



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### SB2063

Introduced 2/10/2011, by Sen. Don Harmon

#### SYNOPSIS AS INTRODUCED:

New Act

50 ILCS 751/10

50 ILCS 751/17

50 ILCS 751/70

50 ILCS 751/80 new

Creates the Prepaid Wireless 9-1-1 Surcharge Act. Provides for a prepaid wireless 9-1-1 surcharge of 1.5% per retail transaction. Provides that a home rule municipality with a population of more than 500,000 that was imposing its own surcharge on wireless carriers prior to July 1, 1998, may impose a prepaid wireless 9-1-1 surcharge not to exceed 6% per retail transaction sourced to that jurisdiction. Defines "retail transaction". Sets forth the requirements and procedures for sellers to collect and remit the prepaid wireless 9-1-1 surcharge. Exempts providers and sellers of prepaid wireless telecommunications service from liability for damages under specified circumstances. Preempts home rule powers. Contains other provisions. Amends the Wireless Emergency Telephone Safety Act. Removes from the definition of "wireless telephone service" prepaid wireless telephone service. Deletes certain provisions concerning surcharges for prepaid wireless telephone service. Extends the repeal of the Act to January 1, 2019. Provides that the term "wireless subscriber" does not include a subscriber with an account or number associated with prepaid wireless telecommunication service. Makes other changes. Effective July 1, 2011.

LRB097 09995 ASK 50165 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

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 1. Short title. This Act may be cited as the  
5 Prepaid Wireless 9-1-1 Surcharge Act.

6 Section 5. Purpose. The General Assembly finds and declares  
7 that maintaining effective and efficient 9-1-1 systems across  
8 the State benefits all citizens. The fees imposed upon the  
9 consumers of telecommunication services that have the ability  
10 to dial 9-1-1 are an important funding mechanism to assist the  
11 State and units of local government with the deployment of  
12 enhanced 9-1-1 services to the citizens of this State.

13 Prepaid wireless telecommunication services are an  
14 important segment of the telecommunications industry and have  
15 proven particularly attractive to low-income and low-volume  
16 consumers. Unlike traditional telecommunication services,  
17 prepaid wireless telecommunications services are not sold or  
18 used pursuant to term contracts or subscriptions and monthly  
19 bills are not sent to consumers by prepaid wireless  
20 telecommunication service providers or retail vendors.

21 Prepaid wireless consumers have the same access to  
22 emergency 9-1-1 services from their wireless devices as  
23 wireless consumers on term contracts. Prepaid wireless

1 consumers benefit from the ability to access the 9-1-1 system  
2 by dialing 9-1-1.

3 Consumers purchase prepaid wireless telecommunication  
4 services at a wide variety of general retail locations and  
5 other distribution channels. Such purchases are made on a  
6 cash-and-carry or pay-as-you-go basis from retailers.

7 It is the intent of the General Assembly to:

8 (1) ensure equitable contributions to the funding of  
9 9-1-1 systems from consumers of prepaid wireless  
10 telecommunication services;

11 (2) collect 9-1-1 surcharges from purchasers of  
12 prepaid wireless telecommunications service at the point  
13 of sale;

14 (3) impose the collection and remittance obligation  
15 for 9-1-1 surcharges on sellers of prepaid wireless  
16 telecommunications service;

17 (4) impose a single statewide 9-1-1 surcharge on point  
18 of sale transactions in order to minimize administrative  
19 costs on retailers.

20 Section 10. Definitions. In this Act:

21 "Consumer" means a person who purchases prepaid wireless  
22 telecommunications service in a retail transaction.

23 "Department" means the Department of Revenue.

24 "Prepaid wireless E911 surcharge" means the charge that is  
25 required to be collected by a seller from a consumer in the

1 amount established under Section 15 of this Act.

2 "Prepaid wireless telecommunications service" means a  
3 wireless telecommunications service that allows a caller to  
4 dial 9-1-1 to access the 9-1-1 system, which service must be  
5 paid for in advance and is sold in predetermined units or  
6 dollars of which the amount declines with use in a known  
7 amount.

8 "Provider" means a person that provides prepaid wireless  
9 telecommunications service pursuant to a license issued by the  
10 Federal Communications Commission.

11 "Retail transaction" means the purchase of prepaid  
12 wireless telecommunications service from a seller for any  
13 purpose other than resale.

14 "Seller" means a person who sells prepaid wireless  
15 telecommunications service to another person.

16 "Wireless telecommunications service" means commercial  
17 mobile radio service as defined by 47 C.F.R. 20.3.

18 Section 15. Prepaid wireless 9-1-1 surcharge.

19 (a) There is hereby imposed a prepaid wireless 9-1-1  
20 surcharge of 1.5% per retail transaction. The amount of the  
21 surcharge may be reduced or increased pursuant to subsection  
22 (e).

23 (a-5) In lieu of the surcharge imposed under subsection  
24 (a), a home rule municipality having a population in excess of  
25 500,000 that was imposing its own surcharge on wireless

1 carriers prior to July 1, 1998, may impose a prepaid wireless  
2 9-1-1 surcharge not to exceed 6% per retail transaction sourced  
3 to that jurisdiction under the provisions of paragraph (b).

4 (b) The prepaid wireless 9-1-1 surcharge shall be collected  
5 by the seller from the consumer with respect to each retail  
6 transaction occurring in this State. The amount of the prepaid  
7 wireless 9-1-1 surcharge shall be either separately stated on  
8 an invoice, receipt, or other similar document that is provided  
9 to the consumer by the seller or otherwise disclosed to the  
10 consumer.

11 For purposes of this subsection (b), a retail transaction  
12 occurs in this State if (i) the retail transaction is made in  
13 person by a consumer at the seller's business location and the  
14 business is located within the State or (ii) the retail  
15 transaction is treated as occurring in this State for purposes  
16 of the Retailers' Occupation Tax Act.

17 (c) The prepaid wireless 9-1-1 surcharge is the liability  
18 of the consumer and not of the seller or of any provider,  
19 except that the seller shall be liable to remit all prepaid  
20 wireless 9-1-1 surcharges that the seller collects from  
21 consumers as provided in Section 20, including all such  
22 surcharges that the seller is deemed to collect where the  
23 amount of the surcharge has not been separately stated on an  
24 invoice, receipt, or other similar document provided to the  
25 consumer by the seller.

26 (d) The amount of the prepaid wireless 9-1-1 surcharge that

1 is collected by a seller from a consumer, whether or not such  
2 amount is separately stated on an invoice, receipt, or other  
3 similar document provided to the consumer by the seller, shall  
4 not be included in the base for measuring any tax, fee,  
5 surcharge, or other charge that is imposed by this State, any  
6 political subdivision of this State, or any intergovernmental  
7 agency.

8 (e) The prepaid wireless 9-1-1 charge shall be  
9 proportionately increased or reduced, as applicable, upon any  
10 change to the surcharge imposed under Section 17 of the  
11 Wireless Emergency Telephone Safety Act. The adjusted rate  
12 shall be determined by dividing the amount of the surcharge  
13 imposed under Section 17 of the Wireless Emergency Telephone  
14 Safety Act by \$50. Such increase or reduction shall be  
15 effective on the effective date of the change to the surcharge  
16 imposed under Section 17 of the Wireless Emergency Telephone  
17 Safety Act or, if later, the first day of the first calendar  
18 month to occur at least 60 days after the enactment of the  
19 change to the surcharge imposed under Section 17 of the  
20 Wireless Emergency Telephone Safety Act. The Department shall  
21 provide not less than 30 days' notice of an increase or  
22 reduction in the amount of the surcharge on the Department's  
23 website.

24 (f) Bundled transactions. When prepaid wireless  
25 telecommunications service is sold with one or more other  
26 products or services for a single, non-itemized price, then the

1 percentage specified in subsection (a) or (a-5) of this Section  
2 15 shall be applied to the entire non-itemized price unless the  
3 seller elects to apply the percentage to (i) the dollar amount  
4 of the prepaid wireless telecommunications service if that  
5 dollar amount is disclosed to the consumer or (ii) the portion  
6 of the price that is attributable to the prepaid wireless  
7 telecommunications service if the retailer can identify that  
8 portion by reasonable and verifiable standards from its books  
9 and records that are kept in the regular course of business for  
10 other purposes, including, but not limited to, books and  
11 records that are kept for non-tax purposes. However, if a  
12 minimal amount of prepaid wireless telecommunications service  
13 is sold with a prepaid wireless device for a single,  
14 non-itemized price, then the seller may elect not to apply the  
15 percentage specified in subsection (a) or (a-5) of this Section  
16 15 to such transaction. For purposes of this subsection, an  
17 amount of service denominated as 10 minutes or less or \$5 or  
18 less is considered minimal.

19 Section 20. Administration of prepaid wireless 9-1-1  
20 surcharge.

21 (a) Prepaid wireless E911 charges collected by sellers  
22 shall be remitted to the Department at the times and in the  
23 manner provided by the Retailers' Occupation Tax Act. The  
24 Department shall establish registration and payment procedures  
25 that substantially coincide with the registration and payment

1 procedures that apply to the Retailers' Occupation Tax Act.

2 (b) A seller shall be permitted to deduct and retain 3% of  
3 prepaid wireless 9-1-1 surcharges that are collected by the  
4 seller from consumers.

5 (c) The audit and appeal procedures applicable to the  
6 Retailers' Occupation Tax Act shall apply to prepaid wireless  
7 E911 charges.

8 (d) The Department shall establish procedures by which a  
9 seller of prepaid wireless telecommunications service may  
10 document that a sale is not a retail transaction. The  
11 procedures must substantially coincide with the procedures for  
12 documenting sale for resale transactions under the Retailers'  
13 Occupation Tax Act.

14 (e) The Department shall pay all remitted prepaid wireless  
15 E911 charges over to the State Treasurer for deposit into the  
16 Wireless Service Emergency Fund within 30 days after receipt,  
17 for use and distribution in accordance with the provisions of  
18 the Wireless Emergency Telephone Safety Act. The Department may  
19 deduct an amount, not to exceed 2% of remitted charges, to be  
20 retained by the Department to reimburse its direct costs of  
21 administering the collection and remittance of prepaid  
22 wireless 9-1-1 surcharges.

23 Section 25. Liability of sellers and providers.

24 (a) The provisions of Section 50 of the Wireless Emergency  
25 Telephone Safety Act shall apply to sellers and providers of



1 prepaid wireless telecommunications service.

2 (b) No provider or seller of prepaid wireless  
3 telecommunications service shall be liable for damages to any  
4 person resulting from or incurred in connection with the  
5 provision of any lawful assistance to any investigative or law  
6 enforcement officer of the United States, this or any other  
7 state, or any political subdivision of this or any other state,  
8 in connection with any lawful investigation or other law  
9 enforcement activity by such law enforcement officer.

10 Section 27. Home rule. A home rule unit, other than a home  
11 rule municipality having a population in excess of 500,000 that  
12 was imposing its own surcharge on wireless carriers prior to  
13 July 1, 1998, may not impose a separate surcharge on wireless  
14 9-1-1 service in addition to the surcharge imposed on wireless  
15 9-1-1 service under this Act. This Section is a denial and  
16 limitation of home rule powers and functions under subsection  
17 (h) of Section 6 of Article VII of the Illinois Constitution.

18 Section 30. Exclusivity of prepaid wireless 9-1-1  
19 surcharge. The prepaid wireless 9-1-1 surcharge imposed by this  
20 Act shall be the only 9-1-1 funding obligation imposed with  
21 respect to prepaid wireless telecommunications service in this  
22 State. No tax, fee, surcharge, or other charge shall be imposed  
23 by this State, any political subdivision of this State, or any  
24 intergovernmental agency, for 9-1-1 funding purposes, upon any

1 provider, seller, or consumer with respect to the sale,  
2 purchase, use, or provision of prepaid wireless  
3 telecommunications service.

4 Section 95. The Wireless Emergency Telephone Safety Act is  
5 amended by changing Sections 10, 17, and 70 and by adding  
6 Section 80 as follows:

7 (50 ILCS 751/10)

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

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 appointed  
15 by the corporate authorities of any county or municipality that  
16 provides for the management and operation of a 9-1-1 system  
17 within the scope of the duties and powers prescribed by the  
18 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 telephone  
23 number assigned to a wireless telephone at the time of initial  
24 activation.

1 "Prepaid wireless telecommunication ~~telephone~~ service"  
2 means a cellular or wireless telecommunications ~~telephone~~  
3 service that allows a caller to dial 9-1-1 to access the 9-1-1  
4 system, which service must be paid for in advance and is sold  
5 in predetermined units or dollars which the amount declines  
6 with use in a known amount. ~~which is activated by payment in~~  
7 ~~advance of a finite dollar amount or for a finite set of~~  
8 ~~minutes and which, unless an additional finite dollar amount or~~  
9 ~~finite set of minutes is paid in advance, terminates either (i)~~  
10 ~~upon use by a customer and delivery by the wireless carrier of~~  
11 ~~an agreed-upon amount of service corresponding to the total~~  
12 ~~dollar amount paid in advance, or within a certain period of~~  
13 ~~time following initial purchase or activation.~~

14 "Public safety agency" means a functional division of a  
15 public agency that provides fire fighting, police, medical, or  
16 other emergency services. For the purpose of providing wireless  
17 service to users of 9-1-1 emergency services, as expressly  
18 provided for in this Act, the Department of State Police may be  
19 considered a public safety agency.

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

24 "Remit period" means the billing period, one month in  
25 duration, for which a wireless carrier, ~~other than a prepaid~~  
26 ~~wireless carrier that provides zip code information based upon~~

1 ~~the addresses associated with its customers' points of~~  
2 ~~purchase, customers' billing addresses, or locations~~  
3 ~~associated with MTNs, as described in subsection (a) of Section~~  
4 ~~17,~~ remits a surcharge and provides subscriber information by  
5 zip code to the Illinois Commerce Commission, in accordance  
6 with Section 17 of this Act.

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

15 ~~"Sufficient positive balance" means a dollar amount~~  
16 ~~greater than or equal to the monthly wireless 9-1-1 surcharge~~  
17 ~~amount.~~

18 "Wireless carrier" means a provider of two-way cellular,  
19 broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial  
20 Mobile Radio Service (CMRS), Wireless Communications Service  
21 (WCS), or other Commercial Mobile Radio Service (CMRS), as  
22 defined by the Federal Communications Commission, offering  
23 radio communications that may provide fixed, mobile, radio  
24 location, or satellite communication services to individuals  
25 or businesses within its assigned spectrum block and  
26 geographical area or that offers real-time, two-way voice

1 service that is interconnected with the public switched  
2 network, including a reseller of such service.

3 "Wireless enhanced 9-1-1" means the ability to relay the  
4 telephone number of the originator of a 9-1-1 call and location  
5 information from any mobile handset or text telephone device  
6 accessing the wireless system to the designated wireless public  
7 safety answering point as set forth in the order of the Federal  
8 Communications Commission, FCC Docket No. 94-102, adopted June  
9 12, 1996, with an effective date of October 1, 1996, and any  
10 subsequent amendment thereto.

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

15 "Wireless subscriber" means an individual or entity to whom  
16 a wireless service account or number has been assigned by a  
17 wireless carrier, other than an account or number associated  
18 with prepaid wireless telecommunication service.

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

1 (Source: P.A. 95-63, eff. 8-13-07.)

2 (50 ILCS 751/17)

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

4 Sec. 17. Wireless carrier surcharge.

5 (a) Except as provided in Sections ~~Section~~ 45 and 80, each  
6 wireless carrier shall impose a monthly wireless carrier  
7 surcharge per CMRS connection that either has a telephone  
8 number within an area code assigned to Illinois by the North  
9 American Numbering Plan Administrator or has a billing address  
10 in this State. ~~In the case of prepaid wireless telephone~~  
11 ~~service, this surcharge shall be remitted based upon the~~  
12 ~~address associated with the point of purchase, the customer~~  
13 ~~billing address, or the location associated with the MTN for~~  
14 ~~each active prepaid wireless telephone that has a sufficient~~  
15 ~~positive balance as of the last day of each month, if that~~  
16 ~~information is available.~~ No wireless carrier shall impose the  
17 surcharge authorized by this Section upon any subscriber who is  
18 subject to the surcharge imposed by a unit of local government  
19 pursuant to Section 45. Prior to January 1, 2008 (the effective  
20 date of Public Act 95-698), the surcharge amount shall be the  
21 amount set by the Wireless Enhanced 9-1-1 Board. Beginning on  
22 January 1, 2008 (the effective date of Public Act 95-698), the  
23 monthly surcharge imposed under this Section shall be \$0.73 per  
24 CMRS connection. The wireless carrier that provides wireless  
25 service to the subscriber shall collect the surcharge from the

1 subscriber. For mobile telecommunications services provided on  
2 and after August 1, 2002, any surcharge imposed under this Act  
3 shall be imposed based upon the municipality or county that  
4 encompasses the customer's place of primary use as defined in  
5 the Mobile Telecommunications Sourcing Conformity Act. The  
6 surcharge shall be stated as a separate item on the  
7 subscriber's monthly bill. The wireless carrier shall begin  
8 collecting the surcharge on bills issued within 90 days after  
9 the Wireless Enhanced 9-1-1 Board sets the monthly wireless  
10 surcharge. State and local taxes shall not apply to the  
11 wireless carrier surcharge.

12 (b) Except as provided in Sections ~~Section~~ 45 and 80, a  
13 wireless carrier shall, within 45 days of collection, remit,  
14 either by check or by electronic funds transfer, to the State  
15 Treasurer the amount of the wireless carrier surcharge  
16 collected from each subscriber. Of the amounts remitted under  
17 this subsection prior to January 1, 2008 (the effective date of  
18 Public Act 95-698), and for surcharges imposed before January  
19 1, 2008 (the effective date of Public Act 95-698) but remitted  
20 after January 1, 2008, the State Treasurer shall deposit  
21 one-third into the Wireless Carrier Reimbursement Fund and  
22 two-thirds into the Wireless Service Emergency Fund. For  
23 surcharges collected and remitted on or after January 1, 2008  
24 (the effective date of Public Act 95-698), \$0.1475 per  
25 surcharge collected shall be deposited into the Wireless  
26 Carrier Reimbursement Fund, and \$0.5825 per surcharge

1 collected shall be deposited into the Wireless Service  
2 Emergency Fund. Of the amounts deposited into the Wireless  
3 Carrier Reimbursement Fund under this subsection, \$0.01 per  
4 surcharge collected may be distributed to the carriers to cover  
5 their administrative costs. Of the amounts deposited into the  
6 Wireless Service Emergency Fund under this subsection, \$0.01  
7 per surcharge collected may be disbursed to the Illinois  
8 Commerce Commission to cover its administrative costs.

9 (c) The first such remittance by wireless carriers shall  
10 include the number of customers by zip code, and the 9-digit  
11 zip code if currently being used or later implemented by the  
12 carrier, that shall be the means by which the Illinois Commerce  
13 Commission shall determine distributions from the Wireless  
14 Service Emergency Fund. This information shall be updated no  
15 less often than every year. Wireless carriers are not required  
16 to remit surcharge moneys that are billed to subscribers but  
17 not yet collected. Any carrier that fails to provide the zip  
18 code information required under this subsection (c) ~~or any~~  
19 ~~prepaid wireless carrier that fails to provide zip code~~  
20 ~~information based upon the addresses associated with its~~  
21 ~~customers' points of purchase, customers' billing addresses,~~  
22 ~~or locations associated with MTNs, as described in subsection~~  
23 ~~(a) of this Section,~~ shall be subject to the penalty set forth  
24 in subsection (f) of this Section.

25 (d) (Blank.) ~~Within 90 days after August 13, 2007 (the~~  
26 ~~effective date of Public Act 95-63), each wireless carrier must~~



1 ~~implement a mechanism for the collection of the surcharge~~  
2 ~~imposed under subsection (a) of this Section from its~~  
3 ~~subscribers. If a wireless carrier does not implement a~~  
4 ~~mechanism for the collection of the surcharge from its~~  
5 ~~subscribers in accordance with this subsection (d), then the~~  
6 ~~carrier is required to remit the surcharge for all subscribers~~  
7 ~~until the carrier is deemed to be in compliance with this~~  
8 ~~subsection (d) by the Illinois Commerce Commission.~~

9 (e) If before midnight on the last day of the third  
10 calendar month after the closing date of the remit period a  
11 wireless carrier does not remit the surcharge or any portion  
12 thereof required under this Section, then the surcharge or  
13 portion thereof shall be deemed delinquent until paid in full,  
14 and the Illinois Commerce Commission may impose a penalty  
15 against the carrier in an amount equal to the greater of:

16 (1) \$25 for each month or portion of a month from the  
17 time an amount becomes delinquent until the amount is paid  
18 in full; or

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

22 A penalty imposed in accordance with this subsection (e)  
23 for a portion of a month during which the carrier provides the  
24 number of subscribers by zip code as required under subsection  
25 (c) of this Section shall be prorated for each day of that  
26 month during which the carrier had not provided the number of

1 subscribers by zip code as required under subsection (c) of  
2 this Section. Any penalty imposed under this subsection (e) is  
3 in addition to the amount of the delinquency and is in addition  
4 to any other penalty imposed under this Section.

5 (f) If, before midnight on the last day of the third  
6 calendar month after the closing date of the remit period, a  
7 wireless carrier does not provide the number of subscribers by  
8 zip code as required under subsection (c) of this Section, then  
9 the report is deemed delinquent and the Illinois Commerce  
10 Commission may impose a penalty against the carrier in an  
11 amount equal to the greater of:

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

14 (2) an amount equal to the product of 1/2¢ and the  
15 number of subscribers served by the wireless carrier.

16 A penalty imposed in accordance with this subsection (f)  
17 for a portion of a month during which the carrier pays the  
18 delinquent amount in full shall be prorated for each day of  
19 that month that the delinquent amount was paid in full. Any  
20 penalty imposed under this subsection (f) is in addition to any  
21 other penalty imposed under this Section.

22 (g) The Illinois Commerce Commission may enforce the  
23 collection of any delinquent amount and any penalty due and  
24 unpaid under this Section by legal action or in any other  
25 manner by which the collection of debts due the State of  
26 Illinois may be enforced under the laws of this State. The

1 Executive Director of the Illinois Commerce Commission, or his  
2 or her designee, may excuse the payment of any penalty imposed  
3 under this Section if the Executive Director, or his or her  
4 designee, determines that the enforcement of this penalty is  
5 unjust.

6 (h) Notwithstanding any provision of law to the contrary,  
7 nothing shall impair the right of wireless carriers to recover  
8 compliance costs for all emergency communications services  
9 that are not reimbursed out of the Wireless Carrier  
10 Reimbursement Fund directly from their customers via line-item  
11 charges on the customer's bill. Those compliance costs include  
12 all costs incurred by wireless carriers in complying with  
13 local, State, and federal regulatory or legislative mandates  
14 that require the transmission and receipt of emergency  
15 communications to and from the general public, including, but  
16 not limited to, E-911.

17 (i) The Auditor General shall conduct, on an annual basis,  
18 an audit of the Wireless Service Emergency Fund and the  
19 Wireless Carrier Reimbursement Fund for compliance with the  
20 requirements of this Act. The audit shall include, but not be  
21 limited to, the following determinations:

22 (1) Whether the Commission is maintaining detailed  
23 records of all receipts and disbursements from the Wireless  
24 Carrier Emergency Fund and the Wireless Carrier  
25 Reimbursement Fund.

26 (2) Whether the Commission's administrative costs

1 charged to the funds are adequately documented and are  
2 reasonable.

3 (3) Whether the Commission's procedures for making  
4 grants and providing reimbursements in accordance with the  
5 Act are adequate.

6 (4) The status of the implementation of wireless 9-1-1  
7 and E9-1-1 services in Illinois.

8 The Commission, the Department of State Police, and any  
9 other entity or person that may have information relevant to  
10 the audit shall cooperate fully and promptly with the Office of  
11 the Auditor General in conducting the audit. The Auditor  
12 General shall commence the audit as soon as possible and  
13 distribute the report upon completion in accordance with  
14 Section 3-14 of the Illinois State Auditing Act.

15 (Source: P.A. 95-63, eff. 8-13-07; 95-698, eff. 1-1-08; 95-876,  
16 eff. 8-21-08.)

17 (50 ILCS 751/70)

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

19 Sec. 70. Repealer. This Act is repealed on January 1, 2019  
20 ~~April 1, 2013~~.

21 (Source: P.A. 95-63, eff. 8-13-07; 95-698, eff. 1-1-08.)

22 (50 ILCS 751/80 new)

23 Sec. 80. Prepaid wireless telecommunications service;  
24 surcharge. The wireless carrier surcharge and any other

1 requirements imposed by Section 17 or authorized by Section 45  
2 shall not apply to prepaid wireless telecommunications  
3 service. The provisions of the Prepaid Wireless 9-1-1 Surcharge  
4 Act shall apply to prepaid wireless telecommunications  
5 service.

6 Section 99. Effective date. This Act takes effect July 1,  
7 2011.