

1 AN ACT concerning telecommunications.

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

4 Section 5. The Wireless Emergency Telephone Safety Act
5 is amended by changing Sections 10 and 17 and by adding
6 Section 70 as follows:

7 (50 ILCS 751/10)

8 (Section scheduled to be repealed on April 1, 2005)

9 Sec. 10. Definitions. In this Act:

10 "Active prepaid wireless telephone" means a prepaid
11 wireless telephone that has been used or activated by the
12 customer during the month to complete a telephone call for
13 which the customer's card or account was decremented.

14 "Emergency telephone system board" means a board
15 appointed by the corporate authorities of any county or
16 municipality that provides for the management and operation
17 of a 9-1-1 system within the scope of the duties and powers
18 prescribed by the Emergency Telephone System Act.

19 "Master street address guide" means the computerized
20 geographical database that consists of all street and address
21 data within a 9-1-1 system.

22 "Mobile telephone number" or "MTN" shall mean the
23 telephone number assigned to a wireless telephone at the time
24 of initial activation.

25 "Prepaid wireless telephone service" means wireless
26 telephone service which is activated by payment in advance of
27 a finite dollar amount or for a finite set of minutes and
28 which, unless an additional finite dollar amount or finite
29 set of minutes is paid in advance, terminates either (i) upon
30 use by a customer and delivery by the wireless carrier of an
31 agreed-upon amount of service corresponding to the total

1 dollar amount paid in advance, or within a certain period of
2 time following initial purchase or activation.

3 "Public safety agency" means a functional division of a
4 public agency that provides fire fighting, police, medical,
5 or other emergency services. For the purpose of providing
6 wireless service to users of 9-1-1 emergency services, as
7 expressly provided for in this Act, the Department of State
8 Police may be considered a public safety agency.

9 "Qualified governmental entity" means a unit of local
10 government authorized to provide 9-1-1 services pursuant to
11 the Emergency Telephone System Act where no emergency
12 telephone system board exists.

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

22 "Wireless carrier" means a provider of two-way cellular,
23 broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial
24 Mobile Radio Service (CMRS), Wireless Communications Service
25 (WCS), or other Commercial Mobile Radio Service (CMRS), as
26 defined by the Federal Communications Commission, offering
27 radio communications that may provide fixed, mobile, radio
28 location, or satellite communication services to individuals
29 or businesses within its assigned spectrum block and
30 geographical area or that offers real-time, two-way voice
31 service that is interconnected with the public switched
32 network, including a reseller of such service.

33 "Wireless enhanced 9-1-1" means the ability to relay the
34 telephone number of the originator of a 9-1-1 call and

1 location information and--the--location-of-the-cell-site-or
2 base-station-receiving-a-9-1-1-call from any mobile handset
3 or text telephone device accessing the wireless system to the
4 designated wireless public safety answering point as set
5 forth in the order of the Federal Communications Commission,
6 FCC Docket No. 94-102, adopted June 12, 1996, with an
7 effective date of October 1, 1996, and any subsequent
8 amendment thereto through--the--use--of--automatic---number
9 identification-and-pseudo-automatic-number-identification.

10 "Wireless public safety answering point" means the
11 functional division of an emergency telephone system board,
12 qualified governmental entity, or the Department of State
13 Police accepting wireless 9-1-1 calls.

14 "Wireless subscriber" means an individual or entity to
15 whom a wireless service account or number has been assigned
16 by a wireless carrier.

17 "Wireless telephone service" includes prepaid wireless
18 telephone service and means all "commercial mobile service",
19 as that term is defined in 47 CFR 20.3, including all
20 personal communications services, wireless radio telephone
21 services, geographic area specialized and enhanced
22 specialized mobile radio services, and incumbent wide area
23 specialized mobile radio licensees that offer real time,
24 two-way service that is interconnected with the public
25 switched telephone network.

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

27 (50 ILCS 751/17)

28 Sec. 17. Wireless carrier surcharge.

29 (a) Except as provided in Section 45, each wireless
30 carrier shall impose a monthly wireless carrier surcharge per
31 CMRS connection that either has a telephone number within an
32 area code assigned to Illinois by the North American
33 Numbering Plan Administrator or has a billing address in this

1 State. In the case of prepaid wireless telephone service,
2 this surcharge shall be remitted based upon the address
3 associated with the point of purchase, the customer billing
4 address or the location associated with the MTN for all
5 active prepaid wireless telephones. No wireless carrier
6 shall impose the surcharge authorized by this Section upon
7 any subscriber who is subject to the surcharge imposed by a
8 unit of local government pursuant to Section 45. The wireless
9 carrier that provides wireless service to the subscriber
10 shall collect the surcharge set by the Wireless Enhanced
11 9-1-1 Board from the subscriber. For mobile
12 telecommunications services provided on and after August 1,
13 2002, any surcharge imposed under this Act shall be imposed
14 based upon the municipality or county that encompasses the
15 customer's place of primary use as defined in the Mobile
16 Telecommunications Sourcing Conformity Act. The surcharge
17 shall be stated as a separate item on the subscriber's
18 monthly bill. The wireless carrier shall begin collecting
19 the surcharge on bills issued within 90 days after the
20 Wireless Enhanced 9-1-1 Board sets the monthly wireless
21 surcharge. State and local taxes shall not apply to the
22 wireless carrier surcharge.

23 (b) Except as provided in Section 45, a wireless carrier
24 shall, within 45 days of collection, remit, either by check
25 or by electronic funds transfer, to the State Treasurer the
26 amount of the wireless carrier surcharge collected from each
27 subscriber. Of the amounts remitted under this subsection,
28 the State Treasurer shall deposit one-third into the Wireless
29 Carrier Reimbursement Fund and two-thirds into the Wireless
30 Service Emergency Fund.

31 (c) The first such remittance by wireless carriers shall
32 include the number of customers by zip code, and the 9-digit
33 zip code if currently being used or later implemented by the
34 carrier, that shall be the means by which the Department of

1 Central Management Services shall determine distributions
2 from the Wireless Service Emergency Fund. This information
3 shall be updated no less often than every year. Wireless
4 carriers are not required to remit surcharge moneys that are
5 billed to subscribers but not yet collected.

6 (Source: P.A. 91-660, eff. 12-22-99; 92-526, eff. 7-1-02.)

7 (50 ILCS 751/70)

8 (Section scheduled to be repealed on April 1, 2005)

9 Sec. 70. Repealer. This Act is repealed on April 1,
10 2008 2005.

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