



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2389

by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

50 ILCS 751/10
50 ILCS 751/17
50 ILCS 751/70

Amends the Wireless Emergency Telephone Safety Act. Defines "Trust Fund". Provides that beginning on the effective date of this amendatory Act, the monthly surcharge imposed on wireless carriers shall be \$1.00, rather than \$0.73. Removes provisions concerning amounts per surcharge to be deposited into specified funds. Requires the State Treasurer to deposit \$0.80 per surcharge into the Wireless Service Emergency Fund for distribution to the 9-1-1 authorities and \$0.18 per surcharge into the NG9-1-1 Service Equalization Trust Fund. Provides that 1% of the amounts collected may be distributed to the Illinois Commerce Commission to cover administrative costs. Further provides that in the case of a delinquent report, the Illinois Commerce Commission may impose a penalty on a carrier equal to the product of \$0.1 (now, 1/2¢) and the number of subscribers served by the carrier, and that any penalty imposed shall be deposited into the NG9-1-1 Service Equalization Trust Fund. Provides that the Act is repealed on January 1, 2018 (now July 1, 2013). Effective immediately.

LRB098 09830 OMW 39983 b

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 Wireless Emergency Telephone Safety Act is
5 amended by changing Sections 10, 17, and 70 as follows:

6 (50 ILCS 751/10)

7 (Section scheduled to be repealed on April 1, 2013)

8 Sec. 10. Definitions. In this Act:

9 "Emergency telephone system board" means a board appointed
10 by the corporate authorities of any county or municipality that
11 provides for the management and operation of a 9-1-1 system
12 within the scope of the duties and powers prescribed by the
13 Emergency Telephone System Act.

14 "Master street address guide" means the computerized
15 geographical database that consists of all street and address
16 data within a 9-1-1 system.

17 "Mobile telephone number" or "MTN" shall mean the telephone
18 number assigned to a wireless telephone at the time of initial
19 activation.

20 "Prepaid wireless telecommunications service" means
21 wireless telecommunications service that allows a caller to
22 dial 9-1-1 to access the 9-1-1 system, which service must be
23 paid for in advance and is sold in predetermined units or

1 dollars which the amount declines with use in a known amount.

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

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

12 "Remit period" means the billing period, one month in
13 duration, for which a wireless carrier remits a surcharge and
14 provides subscriber information by zip code to the Illinois
15 Commerce Commission, in accordance with Section 17 of this Act.

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

24 "Trust Fund" means the NG9-1-1 Service Equalization Trust
25 Fund.

26 "Wireless carrier" means a provider of two-way cellular,

1 broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial
2 Mobile Radio Service (CMRS), Wireless Communications Service
3 (WCS), or other Commercial Mobile Radio Service (CMRS), as
4 defined by the Federal Communications Commission, offering
5 radio communications that may provide fixed, mobile, radio
6 location, or satellite communication services to individuals
7 or businesses within its assigned spectrum block and
8 geographical area or that offers real-time, two-way voice
9 service that is interconnected with the public switched
10 network, including a reseller of such service.

11 "Wireless enhanced 9-1-1" means the ability to relay the
12 telephone number of the originator of a 9-1-1 call and location
13 information from any mobile handset or text telephone device
14 accessing the wireless system to the designated wireless public
15 safety answering point as set forth in the order of the Federal
16 Communications Commission, FCC Docket No. 94-102, adopted June
17 12, 1996, with an effective date of October 1, 1996, and any
18 subsequent amendment thereto.

19 "Wireless public safety answering point" means the
20 functional division of an emergency telephone system board,
21 qualified governmental entity, or the Department of State
22 Police accepting wireless 9-1-1 calls.

23 "Wireless subscriber" means an individual or entity to whom
24 a wireless service account or number has been assigned by a
25 wireless carrier, other than an account or number associated
26 with prepaid wireless telecommunication service.

1 (Source: P.A. 97-463, eff. 1-1-12.)

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 45 and 80, each wireless
6 carrier shall impose a monthly wireless carrier surcharge per
7 CMRS connection that either has a telephone number within an
8 area code assigned to Illinois by the North American Numbering
9 Plan Administrator or has a billing address in this State. No
10 wireless carrier shall impose the surcharge authorized by this
11 Section upon any subscriber who is subject to the surcharge
12 imposed by a unit of local government pursuant to Section 45.
13 Prior to January 1, 2008 (the effective date of Public Act
14 95-698), the surcharge amount shall be the amount set by the
15 Wireless Enhanced 9-1-1 Board. Beginning on the effective date
16 of this amendatory Act of the 98th General Assembly January 1,
17 ~~2008 (the effective date of Public Act 95-698)~~, the monthly
18 surcharge imposed under this Section shall be \$1.00 ~~\$0.73~~ per
19 CMRS connection. The wireless carrier that provides wireless
20 service to the subscriber shall collect the surcharge from the
21 subscriber. For mobile telecommunications services provided on
22 and after August 1, 2002, any surcharge imposed under this Act
23 shall be imposed based upon the municipality or county that
24 encompasses the customer's place of primary use as defined in
25 the Mobile Telecommunications Sourcing Conformity Act. The

1 surcharge shall be stated as a separate item on the
2 subscriber's monthly bill. The wireless carrier shall begin
3 collecting the surcharge on bills issued within 90 days after
4 the Wireless Enhanced 9-1-1 Board sets the monthly wireless
5 surcharge. State and local taxes shall not apply to the
6 wireless carrier surcharge.

7 (b) Except as provided in Sections 45 and 80, a wireless
8 carrier shall, within 45 days of collection, remit, either by
9 check or by electronic funds transfer, to the State Treasurer
10 the amount of the wireless carrier surcharge collected from
11 each subscriber. Of the amounts remitted under this subsection
12 ~~prior to January 1, 2008 (the effective date of Public Act~~
13 ~~95-698), and for surcharges imposed before January 1, 2008 (the~~
14 ~~effective date of Public Act 95-698) but remitted after January~~
15 ~~1, 2008,~~ the State Treasurer shall deposit \$0.80 per surcharge
16 ~~one third into the Wireless Carrier Reimbursement Fund and~~
17 ~~two thirds~~ into the Wireless Service Emergency Fund for
18 distribution to the 9-1-1 authorities,. ~~For surcharges~~
19 ~~collected and remitted on or after January 1, 2008 (the~~
20 ~~effective date of Public Act 95-698), \$0.1475 per surcharge~~
21 ~~collected shall be deposited into the Wireless Carrier~~
22 ~~Reimbursement Fund,~~ and \$0.18 ~~\$0.5825~~ per surcharge ~~collected~~
23 shall be deposited into the Trust Fund ~~Wireless Service~~
24 ~~Emergency Fund.~~ 1% of that ~~Of the amounts deposited into the~~
25 ~~Wireless Carrier Reimbursement Fund under this subsection,~~
26 ~~\$0.01 per surcharge~~ collected may be distributed to the

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

6 (c) The first such remittance by wireless carriers shall
7 include the number of wireless subscribers by zip code, and the
8 9-digit zip code if currently being used or later implemented
9 by the carrier, that shall be the means by which the Illinois
10 Commerce Commission shall determine distributions to the 9-1-1
11 authorities from the Wireless Service Emergency Fund. This
12 information shall be updated no less often than every year, and
13 the resulting data shall be shared with the Illinois Next
14 Generation 9-1-1 Network (INGN). Wireless carriers are not
15 required to remit surcharge moneys that are billed to
16 subscribers but not yet collected. Any carrier that fails to
17 provide the zip code information required under this subsection
18 (c) shall be subject to the penalty set forth in subsection (f)
19 of this Section.

20 (d) Any funds collected under the Prepaid Wireless 9-1-1
21 Surcharge Act shall be distributed using a prorated method
22 based upon zip code information collected from post-paid
23 wireless carriers under subsection (c) of this Section.

24 (e) If before midnight on the last day of the third
25 calendar month after the closing date of the remit period a
26 wireless carrier does not remit the surcharge or any portion

1 thereof required under this Section, then the surcharge or
2 portion thereof shall be deemed delinquent until paid in full,
3 and the Illinois Commerce Commission may impose a penalty
4 against the carrier in an amount equal to the greater of:

5 (1) \$25 for each month or portion of a month from the
6 time an amount becomes delinquent until the amount is paid
7 in full; or

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

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

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

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

3 (2) an amount equal to the product of \$0.1 1/2¢ and the
4 number of subscribers served by the wireless carrier.

5 A penalty imposed in accordance with this subsection (f)
6 for a portion of a month during which the carrier pays the
7 delinquent amount in full shall be prorated for each day of
8 that month that the delinquent amount was paid in full. Any
9 penalty imposed under this subsection (f) is in addition to any
10 other penalty imposed under this Section. A penalty imposed
11 under this subsection shall be deposited into the Trust Fund.

12 (g) The Illinois Commerce Commission may enforce the
13 collection of any delinquent amount and any penalty due and
14 unpaid under this Section by legal action or in any other
15 manner by which the collection of debts due the State of
16 Illinois may be enforced under the laws of this State. The
17 Executive Director of the Illinois Commerce Commission, or his
18 or her designee, may excuse the payment of any penalty imposed
19 under this Section if the Executive Director, or his or her
20 designee, determines that the enforcement of this penalty is
21 unjust.

22 (h) Notwithstanding any provision of law to the contrary,
23 nothing shall impair the right of wireless carriers to recover
24 compliance costs for all emergency communications services
25 that are not reimbursed out of the Wireless Carrier
26 Reimbursement Fund directly from their wireless subscribers

1 via line-item charges on the wireless subscriber's bill. Those
2 compliance costs include all costs incurred by wireless
3 carriers in complying with local, State, and federal regulatory
4 or legislative mandates that require the transmission and
5 receipt of emergency communications to and from the general
6 public, including, but not limited to, E-911.

7 (i) The Auditor General shall conduct, on an annual basis,
8 an audit of the Wireless Service Emergency Fund and the
9 Wireless Carrier Reimbursement Fund for compliance with the
10 requirements of this Act. The audit shall include, but not be
11 limited to, the following determinations:

12 (1) Whether the Commission is maintaining detailed
13 records of all receipts and disbursements from the Wireless
14 Carrier Emergency Fund and the Wireless Carrier
15 Reimbursement Fund.

16 (2) Whether the Commission's administrative costs
17 charged to the funds are adequately documented and are
18 reasonable.

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

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

24 The Commission, the Department of State Police, and any
25 other entity or person that may have information relevant to
26 the audit shall cooperate fully and promptly with the Office of

1 the Auditor General in conducting the audit. The Auditor
2 General shall commence the audit as soon as possible and
3 distribute the report upon completion in accordance with
4 Section 3-14 of the Illinois State Auditing Act.

5 (Source: P.A. 97-463, eff. 1-1-12.)

6 (50 ILCS 751/70)

7 (Section scheduled to be repealed on July 1, 2013)

8 Sec. 70. Repealer. This Act is repealed on January 1, 2018
9 ~~July 1, 2013~~.

10 (Source: P.A. 97-1163, eff. 2-4-13.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.