



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2674

Introduced 1/21/2014, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.855 new
50 ILCS 751/5
50 ILCS 751/10
50 ILCS 751/17
50 ILCS 751/70
50 ILCS 751/90 new
220 ILCS 5/13-900
220 ILCS 5/13-900.1
220 ILCS 5/13-900.3
220 ILCS 5/13-1200

Amends the State Finance Act. Adds the Poison Response Fund. Amends the Wireless Emergency Telephone Safety Act. Provides that human poison control centers constitute an enhancement to 9-1-1 services pursuant to federal law. Provides that for surcharges collected and remitted on or after July 1, 2013, \$0.1275 per surcharge collected shall be deposited into the Wireless Carrier Reimbursement Fund on the last day of each month, \$0.5825 per surcharge collected shall be deposited into the Wireless Service Emergency Fund, \$0.02 per surcharge shall be deposited in the Poison Response Fund, and \$0.01 per surcharge collected may be disbursed to the Illinois Commerce Commission for administrative costs. Requires the Auditor General to conduct an annual audit of the Poison Response Fund. Permits the Commission to require an annual report of income and expenditures from each human poison control center. Extends the date of repeal of the Act to July 1, 2018 (currently July 1, 2013). Creates the Poison Response Fund. Amends the Public Utilities Act. Extends the repeal of certain Sections relating to 9-1-1 system providers until July 1, 2016 (currently July 1, 2015). Effective immediately.

LRB098 17636 JLK 52749 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 State Finance Act is amended by adding
5 Section 5.855 as follows:

6 (30 ILCS 105/5.855 new)

7 Sec. 5.855. The Poison Response Fund.

8 Section 10. The Wireless Emergency Telephone Safety Act is
9 amended by changing Sections 5, 10, 17, 70, and 90 as follows:

10 (50 ILCS 751/5)

11 (Section scheduled to be repealed on July 1, 2014)

12 Sec. 5. Purpose. The General Assembly finds and declares it
13 is in the public interest to promote the use of wireless 9-1-1
14 and wireless enhanced 9-1-1 (E9-1-1) service in order to save
15 lives and protect the property of the citizens of the State of
16 Illinois.

17 Wireless carriers are required by the Federal
18 Communications Commission (FCC) to provide E9-1-1 service in
19 the form of automatic location identification and automatic
20 number identification pursuant to policies set forth by the
21 FCC.

1 Public safety agencies and wireless carriers are
2 encouraged to work together to provide emergency access to
3 wireless 9-1-1 and wireless E9-1-1 service. Public safety
4 agencies and wireless carriers operating wireless 9-1-1 and
5 wireless E9-1-1 systems require adequate funding to recover the
6 costs of designing, purchasing, installing, testing, and
7 operating enhanced facilities, systems, and services necessary
8 to comply with the wireless E9-1-1 requirements mandated by the
9 Federal Communications Commission and to maximize the
10 availability of wireless E9-1-1 services throughout the State
11 of Illinois.

12 The revenues generated by the wireless carrier surcharge
13 enacted by this Act are required to fund the efforts of the
14 wireless carriers, emergency telephone system boards,
15 qualified governmental entities, human poison control centers,
16 and the Department of State Police to improve the public
17 health, safety, and welfare and to serve a public purpose by
18 providing emergency telephone assistance through wireless
19 communications.

20 It is the intent of the General Assembly to:

21 (1) establish and implement a cohesive statewide
22 emergency telephone number that will provide wireless
23 telephone users with rapid direct access to public safety
24 agencies by dialing the telephone number 9-1-1;

25 (2) encourage wireless carriers and public safety
26 agencies to provide E9-1-1 services that will assist public

1 safety agencies in determining the caller's approximate
2 location and wireless telephone number;

3 (3) grant authority to public safety agencies not
4 already in possession of the authority to finance the cost
5 of installing and operating wireless 9-1-1 systems and
6 reimbursing wireless carriers for costs incurred to
7 provide wireless E9-1-1 services; ~~and~~

8 (3.5) provide rapid direct access to poison-related
9 information and advice from human poison control centers to
10 public safety agencies, health care providers, and the
11 general public; and

12 (4) provide for a reasonable fee on wireless telephone
13 service subscribers to accomplish these purposes and
14 provide for the enforcement and collection of such fees.

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

16 (50 ILCS 751/10)

17 (Section scheduled to be repealed on July 1, 2014)

18 Sec. 10. Definitions. In this Act:

19 "Emergency telephone system board" means a board appointed
20 by the corporate authorities of any county or municipality that
21 provides for the management and operation of a 9-1-1 system
22 within the scope of the duties and powers prescribed by the
23 Emergency Telephone System Act.

24 "Human poison control center" shall have the meaning
25 provided in Section 10 of the Poison Control System Act.

1 Services provided by a human poison control center shall be
2 provided as, and constitute, an enhancement to 9-1-1 services
3 pursuant to 47 U.S.C. 615a-1(f)(1).

4 "Master street address guide" means the computerized
5 geographical database that consists of all street and address
6 data within a 9-1-1 system.

7 "Mobile telephone number" or "MTN" shall mean the telephone
8 number assigned to a wireless telephone at the time of initial
9 activation.

10 "Prepaid wireless telecommunications service" means
11 wireless telecommunications service that allows a caller to
12 dial 9-1-1 to access the 9-1-1 system, which service must be
13 paid for in advance and is sold in predetermined units or
14 dollars which the amount declines with use in a known amount.

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

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

25 "Remit period" means the billing period, one month in
26 duration, for which a wireless carrier remits a surcharge and

1 provides subscriber information by zip code to the Illinois
2 Commerce Commission, in accordance with Section 17 of this Act.

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

11 "Wireless carrier" means a provider of two-way cellular,
12 broadband PCS, geographic area 800 MHz and 900 MHz Commercial
13 Mobile Radio Service (CMRS), Wireless Communications Service
14 (WCS), or other Commercial Mobile Radio Service (CMRS), as
15 defined by the Federal Communications Commission, offering
16 radio communications that may provide fixed, mobile, radio
17 location, or satellite communication services to individuals
18 or businesses within its assigned spectrum block and
19 geographical area or that offers real-time, two-way voice
20 service that is interconnected with the public switched
21 network, including a reseller of such service.

22 "Wireless enhanced 9-1-1" means the ability to relay the
23 telephone number of the originator of a 9-1-1 call and location
24 information from any mobile handset or text telephone device
25 accessing the wireless system to the designated wireless public
26 safety answering point as set forth in the order of the Federal

1 Communications Commission, FCC Docket No. 94-102, adopted June
2 12, 1996, with an effective date of October 1, 1996, and any
3 subsequent amendment thereto.

4 "Wireless public safety answering point" means the
5 functional division of an emergency telephone system board,
6 qualified governmental entity, or the Department of State
7 Police accepting wireless 9-1-1 calls.

8 "Wireless subscriber" means an individual or entity to whom
9 a wireless service account or number has been assigned by a
10 wireless carrier, other than an account or number associated
11 with prepaid wireless telecommunication service.

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

13 (50 ILCS 751/17)

14 (Section scheduled to be repealed on July 1, 2014)

15 Sec. 17. Wireless carrier surcharge.

16 (a) Except as provided in Sections 45 and 80, each wireless
17 carrier shall impose a monthly wireless carrier surcharge per
18 CMRS connection that either has a telephone number within an
19 area code assigned to Illinois by the North American Numbering
20 Plan Administrator or has a billing address in this State. No
21 wireless carrier shall impose the surcharge authorized by this
22 Section upon any subscriber who is subject to the surcharge
23 imposed by a unit of local government pursuant to Section 45.
24 Prior to January 1, 2008 (the effective date of Public Act
25 95-698), the surcharge amount shall be the amount set by the

1 Wireless Enhanced 9-1-1 Board. Beginning on January 1, 2008
2 (the effective date of Public Act 95-698), the monthly
3 surcharge imposed under this Section shall be \$0.73 per CMRS
4 connection. The wireless carrier that provides wireless
5 service to the subscriber shall collect the surcharge from the
6 subscriber. For mobile telecommunications services provided on
7 and after August 1, 2002, any surcharge imposed under this Act
8 shall be imposed based upon the municipality or county that
9 encompasses the customer's place of primary use as defined in
10 the Mobile Telecommunications Sourcing Conformity Act. The
11 surcharge shall be stated as a separate item on the
12 subscriber's monthly bill. The wireless carrier shall begin
13 collecting the surcharge on bills issued within 90 days after
14 the Wireless Enhanced 9-1-1 Board sets the monthly wireless
15 surcharge. State and local taxes shall not apply to the
16 wireless carrier surcharge.

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

1 Wireless Service Emergency Fund. For surcharges collected and
2 remitted on or after January 1, 2008 (the effective date of
3 Public Act 95-698), \$0.1475 per surcharge collected shall be
4 deposited into the Wireless Carrier Reimbursement Fund, and
5 \$0.5825 per surcharge collected shall be deposited into the
6 Wireless Service Emergency Fund. Of the amounts deposited into
7 the Wireless Carrier Reimbursement Fund under this subsection,
8 \$0.01 per surcharge collected may be distributed to the
9 carriers to cover their administrative costs. Of the amounts
10 deposited into the Wireless Service Emergency Fund under this
11 subsection, \$0.01 per surcharge collected may be disbursed to
12 the Illinois Commerce Commission to cover its administrative
13 costs.

14 For surcharges collected and remitted on or after July 1,
15 2014, \$0.1275 per surcharge collected shall be deposited into
16 the Wireless Carrier Reimbursement Fund, \$0.5825 per surcharge
17 collected shall be deposited into the Wireless Service
18 Emergency Fund, and \$0.02 per surcharge collected shall be
19 deposited in the Poison Response Fund for distribution on the
20 last day of each month to a human poison control center as
21 defined in Section 10 of the Poison Control System Act. Of the
22 amounts deposited into the Wireless Carrier Reimbursement Fund
23 under this subsection, \$0.01 per surcharge collected may be
24 distributed to the carriers to cover their administrative
25 costs. Of the amounts deposited into the Wireless Service
26 Emergency Fund under this subsection, \$0.01 per surcharge

1 collected may be disbursed to the Illinois Commerce Commission
2 for administrative costs.

3 (c) The first such remittance by wireless carriers shall
4 include the number of wireless subscribers by zip code, and the
5 9-digit zip code if currently being used or later implemented
6 by the carrier, that shall be the means by which the Illinois
7 Commerce Commission shall determine distributions from the
8 Wireless Service Emergency Fund. This information shall be
9 updated no less often than every year. Wireless carriers are
10 not required to remit surcharge moneys that are billed to
11 subscribers but not yet collected. Any carrier that fails to
12 provide the zip code information required under this subsection
13 (c) shall be subject to the penalty set forth in subsection (f)
14 of this Section.

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

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

26 (1) \$25 for each month or portion of a month from the

1 time an amount becomes delinquent until the amount is paid
2 in full; or

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

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

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

22 (1) \$25 for each month or portion of a month that the
23 report is delinquent; or

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

26 A penalty imposed in accordance with this subsection (f)

1 for a portion of a month during which the carrier pays the
2 delinquent amount in full shall be prorated for each day of
3 that month that the delinquent amount was paid in full. Any
4 penalty imposed under this subsection (f) is in addition to any
5 other penalty imposed under this Section.

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

16 (h) Notwithstanding any provision of law to the contrary,
17 nothing shall impair the right of wireless carriers to recover
18 compliance costs for all emergency communications services
19 that are not reimbursed out of the Wireless Carrier
20 Reimbursement Fund directly from their wireless subscribers
21 via line-item charges on the wireless subscriber's bill. Those
22 compliance costs include all costs incurred by wireless
23 carriers in complying with local, State, and federal regulatory
24 or legislative mandates that require the transmission and
25 receipt of emergency communications to and from the general
26 public, including, but not limited to, E-911.

1 (i) The Auditor General shall conduct, on an annual basis,
2 an audit of the Wireless Service Emergency Fund, the Poison
3 Response Fund, and the Wireless Carrier Reimbursement Fund for
4 compliance with the requirements of this Act. The audit shall
5 include, but not be limited to, the following determinations:

6 (1) Whether the Commission is maintaining detailed
7 records of all receipts and disbursements from the Wireless
8 Carrier Emergency Fund, the Poison Response Fund, and the
9 Wireless Carrier Reimbursement Fund.

10 (2) Whether the Commission's administrative costs
11 charged to the funds are adequately documented and are
12 reasonable.

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

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

18 (5) The status of human poison response services in
19 Illinois.

20 The Commission, the Department of State Police, and any
21 other entity or person that may have information relevant to
22 the audit shall cooperate fully and promptly with the Office of
23 the Auditor General in conducting the audit. The Auditor
24 General shall commence the audit as soon as possible and
25 distribute the report upon completion in accordance with
26 Section 3-14 of the Illinois State Auditing Act.

1 (j) The Illinois Commerce Commission may require an annual
2 report of income and expenditures of the Poison Response Fund
3 from each human poison control center as defined in Section 10
4 of the Poison Control System 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, 2014)

8 Sec. 70. Repealer. This Act is repealed on July 1, 2018
9 2014.

10 (Source: P.A. 97-1163, eff. 2-4-13; 98-45, eff. 6-28-13.)

11 (50 ILCS 751/90 new)

12 Sec. 90. Poison Response Fund. The Poison Response Fund is
13 created as a special fund in the State treasury. Subject to
14 appropriation, moneys in the Poison Response Fund may only be
15 used as described in subsection (b) of Section 17 of this Act.

16 Section 15. The Public Utilities Act is amended by changing
17 Sections 13-900, 13-900.1, 13-900.3, and 13-1200 as follows:

18 (220 ILCS 5/13-900)

19 (Section scheduled to be repealed on July 1, 2015)

20 Sec. 13-900. Authority to serve as 9-1-1 system provider;
21 rules.

22 (a) The General Assembly finds that it is necessary to

1 require the certification of 9-1-1 system providers to ensure
2 the safety of the lives and property of Illinoisans and
3 Illinois businesses, and to otherwise protect and promote the
4 public safety, health, and welfare of the citizens of this
5 State and their property.

6 (b) For purposes of this Section:

7 "9-1-1 system" has the same meaning as that term is
8 defined in Section 2.19 of the Emergency Telephone System
9 Act.

10 "9-1-1 system provider" means any person, corporation,
11 limited liability company, partnership, sole
12 proprietorship, or entity of any description whatever that
13 acts as a system provider within the meaning of Section
14 2.18 of the Emergency Telephone System Act.

15 "Emergency Telephone System Board" has the same
16 meaning as that term is defined in Sections 2.11 and 15.4
17 of the Emergency Telephone System Act.

18 "Public safety agency personnel" means personnel
19 employed by a public safety agency, as that term is defined
20 in Section 2.02 of the Emergency Telephone System Act,
21 whose responsibilities include responding to requests for
22 emergency services.

23 (c) Except as otherwise provided in this Section, beginning
24 July 1, 2010, it is unlawful for any 9-1-1 system provider to
25 offer or provide or seek to offer or provide to any emergency
26 telephone system board or 9-1-1 system, or agent,

1 representative, or designee thereof, any network and database
2 service used or intended to be used by any emergency telephone
3 system board or 9-1-1 system for the purpose of answering,
4 transferring, or relaying requests for emergency services, or
5 dispatching public safety agency personnel in response to
6 requests for emergency services, unless the 9-1-1 system
7 provider has applied for and received a Certificate of 9-1-1
8 System Provider Authority from the Commission. The Commission
9 shall approve an application for a Certificate of 9-1-1 System
10 Provider Authority upon a showing by the applicant, and a
11 finding by the Commission, after notice and hearing, that the
12 applicant possesses sufficient technical, financial, and
13 managerial resources and abilities to provide network service
14 and database services that it seeks authority to provide in its
15 application for service authority, in a safe, continuous, and
16 uninterrupted manner.

17 (d) No incumbent local exchange carrier that provides, as
18 of the effective date of this amendatory Act of the 96th
19 General Assembly, any 9-1-1 network and 9-1-1 database service
20 used or intended to be used by any Emergency Telephone System
21 Board or 9-1-1 system, shall be required to obtain a
22 Certificate of 9-1-1 System Provider Authority under this
23 Section. No entity that possesses, as of the effective date of
24 this amendatory Act of the 96th General Assembly, a Certificate
25 of Service Authority and provides 9-1-1 network and 9-1-1
26 database services to any incumbent local exchange carrier as of

1 the effective date of this amendatory Act of the 96th General
2 Assembly shall be required to obtain a Certificate of 9-1-1
3 System Provider Authority under this Section.

4 (e) Any and all enforcement authority granted to the
5 Commission under this Section shall apply exclusively to 9-1-1
6 system providers granted a Certificate of Service Authority
7 under this Section and shall not apply to incumbent local
8 exchange carriers that are providing 9-1-1 service as of the
9 effective date of this amendatory Act of the 96th General
10 Assembly.

11 (f) This Section is repealed on July 1, 2016.

12 (Source: P.A. 96-25, eff. 6-30-09.)

13 (220 ILCS 5/13-900.1)

14 (Section scheduled to be repealed on July 1, 2015)

15 Sec. 13-900.1. Authority over 9-1-1 rates and terms of
16 service. Notwithstanding any other provision of this Article,
17 the Commission retains its full authority over the rates and
18 service quality as they apply to 9-1-1 system providers,
19 including the Commission's existing authority over
20 interconnection with 9-1-1 system providers and 9-1-1 systems.
21 The rates, terms, and conditions for 9-1-1 service shall be
22 tariffed and shall be provided in the manner prescribed by this
23 Act and shall be subject to the applicable laws, including
24 rules or regulations adopted and orders issued by the
25 Commission or the Federal Communications Commission. The

1 Commission retains this full authority regardless of the
2 technologies utilized or deployed by 9-1-1 system providers.

3 This Section is repealed on July 1, 2016.

4 (Source: P.A. 96-927, eff. 6-15-10; 97-333, eff. 8-12-11.)

5 (220 ILCS 5/13-900.3)

6 (Section scheduled to be repealed on July 1, 2015)

7 Sec. 13-900.3. Regulatory flexibility for 9-1-1 system
8 providers.

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

13 (b) For the limited purpose of a Regional Pilot Project to
14 implement next generation 9-1-1, as defined in Section 13-900
15 of this Article, the Commission may forbear from applying any
16 rule or provision of Section 13-900 as it applies to
17 implementation of the Regional Pilot Project to implement next
18 generation 9-1-1 if the Commission determines, after notice and
19 hearing, that: (1) enforcement of the rule is not necessary to
20 ensure the development and improvement of emergency
21 communication procedures and facilities in such a manner as to
22 be able to quickly respond to any person requesting 9-1-1
23 services from police, fire, medical, rescue, and other
24 emergency services; (2) enforcement of the rule or provision is
25 not necessary for the protection of consumers; and (3)

1 forbearance from applying such provisions or rules is
2 consistent with the public interest. The Commission may
3 exercise such forbearance with respect to one, and only one,
4 Regional Pilot Project as authorized by Sections 10 and 11 of
5 the Emergency Telephone Systems Act to implement next
6 generation 9-1-1.

7 (c) This Section is repealed on July 1, 2016.

8 (Source: P.A. 96-1443, eff. 8-20-10; 97-333, eff. 8-12-11.)

9 (220 ILCS 5/13-1200)

10 (Section scheduled to be repealed on July 1, 2015)

11 Sec. 13-1200. Repealer. This Article, except for Sections
12 13-900, 13-900.1, and 13-900.3, is repealed July 1, 2015.

13 (Source: P.A. 98-45, eff. 6-28-13.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.