

1 AN ACT concerning utilities.

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 Sections 10, 11, and 15.4 and by adding Sections 2.21,
6 2.22, and 2.23 as follows:

7 (50 ILCS 750/2.21 new)

8 Sec. 2.21. Next generation 9-1-1 (NG9-1-1). "Next
9 generation 9-1-1" or "(NG9-1-1)" means a system comprised of
10 managed Internet Protocol-based networks and elements that
11 augment or replace present day 9-1-1 features and functions and
12 add new capabilities, which may enable the public to transmit
13 text, images, video, or data, or a combination thereof, to the
14 9-1-1 system.

15 (50 ILCS 750/2.22 new)

16 Sec. 2.22. Regional Pilot Project to implement next
17 generation 9-1-1. "Regional Pilot Project" to implement next
18 generation 9-1-1 means an experimental program designed to test
19 the efficacy of next generation 9-1-1 (NG9-1-1) within a region
20 that includes not less than 15 counties and not more than 19
21 counties with an aggregate population no greater than 500,000.
22 Any Regional Pilot Project must be approved by the Commission

1 and provide for an initial testing phase designed to
2 demonstrate the ability of the technology to provide access to
3 emergency services from new and existing sources with no
4 reduction in existing service quality, reliability, or safety.

5 (50 ILCS 750/2.23 new)

6 Sec. 2.23. Qualified governmental entity. "Qualified
7 governmental entity" means a unit of local government
8 authorized to provide 9-1-1 services pursuant to the Emergency
9 Telephone System Act where no emergency telephone system board
10 exists.

11 (50 ILCS 750/10) (from Ch. 134, par. 40)

12 Sec. 10. Technical and operational standards for the
13 development of the local agency systems shall be established
14 and reviewed by the Commission on or before December 31, 1979,
15 after consultation with all agencies specified in Section 9.

16 For the limited purpose of permitting a board, a qualified
17 governmental entity, a group of boards, or a group of
18 governmental entities to participate in a Regional Pilot
19 Project to implement next generation 9-1-1, as defined in this
20 Act, the Commission may forbear from applying any rule adopted
21 under the Emergency Telephone Systems Act as it applies to
22 conducting of the Regional Pilot Project to implement next
23 generation 9-1-1, if the Commission determines, after notice
24 and hearing, that:

1 (1) enforcement of the rule is not necessary to ensure
2 the development and improvement of emergency communication
3 procedures and facilities in such a manner as to be able to
4 quickly respond to any person requesting 9-1-1 service from
5 police, fire, medical, rescue, and other emergency
6 services;

7 (2) enforcement of the rule or provision is not
8 necessary for the protection of consumers; and

9 (3) forbearance from applying the provisions or rules
10 is consistent with the public interest.

11 The Commission may exercise such forbearance with respect
12 to one, and only one, Regional Pilot Project to implement next
13 generation 9-1-1.

14 If the Commission authorizes a Regional Pilot Project, then
15 telecommunications carriers shall not be liable for any civil
16 damages as a result of any act or omission, except willful or
17 wanton misconduct, in connection with developing, adopting,
18 operating, or implementing any plan or system required by this
19 Section and Section 11 of this Act.

20 (Source: P.A. 79-1092.)

21 (50 ILCS 750/11) (from Ch. 134, par. 41)

22 Sec. 11. Within one year after the implementation date or
23 by January 31, 1980, whichever is later, all public agencies in
24 a county having 100,000 or more inhabitants shall submit
25 tentative plans of the establishment of a system required by

1 this Act to the public utility or utilities providing public
2 telephone service within the respective jurisdiction of each
3 public agency. A copy of each such plan shall be filed with the
4 Commission.

5 Within 2 years after the implementation date or by January
6 31, 1982, whichever is later, all public agencies in a county
7 having 100,000 or more inhabitants shall submit final plans for
8 the establishment of the system to such utilities, and shall
9 make arrangements with such utilities for the implementation of
10 the planned emergency telephone system no later than 3 years
11 after the implementation date or by December 31, 1985,
12 whichever is later. A copy of the plan required by this
13 subdivision shall be filed with the Commission. In order to
14 secure compliance with the standards promulgated under Section
15 10, the Commission shall have the power to approve or
16 disapprove such plan, unless such plan was announced before the
17 effective date of this Act.

18 If any public agency has implemented or is a part of a
19 system required by this Act on a deadline specified in this
20 Section, such public agency shall submit in lieu of the
21 tentative or final plan a report describing the system and
22 stating its operational date.

23 A board, a qualified governmental entity, a group of
24 boards, or a group of qualified governmental entities involved
25 in a Regional Pilot Project to implement next generation 9-1-1,
26 as defined in this Act, shall submit a plan to the Commission

1 describing in detail the Regional Pilot Project no fewer than
2 180 days prior to the implementation of the plan. The
3 Commission may approve the plan after notice and hearing to
4 authorize such Regional Pilot Project. Such shall not exceed
5 one year duration or other time period approved by the
6 Commission. No entity may proceed with the Regional Pilot
7 Project until it receives Commission approval. In approving any
8 plan for a Regional Pilot Project under this Section, the
9 Commission may impose such terms, conditions, or requirements
10 as, in its judgment, are necessary to protect the interests of
11 the public.

12 The Commission shall have authority to approve one, and
13 only one, Regional Pilot Project to implement next generation
14 9-1-1.

15 Plans filed under this Section shall conform to minimum
16 standards established pursuant to Section 10.

17 (Source: P.A. 81-1122.)

18 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

19 Sec. 15.4. Emergency Telephone System Board; powers.

20 (a) The corporate authorities of any county or municipality
21 that imposes a surcharge under Section 15.3 shall establish an
22 Emergency Telephone System Board. The corporate authorities
23 shall provide for the manner of appointment and the number of
24 members of the Board, provided that the board shall consist of
25 not fewer than 5 members, one of whom must be a public member

1 who is a resident of the local exchange service territory
2 included in the 9-1-1 coverage area, one of whom (in counties
3 with a population less than 100,000) must be a member of the
4 county board, and at least 3 of whom shall be representative of
5 the 9-1-1 public safety agencies, including but not limited to
6 police departments, fire departments, emergency medical
7 services providers, and emergency services and disaster
8 agencies, and appointed on the basis of their ability or
9 experience. In counties with a population of more than 100,000
10 but less than 2,000,000, a member of the county board may serve
11 on the Emergency Telephone System Board. Elected officials,
12 including members of a county board, are also eligible to serve
13 on the board. Members of the board shall serve without
14 compensation but shall be reimbursed for their actual and
15 necessary expenses. Any 2 or more municipalities, counties, or
16 combination thereof, that impose a surcharge under Section 15.3
17 may, instead of establishing individual boards, establish by
18 intergovernmental agreement a Joint Emergency Telephone System
19 Board pursuant to this Section. The manner of appointment of
20 such a joint board shall be prescribed in the agreement.

21 (b) The powers and duties of the board shall be defined by
22 ordinance of the municipality or county, or by
23 intergovernmental agreement in the case of a joint board. The
24 powers and duties shall include, but need not be limited to the
25 following:

- 26 (1) Planning a 9-1-1 system.

1 (2) Coordinating and supervising the implementation,
2 upgrading, or maintenance of the system, including the
3 establishment of equipment specifications and coding
4 systems.

5 (3) Receiving moneys from the surcharge imposed under
6 Section 15.3, and from any other source, for deposit into
7 the Emergency Telephone System Fund.

8 (4) Authorizing all disbursements from the fund.

9 (5) Hiring any staff necessary for the implementation
10 or upgrade of the system.

11 (6) Participating in a Regional Pilot Project to
12 implement next generation 9-1-1, as defined in this Act,
13 subject to the conditions set forth in this Act.

14 (c) All moneys received by a board pursuant to a surcharge
15 imposed under Section 15.3 shall be deposited into a separate
16 interest-bearing Emergency Telephone System Fund account. The
17 treasurer of the municipality or county that has established
18 the board or, in the case of a joint board, any municipal or
19 county treasurer designated in the intergovernmental
20 agreement, shall be custodian of the fund. All interest
21 accruing on the fund shall remain in the fund. No expenditures
22 may be made from such fund except upon the direction of the
23 board by resolution passed by a majority of all members of the
24 board. Expenditures may be made only to pay for the costs
25 associated with the following:

26 (1) The design of the Emergency Telephone System.

1 (2) The coding of an initial Master Street Address
2 Guide data base, and update and maintenance thereof.

3 (3) The repayment of any moneys advanced for the
4 implementation of the system.

5 (4) The charges for Automatic Number Identification
6 and Automatic Location Identification equipment, a
7 computer aided dispatch system that records, maintains,
8 and integrates information, mobile data transmitters
9 equipped with automatic vehicle locators, and maintenance,
10 replacement and update thereof to increase operational
11 efficiency and improve the provision of emergency
12 services.

13 (5) The non-recurring charges related to installation
14 of the Emergency Telephone System and the ongoing network
15 charges.

16 (6) The acquisition and installation, or the
17 reimbursement of costs therefor to other governmental
18 bodies that have incurred those costs, of road or street
19 signs that are essential to the implementation of the
20 emergency telephone system and that are not duplicative of
21 signs that are the responsibility of the jurisdiction
22 charged with maintaining road and street signs.

23 (7) Other products and services necessary for the
24 implementation, upgrade, and maintenance of the system and
25 any other purpose related to the operation of the system,
26 including costs attributable directly to the construction,

1 leasing, or maintenance of any buildings or facilities or
2 costs of personnel attributable directly to the operation
3 of the system. Costs attributable directly to the operation
4 of an emergency telephone system do not include the costs
5 of public safety agency personnel who are and equipment
6 that is dispatched in response to an emergency call.

7 (8) In the case of a municipality that imposes a
8 surcharge under subsection (h) of Section 15.3, moneys may
9 also be used for any anti-terrorism or emergency
10 preparedness measures, including, but not limited to,
11 preparedness planning, providing local matching funds for
12 federal or State grants, personnel training, and
13 specialized equipment, including surveillance cameras as
14 needed to deal with natural and terrorist-inspired
15 emergency situations or events.

16 (9) The defraying of expenses incurred in
17 participation in a Regional Pilot Project to implement next
18 generation 9-1-1, subject to the conditions set forth in
19 this Act.

20 Moneys in the fund may also be transferred to a
21 participating fire protection district to reimburse volunteer
22 firefighters who man remote telephone switching facilities
23 when dedicated 9-1-1 lines are down.

24 (d) The board shall complete the data base before
25 implementation of the 9-1-1 system. The error ratio of the data
26 base shall not at any time exceed 1% of the total data base.

1 (Source: P.A. 95-698, eff. 1-1-08; 95-806, eff. 1-1-09;
2 95-1012, eff. 12-15-08; revised 1-18-10.)

3 Section 7. The Wireless Emergency Telephone Safety Act is
4 amended by changing Section 25 as follows:

5 (50 ILCS 751/25)

6 (Section scheduled to be repealed on April 1, 2013)

7 Sec. 25. Wireless Service Emergency Fund; distribution of
8 moneys. Within 60 days after the effective date of this Act,
9 wireless carriers shall submit to the Illinois Commerce
10 Commission the number of wireless subscribers by zip code and
11 the 9-digit zip code of the wireless subscribers, if currently
12 being used or later implemented by the carrier.

13 The Illinois Commerce Commission shall, subject to
14 appropriation, make monthly proportional grants to the
15 appropriate emergency telephone system board or qualified
16 governmental entity based upon the United States Postal Zip
17 Code of the wireless subscriber's billing address. No matching
18 funds shall be required from grant recipients.

19 If the Illinois Commerce Commission is notified of an area
20 of overlapping jurisdiction, grants for that area shall be made
21 based upon reference to an official Master Street Address Guide
22 to the emergency telephone system board or qualified
23 governmental entity whose public service answering points
24 provide wireless 9-1-1 service in that area. The emergency

1 telephone system board or qualified governmental entity shall
2 provide the Illinois Commerce Commission with a valid copy of
3 the appropriate Master Street Address Guide. The Illinois
4 Commerce Commission does not have a duty to verify
5 jurisdictional responsibility.

6 In the event of a subscriber billing address being matched
7 to an incorrect jurisdiction by the Illinois Commerce
8 Commission, the recipient, upon notification from the Illinois
9 Commerce Commission, shall redirect the funds to the correct
10 jurisdiction. The Illinois Commerce Commission shall not be
11 held liable for any damages relating to an act or omission
12 under this Act, unless the act or omission constitutes gross
13 negligence, recklessness, or intentional misconduct.

14 In the event of a dispute between emergency telephone
15 system boards or qualified governmental entities concerning a
16 subscriber billing address, the Illinois Commerce Commission
17 shall resolve the dispute.

18 The Illinois Commerce Commission shall maintain detailed
19 records of all receipts and disbursements and shall provide an
20 annual accounting of all receipts and disbursements to the
21 Auditor General.

22 The Illinois Commerce Commission shall adopt rules to
23 govern the grant process.

24 The Illinois Commerce Commission must conduct a study to
25 determine the future technological and financial needs of the
26 wireless 9-1-1 systems ~~The Illinois Commerce Commission may~~

1 ~~also use moneys in the Wireless Service Emergency Fund for the~~
2 ~~purpose of conducting a study to determine the future~~
3 ~~technological and financial needs of the wireless 9-1-1~~
4 ~~systems. The A study shall include input from the~~
5 ~~telecommunications industry, the Illinois National Emergency~~
6 ~~Number Association, and the public safety community. The~~
7 ~~Illinois Commerce Commission may use moneys in the Wireless~~
8 ~~Service Emergency Fund for the purpose of conducting the study.~~
9 ~~The Illinois Commerce Commission must report its findings and~~
10 ~~recommendations to the General Assembly within one year after~~
11 ~~the effective date of this amendatory Act of the 96th General~~
12 ~~Assembly.~~

13 (Source: P.A. 95-698, eff. 1-1-08.)

14 Section 10. The Public Utilities Act is amended by adding
15 Section 13-900.1 as follows:

16 (220 ILCS 5/13-900.1 new)

17 Sec. 13-900.1. Regulatory flexibility for 9-1-1 system
18 providers.

19 (a) For purposes of this Section, "Regional Pilot Project"
20 to implement next generation 9-1-1 has the same meaning as that
21 term is defined in Section 2.22 of the Emergency Telephone
22 System Act.

23 (b) For the limited purpose of a Regional Pilot Project to
24 implement next generation 9-1-1, as defined in Section 13-900

1 of this Article, the Commission may forbear from applying any
2 rule or provision of Section 13-900 as it applies to
3 implementation of the Regional Pilot Project to implement next
4 generation 9-1-1 if the Commission determines, after notice and
5 hearing, that: (1) enforcement of the rule is not necessary to
6 ensure the development and improvement of emergency
7 communication procedures and facilities in such a manner as to
8 be able to quickly respond to any person requesting 9-1-1
9 services from police, fire, medical, rescue, and other
10 emergency services; (2) enforcement of the rule or provision is
11 not necessary for the protection of consumers; and (3)
12 forbearance from applying such provisions or rules is
13 consistent with the public interest. The Commission may
14 exercise such forbearance with respect to one, and only one,
15 Regional Pilot Project as authorized by Sections 10 and 11 of
16 the Emergency Telephone Systems Act to implement next
17 generation 9-1-1.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.