



Sen. Martin A. Sandoval

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09300SB2731sam001

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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 and sells those services to
23 one or more distributors of prepaid calling services or to one
24 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) It shall be unlawful for any prepaid calling service
3 provider to offer or provide or seek to offer or provide to any
4 distributor, prepaid calling service reseller, prepaid calling
5 service retailer, or end user any prepaid calling service
6 unless the prepaid calling service provider has applied for and
7 received a Certificate of Prepaid Calling Service Provider
8 Authority from the Commission. The Commission shall approve an
9 application for a Certificate of Prepaid Calling Service
10 Provider Authority upon a showing by the applicant, and a
11 finding by the Commission, after notice and hearing, that the
12 applicant possesses sufficient technical, financial, and
13 managerial resources and abilities to provide prepaid calling
14 services. The Commission may adopt rules necessary for the
15 administration of this Section.

16 (c) Any and all enforcement authority granted to the
17 Commission under this Article over any Certificate of Service
18 Authority shall apply equally and without limitation to
19 Certificates of Prepaid Calling Service Provider Authority.

20 (220 ILCS 5/13-404.2 new)

21 Sec. 13-404.2. Prepaid calling service standards. The
22 Commission may establish and implement minimum service quality
23 standards for prepaid calling service, which may include fines,
24 penalties, customer credits, remedies, and other enforcement
25 mechanisms to ensure enforcement of the rules. The rules may
26 also require each prepaid calling service provider to provide
27 to the Commission, on a quarterly basis and in a form suitable
28 for posting on the Commission's website, a public report that
29 includes performance data for prepaid calling service quality.

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

1 (815 ILCS 505/200 new)

2 Sec. 200. Prepaid calling service.

3 (a) For purposes of this Section 200, the terms "Prepaid
4 Calling Service", "Prepaid Calling Service Provider", "Prepaid
5 Calling Service Retailer", and "Prepaid Calling Service
6 Reseller" shall have the same definitions as those in Sections
7 13-230, 13-231, 13-232, and 13-233, respectively, of the Public
8 Utilities Act.

9 (b) It is an unlawful practice under this Act for any
10 prepaid calling service provider or prepaid calling service
11 reseller to sell or offer to sell prepaid calling service to
12 any prepaid calling service retailer unless the prepaid calling
13 service provider has applied for and received a Certificate of
14 Prepaid Calling Service Provider Authority from the Illinois
15 Commerce Commission pursuant to the Public Utilities Act and
16 the prepaid calling service provider or prepaid calling service
17 reseller shows proof of the prepaid calling service provider's
18 Certificate of Prepaid Calling Service Provider Authority to
19 the prepaid calling service retailer.

20 (c) It is an unlawful practice under this Act for any
21 prepaid calling service retailer to sell or offer to sell
22 prepaid calling service to any consumer unless the prepaid
23 calling service retailer retains proof of certification of the
24 prepaid calling service provider by the Illinois Commerce
25 Commission pursuant to the Public Utilities Act. The prepaid
26 calling service retailer must retain proof of certification for
27 one year or the duration of the contract with the reseller,
28 whichever is longer.

29 (d) No prepaid calling service provider or prepaid calling
30 service reseller shall sell or offer to sell prepaid calling
31 service, as those terms are defined in Article XIII of the
32 Public Utilities Act, to any Illinois consumer, either directly
33 or through a prepaid calling service retailer, unless the
34 following disclosures are made clearly and conspicuously:

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

4 (A) the full name of the Prepaid Calling Service
5 Provider as certificated by the Illinois Commerce
6 Commission; 2.The toll-free customer service number;

7 (B) the toll-free network access number;

8 (C) the authorization code, if required to access
9 service; and

10 (D) a disclosure as to where the remaining terms,
11 refund policy, and conditions are disclosed (for
12 example, on the card, in the packaging, or in the
13 display materials).

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

19 (A) the maximum charge per minute of prepaid
20 calling service;

21 (B) all surcharges and fees; and

22 (C) the expiration policy.

23 (3) At a minimum, the following information shall be
24 disclosed clearly and conspicuously and accurately through
25 the toll-free customer service telephone number for the
26 prepaid calling card, if requested:

27 (A) the Illinois Commerce Commission certificate
28 number of the Prepaid Calling Service Provider;

29 (B) all applicable rates, terms, surcharges, and
30 fees;

31 (C) the balance of use in the consumer's account;

32 and

33 (D) the applicable expiration date or period."