



Rep. William Delgado

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1 AMENDMENT TO SENATE BILL 2731

2 AMENDMENT NO. _____. Amend Senate Bill 2731 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by adding
5 Sections 13-230, 13-231, 13-232, 13-233, 13-404.1, and
6 13-404.2 as follows:

7 (220 ILCS 5/13-230 new)

8 Sec. 13-230. Prepaid calling service. "Prepaid calling
9 service" means telecommunications service that must be paid for
10 in advance by an end user, enables the end user to originate
11 calls using an access number or authorization code, whether
12 manually or electronically dialed, and is sold in predetermined
13 units or dollars of which the number declines with use in a
14 known amount. A prepaid calling service call is a call made by
15 an end user using prepaid calling service. "Prepaid calling
16 service" does not include prepaid wireless telephone service as
17 defined in Section 10 of the Wireless Emergency Telephone
18 Safety Act.

19 (220 ILCS 5/13-231 new)

20 Sec. 13-231. Prepaid calling service provider. "Prepaid
21 calling service provider" means and includes every
22 corporation, company, association, joint stock company or
23 association, firm, partnership, or individual and their

1 lessees, trustees, or receivers appointed by any court
2 whatsoever that contracts directly with a telecommunications
3 carrier to resell or offers to resell telecommunications
4 service as prepaid calling service to one or more distributors,
5 prepaid calling resellers, prepaid calling service retailers,
6 or end users.

7 (220 ILCS 5/13-232 new)

8 Sec. 13-232. Prepaid calling service retailer. "Prepaid
9 calling service retailer" means and includes every
10 corporation, company, association, joint stock company or
11 association, firm, partnership, or individual and their
12 lessees, trustees, or receivers appointed by any court
13 whatsoever that sells or offers to sell prepaid calling service
14 directly to one or more end users.

15 (220 ILCS 5/13-233 new)

16 Sec. 13-233. Prepaid calling service reseller. "Prepaid
17 calling service reseller" means and includes every
18 corporation, company, association, joint stock company or
19 association, firm, partnership, or individual and their
20 lessees, trustees, or receivers appointed by any court
21 whatsoever that purchases prepaid calling services from a
22 prepaid calling service provider or distributor and sells those
23 services to one or more distributors of prepaid calling
24 services or to one or more prepaid calling service retailers.

25 (220 ILCS 5/13-404.1 new)

26 Sec. 13-404.1. Prepaid calling service authority; rules.

27 (a) The General Assembly finds that it is necessary to
28 require the certification of prepaid calling service providers
29 to protect and promote against fraud the legitimate business
30 interests of persons or entities currently providing prepaid
31 calling service to Illinois end users and Illinois end users

1 who purchase these services.

2 (b) On and after July 1, 2005, it shall be unlawful for any
3 prepaid calling service provider to offer or provide or seek to
4 offer or provide to any distributor, prepaid calling service
5 reseller, prepaid calling service retailer, or end user any
6 prepaid calling service unless the prepaid calling service
7 provider has applied for and received a Certificate of Prepaid
8 Calling Service Provider Authority from the Commission. The
9 Commission shall approve an application for a Certificate of
10 Prepaid Calling Service Provider Authority upon a showing by
11 the applicant, and a finding by the Commission, after notice
12 and hearing, that the applicant possesses sufficient
13 technical, financial, and managerial resources and abilities
14 to provide prepaid calling services. The Commission shall
15 approve an application for a Certificate of Prepaid Calling
16 Service Provider Authority without a hearing upon a showing by
17 the applicant that the Commission has issued an appropriate
18 Certificate of Service Authority (whether a Certificate of
19 Interexchange Service Authority or Certificate of Exchange
20 Service Authority or both) to the applicant or the
21 telecommunications carrier whose service the applicant is
22 seeking to resell, provided that the telecommunications
23 carrier remains in good standing with the Commission. The
24 Commission may adopt rules necessary for the administration of
25 this subsection.

26 (c) Upon issuance of a Certificate of Prepaid Calling
27 Service Provider Authority to a prepaid calling service
28 provider, the Commission shall post a list that contains the
29 full legal name of the prepaid service provider, the docket
30 number of the provider's certification proceeding, and the
31 toll-free customer service number of the certified prepaid
32 calling service provider on the Commission's web site on a link
33 solely dedicated to prepaid calling service providers. If the
34 certified prepaid calling service provider changes its

1 toll-free customer service number, it is the duty of the
2 certified prepaid calling service provider to provide the
3 Commission with notice of the change and with the provider's
4 new toll-free customer service number at least 24 hours prior
5 to changing its toll-free customer service number. The
6 Commission may adopt rules that further define the
7 administration of this subsection.

8 (d) Any and all enforcement authority granted to the
9 Commission under this Article over any Certificate of Service
10 Authority shall apply equally and without limitation to
11 Certificates of Prepaid Calling Service Provider Authority.

12 (220 ILCS 5/13-404.2 new)

13 Sec. 13-404.2. Prepaid calling service standards. The
14 Commission, by rule, may establish and implement minimum
15 service quality standards for prepaid calling service. The
16 rules may include, but are not limited to, requiring access to
17 a live customer service attendant through the customer service
18 number, reporting requirements, fines, penalties, customer
19 credits, remedies, and other enforcement mechanisms to ensure
20 compliance with the service quality standards.

21 Section 10. The Consumer Fraud and Deceptive Business
22 Practices Act is amended by adding Section 200 as follows:

23 (815 ILCS 505/200 new)

24 Sec. 200. Prepaid calling service.

25 (a) For purposes of this Section 200, the terms "Prepaid
26 Calling Service", "Prepaid Calling Service Provider", "Prepaid
27 Calling Service Retailer", and "Prepaid Calling Service
28 Reseller" shall have the same definitions as those in Sections
29 13-230, 13-231, 13-232, and 13-233, respectively, of the Public
30 Utilities Act.

31 For the purposes of this Section, "international preferred

1 destination" means a prepaid calling service that advertises a
2 specific international destination either on the card, the
3 packaging material accompanying the card, or through an
4 offering of sale of the service.

5 (b) On and after July 1, 2005, it is an unlawful practice
6 under this Act for any prepaid calling service provider or
7 prepaid calling service reseller to sell or offer to sell
8 prepaid calling service to any prepaid calling service retailer
9 unless the prepaid calling service provider has applied for and
10 received a Certificate of Prepaid Calling Service Provider
11 Authority from the Illinois Commerce Commission pursuant to the
12 Public Utilities Act and the prepaid calling service provider
13 or prepaid calling service reseller shows proof of the prepaid
14 calling service provider's Certificate of Prepaid Calling
15 Service Provider Authority to the prepaid calling service
16 retailer.

17 (c) On and after July 1, 2005, it is an unlawful practice
18 under this Act for any prepaid calling service retailer to sell
19 or offer to sell prepaid calling service to any consumer unless
20 the prepaid calling service retailer retains proof of
21 certification of the prepaid calling service provider by the
22 Illinois Commerce Commission pursuant to the Public Utilities
23 Act. The prepaid calling service retailer must retain proof of
24 certification for one year or the duration of the contract with
25 the reseller, whichever is longer. A prepaid calling service
26 retailer with multiple locations selling prepaid calling cards
27 under contract with a prepaid calling service provider may keep
28 the certification at a central location provided, however, that
29 the prepaid calling service retailer make a copy of the
30 certification available upon reasonable request within 48
31 hours.

32 (d) On and after July 1, 2005, no prepaid calling service
33 provider or prepaid calling service reseller shall sell or
34 offer to sell prepaid calling service, as those terms are

1 defined in Article XIII of the Public Utilities Act, to any
2 Illinois consumer, either directly or through a prepaid calling
3 service retailer, unless the following disclosures are made
4 clearly and conspicuously:

5 (1) At a minimum, the following terms and conditions
6 shall be disclosed clearly and conspicuously on the prepaid
7 calling card, if applicable:

8 (A) the full name of the Prepaid Calling Service
9 Provider as certificated by the Illinois Commerce
10 Commission;

11 (B) the toll-free customer service number;

12 (C) an access number that is toll-free or a number
13 local to the prepaid calling retailer; and

14 (D) the refund policy or a statement that the
15 refund policy is located on the packaging materials.

16 (2) At a minimum, all the material terms and conditions
17 pertaining to the specific prepaid calling card shall be
18 disclosed clearly and conspicuously on the packaging
19 materials accompanying the prepaid calling card including,
20 but not limited to, the following, if applicable:

21 (A) the value of the card in minutes or the
22 domestic rate per minute of the card;

23 (B) all surcharges and fees applicable to the use
24 of the domestic prepaid calling service;

25 (C) all applicable rates for international
26 preferred destinations;

27 (D) all applicable surcharges and fees for
28 international preferred destinations;

29 (E) a disclosure statement indicating that all
30 rates, surcharges, and fees applicable to
31 international calls are available through the
32 toll-free customer service number and a statement
33 disclosing if international rates vary from domestic
34 rates; and

1 (F) the expiration policy.

2 (3) At a minimum, the following information shall be
3 disclosed clearly and conspicuously and accurately through
4 the toll-free customer service telephone number through
5 which the customer is able speak with a live customer
6 service representative:

7 (A) the Illinois Commerce Commission certificate
8 number of the Prepaid Calling Service Provider;

9 (B) all applicable rates, terms, surcharges, and
10 fees for domestic and international calls;

11 (C) all information necessary to determine the
12 cost of a given call;

13 (D) the balance of use in the consumer's account;
14 and

15 (E) the applicable expiration date or period.

16 The disclosures required under this subsection (d) do not
17 apply to the recharging of dollars or minutes to a previously
18 purchased card allowing prepaid calling service."