering  
3 point, emergency telephone system board, or carrier, or its  
4 officers, employees, assigns, or agents, shall not be liable  
5 for any form of civil damages or criminal liability that  
6 directly or indirectly results from, or is caused by, the  
7 release of subscriber information to any governmental entity as  
8 required under the provisions of this Act, unless the release  
9 constitutes gross negligence, recklessness, or intentional  
10 misconduct.

11 (b) Exemption from civil liability for emergency  
12 instructions is as provided in the Good Samaritan Act.

13 (c) This Section may not be offered as a defense in any  
14 judicial proceeding brought by the Attorney General under  
15 Section 12 to compel compliance with this Act.

16 (Source: P.A. 89-403, eff. 1-1-96; 89-607, eff. 1-1-97.)

17 (50 ILCS 750/15.2c new)

18 Sec. 15.2c. Call boxes. No carrier shall be required to  
19 provide a call box. For purposes of this Section, "call box"  
20 means a device that is normally mounted to an outside wall of  
21 the serving telecommunications carrier central office and  
22 designed to provide emergency on-site answering by authorized  
23 personnel at the central office location in the event a central  
24 office is isolated from the 9-1-1 network.

1 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

2 Sec. 15.3. Local non-wireless surcharge ~~Surcharge~~.

3 (a) Except as provided in subsection (l) of this Section,  
4 ~~the~~ ~~The~~ corporate authorities of any municipality or any county  
5 may, subject to the limitations of subsections (c), (d), and  
6 (h), and in addition to any tax levied pursuant to the  
7 Simplified Municipal Telecommunications Tax Act, impose a  
8 monthly surcharge on billed subscribers of network connection  
9 provided by telecommunication carriers engaged in the business  
10 of transmitting messages by means of electricity originating  
11 within the corporate limits of the municipality or county  
12 imposing the surcharge at a rate per network connection  
13 determined in accordance with subsection (c), however the  
14 monthly surcharge shall not apply to a network connection  
15 provided for use with pay telephone services. Provided,  
16 however, that where multiple voice grade communications  
17 channels are connected between the subscriber's premises and a  
18 public switched network through private branch exchange (PBX)  
19 or centrex type service, a municipality imposing a surcharge at  
20 a rate per network connection, as determined in accordance with  
21 this Act, shall impose:

22 (i) in a municipality with a population of 500,000 or  
23 less or in any county, 5 such surcharges per network  
24 connection, as determined in accordance with subsections  
25 (a) and (d) of Section 2.12 of this Act, for both regular  
26 service and advanced service provisioned trunk lines;

1           (ii) in a municipality with a population, prior to  
2 March 1, 2010, of 500,000 or more, 5 surcharges per network  
3 connection, as determined in accordance with subsections  
4 (a) and (d) of Section 2.12 of this Act, for both regular  
5 service and advanced service provisioned trunk lines;

6           (iii) in a municipality with a population, as of March  
7 1, 2010, of 500,000 or more, 5 surcharges per network  
8 connection, as determined in accordance with subsections  
9 (a) and (d) of Section 2.12 of this Act, for regular  
10 service provisioned trunk lines, and 12 surcharges per  
11 network connection, as determined in accordance with  
12 subsections (a) and (d) of Section 2.12 of this Act, for  
13 advanced service provisioned trunk lines, except where an  
14 advanced service provisioned trunk line supports at least 2  
15 but fewer than 23 simultaneous voice grade calls ("VGC's"),  
16 a telecommunication carrier may elect to impose fewer than  
17 12 surcharges per trunk line as provided in subsection (iv)  
18 of this Section; or

19           (iv) for an advanced service provisioned trunk line  
20 connected between the subscriber's premises and the public  
21 switched network through a P.B.X., where the advanced  
22 service provisioned trunk line is capable of transporting  
23 at least 2 but fewer than 23 simultaneous VGC's per trunk  
24 line, the telecommunications carrier collecting the  
25 surcharge may elect to impose surcharges in accordance with  
26 the table provided in this Section, without limiting any

1 telecommunications carrier's obligations to otherwise keep  
 2 and maintain records. Any telecommunications carrier  
 3 electing to impose fewer than 12 surcharges per an advanced  
 4 service provisioned trunk line shall keep and maintain  
 5 records adequately to demonstrate the VGC capability of  
 6 each advanced service provisioned trunk line with fewer  
 7 than 12 surcharges imposed, provided that 12 surcharges  
 8 shall be imposed on an advanced service provisioned trunk  
 9 line regardless of the VGC capability where a  
 10 telecommunications carrier cannot demonstrate the VGC  
 11 capability of the advanced service provisioned trunk line.

12	Facility	VGC's	911 Surcharges
13	Advanced service provisioned trunk line	18-23	12
14	Advanced service provisioned trunk line	12-17	10
15	Advanced service provisioned trunk line	2-11	8

16 Subsections (i), (ii), (iii), and (iv) are not intended to  
 17 make any change in the meaning of this Section, but are  
 18 intended to remove possible ambiguity, thereby confirming the  
 19 intent of paragraph (a) as it existed prior to and following  
 20 the effective date of this amendatory Act of the 97th General  
 21 Assembly.

22 For mobile telecommunications services, if a surcharge is  
 23 imposed it shall be imposed based upon the municipality or  
 24 county that encompasses the customer's place of primary use as

1 defined in the Mobile Telecommunications Sourcing Conformity  
2 Act. A municipality may enter into an intergovernmental  
3 agreement with any county in which it is partially located,  
4 when the county has adopted an ordinance to impose a surcharge  
5 as provided in subsection (c), to include that portion of the  
6 municipality lying outside the county in that county's  
7 surcharge referendum. If the county's surcharge referendum is  
8 approved, the portion of the municipality identified in the  
9 intergovernmental agreement shall automatically be  
10 disconnected from the county in which it lies and connected to  
11 the county which approved the referendum for purposes of a  
12 surcharge on telecommunications carriers.

13 (b) For purposes of computing the surcharge imposed by  
14 subsection (a), the network connections to which the surcharge  
15 shall apply shall be those in-service network connections,  
16 other than those network connections assigned to the  
17 municipality or county, where the service address for each such  
18 network connection or connections is located within the  
19 corporate limits of the municipality or county levying the  
20 surcharge. Except for mobile telecommunication services, the  
21 "service address" shall mean the location of the primary use of  
22 the network connection or connections. For mobile  
23 telecommunication services, "service address" means the  
24 customer's place of primary use as defined in the Mobile  
25 Telecommunications Sourcing Conformity Act.

26 (c) Upon the passage of an ordinance to impose a surcharge



1 under this Section the clerk of the municipality or county  
 2 shall certify the question of whether the surcharge may be  
 3 imposed to the proper election authority who shall submit the  
 4 public question to the electors of the municipality or county  
 5 in accordance with the general election law; provided that such  
 6 question shall not be submitted at a consolidated primary  
 7 election. The public question shall be in substantially the  
 8 following form:

9 -----

10 Shall the county (or city, village  
 11 or incorporated town) of ..... impose YES  
 12 a surcharge of up to ...¢ per month per  
 13 network connection, which surcharge will  
 14 be added to the monthly bill you receive -----  
 15 for telephone or telecommunications  
 16 charges, for the purpose of installing  
 17 (or improving) a 9-1-1 Emergency NO  
 18 Telephone System?

19 -----

20 If a majority of the votes cast upon the public question  
 21 are in favor thereof, the surcharge shall be imposed.

22 However, if a Joint Emergency Telephone System Board is to  
 23 be created pursuant to an intergovernmental agreement under  
 24 Section 15.4, the ordinance to impose the surcharge shall be  
 25 subject to the approval of a majority of the total number of  
 26 votes cast upon the public question by the electors of all of

1 the municipalities or counties, or combination thereof, that  
2 are parties to the intergovernmental agreement.

3 The referendum requirement of this subsection (c) shall not  
4 apply to any municipality with a population over 500,000 or to  
5 any county in which a proposition as to whether a sophisticated  
6 9-1-1 Emergency Telephone System should be installed in the  
7 county, at a cost not to exceed a specified monthly amount per  
8 network connection, has previously been approved by a majority  
9 of the electors of the county voting on the proposition at an  
10 election conducted before the effective date of this amendatory  
11 Act of 1987.

12 (d) A county may not impose a surcharge, unless requested  
13 by a municipality, in any incorporated area which has  
14 previously approved a surcharge as provided in subsection (c)  
15 or in any incorporated area where the corporate authorities of  
16 the municipality have previously entered into a binding  
17 contract or letter of intent with a telecommunications carrier  
18 to provide sophisticated 9-1-1 service through municipal  
19 funds.

20 (e) A municipality or county may at any time by ordinance  
21 change the rate of the surcharge imposed under this Section if  
22 the new rate does not exceed the rate specified in the  
23 referendum held pursuant to subsection (c).

24 (f) The surcharge authorized by this Section shall be  
25 collected from the subscriber by the telecommunications  
26 carrier providing the subscriber the network connection as a

1 separately stated item on the subscriber's bill.

2 (g) The amount of surcharge collected by the  
3 telecommunications carrier shall be paid to the particular  
4 municipality or county or Joint Emergency Telephone System  
5 Board not later than 30 days after the surcharge is collected,  
6 net of any network or other 9-1-1 or sophisticated 9-1-1 system  
7 charges then due the particular telecommunications carrier, as  
8 shown on an itemized bill. The telecommunications carrier  
9 collecting the surcharge shall also be entitled to deduct 3% of  
10 the gross amount of surcharge collected to reimburse the  
11 telecommunications carrier for the expense of accounting and  
12 collecting the surcharge.

13 (h) Except as expressly provided in subsection (a) of this  
14 Section, on or after the effective date of this amendatory Act  
15 of the 98th General Assembly and until July 1, 2015, a  
16 municipality with a population of 500,000 or more shall not  
17 impose a monthly surcharge per network connection in excess of  
18 the highest monthly surcharge imposed as of January 1, 2014 by  
19 any county or municipality under subsection (c) of this  
20 Section. On or after July 1, 2015, a municipality with a  
21 population over 500,000 may not impose a monthly surcharge in  
22 excess of \$2.50 per network connection.

23 (i) Any municipality or county or joint emergency telephone  
24 system board that has imposed a surcharge pursuant to this  
25 Section prior to the effective date of this amendatory Act of  
26 1990 shall hereafter impose the surcharge in accordance with

1 subsection (b) of this Section.

2 (j) The corporate authorities of any municipality or county  
3 may issue, in accordance with Illinois law, bonds, notes or  
4 other obligations secured in whole or in part by the proceeds  
5 of the surcharge described in this Section. ~~Notwithstanding any  
6 change in law subsequent to the issuance of any bonds, notes or  
7 other obligations secured by the surcharge, every municipality  
8 or county issuing such bonds, notes or other obligations shall  
9 be authorized to impose the surcharge as though the laws  
10 relating to the imposition of the surcharge in effect at the  
11 time of issuance of the bonds, notes or other obligations were  
12 in full force and effect until the bonds, notes or other  
13 obligations are paid in full.~~ The State of Illinois pledges and  
14 agrees that it will not limit or alter the rights and powers  
15 vested in municipalities and counties by this Section to impose  
16 the surcharge so as to impair the terms of or affect the  
17 security for bonds, notes or other obligations secured in whole  
18 or in part with the proceeds of the surcharge described in this  
19 Section. The pledge and agreement set forth in this Section  
20 survive the termination of the surcharge under subsection (l)  
21 by virtue of the replacement of the surcharge monies guaranteed  
22 under Section 20; the State of Illinois pledges and agrees that  
23 it will not limit or alter the rights vested in municipalities  
24 and counties to the surcharge replacement funds guaranteed  
25 under Section 20 so as to impair the terms of or affect the  
26 security for bonds, notes, or other obligations secured in

1 whole or in part with the proceeds of the surcharge described  
2 in this Section.

3 (k) Any surcharge collected by or imposed on a  
4 telecommunications carrier pursuant to this Section shall be  
5 held to be a special fund in trust for the municipality, county  
6 or Joint Emergency Telephone Board imposing the surcharge.  
7 Except for the 3% deduction provided in subsection (g) above,  
8 the special fund shall not be subject to the claims of  
9 creditors of the telecommunication carrier.

10 (l) Any surcharge imposed pursuant to this Section by a  
11 county or municipality, other than a municipality with a  
12 population in excess of 500,000, shall cease to be imposed on  
13 January 1, 2016.

14 (Source: P.A. 97-463, eff. 8-19-11; 98-634, eff. 6-6-14.)

15 (50 ILCS 750/15.3a new)

16 Sec. 15.3a. Local wireless surcharge.

17 (a) Notwithstanding any other provision of this Act, a unit  
18 of local government or emergency telephone system board  
19 providing wireless 9-1-1 service and imposing and collecting a  
20 wireless carrier surcharge prior to July 1, 1998 may continue  
21 its practices of imposing and collecting its wireless carrier  
22 surcharge, but, except as provided in subsection (b) of this  
23 Section, in no event shall that monthly surcharge exceed \$2.50  
24 per commercial mobile radio service (CMRS) connection or  
25 in-service telephone number billed on a monthly basis. For

1 mobile telecommunications services provided on and after  
2 August 1, 2002, any surcharge imposed shall be imposed based  
3 upon the municipality or county that encompasses the customer's  
4 place of primary use as defined in the Mobile  
5 Telecommunications Sourcing Conformity Act.

6 (b) Until July 1, 2017, the corporate authorities of a  
7 municipality with a population in excess of 500,000 on the  
8 effective date of this amendatory Act of the 99th General  
9 Assembly may by ordinance continue to impose and collect a  
10 monthly surcharge per commercial mobile radio service (CMRS)  
11 connection or in-service telephone number billed on a monthly  
12 basis that does not exceed the highest monthly surcharge  
13 imposed as of January 1, 2014 by any county or municipality  
14 under subsection (c) of Section 15.3 of this Act. On or after  
15 July 1, 2017, the municipality may continue imposing and  
16 collecting its wireless carrier surcharge as provided in and  
17 subject to the limitations of subsection (a) of this Section.

18 (c) In addition to any other lawful purpose, a municipality  
19 with a population over 500,000 may use the moneys collected  
20 under this Section for any anti-terrorism or emergency  
21 preparedness measures, including, but not limited to,  
22 preparedness planning, providing local matching funds for  
23 federal or State grants, personnel training, and specialized  
24 equipment, including surveillance cameras, as needed to deal  
25 with natural and terrorist-inspired emergency situations or  
26 events.

1 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

2 Sec. 15.4. Emergency Telephone System Board; powers.

3 (a) Except as provided in subsection (e) of this Section,  
4 the ~~The~~ corporate authorities of any county or municipality may  
5 ~~that imposes a surcharge under Section 15.3 shall~~ establish an  
6 Emergency Telephone System Board. The corporate authorities  
7 shall provide for the manner of appointment and the number of  
8 members of the Board, provided that the board shall consist of  
9 not fewer than 5 members, one of whom must be a public member  
10 who is a resident of the local exchange service territory  
11 included in the 9-1-1 coverage area, one of whom (in counties  
12 with a population less than 100,000) must be a member of the  
13 county board, and at least 3 of whom shall be representative of  
14 the 9-1-1 public safety agencies, including but not limited to  
15 police departments, fire departments, emergency medical  
16 services providers, and emergency services and disaster  
17 agencies, and appointed on the basis of their ability or  
18 experience. In counties with a population of more than 100,000  
19 but less than 2,000,000, a member of the county board may serve  
20 on the Emergency Telephone System Board. Elected officials,  
21 including members of a county board, are also eligible to serve  
22 on the board. Members of the board shall serve without  
23 compensation but shall be reimbursed for their actual and  
24 necessary expenses. Any 2 or more municipalities, counties, or  
25 combination thereof, ~~that impose a surcharge under Section 15.3~~

1 may, instead of establishing individual boards, establish by  
2 intergovernmental agreement a Joint Emergency Telephone System  
3 Board pursuant to this Section. The manner of appointment of  
4 such a joint board shall be prescribed in the agreement.

5       Upon the effective date of this amendatory Act of the 98th  
6 General Assembly, appointed members of the Emergency Telephone  
7 System Board shall serve staggered 3-year terms if: (1) the  
8 Board serves a county with a population of 100,000 or less; and  
9 (2) appointments, on the effective date of this amendatory Act  
10 of the 98th General Assembly, are not for a stated term. The  
11 corporate authorities of the county or municipality shall  
12 assign terms to the board members serving on the effective date  
13 of this amendatory Act of the 98th General Assembly in the  
14 following manner: (1) one-third of board members' terms shall  
15 expire on January 1, 2015; (2) one-third of board members'  
16 terms shall expire on January 1, 2016; and (3) remaining board  
17 members' terms shall expire on January 1, 2017. Board members  
18 may be re-appointed upon the expiration of their terms by the  
19 corporate authorities of the county or municipality.

20       The corporate authorities of a county or municipality may,  
21 by a vote of the majority of the members elected, remove an  
22 Emergency Telephone System Board member for misconduct,  
23 official misconduct, or neglect of office.

24       (b) The powers and duties of the board shall be defined by  
25 ordinance of the municipality or county, or by  
26 intergovernmental agreement in the case of a joint board. The



1 powers and duties shall include, but need not be limited to the  
2 following:

3 (1) Planning a 9-1-1 system.

4 (2) Coordinating and supervising the implementation,  
5 upgrading, or maintenance of the system, including the  
6 establishment of equipment specifications and coding  
7 systems.

8 (3) Receiving moneys from the surcharge imposed under  
9 Section 15.3, or disbursed to it under Section 30, and from  
10 any other source, for deposit into the Emergency Telephone  
11 System Fund.

12 (4) Authorizing all disbursements from the fund.

13 (5) Hiring any staff necessary for the implementation  
14 or upgrade of the system.

15 (6) (Blank). ~~Participating in a Regional Pilot Project~~  
16 ~~to implement next generation 9 1 1, as defined in this Act,~~  
17 ~~subject to the conditions set forth in this Act.~~

18 (c) All moneys received by a board pursuant to a surcharge  
19 imposed under Section 15.3, or disbursed to it under Section  
20 30, shall be deposited into a separate interest-bearing  
21 Emergency Telephone System Fund account. The treasurer of the  
22 municipality or county that has established the board or, in  
23 the case of a joint board, any municipal or county treasurer  
24 designated in the intergovernmental agreement, shall be  
25 custodian of the fund. All interest accruing on the fund shall  
26 remain in the fund. No expenditures may be made from such fund

1 except upon the direction of the board by resolution passed by  
2 a majority of all members of the board. ~~Expenditures may be~~  
3 ~~made only to pay for the costs associated with the following:~~

4 ~~(1) The design of the Emergency Telephone System.~~

5 ~~(2) The coding of an initial Master Street Address~~  
6 ~~Guide data base, and update and maintenance thereof.~~

7 ~~(3) The repayment of any moneys advanced for the~~  
8 ~~implementation of the system.~~

9 ~~(4) The charges for Automatic Number Identification~~  
10 ~~and Automatic Location Identification equipment, a~~  
11 ~~computer aided dispatch system that records, maintains,~~  
12 ~~and integrates information, mobile data transmitters~~  
13 ~~equipped with automatic vehicle locators, and maintenance,~~  
14 ~~replacement and update thereof to increase operational~~  
15 ~~efficiency and improve the provision of emergency~~  
16 ~~services.~~

17 ~~(5) The non-recurring charges related to installation~~  
18 ~~of the Emergency Telephone System and the ongoing network~~  
19 ~~charges.~~

20 ~~(6) The acquisition and installation, or the~~  
21 ~~reimbursement of costs therefor to other governmental~~  
22 ~~bodies that have incurred those costs, of road or street~~  
23 ~~signs that are essential to the implementation of the~~  
24 ~~emergency telephone system and that are not duplicative of~~  
25 ~~signs that are the responsibility of the jurisdiction~~  
26 ~~charged with maintaining road and street signs.~~

1           ~~(7) Other products and services necessary for the~~  
2 ~~implementation, upgrade, and maintenance of the system and~~  
3 ~~any other purpose related to the operation of the system,~~  
4 ~~including costs attributable directly to the construction,~~  
5 ~~leasing, or maintenance of any buildings or facilities or~~  
6 ~~costs of personnel attributable directly to the operation~~  
7 ~~of the system. Costs attributable directly to the operation~~  
8 ~~of an emergency telephone system do not include the costs~~  
9 ~~of public safety agency personnel who are and equipment~~  
10 ~~that is dispatched in response to an emergency call.~~

11           ~~(7.5) The purchase of real property if the purchase is~~  
12 ~~made before March 16, 2006.~~

13           ~~(8) In the case of a municipality that imposes a~~  
14 ~~surcharge under subsection (h) of Section 15.3, moneys may~~  
15 ~~also be used for any anti terrorism or emergency~~  
16 ~~preparedness measures, including, but not limited to,~~  
17 ~~preparedness planning, providing local matching funds for~~  
18 ~~federal or State grants, personnel training, and~~  
19 ~~specialized equipment, including surveillance cameras as~~  
20 ~~needed to deal with natural and terrorist-inspired~~  
21 ~~emergency situations or events.~~

22           ~~(9) The defraying of expenses incurred in~~  
23 ~~participation in a Regional Pilot Project to implement next~~  
24 ~~generation 9-1-1, subject to the conditions set forth in~~  
25 ~~this Act.~~

26           ~~(10) The implementation of a computer aided dispatch~~

1 ~~system or hosted supplemental 9-1-1 services.~~

2 ~~Moneys in the fund may also be transferred to a~~  
3 ~~participating fire protection district to reimburse volunteer~~  
4 ~~firefighters who man remote telephone switching facilities~~  
5 ~~when dedicated 9-1-1 lines are down.~~

6 (d) The board shall complete a Master Street Address Guide  
7 database ~~the data base~~ before implementation of the 9-1-1  
8 system. The error ratio of the database ~~data base~~ shall not at  
9 any time exceed 1% of the total database ~~data base~~.

10 (e) On and after January 1, 2016, no municipality or county  
11 may create an Emergency Telephone System Board unless the board  
12 is a Joint Emergency Telephone System Board. The corporate  
13 authorities of any county or municipality entering into an  
14 intergovernmental agreement to create or join a Joint Emergency  
15 Telephone System Board shall rescind the ordinance or  
16 ordinances creating the original Emergency Telephone System  
17 Board and shall eliminate the Emergency Telephone System Board,  
18 effective upon the creation, with regulatory approval by the  
19 Administrator, or joining of the Joint Emergency Telephone  
20 System Board.

21 (Source: P.A. 97-517, eff. 8-23-11; 97-1018, eff. 8-17-12;  
22 98-481, eff. 8-16-13.)

23 (50 ILCS 750/15.4a new)

24 Sec. 15.4a. Consolidation.

25 (a) By July 1, 2017, and except as otherwise provided in

1 this Section, Emergency Telephone System Boards, Joint  
2 Emergency Telephone System Boards, qualified governmental  
3 entities, and PSAPs shall be consolidated as follows, subject  
4 to subsections (b) and (c) of this Section:

5 (1) In any county with a population of at least 250,000  
6 that has a single Emergency Telephone System Board, or  
7 qualified governmental entity and more than 2 PSAPs, shall  
8 reduce the number of PSAPs by at least 50% or to 2 PSAPs,  
9 whichever is greater. Nothing in this paragraph shall  
10 preclude consolidation resulting in one PSAP in the county.

11 (2) In any county with a population of at least 250,000  
12 that has more than one Emergency Telephone System Board,  
13 Joint Emergency Telephone System Board, or qualified  
14 governmental entity, any 9-1-1 Authority serving a  
15 population of less than 25,000 shall be consolidated such  
16 that no 9-1-1 Authority in the county serves a population  
17 of less than 25,000.

18 (3) In any county with a population of at least 250,000  
19 but less than 1,000,000 that has more than one Emergency  
20 Telephone System Board, Joint Emergency Telephone System  
21 Board, or qualified governmental entity, each 9-1-1  
22 Authority shall reduce the number of PSAPs by at least 50%  
23 or to 2 PSAPs, whichever is greater. Nothing in this  
24 paragraph shall preclude consolidation of a 9-1-1  
25 Authority into a Joint Emergency Telephone System Board,  
26 and nothing in this paragraph shall preclude consolidation

1       resulting in one PSAP in the county.

2       (4) In any county with a population of less than  
3       250,000 that has a single Emergency Telephone System Board  
4       or qualified governmental entity and more than 2 PSAPs, the  
5       9-1-1 Authority shall reduce the number of PSAPs by at  
6       least 50% or to 2 PSAPs, whichever is greater. Nothing in  
7       this paragraph shall preclude consolidation resulting in  
8       one PSAP in the county.

9       (5) In any county with a population of less than  
10       250,000 that has more than one Emergency Telephone System  
11       Board, Joint Emergency Telephone System Board, or  
12       qualified governmental entity and more than 2 PSAPs, the  
13       9-1-1 Authorities shall be consolidated into a single joint  
14       board, and the number of PSAPs shall be reduced by at least  
15       50% or to 2 PSAPs, whichever is greater. Nothing in this  
16       paragraph shall preclude consolidation resulting in one  
17       PSAP in the county.

18       (6) Any 9-1-1 Authority that does not have a PSAP  
19       within its jurisdiction shall be consolidated through an  
20       intergovernmental agreement with an existing 9-1-1  
21       Authority that has a PSAP to create a Joint Emergency  
22       Telephone Board.

23       (7) The corporate authorities of each county that has  
24       no 9-1-1 service as of January 1, 2016 shall provide  
25       enhanced 9-1-1 wireline and wireless enhanced 9-1-1  
26       service for that county by either (i) entering into an

1 intergovernmental agreement with an existing Emergency  
2 Telephone System Board to create a new Joint Emergency  
3 Telephone System Board, or (ii) entering into an  
4 intergovernmental agreement with the corporate authorities  
5 that have created an existing Joint Emergency Telephone  
6 System Board.

7 (b) By July 1, 2016, each county required to consolidate  
8 pursuant to paragraph (7) of subsection (a) of this Section and  
9 each 9-1-1 Authority required to consolidate pursuant to  
10 paragraphs (1) through (6) of subsection (a) of this Section  
11 shall file a plan for consolidation or a request for a waiver  
12 pursuant to subsection (c) of this Section with the Division of  
13 9-1-1. Within 60 calendar days of receiving a consolidation  
14 plan, the Statewide 9-1-1 Advisory Board shall hold at least  
15 one public hearing on the plan and provide a recommendation to  
16 the Administrator. Notice of the hearing shall be provided to  
17 the respective entity to which the plan applies. Within 90  
18 calendar days of receiving a consolidation plan, the  
19 Administrator shall approve the plan, approve the plan as  
20 modified, or grant a waiver pursuant to subsection (c) of this  
21 Section. In making his or her decision, the Administrator shall  
22 consider any recommendation from the Statewide 9-1-1 Advisory  
23 Board regarding the plan. The deadlines provided in this  
24 subsection may be extended upon agreement between the  
25 Administrator and entity which submitted the plan.

26 (c) A waiver from a consolidation required under subsection

1 (a) of this Section may be granted if the Administrator finds  
2 that the consolidation will result in a substantial threat to  
3 public safety, is economically unreasonable, or is technically  
4 infeasible.

5 (d) Any decision of the Administrator under this Section  
6 shall be deemed a final administrative decision and shall be  
7 subject to judicial review under the Administrative Review Law.

8 (50 ILCS 750/15.4b new)

9 Sec. 15.4b. Consolidation grants.

10 (a) The Administrator shall administer a 9-1-1 System  
11 Consolidation Grant Program to defray costs associated with  
12 9-1-1 system consolidation of systems outside of a municipality  
13 with a population in excess of 500,000. The awarded grants will  
14 be used to offset non-recurring costs associated with the  
15 consolidation of 9-1-1 system and shall not be used for ongoing  
16 operating costs associated with the consolidated system. The  
17 Department, in consultation with the Administrator and the  
18 Statewide 9-1-1 Advisory Board, shall adopt rules defining the  
19 grant process and criteria for issuing the grants. The grants  
20 should be awarded based on criteria that include, but are not  
21 limited to:

22 (1) reducing the number of transfers of a 9-1-1 call;

23 (2) reducing the infrastructure required to adequately  
24 provide 9-1-1 network services;

25 (3) promoting cost savings from resource sharing among



1       9-1-1 systems;

2           (4) facilitating interoperability and resiliency for  
3       the receipt of 9-1-1 calls;

4           (5) reducing the number of 9-1-1 systems or reducing  
5       the number of PSAPS within a 9-1-1 System;

6           (6) cost saving resulting from 9-1-1 system  
7       consolidation; and

8           (7) expanding E9-1-1 service coverage as a result of  
9       9-1-1 system consolidation including to areas without  
10       E9-1-1 service.

11       Priority shall be given first to counties not providing  
12       9-1-1 service as of January 1, 2016, and next to other entities  
13       consolidating as required under Section 15.4a of this Act.

14       (b) The 9-1-1 System Consolidation Grant application, as  
15       defined by Department rules, shall be submitted electronically  
16       to the Division of 9-1-1 starting January 2, 2016, and every  
17       January 2 thereafter. The application shall include a modified  
18       9-1-1 system plan as required by this Act in support of the  
19       consolidation plan. The Administrator shall have until June 31,  
20       2016 and every June 31 thereafter to approve 9-1-1 System  
21       Consolidation grants and modified 9-1-1 system plans. Payment  
22       under the approved 9-1-1 System Consolidation grants shall be  
23       contingent upon the final approval of a modified 9-1-1 system  
24       plan.

25       (c) Existing consolidation projects will be eligible to  
26       apply for reimbursement of costs incurred in the State fiscal

1 year of application.

2 (d) The 9-1-1 systems that receive grants under this  
3 section shall provide a report detailing grant fund usage to  
4 the Administrator pursuant to Section 40 of this Act.

5 (50 ILCS 750/15.5)

6 Sec. 15.5. Private residential switch service 9-1-1  
7 service.

8 (a) After June 30, 1995, an entity that provides or  
9 operates private residential switch service and provides  
10 telecommunications facilities or services to residents shall  
11 provide to those residential end users the same level of 9-1-1  
12 service as the public agency and the telecommunications carrier  
13 are providing to other residential end users of the local 9-1-1  
14 system. This service shall include, but not be limited to, the  
15 capability to identify the telephone number, extension number,  
16 and the physical location that is the source of the call to the  
17 number designated as the emergency telephone number.

18 (b) The private residential switch operator is responsible  
19 for forwarding end user automatic location identification  
20 record information to the 9-1-1 system provider according to  
21 the format, frequency, and procedures established by that  
22 system provider.

23 (c) This Act does not apply to any PBX telephone extension  
24 that uses radio transmissions to convey electrical signals  
25 directly between the telephone extension and the serving PBX.

1 (d) An entity that violates this Section is guilty of a  
2 business offense and shall be fined not less than \$1,000 and  
3 not more than \$5,000.

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

9 (Source: P.A. 88-604, eff. 9-1-94; 89-222, eff. 1-1-96; 89-497,  
10 eff. 6-27-96.)

11 (50 ILCS 750/15.6)

12 Sec. 15.6. Enhanced 9-1-1 service; business service.

13 (a) After June 30, 2000, or within 18 months after enhanced  
14 9-1-1 service becomes available, any entity that installs or  
15 operates a private business switch service and provides  
16 telecommunications facilities or services to businesses shall  
17 assure that the system is connected to the public switched  
18 network in a manner that calls to 9-1-1 result in automatic  
19 number and location identification. For buildings having their  
20 own street address and containing workspace of 40,000 square  
21 feet or less, location identification shall include the  
22 building's street address. For buildings having their own  
23 street address and containing workspace of more than 40,000  
24 square feet, location identification shall include the  
25 building's street address and one distinct location

1 identification per 40,000 square feet of workspace. Separate  
2 buildings containing workspace of 40,000 square feet or less  
3 having a common public street address shall have a distinct  
4 location identification for each building in addition to the  
5 street address.

6 (b) Exemptions. Buildings containing workspace of more  
7 than 40,000 square feet are exempt from the multiple location  
8 identification requirements of subsection (a) if the building  
9 maintains, at all times, alternative and adequate means of  
10 signaling and responding to emergencies. Those means shall  
11 include, but not be limited to, a telephone system that  
12 provides the physical location of 9-1-1 calls coming from  
13 within the building. Health care facilities are presumed to  
14 meet the requirements of this paragraph if the facilities are  
15 staffed with medical or nursing personnel 24 hours per day and  
16 if an alternative means of providing information about the  
17 source of an emergency call exists. Buildings under this  
18 exemption must provide 9-1-1 service that provides the  
19 building's street address.

20 Buildings containing workspace of more than 40,000 square  
21 feet are exempt from subsection (a) if the building maintains,  
22 at all times, alternative and adequate means of signaling and  
23 responding to emergencies, including a telephone system that  
24 provides the location of a 9-1-1 call coming from within the  
25 building, and the building is serviced by its own medical, fire  
26 and security personnel. Buildings under this exemption are

1 subject to emergency phone system certification by the  
2 Administrator ~~Illinois Commerce Commission~~.

3 Buildings in communities not serviced by enhanced 9-1-1  
4 service are exempt from subsection (a).

5 Correctional institutions and facilities, as defined in  
6 subsection (d) of Section 3-1-2 of the Unified Code of  
7 Corrections, are exempt from subsection (a).

8 (c) This Act does not apply to any PBX telephone extension  
9 that uses radio transmissions to convey electrical signals  
10 directly between the telephone extension and the serving PBX.

11 (d) An entity that violates this Section is guilty of a  
12 business offense and shall be fined not less than \$1,000 and  
13 not more than \$5,000.

14 (e) Nothing in this Section shall be construed to preclude  
15 the Attorney General on behalf of the Department ~~Commission~~ or  
16 on his or her own initiative, or any other interested person,  
17 from seeking judicial relief, by mandamus, injunction, or  
18 otherwise, to compel compliance with this Section.

19 (f) The Department may ~~Commission shall~~ promulgate rules  
20 for the administration of this Section ~~no later than January 1,~~  
21 ~~2000~~.

22 (Source: P.A. 91-518, eff. 8-13-99; 92-16, eff. 6-28-01;  
23 92-188, eff. 8-1-01.)

24 (50 ILCS 750/15.6a new)

25 Sec. 15.6a. Wireless emergency 9-1-1 service.

1       (a) The digits "9-1-1" shall be the designated emergency  
2 telephone number within the wireless system.

3       (b) The Illinois Commerce Commission may set  
4 non-discriminatory and uniform technical and operational  
5 standards consistent with the rules of the Federal  
6 Communications Commission for directing calls to authorized  
7 public safety answering points. These standards shall not in  
8 any way prescribe the technology or manner a wireless carrier  
9 shall use to deliver wireless 9-1-1 or wireless E9-1-1 calls,  
10 and these standards shall not exceed the requirements set by  
11 the Federal Communications Commission; however, standards for  
12 directing calls to the authorized public safety answering point  
13 shall be included. The authority given to the Department in  
14 this Section is limited to setting standards as set forth  
15 herein and does not constitute authority to regulate wireless  
16 carriers.

17       (c) For the purpose of providing wireless 9-1-1 emergency  
18 services, an emergency telephone system board or, in the  
19 absence of an emergency telephone system board, a qualified  
20 governmental entity, may declare its intention for one or more  
21 of its public safety answering points to serve as a primary  
22 wireless 9-1-1 public safety answering point for its  
23 jurisdiction by notifying the Administrator in writing within 6  
24 months after receiving its authority to operate a 9-1-1 system  
25 under this Act. In addition, 2 or more Emergency Telephone  
26 System Boards or qualified governmental entities may, by virtue

1 of an intergovernmental agreement, provide wireless 9-1-1  
2 service. The Department of State Police shall be the primary  
3 wireless 9-1-1 public safety answering point for any  
4 jurisdiction that did not provide notice to the Illinois  
5 Commerce Commission and the Department prior to January 1,  
6 2016.

7 (d) The Administrator, upon a request from a qualified  
8 governmental entity or an emergency telephone system board and  
9 after consultation with the Statewide 9-1-1 Advisory Board, may  
10 grant authority to the emergency telephone system board or a  
11 qualified governmental entity to provide wireless 9-1-1  
12 service in areas for which the Department has accepted wireless  
13 9-1-1 responsibility. The Administrator shall maintain a  
14 current list of all 9-1-1 systems and qualified governmental  
15 entities providing wireless 9-1-1 service under this Act.

16 (50 ILCS 750/15.6b new)

17 Sec. 15.6b. Next Generation 9-1-1 service.

18 (a) The Administrator, in consultation with the Statewide  
19 9-1-1 Advisory Board, shall develop and implement a plan for a  
20 statewide Next Generation 9-1-1 network. The Next Generation  
21 9-1-1 network must be an Internet protocol-based platform that  
22 at a minimum provides:

23 (1) improved 9-1-1 call delivery;

24 (2) enhanced interoperability;

25 (3) increased ease of communication between 9-1-1

1 service providers, allowing immediate transfer of 9-1-1  
2 calls, caller information, photos, and other data  
3 statewide;

4 (4) a hosted solution with redundancy built in; and

5 (5) compliance with NENA Standards i3 Solution 08-003.

6 (b) By July 1, 2016, the Administrator, in consultation  
7 with the 9-1-1 Advisory Board, shall design and issue a  
8 competitive request for a proposal to secure the services of a  
9 consultant to complete a feasibility study on the  
10 implementation of a statewide Next Generation 9-1-1 network in  
11 Illinois. By July 1, 2017, the consultant shall complete the  
12 feasibility study and make recommendations as to the  
13 appropriate procurement approach for developing a statewide  
14 Next Generation 9-1-1 network.

15 (c) Within 12 months of the final report from the  
16 consultant under subsection (b) of this Section, the Department  
17 shall procure and finalize a contract with a vendor certified  
18 under Section 13-900 of the Public Utilities Act to establish a  
19 statewide Next Generation 9-1-1 network. By July 1, 2020, the  
20 vendor shall implement a Next Generation 9-1-1 network that  
21 allows 9-1-1 systems providing 9-1-1 service to Illinois  
22 residents to access the system utilizing their current  
23 infrastructure if it meets the standards adopted by the  
24 Department.



1           Sec. 15.7. Compliance with certification of 9-1-1 system  
2 providers by the Illinois Commerce Commission. In addition to  
3 the requirements of this Act Section, all 9-1-1 system  
4 providers must comply with the requirements of Section 13-900  
5 of the Public Utilities Act.

6           (Source: P.A. 96-25, eff. 6-30-09.)

7           (50 ILCS 750/15.8)

8           Sec. 15.8. 9-1-1 dialing from a business.

9           (a) Any entity that installs or operates a private business  
10 switch service and provides telecommunications facilities or  
11 services to businesses shall ensure that all systems installed  
12 on or after July 1, 2015 (the effective date of Public Act  
13 98-875) ~~the effective date of this amendatory Act of the 98th~~  
14 ~~General Assembly~~ are connected to the public switched network  
15 in a manner such that when a user dials "9-1-1", the emergency  
16 call connects to the 9-1-1 system without first dialing any  
17 number or set of numbers.

18           (b) The requirements of this Section do not apply to:

19           (1) any entity certified by the Illinois Commerce  
20 Commission to operate a Private Emergency Answering Point  
21 as defined in 83 Ill. Adm. Code 726.105; or

22           (2) correctional institutions and facilities as  
23 defined in subsection (d) of Section 3-1-2 of the Unified  
24 Code of Corrections.

25           (c) An entity that violates this Section is guilty of a

1 business offense and shall be fined not less than \$1,000 and  
2 not more than \$5,000.

3 (Source: P.A. 98-875, eff. 7-1-15.)

4 (50 ILCS 750/20 new)

5 Sec. 20. Statewide surcharge.

6 (a) On and after January 1, 2016, and except with respect  
7 to those customers who are subject to surcharges as provided in  
8 Sections 15.3 and 15.3a of this Act, a monthly surcharge shall  
9 be imposed on all customers of telecommunications carriers and  
10 wireless carriers as follows:

11 (1) Each telecommunications carrier shall impose a  
12 monthly surcharge of \$0.87 per network connection;  
13 provided, however, the monthly surcharge shall not apply to  
14 a network connection provided for use with pay telephone  
15 services. Where multiple voice grade communications  
16 channels are connected between the subscriber's premises  
17 and a public switched network through private branch  
18 exchange (PBX) or centrex type service there shall be  
19 imposed 5 such surcharges per network connection for both  
20 regular service and advanced service provisioned trunk  
21 lines.

22 (2) Each wireless carrier shall impose and collect a  
23 monthly surcharge of \$0.87 per CMRS connection that either  
24 has a telephone number within an area code assigned to  
25 Illinois by the North American Numbering Plan

1 Administrator or has a billing address in this State.

2 (b) State and local taxes shall not apply to the surcharges  
3 imposed under this Section.

4 (c) The surcharges imposed by this Section shall be stated  
5 as a separately stated item on subscriber bills.

6 (d) The telecommunications carrier collecting the  
7 surcharge shall also be entitled to deduct 3% of the gross  
8 amount of surcharge collected to reimburse the  
9 telecommunications carrier for the expense of accounting and  
10 collecting the surcharge. On and after July 1, 2022, the  
11 wireless carrier collecting a surcharge under this Section  
12 shall be entitled to deduct up to 3% of the gross amount of the  
13 surcharge collected to reimburse the wireless carrier for the  
14 expense of accounting and collecting the surcharge.

15 (e) Surcharges imposed under this Section shall be  
16 collected by the carriers and, within 30 days of collection,  
17 remitted, either by check or electronic funds transfer, to the  
18 Department for deposit into the Statewide 9-1-1 Fund. Carriers  
19 are not required to remit surcharge moneys that are billed to  
20 subscribers but not yet collected.

21 The first remittance by wireless carriers shall include the  
22 number of subscribers by zip code, and the 9-digit zip code if  
23 currently being used or later implemented by the carrier, that  
24 shall be the means by which the Department shall determine  
25 distributions from the Statewide 9-1-1 Fund. This information  
26 shall be updated at least once each year. Any carrier that

1 fails to provide the zip code information required under this  
2 subsection (e) shall be subject to the penalty set forth in  
3 subsection (g) of this Section.

4 (f) If, within 5 business days it is due under subsection  
5 (e) of this Section, a carrier does not remit the surcharge or  
6 any portion thereof required under this Section, then the  
7 surcharge or portion thereof shall be deemed delinquent until  
8 paid in full, and the Department may impose a penalty against  
9 the carrier in an amount equal to the greater of:

10 (1) \$25 for each month or portion of a month from the  
11 time an amount becomes delinquent until the amount is paid  
12 in full; or

13 (2) an amount equal to the product of 1% and the sum of  
14 all delinquent amounts for each month or portion of a month  
15 that the delinquent amounts remain unpaid.

16 A penalty imposed in accordance with this subsection (f)  
17 for a portion of a month during which the carrier provides the  
18 number of subscribers by zip code as required under subsection  
19 (e) of this Section shall be prorated for each day of that  
20 month during which the carrier had not provided the number of  
21 subscribers by zip code as required under subsection (e) of  
22 this Section. Any penalty imposed under this subsection (f) is  
23 in addition to the amount of the delinquency and is in addition  
24 to any other penalty imposed under this Section.

25 (g) If, within 5 business days after it is due, a wireless  
26 carrier does not provide the number of subscribers by zip code

1 as required under subsection (e) of this Section, then the  
2 report is deemed delinquent and the Department may impose a  
3 penalty against the carrier in an amount equal to the greater  
4 of:

5 (1) \$25 for each month or portion of a month that the  
6 report is delinquent; or

7 (2) an amount equal to the product of \$0.01 and the  
8 number of subscribers served by the carrier.

9 A penalty imposed in accordance with this subsection (g)  
10 for a portion of a month during which the carrier pays the  
11 delinquent amount in full shall be prorated for each day of  
12 that month that the delinquent amount was paid in full. Any  
13 penalty imposed under this subsection (g) is in addition to any  
14 other penalty imposed under this Section.

15 (h) A penalty imposed and collected in accordance with  
16 subsection (f) or (g) of this Section shall be deposited into  
17 the Statewide 9-1-1 Fund for distribution according to Section  
18 30 of this Act.

19 (i) The Department may enforce the collection of any  
20 delinquent amount and any penalty due and unpaid under this  
21 Section by legal action or in any other manner by which the  
22 collection of debts due the State of Illinois may be enforced  
23 under the laws of this State. The Department may excuse the  
24 payment of any penalty imposed under this Section if the  
25 Administrator determines that the enforcement of this penalty  
26 is unjust.

1       (j) Notwithstanding any provision of law to the contrary,  
2 nothing shall impair the right of wireless carriers to recover  
3 compliance costs for all emergency communications services  
4 that are not reimbursed out of the Wireless Carrier  
5 Reimbursement Fund directly from their wireless subscribers by  
6 line-item charges on the wireless subscriber's bill. Those  
7 compliance costs include all costs incurred by wireless  
8 carriers in complying with local, State, and federal regulatory  
9 or legislative mandates that require the transmission and  
10 receipt of emergency communications to and from the general  
11 public, including, but not limited to, E9-1-1.

12       (50 ILCS 750/30 new)

13       Sec. 30. Statewide 9-1-1 Fund; surcharge disbursement.

14       (a) A special fund in the State treasury known as the  
15 Wireless Service Emergency Fund shall be renamed the Statewide  
16 9-1-1 Fund. Any appropriations made from the Wireless Service  
17 Emergency Fund shall be payable from the Statewide 9-1-1 Fund.  
18 The Fund shall consist of the following:

19           (1) 9-1-1 wireless surcharges assessed under the  
20 Wireless Emergency Telephone Safety Act.

21           (2) 9-1-1 surcharges assessed under Section 20 of this  
22 Act.

23           (3) Prepaid wireless 9-1-1 surcharges assessed under  
24 Section 15 of the Prepaid Wireless 9-1-1 Surcharge Act.

25           (4) Any appropriations, grants, or gifts made to the

1       Fund.

2           (5) Any income from interest, premiums, gains, or other  
3           earnings on moneys in the Fund.

4           (6) Money from any other source that is deposited in or  
5           transferred to the Fund.

6           (b) Subject to appropriation, the Department shall  
7           distribute the 9-1-1 surcharges monthly as follows:

8           (1) From each surcharge collected and remitted under  
9           Section 20 of this Act:

10           (A) \$0.013 shall be distributed monthly in equal  
11           amounts to each County Emergency Telephone System  
12           Board or qualified governmental entity in counties  
13           with a population under 100,000 according to the most  
14           recent census data which is authorized to serve as a  
15           primary wireless 9-1-1 public safety answering point  
16           for the county and to provide wireless 9-1-1 service as  
17           prescribed by subsection (b) of Section 15.6a of this  
18           Act, and which does provide such service.

19           (B) \$0.033 shall be transferred by the Comptroller  
20           at the direction of the Department to the Wireless  
21           Carrier Reimbursement Fund until June 30, 2017; from  
22           July 1, 2017 through June 30, 2018, \$0.026 shall be  
23           transferred; from July 1, 2018 through June 30, 2019,  
24           \$0.020 shall be transferred; from July 1, 2019, through  
25           June 30, 2020, \$0.013 shall be transferred; from July  
26           1, 2020 through June 30, 2021, \$0.007 will be

1           transferred; and after June 30, 2021, no transfer shall  
2           be made to the Wireless Carrier Reimbursement Fund.

3           (C) \$0.007 shall be used to cover the Department's  
4           administrative costs.

5           (2) After disbursements under paragraph (1) of this  
6           subsection (b), all remaining funds in the Statewide 9-1-1  
7           Fund shall be disbursed in the following priority order:

8           (A) The Fund will pay monthly to:

9           (i) the 9-1-1 Authorities that imposed  
10           surcharges under Section 15.3 of this Act and were  
11           required to report to the Illinois Commerce  
12           Commission under Section 27 of the Wireless  
13           Emergency Telephone Safety Act on October 1, 2014,  
14           except a 9-1-1 Authority in a municipality with a  
15           population in excess of 500,000, an amount equal to  
16           the average monthly wireline and VoIP surcharge  
17           revenue attributable to the most recent 12-month  
18           period reported to the Department under that  
19           Section for the October 1, 2014 filing, subject to  
20           the power of the Department to investigate the  
21           amount reported and adjust the number by order  
22           under Article X of the Public Utilities Act, so  
23           that the monthly amount paid under this item  
24           accurately reflects one-twelfth of the aggregate  
25           wireline and VoIP surcharge revenue properly  
26           attributable to the most recent 12-month period



1 reported to the Department; or

2 (ii) county qualified governmental entities  
3 that did not impose a surcharge under Section 15.3  
4 as of December 31, 2015, and counties that did not  
5 impose a surcharge as of June 30, 2015, an amount  
6 equivalent to their population multiplied by .37  
7 multiplied by the rate of \$0.69; counties that are  
8 not county qualified governmental entities and  
9 that did not impose a surcharge as of December 31,  
10 2015, shall not begin to receive the payment  
11 provided for in this subsection until E9-1-1 and  
12 Wireless E9-1-1 services are provided within their  
13 counties; or

14 (iii) counties without 9-1-1 service that had  
15 a surcharge in place by December 31, 2015, an  
16 amount equivalent to their population multiplied  
17 by .37 multiplied by their surcharge rate as  
18 established by the referendum.

19 (B) All 9-1-1 network costs for systems outside of  
20 municipalities with a population of at least 500,000  
21 shall be paid by the Department directly to the  
22 vendors.

23 (C) All expenses incurred by the Administrator and  
24 the Statewide 9-1-1 Advisory Board and costs  
25 associated with procurement under Section 15.6b  
26 including requests for information and requests for

1           proposals.

2           (D) Funds may be held in reserve by the Statewide  
3           9-1-1 Advisory Board and disbursed by the Department  
4           for grants under Sections 15.4a, 15.4b, and for NG9-1-1  
5           expenses up to \$12.5 million per year in State fiscal  
6           years 2016 and 2017; up to \$13.5 million in State  
7           fiscal year 2018; up to \$14.4 million in State fiscal  
8           year 2019; up to \$15.3 million in State fiscal year  
9           2020; up to \$16.2 million in State fiscal year 2021; up  
10           to \$23.1 million in State fiscal year 2022; and up to  
11           \$17.0 million per year for State fiscal year 2023 and  
12           each year thereafter.

13           (E) All remaining funds per remit month shall be  
14           used to make monthly proportional grants to the  
15           appropriate 9-1-1 Authority currently taking wireless  
16           9-1-1 based upon the United States Postal Zip Code of  
17           the billing addresses of subscribers of wireless  
18           carriers.

19           (c) The moneys deposited into the Statewide 9-1-1 Fund  
20           under this Section shall not be subject to administrative  
21           charges or chargebacks unless otherwise authorized by this Act.

22           (d) Whenever two or more 9-1-1 Authorities consolidate, the  
23           resulting Joint Emergency Telephone System Board shall be  
24           entitled to the monthly payments that had theretofore been made  
25           to each consolidating 9-1-1 Authority. Any reserves held by any  
26           consolidating 9-1-1 Authority shall be transferred to the

1 resulting Joint Emergency Telephone System Board.

2 (50 ILCS 750/35 new)

3 Sec. 35. 9-1-1 surcharge; allowable expenditures. Except  
4 as otherwise provided in this Act, expenditures from surcharge  
5 revenues received under this Act may be made by municipalities,  
6 counties, and 9-1-1 Authorities only to pay for the costs  
7 associated with the following:

8 (1) The design of the Emergency Telephone System.

9 (2) The coding of an initial Master Street Address  
10 Guide database, and update and maintenance thereof.

11 (3) The repayment of any moneys advanced for the  
12 implementation of the system.

13 (4) The charges for Automatic Number Identification  
14 and Automatic Location Identification equipment, a  
15 computer aided dispatch system that records, maintains,  
16 and integrates information, mobile data transmitters  
17 equipped with automatic vehicle locators, and maintenance,  
18 replacement, and update thereof to increase operational  
19 efficiency and improve the provision of emergency  
20 services.

21 (5) The non-recurring charges related to installation  
22 of the Emergency Telephone System.

23 (6) The acquisition and installation, or the  
24 reimbursement of costs therefore to other governmental  
25 bodies that have incurred those costs, of road or street

1 signs that are essential to the implementation of the  
2 Emergency Telephone System and that are not duplicative of  
3 signs that are the responsibility of the jurisdiction  
4 charged with maintaining road and street signs.

5 (7) Other products and services necessary for the  
6 implementation, upgrade, and maintenance of the system and  
7 any other purpose related to the operation of the system,  
8 including costs attributable directly to the construction,  
9 leasing, or maintenance of any buildings or facilities or  
10 costs of personnel attributable directly to the operation  
11 of the system. Costs attributable directly to the operation  
12 of an emergency telephone system do not include the costs  
13 of public safety agency personnel who are and equipment  
14 that is dispatched in response to an emergency call.

15 (8) The defraying of expenses incurred to implement  
16 Next Generation 9-1-1, subject to the conditions set forth  
17 in this Act.

18 (9) The implementation of a computer aided dispatch  
19 system or hosted supplemental 9-1-1 services.

20 (10) The design, implementation, operation,  
21 maintenance, or upgrade of wireless 9-1-1 or E9-1-1  
22 emergency services and public safety answering points.

23 Moneys in the Statewide 9-1-1 Fund may also be transferred  
24 to a participating fire protection district to reimburse  
25 volunteer firefighters who man remote telephone switching  
26 facilities when dedicated 9-1-1 lines are down.

1       In the case of a municipality with a population over  
2 500,000, moneys may also be used for any anti-terrorism or  
3 emergency preparedness measures, including, but not limited  
4 to, preparedness planning, providing local matching funds for  
5 federal or State grants, personnel training, and specialized  
6 equipment, including surveillance cameras, as needed to deal  
7 with natural and terrorist-inspired emergency situations or  
8 events.

9           (50 ILCS 750/40 new)

10       Sec. 40. Financial reports.

11       (a) The Department shall create uniform accounting  
12 procedures, with such modification as may be required to give  
13 effect to statutory provisions applicable only to  
14 municipalities with a population in excess of 500,000, that any  
15 emergency telephone system board, qualified governmental  
16 entity, or unit of local government receiving surcharge money  
17 pursuant to Section 15.3, 15.3a, or 30 of this Act must follow.

18       (b) By October 1, 2016, and every October 1 thereafter,  
19 each emergency telephone system board, qualified governmental  
20 entity, or unit of local government receiving surcharge money  
21 pursuant to Section 15.3, 15.3a, or 30 shall report to the  
22 Department audited financial statements showing total revenue  
23 and expenditures for previous fiscal year in a form and manner  
24 as prescribed by the Department. Such financial information  
25 shall include:

1           (1) a detailed summary of revenue from all sources  
2           including, but not limited to, local, State, federal, and  
3           private revenues, and any other funds received;

4           (2) operating expenses, capital expenditures, and cash  
5           balances; and

6           (3) such other financial information that is relevant  
7           to the provision of 9-1-1 services as determined by the  
8           Department.

9           The emergency telephone system board, qualified  
10          governmental entity, or unit of local government is responsible  
11          for any costs associated with auditing such financial  
12          statements. The Department shall post the audited financial  
13          statements on the Department's website.

14          (c) Along with its audited financial statement, each  
15          emergency telephone system board, qualified governmental  
16          entity, or unit of local government receiving a grant under  
17          Section 15.4b of this Act shall include a report of the amount  
18          of grant moneys received and how the grant moneys were used. In  
19          case of a conflict between this requirement and the Grant  
20          Accountability and Transparency Act, or with the rules of the  
21          Governor's Office of Management and Budget adopted thereunder,  
22          that Act and those rules shall control.

23          (d) If an emergency telephone system board or qualified  
24          governmental entity that receives funds from the Statewide  
25          9-1-1 Fund fails to file the 9-1-1 system financial reports as  
26          required under this Section, the Department shall suspend and

1 withhold monthly disbursements otherwise due to the emergency  
2 telephone system board or qualified governmental entity under  
3 Section 30 of this Act until the report is filed.

4 Any monthly disbursements that have been withheld for 12  
5 months or more shall be forfeited by the emergency telephone  
6 system board or qualified governmental entity and shall be  
7 distributed proportionally by the Illinois Commerce Commission  
8 to compliant emergency telephone system boards and qualified  
9 governmental entities that receive funds from the Statewide  
10 9-1-1 Fund.

11 Any emergency telephone system board or qualified  
12 governmental entity not in compliance with this Section shall  
13 be ineligible to receive any consolidation grant or  
14 infrastructure grant issued under this Act.

15 (e) The Department may adopt emergency rules necessary to  
16 implement the provisions of this Section.

17 (50 ILCS 750/45 new)

18 Sec. 45. Wireless Carrier Reimbursement Fund.

19 (a) A special fund in the State treasury known as the  
20 Wireless Carrier Reimbursement Fund, which was created  
21 previously under Section 30 of the Wireless Emergency Telephone  
22 Safety Act, shall continue in existence without interruption  
23 notwithstanding the repeal of that Act. Moneys in the Wireless  
24 Carrier Reimbursement Fund may be used, subject to  
25 appropriation, only (i) to reimburse wireless carriers for all

1 of their costs incurred in complying with the applicable  
2 provisions of Federal Communications Commission wireless  
3 enhanced 9-1-1 service mandates, and (ii) to pay the reasonable  
4 and necessary costs of the Illinois Commerce Commission in  
5 exercising its rights, duties, powers, and functions under this  
6 Act. This reimbursement to wireless carriers may include, but  
7 need not be limited to, the cost of designing, upgrading,  
8 purchasing, leasing, programming, installing, testing, and  
9 maintaining necessary data, hardware, and software and  
10 associated operating and administrative costs and overhead.

11 (b) To recover costs from the Wireless Carrier  
12 Reimbursement Fund, the wireless carrier shall submit sworn  
13 invoices to the Illinois Commerce Commission. In no event may  
14 any invoice for payment be approved for (i) costs that are not  
15 related to compliance with the requirements established by the  
16 wireless enhanced 9-1-1 mandates of the Federal Communications  
17 Commission, or (ii) costs with respect to any wireless enhanced  
18 9-1-1 service that is not operable at the time the invoice is  
19 submitted.

20 (c) If in any month the total amount of invoices submitted  
21 to the Illinois Commerce Commission and approved for payment  
22 exceeds the amount available in the Wireless Carrier  
23 Reimbursement Fund, wireless carriers that have invoices  
24 approved for payment shall receive a pro-rata share of the  
25 amount available in the Wireless Carrier Reimbursement Fund  
26 based on the relative amount of their approved invoices



1 available that month, and the balance of the payments shall be  
2 carried into the following months until all of the approved  
3 payments are made.

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

10 (e) The Illinois Commerce Commission shall maintain  
11 detailed records of all receipts and disbursements and shall  
12 provide an annual accounting of all receipts and disbursements  
13 to the Auditor General.

14 (f) The Illinois Commerce Commission must annually review  
15 the balance in the Wireless Carrier Reimbursement Fund as of  
16 June 30 of each year and shall direct the Comptroller to  
17 transfer into the Statewide 9-1-1 Fund for distribution in  
18 accordance with subsection (b) of Section 30 of this Act any  
19 amount in excess of outstanding invoices as of June 30 of each  
20 year.

21 (g) The Illinois Commerce Commission shall adopt rules to  
22 govern the reimbursement process.

23 (50 ILCS 750/50 new)

24 Sec. 50. Fund audits. The Auditor General shall conduct as  
25 a part of its bi-annual audit, an audit of the Statewide 9-1-1

1 Fund and the Wireless Carrier Reimbursement Fund for compliance  
2 with the requirements of this Act. The audit shall include, but  
3 not be limited to, the following determinations:

4 (1) Whether detailed records of all receipts and  
5 disbursements from the Statewide 9-1-1 Fund and the  
6 Wireless Carrier Reimbursement Fund are being maintained.

7 (2) Whether administrative costs charged to the funds  
8 are adequately documented and are reasonable.

9 (3) Whether the procedures for making disbursements  
10 and grants and providing reimbursements in accordance with  
11 the Act are adequate.

12 (4) The status of the implementation of statewide 9-1-1  
13 service and Next Generation 9-1-1 service in Illinois.

14 The Illinois Commerce Commission, the Department of State  
15 Police, and any other entity or person that may have  
16 information relevant to the audit shall cooperate fully and  
17 promptly with the Office of the Auditor General in conducting  
18 the audit. The Auditor General shall commence the audit as soon  
19 as possible and distribute the report upon completion in  
20 accordance with Section 3-14 of the Illinois State Auditing  
21 Act.

22 (50 ILCS 750/55 new)

23 Sec. 55. Public disclosure. Because of the highly  
24 competitive nature of the wireless telephone industry, public  
25 disclosure of information about surcharge moneys paid by

1 wireless carriers could have the effect of stifling competition  
2 to the detriment of the public and the delivery of wireless  
3 9-1-1 services. Therefore, the Illinois Commerce Commission,  
4 the Department of State Police, governmental agencies, and  
5 individuals with access to that information shall take  
6 appropriate steps to prevent public disclosure of this  
7 information. Information and data supporting the amount and  
8 distribution of surcharge moneys collected and remitted by an  
9 individual wireless carrier shall be deemed exempt information  
10 for purposes of the Freedom of Information Act and shall not be  
11 publicly disclosed. The gross amount paid by all carriers shall  
12 not be deemed exempt and may be publicly disclosed.

13 (50 ILCS 750/2.01 rep.)

14 (50 ILCS 750/2.02 rep.)

15 (50 ILCS 750/2.03 rep.)

16 (50 ILCS 750/2.04 rep.)

17 (50 ILCS 750/2.05 rep.)

18 (50 ILCS 750/2.06 rep.)

19 (50 ILCS 750/2.06a rep.)

20 (50 ILCS 750/2.07 rep.)

21 (50 ILCS 750/2.08 rep.)

22 (50 ILCS 750/2.09 rep.)

23 (50 ILCS 750/2.10 rep.)

24 (50 ILCS 750/2.11 rep.)

25 (50 ILCS 750/2.12 rep.)

1 (50 ILCS 750/2.13 rep.)

2 (50 ILCS 750/2.14 rep.)

3 (50 ILCS 750/2.15 rep.)

4 (50 ILCS 750/2.16 rep.)

5 (50 ILCS 750/2.17 rep.)

6 (50 ILCS 750/2.18 rep.)

7 (50 ILCS 750/2.19 rep.)

8 (50 ILCS 750/2.20 rep.)

9 (50 ILCS 750/2.21 rep.)

10 (50 ILCS 750/2.22 rep.)

11 (50 ILCS 750/2.23 rep.)

12 (50 ILCS 750/2.24 rep.)

13 (50 ILCS 750/2.25 rep.)

14 (50 ILCS 750/2.26 rep.)

15 (50 ILCS 750/2.27 rep.)

16 (50 ILCS 750/2.28 rep.)

17 (50 ILCS 750/9 rep.)

18 Section 2-15. The Emergency Telephone System Act is amended  
19 by repealing Sections 2.01, 2.02, 2.03, 2.04, 2.05, 2.06,  
20 2.06a, 2.07, 2.08, 2.09, 2.10, 2.11, 2.12, 2.13, 2.14, 2.15,  
21 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, 2.22, 2.23, 2.24, 2.25,  
22 2.26, 2.27, 2.28, and 9.

23 Section 2-20. The Wireless Emergency Telephone Safety Act  
24 is amended by changing Section 60 as follows:

1 (50 ILCS 751/60)

2 (Section scheduled to be repealed on July 1, 2015)

3 Sec. 60. Home rule. A home rule unit, other than a home  
4 rule municipality having a population in excess of 500,000 that  
5 was imposing its own surcharge on wireless carriers prior to  
6 July 1, 1998, may not impose a separate surcharge on wireless  
7 9-1-1 service in addition to the surcharge imposed on wireless  
8 9-1-1 service under this Act. This Section is a limitation  
9 under subsection (h) ~~(g)~~ of Section 6 of Article VII of the  
10 Illinois Constitution on the concurrent exercise by home rule  
11 units of powers and functions of home rule units ~~not~~ exercised  
12 or performed by the State.

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

14 Section 2-25. The Prepaid Wireless 9-1-1 Surcharge Act is  
15 amended by changing Section 20 as follows:

16 (50 ILCS 753/20)

17 Sec. 20. Administration of prepaid wireless 9-1-1  
18 surcharge.

19 (a) In the administration and enforcement of this Act, the  
20 provisions of Sections 2a, 2b, 2c, 3, 4, 5, 5a, 5b, 5c, 5d, 5e,  
21 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, and 12 of the  
22 Retailers' Occupation Tax Act that are not inconsistent with  
23 this Act, and Section 3-7 of the Uniform Penalty and Interest  
24 Act shall apply, as far as practicable, to the subject matter

1 of this Act to the same extent as if those provisions were  
2 included in this Act. References to "taxes" in these  
3 incorporated Sections shall be construed to apply to the  
4 administration, payment, and remittance of all surcharges  
5 under this Act. The Department shall establish registration and  
6 payment procedures that substantially coincide with the  
7 registration and payment procedures that apply to the  
8 Retailers' Occupation Tax Act.

9 (b) ~~A For the first 12 months after the effective date of~~  
10 ~~this Act, a seller shall be permitted to deduct and retain 5%~~  
11 ~~of prepaid wireless 9-1-1 surcharges that are collected by the~~  
12 ~~seller from consumers and that are remitted and timely filed~~  
13 ~~with the Department. After the first 12 months, a seller shall~~  
14 be permitted to deduct and retain 3% of prepaid wireless 9-1-1  
15 surcharges that are collected by the seller from consumers and  
16 that are remitted and timely filed with the Department.

17 (c) Other than the amounts for deposit into the Municipal  
18 Wireless Service Emergency Fund, the Department shall pay to  
19 the State Treasurer all prepaid wireless E911 charges, ~~and~~  
20 penalties, and interest collected under this Act for deposit  
21 into the Statewide 9-1-1 Fund ~~Wireless Service Emergency Fund~~.  
22 On or before the 25th day of each calendar month, the  
23 Department shall prepare and certify to the Comptroller the  
24 amount available to the Illinois Commerce Commission for  
25 distribution out of the Statewide 9-1-1 Fund ~~Wireless Service~~  
26 ~~Emergency Fund~~. The amount certified shall be the amount (not

1 including credit memoranda) collected during the second  
2 preceding calendar month by the Department plus an amount the  
3 Department determines is necessary to offset any amounts which  
4 were erroneously paid to a different taxing body. The amount  
5 paid to the Statewide 9-1-1 Fund ~~Wireless Service Emergency~~  
6 ~~Fund~~ shall not include any amount equal to the amount of  
7 refunds made during the second preceding calendar month by the  
8 Department to retailers under this Act or any amount that the  
9 Department determines is necessary to offset any amounts which  
10 were payable to a different taxing body but were erroneously  
11 paid to the Statewide 9-1-1 Fund ~~Wireless Service Emergency~~  
12 ~~Fund~~. The Illinois Commerce Commission shall distribute the  
13 funds ~~in the same proportion as they are distributed under the~~  
14 ~~Wireless Emergency Telephone Safety Act and the funds may only~~  
15 ~~be used~~ in accordance with Section 30 ~~the provisions~~ of the  
16 ~~Wireless~~ Emergency Telephone Safety Act. The Department may  
17 deduct an amount, ~~not to exceed 3% during the first year~~  
18 ~~following the effective date of this Act and~~ not to exceed 2%  
19 ~~during every year thereafter~~ of remitted charges, to be  
20 transferred into the Tax Compliance and Administration Fund to  
21 reimburse the Department for its direct costs of administering  
22 the collection and remittance of prepaid wireless 9-1-1  
23 surcharges.

24 (d) The Department shall administer the collection of all  
25 9-1-1 surcharges and may adopt and enforce reasonable rules  
26 relating to the administration and enforcement of the

1 provisions of this Act as may be deemed expedient. The  
2 Department shall require all surcharges collected under this  
3 Act to be reported on existing forms or combined forms,  
4 including, but not limited to, Form ST-1. Any overpayments  
5 received by the Department for liabilities reported on existing  
6 or combined returns shall be applied as an overpayment of  
7 retailers' occupation tax, use tax, service occupation tax, or  
8 service use tax liability.

9 (e) If a home rule municipality having a population in  
10 excess of 500,000 as of the effective date of this amendatory  
11 Act of the 97th General Assembly imposes an E911 surcharge  
12 under subsection (a-5) of Section 15 of this Act, then the  
13 Department shall pay to the State Treasurer all prepaid  
14 wireless E911 charges, penalties, and interest collected for  
15 deposit into the Municipal Wireless Service Emergency Fund. All  
16 deposits into the Municipal Wireless Service Emergency Fund  
17 shall be held by the State Treasurer as ex officio custodian  
18 apart from all public moneys or funds of this State. Any  
19 interest attributable to moneys in the Fund must be deposited  
20 into the Fund. Moneys in the Municipal Wireless Service  
21 Emergency Fund are not subject to appropriation. On or before  
22 the 25th day of each calendar month, the Department shall  
23 prepare and certify to the Comptroller the amount available for  
24 disbursement to the home rule municipality out of the Municipal  
25 Wireless Service Emergency Fund. The amount to be paid to the  
26 Municipal Wireless Service Emergency Fund shall be the amount



1 (not including credit memoranda) collected during the second  
2 preceding calendar month by the Department plus an amount the  
3 Department determines is necessary to offset any amounts which  
4 were erroneously paid to a different taxing body. The amount  
5 paid to the Municipal Wireless Service Emergency Fund shall not  
6 include any amount equal to the amount of refunds made during  
7 the second preceding calendar month by the Department to  
8 retailers under this Act or any amount that the Department  
9 determines is necessary to offset any amounts which were  
10 payable to a different taxing body but were erroneously paid to  
11 the Municipal Wireless Service Emergency Fund. Within 10 days  
12 after receipt by the Comptroller of the certification provided  
13 for in this subsection, the Comptroller shall cause the orders  
14 to be drawn for the respective amounts in accordance with the  
15 directions in the certification. The Department may deduct an  
16 amount, ~~not to exceed 3% during the first year following the~~  
17 ~~effective date of this amendatory Act of the 97th General~~  
18 ~~Assembly and not to exceed 2% during every year thereafter~~ of  
19 remitted charges, to be transferred into the Tax Compliance and  
20 Administration Fund to reimburse the Department for its direct  
21 costs of administering the collection and remittance of prepaid  
22 wireless 9-1-1 surcharges.

23 (Source: P.A. 97-463, eff. 1-1-12; 97-748, eff. 7-6-12.)

1           Section 3-99. Effective date. This Act takes effect upon  
2 becoming law, except that Article II of this Act takes effect  
3 on January 1, 2016.".