

1 AN ACT concerning regulation.

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 15.3 as follows:

6 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)  
7 Sec. 15.3. Surcharge.

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

1 a rate per network connection, as determined in accordance with  
2 this Act, shall impose 5 such surcharges per network  
3 connection, as determined in accordance with subsections (a)  
4 and (d) of Section 2.12 of this Act. For mobile  
5 telecommunications services, if a surcharge is imposed it shall  
6 be imposed based upon the municipality or county that  
7 encompasses the customer's place of primary use as defined in  
8 the Mobile Telecommunications Sourcing Conformity Act. A  
9 municipality may enter into an intergovernmental agreement  
10 with any county in which it is partially located, when the  
11 county has adopted an ordinance to impose a surcharge as  
12 provided in subsection (c), to include that portion of the  
13 municipality lying outside the county in that county's  
14 surcharge referendum. If the county's surcharge referendum is  
15 approved, the portion of the municipality identified in the  
16 intergovernmental agreement shall automatically be  
17 disconnected from the county in which it lies and connected to  
18 the county which approved the referendum for purposes of a  
19 surcharge on telecommunications carriers.

20 (b) For purposes of computing the surcharge imposed by  
21 subsection (a), the network connections to which the surcharge  
22 shall apply shall be those in-service network connections,  
23 other than those network connections assigned to the  
24 municipality or county, where the service address for each such  
25 network connection or connections is located within the  
26 corporate limits of the municipality or county levying the

1 surcharge. Except for mobile telecommunication services, the  
 2 "service address" shall mean the location of the primary use of  
 3 the network connection or connections. For mobile  
 4 telecommunication services, "service address" means the  
 5 customer's place of primary use as defined in the Mobile  
 6 Telecommunications Sourcing Conformity Act. ~~With respect to  
 7 network connections provided for use with pay telephone  
 8 services for which there is no billed subscriber, the  
 9 telecommunications carrier providing the network connection  
 10 shall be deemed to be its own billed subscriber for purposes of  
 11 applying the surcharge.~~

12 (c) Upon the passage of an ordinance to impose a surcharge  
 13 under this Section the clerk of the municipality or county  
 14 shall certify the question of whether the surcharge may be  
 15 imposed to the proper election authority who shall submit the  
 16 public question to the electors of the municipality or county  
 17 in accordance with the general election law; provided that such  
 18 question shall not be submitted at a consolidated primary  
 19 election. The public question shall be in substantially the  
 20 following form:

21 -----

22 Shall the county (or city, village  
 23 or incorporated town) of ..... impose YES  
 24 a surcharge of up to ...¢ per month per  
 25 network connection, which surcharge will  
 26 be added to the monthly bill you receive -----

1 for telephone or telecommunications  
 2 charges, for the purpose of installing  
 3 (or improving) a 9-1-1 Emergency Telephone System? NO

4 -----  
 5 -----

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

8 However, if a Joint Emergency Telephone System Board is to  
 9 be created pursuant to an intergovernmental agreement under  
 10 Section 15.4, the ordinance to impose the surcharge shall be  
 11 subject to the approval of a majority of the total number of  
 12 votes cast upon the public question by the electors of all of  
 13 the municipalities or counties, or combination thereof, that  
 14 are parties to the intergovernmental agreement.

15 The referendum requirement of this subsection (c) shall not  
 16 apply to any municipality with a population over 500,000 or to  
 17 any county in which a proposition as to whether a sophisticated  
 18 9-1-1 Emergency Telephone System should be installed in the  
 19 county, at a cost not to exceed a specified monthly amount per  
 20 network connection, has previously been approved by a majority  
 21 of the electors of the county voting on the proposition at an  
 22 election conducted before the effective date of this amendatory  
 23 Act of 1987.

24 (d) A county may not impose a surcharge, unless requested  
 25 by a municipality, in any incorporated area which has  
 26 previously approved a surcharge as provided in subsection (c)

1 or in any incorporated area where the corporate authorities of  
2 the municipality have previously entered into a binding  
3 contract or letter of intent with a telecommunications carrier  
4 to provide sophisticated 9-1-1 service through municipal  
5 funds.

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

10 (f) The surcharge authorized by this Section shall be  
11 collected from the subscriber by the telecommunications  
12 carrier providing the subscriber the network connection as a  
13 separately stated item on the subscriber's bill.

14 (g) The amount of surcharge collected by the  
15 telecommunications carrier shall be paid to the particular  
16 municipality or county or Joint Emergency Telephone System  
17 Board not later than 30 days after the surcharge is collected,  
18 net of any network or other 9-1-1 or sophisticated 9-1-1 system  
19 charges then due the particular telecommunications carrier, as  
20 shown on an itemized bill. The telecommunications carrier  
21 collecting the surcharge shall also be entitled to deduct 3% of  
22 the gross amount of surcharge collected to reimburse the  
23 telecommunications carrier for the expense of accounting and  
24 collecting the surcharge.

25 (h) Except as expressly provided in subsection (a) of this  
26 Section, a municipality with a population over 500,000 may not

1 impose a monthly surcharge in excess of \$2.50 per network  
2 connection.

3 (i) Any municipality or county or joint emergency telephone  
4 system board that has imposed a surcharge pursuant to this  
5 Section prior to the effective date of this amendatory Act of  
6 1990 shall hereafter impose the surcharge in accordance with  
7 subsection (b) of this Section.

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

26 (k) Any surcharge collected by or imposed on a

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

7 (Source: P.A. 95-331, eff. 8-21-07; 95-698, eff. 1-1-08.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.