

# SB1564



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1564

Introduced 2/9/2017, by Sen. Bill Cunningham

### SYNOPSIS AS INTRODUCED:

50 ILCS 750/20

Amends the Emergency Telephone System Act. Provides that a monthly surcharge of \$0.87 charged by telecommunications carriers shall not apply to local, municipal, or State police or fire departments who use cell phones owned by that department for communication related to the response of emergencies.

LRB100 07932 SLF 18005 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Emergency Telephone System Act is amended by  
5 changing Section 20 as follows:

6 (50 ILCS 750/20)

7 (Section scheduled to be repealed on July 1, 2017)

8 Sec. 20. Statewide surcharge.

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

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

1           lines. The monthly surcharge shall not apply local,  
2           municipal, or State police or fire departments who use cell  
3           phones owned by that department for communication related  
4           to the response of emergencies.

5           (2) Each wireless carrier shall impose and collect a  
6           monthly surcharge of \$0.87 per CMRS connection that either  
7           has a telephone number within an area code assigned to  
8           Illinois by the North American Numbering Plan  
9           Administrator or has a billing address in this State.

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

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

14          (d) The telecommunications carrier collecting the  
15         surcharge shall also be entitled to deduct 3% of the gross  
16         amount of surcharge collected to reimburse the  
17         telecommunications carrier for the expense of accounting and  
18         collecting the surcharge. On and after July 1, 2022, the  
19         wireless carrier collecting a surcharge under this Section  
20         shall be entitled to deduct up to 3% of the gross amount of the  
21         surcharge collected to reimburse the wireless carrier for the  
22         expense of accounting and collecting the surcharge.

23          (e) Surcharges imposed under this Section shall be  
24         collected by the carriers and, within 30 days of collection,  
25         remitted, either by check or electronic funds transfer, to the  
26         Department for deposit into the Statewide 9-1-1 Fund. Carriers

1 are not required to remit surcharge moneys that are billed to  
2 subscribers but not yet collected.

3 The first remittance by wireless carriers shall include the  
4 number of subscribers by zip code, and the 9-digit zip code if  
5 currently being used or later implemented by the carrier, that  
6 shall be the means by which the Department shall determine  
7 distributions from the Statewide 9-1-1 Fund. This information  
8 shall be updated at least once each year. Any carrier that  
9 fails to provide the zip code information required under this  
10 subsection (e) shall be subject to the penalty set forth in  
11 subsection (g) of this Section.

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

18 (1) \$25 for each month or portion of a month from the  
19 time an amount becomes delinquent until the amount is paid  
20 in full; or

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

24 A penalty imposed in accordance with this subsection (f)  
25 for a portion of a month during which the carrier pays the  
26 delinquent amount in full shall be prorated for each day of

1 that month that the delinquent amount was paid in full. Any  
2 penalty imposed under this subsection (f) is in addition to the  
3 amount of the delinquency and is in addition to any other  
4 penalty imposed under this Section.

5 (g) If, within 5 business days after it is due, a wireless  
6 carrier does not provide the number of subscribers by zip code  
7 as required under subsection (e) of this Section, then the  
8 report is deemed delinquent and the Department may impose a  
9 penalty against the carrier in an amount equal to the greater  
10 of:

11 (1) \$25 for each month or portion of a month that the  
12 report is delinquent; or

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

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

23 (h) A penalty imposed and collected in accordance with  
24 subsection (f) or (g) of this Section shall be deposited into  
25 the Statewide 9-1-1 Fund for distribution according to Section  
26 30 of this Act.

1           (i) The Department may enforce the collection of any  
2 delinquent amount and any penalty due and unpaid under this  
3 Section by legal action or in any other manner by which the  
4 collection of debts due the State of Illinois may be enforced  
5 under the laws of this State. The Department may excuse the  
6 payment of any penalty imposed under this Section if the  
7 Administrator determines that the enforcement of this penalty  
8 is unjust.

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

20           (Source: P.A. 99-6, eff. 1-1-16.)