



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3822

by Rep. Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/6z-101 new  
220 ILCS 5/13-703

from Ch. 111 2/3, par. 13-703

Amends the Public Utilities Act. Provides that sellers of prepaid wireless telecommunications service and providers of other wireless telecommunications services in Illinois shall collect and remit assessments in a competitively neutral manner in the same manner as a telecommunications carrier providing local exchange service. Provides that the assessment imposed on consumers of prepaid wireless telecommunications service shall be imposed per retail transaction as a percentage of that retail transaction. Requires sellers of prepaid wireless telecommunications service to remit the assessments to the Department of Revenue on the same form upon which they remit the fee collected under the Prepaid Wireless 9-1-1 Surcharge Act. Provides that the rates of the fee collected under the Prepaid Wireless 9-1-1 Surcharge Act and the assessment may be combined on the consumers' receipts. Provides that the fees collected from prepaid wireless telecommunication services under the assessment shall be deposited into the Illinois Telecommunications Access Corporation Fund. Makes other changes. Amends the State Finance Act to create the Illinois Telecommunications Access Corporation Fund as a nonappropriated trust fund to be held outside the State treasury, with the State Treasurer as ex officio custodian. Provides that moneys in the Fund shall be remitted quarterly to the Illinois Telecommunications Access Corporation. Effective July 1, 2015.

LRB099 09161 AMC 29359 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 State Finance Act is amended by adding  
5 Section 6z-101 as follows:

6 (30 ILCS 105/6z-101 new)

7 Sec. 6z-101. The Illinois Telecommunications Access  
8 Corporation Fund. The Illinois Telecommunications Access  
9 Corporation Fund is created as a nonappropriated trust fund to  
10 be held outside the State treasury, with the State Treasurer as  
11 ex officio custodian. Moneys in the Fund shall be remitted  
12 quarterly to the Illinois Telecommunications Access  
13 Corporation for the purposes provided in Section 13-703 of the  
14 Public Utilities Act.

15 Section 10. The Public Utilities Act is amended by changing  
16 Section 13-703 as follows:

17 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

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

19 Sec. 13-703. (a) The Commission shall design and implement  
20 a program whereby each telecommunications carrier providing  
21 local exchange service shall provide a telecommunications

1 device capable of servicing the needs of those persons with a  
2 hearing or speech disability together with a single party line,  
3 at no charge additional to the basic exchange rate, to any  
4 subscriber who is certified as having a hearing or speech  
5 disability by a licensed physician, speech-language  
6 pathologist, audiologist or a qualified State agency and to any  
7 subscriber which is an organization serving the needs of those  
8 persons with a hearing or speech disability as determined and  
9 specified by the Commission pursuant to subsection (d).

10 (b) The Commission shall design and implement a program,  
11 whereby each telecommunications carrier providing local  
12 exchange service shall provide a telecommunications relay  
13 system, using third party intervention to connect those persons  
14 having a hearing or speech disability with persons of normal  
15 hearing by way of intercommunications devices and the telephone  
16 system, making available reasonable access to all phases of  
17 public telephone service to persons who have a hearing or  
18 speech disability. In order to design a telecommunications  
19 relay system which will meet the requirements of those persons  
20 with a hearing or speech disability available at a reasonable  
21 cost, the Commission shall initiate an investigation and  
22 conduct public hearings to determine the most cost-effective  
23 method of providing telecommunications relay service to those  
24 persons who have a hearing or speech disability when using  
25 telecommunications devices and therein solicit the advice,  
26 counsel, and physical assistance of Statewide nonprofit

1 consumer organizations that serve persons with hearing or  
2 speech disabilities in such hearings and during the development  
3 and implementation of the system. The Commission shall phase in  
4 this program, on a geographical basis, as soon as is  
5 practicable, but no later than June 30, 1990.

6 (c) The Commission shall establish a competitively neutral  
7 rate recovery mechanism that establishes, ~~authorizing~~ charges  
8 in an amount to be determined by the Commission for each line  
9 of a subscriber to allow telecommunications carriers providing  
10 local exchange service to recover costs as they are incurred  
11 under this Section.

12 (d) The Commission shall determine and specify those  
13 organizations serving the needs of those persons having a  
14 hearing or speech disability that shall receive a  
15 telecommunications device and in which offices the equipment  
16 shall be installed in the case of an organization having more  
17 than one office. For the purposes of this Section,  
18 "organizations serving the needs of those persons with hearing  
19 or speech disabilities" means centers for independent living as  
20 described in Section 12a of the Disabled Persons Rehabilitation  
21 Act and not-for-profit organizations whose primary purpose is  
22 serving the needs of those persons with hearing or speech  
23 disabilities. The Commission shall direct the  
24 telecommunications carriers subject to its jurisdiction and  
25 this Section to comply with its determinations and  
26 specifications in this regard.

1 (e) As used in this Section:

2 "Prepaid wireless telecommunications service" means a  
3 wireless telecommunications service that must be paid for in  
4 advance and is sold in predetermined units or dollars of which  
5 the amount declines with use in a known amount.

6 "Retail transaction" has the meaning set forth in Section  
7 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

8 "Telecommunications, ~~the phrase~~ "telecommunications  
9 carrier providing local exchange service" includes, without  
10 otherwise limiting the meaning of the term, telecommunications  
11 carriers which are purely mutual concerns, having no rates or  
12 charges for services, but paying the operating expenses by  
13 assessment upon the members of such a company and no other  
14 person.

15 "Wireless telecommunications service" means commercial  
16 mobile service as defined in 47 U.S.C. 332(d).

17 (f) Interconnected VoIP service providers, sellers of  
18 prepaid wireless telecommunications service, and providers of  
19 other wireless telecommunications services in Illinois shall  
20 collect and remit assessments determined in accordance with  
21 this Section in a competitively neutral manner in the same  
22 manner as a telecommunications carrier providing local  
23 exchange service. However, the assessment imposed on consumers  
24 of prepaid wireless telecommunications service shall be  
25 imposed per retail transaction as a percentage of that retail  
26 transaction. Sellers of prepaid wireless telecommunications

1 service shall remit the assessments to the Department of  
2 Revenue on the same form upon which they remit the fee  
3 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For  
4 the purposes of display on the consumers' receipts, the rates  
5 of the fee collected under the Prepaid Wireless 9-1-1 Surcharge  
6 Act and the assessment under this Section may be combined. The  
7 Department shall deposit the fees collected from prepaid  
8 wireless telecommunication services under this Section into  
9 the Illinois Telecommunications Access Corporation Fund.

10 Interconnected VoIP services shall not be considered an  
11 intrastate telecommunications service for the purposes of this  
12 Section in a manner inconsistent with federal law or Federal  
13 Communications Commission regulation.

14 (g) The provisions of this Section are severable under  
15 Section 1.31 of the Statute on Statutes.

16 (Source: P.A. 96-927, eff. 6-15-10.)

17 Section 99. Effective date. This Act takes effect July 1,  
18 2015.