

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 ARTICLE I

5 Section 1-5. The Attorney General Act is amended by
6 changing Section 6.5 as follows:

7 (15 ILCS 205/6.5)

8 Sec. 6.5. Consumer Utilities Unit.

9 (a) The General Assembly finds that the health, welfare,
10 and prosperity of all Illinois citizens, and the public's
11 interest in adequate, safe, reliable, cost-effective electric,
12 natural gas, water, cable, video, and telecommunications
13 services, requires effective public representation by the
14 Attorney General to protect the rights and interests of the
15 public in the provision of all elements of electric, natural
16 gas, water, cable, video, and telecommunications service both
17 during and after the transition to a competitive market, and
18 that to ensure that the benefits of competition in the
19 provision of electric, natural gas, water, cable, video, and
20 telecommunications services to all consumers are attained,
21 there shall be created within the Office of the Attorney
22 General a Consumer Utilities Unit.

1 (b) As used in this Section: "Electric services" means
2 services sold by an electric service provider. "Electric
3 service provider" shall mean anyone who sells, contracts to
4 sell, or markets electric power, generation, distribution,
5 transmission, or services (including metering and billing) in
6 connection therewith. Electric service providers shall include
7 any electric utility and any alternative retail electric
8 supplier as defined in Section 16-102 of the Public Utilities
9 Act.

10 (b-5) As used in this Section: "Telecommunications
11 services" means services sold by a telecommunications carrier,
12 as provided for in Section 13-203 of the Public Utilities Act.
13 "Telecommunications carrier" means anyone who sells, contracts
14 to sell, or markets telecommunications services, whether
15 noncompetitive or competitive, including access services,
16 interconnection services, or any services in connection
17 therewith. Telecommunications carriers include any carrier as
18 defined in Section 13-202 of the Public Utilities Act.

19 (b-10) As used in this Section, "natural gas services"
20 means natural gas services sold by a "gas utility" or by an
21 "alternative gas supplier", as those terms are defined in
22 Section 19-105 of the Public Utilities Act.

23 (b-15) As used in this Section, "water services" means
24 services sold by any corporation, company, limited liability
25 company, association, joint stock company or association,
26 firm, partnership, or individual, its lessees, trustees, or

1 receivers appointed by any court and that owns, controls,
2 operates, or manages within this State, directly or indirectly,
3 for public use, any plant, equipment, or property used or to be
4 used for or in connection with (i) the production, storage,
5 transmission, sale, delivery, or furnishing of water or (ii)
6 the treatment, storage, transmission, disposal, sale of
7 services, delivery, or furnishing of sewage or sewage services.

8 (b-20) As used in this Section, "cable service and video
9 service" means services sold by anyone who sells, contracts to
10 sell, or markets cable services or video services pursuant to a
11 State-issued authorization under the Cable and Video
12 Competition Law of 2007.

13 (c) There is created within the Office of the Attorney
14 General a Consumer Utilities Unit, consisting of Assistant
15 Attorneys General appointed by the Attorney General, who,
16 together with such other staff as is deemed necessary by the
17 Attorney General, shall have the power and duty on behalf of
18 the people of the State to intervene in, initiate, enforce, and
19 defend all legal proceedings on matters relating to the
20 provision, marketing, and sale of electric, natural gas, water,
21 cable, video, and telecommunications service whenever the
22 Attorney General determines that such action is necessary to
23 promote or protect the rights and interests of all Illinois
24 citizens, classes of customers, and users of electric, natural
25 gas, water, cable, video, and telecommunications services.

26 (d) In addition to the investigative and enforcement powers

1 available to the Attorney General, including without
2 limitation those under the Consumer Fraud and Deceptive
3 Business Practices Act, the Illinois Antitrust Act, and any
4 other law of this State, the Attorney General shall be a party
5 as a matter of right to all proceedings, investigations, and
6 related matters involving the provision of electric, natural
7 gas, water, cable, video, and telecommunications services
8 before the Illinois Commerce Commission, the courts, and other
9 public bodies. Upon request, the Office of the Attorney General
10 shall have access to and the use of all files, records, data,
11 and documents in the possession or control of the Commission.
12 The Office of the Attorney General may use information obtained
13 under this Section, including information that is designated as
14 and that qualifies for confidential treatment, which
15 information the Attorney General's office shall maintain as
16 confidential, to be used for law enforcement purposes only,
17 which information may be shared with other law enforcement
18 officials. Nothing in this Section is intended to take away or
19 limit any of the powers the Attorney General has pursuant to
20 common law or other statutory law.

21 (Source: P.A. 94-291, eff. 7-21-05; 95-9, eff. 6-30-07; 95-876,
22 eff. 8-21-08.)

23 Section 1-10. The Department of State Police Law of the
24 Civil Administrative Code of Illinois is amended by changing
25 Section 2605-25 and by adding Section 2605-52 as follows:

1 (20 ILCS 2605/2605-25) (was 20 ILCS 2605/55a-1)

2 Sec. 2605-25. Department divisions. The Department is
3 divided into the Illinois State Police Academy, the Office of
4 the Statewide 9-1-1 Administrator, and 4 divisions: the
5 Division of Operations, the Division of Forensic Services, the
6 Division of Administration, and the Division of Internal
7 Investigation. ~~Beginning on July 1, 2015, there shall be the~~
8 ~~Division of the Statewide 9-1-1 Administrator within the~~
9 ~~Department of State Police to develop, implement, and oversee a~~
10 ~~uniform statewide 9-1-1 system for all areas of the State~~
11 ~~outside of municipalities having a population of more than~~
12 ~~500,000.~~

13 (Source: P.A. 98-634, eff. 6-6-14.)

14 (20 ILCS 2605/2605-52 new)

15 Sec. 2605-52. Office of the Statewide 9-1-1 Administrator.

16 (a) There shall be established an Office of the Statewide
17 9-1-1 Administrator within the Department. Beginning January
18 1, 2016, the Office of the Statewide 9-1-1 Administrator shall
19 be responsible for developing, implementing, and overseeing a
20 uniform statewide 9-1-1 system for all areas of the State
21 outside of municipalities having a population over 500,000.

22 (b) The Governor shall appoint, with the advice and consent
23 of the Senate, a Statewide 9-1-1 Administrator. The
24 Administrator shall serve for a term of 2 years, and until a

1 successor is appointed and qualified; except that the term of
2 the first 9-1-1 Administrator appointed under this Act shall
3 expire on the third Monday in January, 2017. The Administrator
4 shall not hold any other remunerative public office. The
5 Administrator shall receive an annual salary as set by the
6 Governor.

7 Section 1-15. The State Finance Act is amended by adding
8 Section 5.866 as follows:

9 (30 ILCS 105/5.866 new)

10 Sec. 5.866. The Illinois Telecommunications Access
11 Corporation Fund.

12 Section 1-20. The Emergency Telephone System Act is amended
13 by changing Section 15.3 and by adding Sections 19, 75, and 99
14 as follows:

15 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

16 Sec. 15.3. Local non-wireless surcharge ~~Surcharge~~.

17 (a) Except as provided in subsection (l) of this Section,
18 the ~~The~~ corporate authorities of any municipality or any county
19 may, subject to the limitations of subsections (c), (d), and
20 (h), and in addition to any tax levied pursuant to the
21 Simplified Municipal Telecommunications Tax Act, impose a
22 monthly surcharge on billed subscribers of network connection

1 provided by telecommunication carriers engaged in the business
2 of transmitting messages by means of electricity originating
3 within the corporate limits of the municipality or county
4 imposing the surcharge at a rate per network connection
5 determined in accordance with subsection (c), however the
6 monthly surcharge shall not apply to a network connection
7 provided for use with pay telephone services. Provided,
8 however, that where multiple voice grade communications
9 channels are connected between the subscriber's premises and a
10 public switched network through private branch exchange (PBX)
11 or centrex type service, a municipality imposing a surcharge at
12 a rate per network connection, as determined in accordance with
13 this Act, shall impose:

14 (i) in a municipality with a population of 500,000 or
15 less or in any county, 5 such surcharges per network
16 connection, as determined in accordance with subsections
17 (a) and (d) of Section 2.12 of this Act, for both regular
18 service and advanced service provisioned trunk lines;

19 (ii) in a municipality with a population, prior to
20 March 1, 2010, of 500,000 or more, 5 surcharges per network
21 connection, as determined in accordance with subsections
22 (a) and (d) of Section 2.12 of this Act, for both regular
23 service and advanced service provisioned trunk lines;

24 (iii) in a municipality with a population, as of March
25 1, 2010, of 500,000 or more, 5 surcharges per network
26 connection, as determined in accordance with subsections

1 (a) and (d) of Section 2.12 of this Act, for regular
2 service provisioned trunk lines, and 12 surcharges per
3 network connection, as determined in accordance with
4 subsections (a) and (d) of Section 2.12 of this Act, for
5 advanced service provisioned trunk lines, except where an
6 advanced service provisioned trunk line supports at least 2
7 but fewer than 23 simultaneous voice grade calls ("VGC's"),
8 a telecommunication carrier may elect to impose fewer than
9 12 surcharges per trunk line as provided in subsection (iv)
10 of this Section; or

11 (iv) for an advanced service provisioned trunk line
12 connected between the subscriber's premises and the public
13 switched network through a P.B.X., where the advanced
14 service provisioned trunk line is capable of transporting
15 at least 2 but fewer than 23 simultaneous VGC's per trunk
16 line, the telecommunications carrier collecting the
17 surcharge may elect to impose surcharges in accordance with
18 the table provided in this Section, without limiting any
19 telecommunications carrier's obligations to otherwise keep
20 and maintain records. Any telecommunications carrier
21 electing to impose fewer than 12 surcharges per an advanced
22 service provisioned trunk line shall keep and maintain
23 records adequately to demonstrate the VGC capability of
24 each advanced service provisioned trunk line with fewer
25 than 12 surcharges imposed, provided that 12 surcharges
26 shall be imposed on an advanced service provisioned trunk

1 line regardless of the VGC capability where a
2 telecommunications carrier cannot demonstrate the VGC
3 capability of the advanced service provisioned trunk line.

4 Facility	VGC's	911 Surcharges
5 Advanced service provisioned trunk line	18-23	12
6 Advanced service provisioned trunk line	12-17	10
7 Advanced service provisioned trunk line	2-11	8

8 Subsections (i), (ii), (iii), and (iv) are not intended to
9 make any change in the meaning of this Section, but are
10 intended to remove possible ambiguity, thereby confirming the
11 intent of paragraph (a) as it existed prior to and following
12 the effective date of this amendatory Act of the 97th General
13 Assembly.

14 For mobile telecommunications services, if a surcharge is
15 imposed it shall be imposed based upon the municipality or
16 county that encompasses the customer's place of primary use as
17 defined in the Mobile Telecommunications Sourcing Conformity
18 Act. A municipality may enter into an intergovernmental
19 agreement with any county in which it is partially located,
20 when the county has adopted an ordinance to impose a surcharge
21 as provided in subsection (c), to include that portion of the
22 municipality lying outside the county in that county's
23 surcharge referendum. If the county's surcharge referendum is
24 approved, the portion of the municipality identified in the

1 intergovernmental agreement shall automatically be
2 disconnected from the county in which it lies and connected to
3 the county which approved the referendum for purposes of a
4 surcharge on telecommunications carriers.

5 (b) For purposes of computing the surcharge imposed by
6 subsection (a), the network connections to which the surcharge
7 shall apply shall be those in-service network connections,
8 other than those network connections assigned to the
9 municipality or county, where the service address for each such
10 network connection or connections is located within the
11 corporate limits of the municipality or county levying the
12 surcharge. Except for mobile telecommunication services, the
13 "service address" shall mean the location of the primary use of
14 the network connection or connections. For mobile
15 telecommunication services, "service address" means the
16 customer's place of primary use as defined in the Mobile
17 Telecommunications Sourcing Conformity Act.

18 (c) Upon the passage of an ordinance to impose a surcharge
19 under this Section the clerk of the municipality or county
20 shall certify the question of whether the surcharge may be
21 imposed to the proper election authority who shall submit the
22 public question to the electors of the municipality or county
23 in accordance with the general election law; provided that such
24 question shall not be submitted at a consolidated primary
25 election. The public question shall be in substantially the
26 following form:

1 -----

2 Shall the county (or city, village
3 or incorporated town) of impose YES
4 a surcharge of up to ...¢ per month per
5 network connection, which surcharge will
6 be added to the monthly bill you receive -----
7 for telephone or telecommunications
8 charges, for the purpose of installing
9 (or improving) a 9-1-1 Emergency NO
10 Telephone System?

11 -----

12 If a majority of the votes cast upon the public question
13 are in favor thereof, the surcharge shall be imposed.

14 However, if a Joint Emergency Telephone System Board is to
15 be created pursuant to an intergovernmental agreement under
16 Section 15.4, the ordinance to impose the surcharge shall be
17 subject to the approval of a majority of the total number of
18 votes cast upon the public question by the electors of all of
19 the municipalities or counties, or combination thereof, that
20 are parties to the intergovernmental agreement.

21 The referendum requirement of this subsection (c) shall not
22 apply to any municipality with a population over 500,000 or to
23 any county in which a proposition as to whether a sophisticated
24 9-1-1 Emergency Telephone System should be installed in the
25 county, at a cost not to exceed a specified monthly amount per
26 network connection, has previously been approved by a majority

1 of the electors of the county voting on the proposition at an
2 election conducted before the effective date of this amendatory
3 Act of 1987.

4 (d) A county may not impose a surcharge, unless requested
5 by a municipality, in any incorporated area which has
6 previously approved a surcharge as provided in subsection (c)
7 or in any incorporated area where the corporate authorities of
8 the municipality have previously entered into a binding
9 contract or letter of intent with a telecommunications carrier
10 to provide sophisticated 9-1-1 service through municipal
11 funds.

12 (e) A municipality or county may at any time by ordinance
13 change the rate of the surcharge imposed under this Section if
14 the new rate does not exceed the rate specified in the
15 referendum held pursuant to subsection (c).

16 (f) The surcharge authorized by this Section shall be
17 collected from the subscriber by the telecommunications
18 carrier providing the subscriber the network connection as a
19 separately stated item on the subscriber's bill.

20 (g) The amount of surcharge collected by the
21 telecommunications carrier shall be paid to the particular
22 municipality or county or Joint Emergency Telephone System
23 Board not later than 30 days after the surcharge is collected,
24 net of any network or other 9-1-1 or sophisticated 9-1-1 system
25 charges then due the particular telecommunications carrier, as
26 shown on an itemized bill. The telecommunications carrier

1 collecting the surcharge shall also be entitled to deduct 3% of
2 the gross amount of surcharge collected to reimburse the
3 telecommunications carrier for the expense of accounting and
4 collecting the surcharge.

5 (h) Except as expressly provided in subsection (a) of this
6 Section, on or after the effective date of this amendatory Act
7 of the 98th General Assembly and until July 1, 2017 ~~2015~~, a
8 municipality with a population of 500,000 or more shall not
9 impose a monthly surcharge per network connection in excess of
10 the highest monthly surcharge imposed as of January 1, 2014 by
11 any county or municipality under subsection (c) of this
12 Section. On or after July 1, 2017 ~~2015~~, a municipality with a
13 population over 500,000 may not impose a monthly surcharge in
14 excess of \$2.50 per network connection.

15 (i) Any municipality or county or joint emergency telephone
16 system board that has imposed a surcharge pursuant to this
17 Section prior to the effective date of this amendatory Act of
18 1990 shall hereafter impose the surcharge in accordance with
19 subsection (b) of this Section.

20 (j) The corporate authorities of any municipality or county
21 may issue, in accordance with Illinois law, bonds, notes or
22 other obligations secured in whole or in part by the proceeds
23 of the surcharge described in this Section. ~~Notwithstanding any~~
24 ~~change in law subsequent to the issuance of any bonds, notes or~~
25 ~~other obligations secured by the surcharge, every municipality~~
26 ~~or county issuing such bonds, notes or other obligations shall~~

1 ~~be authorized to impose the surcharge as though the laws~~
2 ~~relating to the imposition of the surcharge in effect at the~~
3 ~~time of issuance of the bonds, notes or other obligations were~~
4 ~~in full force and effect until the bonds, notes or other~~
5 ~~obligations are paid in full.~~ The State of Illinois pledges and
6 agrees that it will not limit or alter the rights and powers
7 vested in municipalities and counties by this Section to impose
8 the surcharge so as to impair the terms of or affect the
9 security for bonds, notes or other obligations secured in whole
10 or in part with the proceeds of the surcharge described in this
11 Section. The pledge and agreement set forth in this Section
12 survive the termination of the surcharge under subsection (l)
13 by virtue of the replacement of the surcharge monies guaranteed
14 under Section 20; the State of Illinois pledges and agrees that
15 it will not limit or alter the rights vested in municipalities
16 and counties to the surcharge replacement funds guaranteed
17 under Section 20 so as to impair the terms of or affect the
18 security for bonds, notes or other obligations secured in whole
19 or in part with the proceeds of the surcharge described in this
20 Section.

21 (k) Any surcharge collected by or imposed on a
22 telecommunications carrier pursuant to this Section shall be
23 held to be a special fund in trust for the municipality, county
24 or Joint Emergency Telephone Board imposing the surcharge.
25 Except for the 3% deduction provided in subsection (g) above,
26 the special fund shall not be subject to the claims of

1 creditors of the telecommunication carrier.

2 (1) On and after the effective date of this amendatory Act
3 of the 99th General Assembly, no county or municipality, other
4 than a municipality with a population over 500,000, may impose
5 a monthly surcharge under this Section in excess of the amount
6 imposed by it on the effective date of this Act. Any surcharge
7 imposed pursuant to this Section by a county or municipality,
8 other than a municipality with a population in excess of
9 500,000, shall cease to be imposed on January 1, 2016.

10 (Source: P.A. 97-463, eff. 8-19-11; 98-634, eff. 6-6-14.)

11 (50 ILCS 750/19 new)

12 Sec. 19. Statewide 9-1-1 Advisory Board.

13 (a) Beginning July 1, 2015, there is created the Statewide
14 9-1-1 Advisory Board within the Department of State Police. The
15 Board shall consist of the following 11 voting members:

16 (1) The Director of the State Police, or his or her
17 designee, who shall serve as chairman.

18 (2) The Executive Director of the Commission, or his or
19 her designee.

20 (3) Nine members appointed by the Governor as follows:

21 (A) one member representing the Illinois chapter
22 of the National Emergency Number Association, or his or
23 her designee;

24 (B) one member representing the Illinois chapter
25 of the Association of Public-Safety Communications

1 Officials, or his or her designee;

2 (C) one member representing a county 9-1-1 system
3 from a county with a population of less than 50,000;

4 (D) one member representing a county 9-1-1 system
5 from a county with a population between 50,000 and
6 250,000;

7 (E) one member representing a county 9-1-1 system
8 from a county with a population of more than 250,000;

9 (F) one member representing a municipality with a
10 population of less than 500,000 in a county with a
11 population in excess of 2,000,000;

12 (G) one member representing the Illinois
13 Association of Chiefs of Police;

14 (H) one member representing the Illinois Sheriffs'
15 Association; and

16 (I) one member representing the Illinois Fire
17 Chiefs Association.

18 The Governor shall appoint the following non-voting
19 members: (i) one member representing an incumbent local
20 exchange 9-1-1 system provider; (ii) one member representing a
21 non-incumbent local exchange 9-1-1 system provider; (iii) one
22 member representing a large wireless carrier; (iv) one member
23 representing a small wireless carrier; and (v) one member
24 representing the Illinois Telecommunications Association.

25 (b) The Governor shall make initial appointments to the
26 Statewide 9-1-1 Advisory Board by August 31, 2015. Six of the

1 voting members appointed by the Governor shall serve an initial
2 term of 2 years, and the remaining voting members appointed by
3 the Governor shall serve an initial term of 3 years.
4 Thereafter, each appointment by the Governor shall be for a
5 term of 3 years. Non-voting members shall serve for a term of 3
6 years. Vacancies shall be filled in the same manner as the
7 original appointment. Persons appointed to fill a vacancy shall
8 serve for the balance of the unexpired term.

9 Members of the Statewide 9-1-1 Advisory Board shall serve
10 without compensation.

11 (c) The 9-1-1 Services Advisory Board, as constituted on
12 June 1, 2015 without the legislative members, shall serve in
13 the role of the Statewide 9-1-1 Advisory Board until all
14 appointments of voting members have been made by the Governor
15 under subsection (a) of this Section.

16 (d) The Statewide 9-1-1 Advisory Board shall:

17 (1) advise the Department of State Police and the
18 Statewide 9-1-1 Administrator on the oversight of 9-1-1
19 systems and the development and implementation of a uniform
20 statewide 9-1-1 system;

21 (2) make recommendations to the Governor and the
22 General Assembly regarding improvements to 9-1-1 services
23 throughout the State; and

24 (3) exercise all other powers and duties provided in
25 this Act.

26 (e) The Statewide 9-1-1 Advisory Board shall submit to the

1 General Assembly a report by March 1 of each year providing an
2 update on the transition to a statewide 9-1-1 system and
3 recommending any legislative action.

4 (f) The Department of State Police shall provide
5 administrative support to the Statewide 9-1-1 Advisory Board.

6 (50 ILCS 750/75 new)

7 Sec. 75. Transfer of rights, functions, powers, duties, and
8 property to Department of State Police; rules and standards;
9 savings provisions.

10 (a) On January 1, 2016, the rights, functions, powers, and
11 duties of the Illinois Commerce Commission as set forth in this
12 Act and the Wireless Emergency Telephone Safety Act existing
13 prior to January 1, 2016, are transferred to and shall be
14 exercised by the Department of State Police. On or before
15 January 1, 2016, the Commission shall transfer and deliver to
16 the Department all books, records, documents, property (real
17 and personal), unexpended appropriations, and pending business
18 pertaining to the rights, powers, duties, and functions
19 transferred to the Department under this amendatory Act of the
20 99th General Assembly.

21 (b) The rules and standards of the Commission that are in
22 effect on January 1, 2016 and that pertain to the rights,
23 powers, duties, and functions transferred to the Department
24 under this amendatory Act of the 99th General Assembly shall
25 become the rules and standards of the Department on January 1,

1 2016, and shall continue in effect until amended or repealed by
2 the Department.

3 Any rules pertaining to the rights, powers, duties, and
4 functions transferred to the Department under this amendatory
5 Act of the 99th General Assembly that have been proposed by the
6 Commission but have not taken effect or been finally adopted by
7 January 1, 2016, shall become proposed rules of the Department
8 on January 1, 2016, and any rulemaking procedures that have
9 already been completed by the Commission for those proposed
10 rules need not be repealed.

11 As soon as it is practical after January 1, 2016, the
12 Department shall revise and clarify the rules transferred to it
13 under this amendatory Act of the 99th General Assembly to
14 reflect the transfer of rights, powers, duties, and functions
15 effected by this amendatory Act of the 99th General Assembly
16 using the procedures for recodification of rules available
17 under the Illinois Administrative Procedure Act, except that
18 existing title, part, and section numbering for the affected
19 rules may be retained. The Department may propose and adopt
20 under the Illinois Administrative Procedure Act any other rules
21 necessary to consolidate and clarify those rules.

22 (c) The rights, powers, duties, and functions transferred
23 to the Department by this amendatory Act of the 99th General
24 Assembly shall be vested in and exercised by the Department
25 subject to the provisions of this Act and the Wireless
26 Emergency Telephone Safety Act. An act done by the Department

1 or an officer, employee, or agent of the Department in the
2 exercise of the transferred rights, powers, duties, and
3 functions shall have the same legal effect as if done by the
4 Commission or an officer, employee, or agent of the Commission.

5 The transfer of rights, powers, duties, and functions to
6 the Department under this amendatory Act of the 99th General
7 Assembly does not invalidate any previous action taken by or in
8 respect to the Commission, its officers, employees, or agents.
9 References to the Commission or its officers, employees, or
10 agents in any document, contract, agreement, or law shall, in
11 appropriate contexts, be deemed to refer to the Department or
12 its officers, employees, or agents.

13 The transfer of rights, powers, duties, and functions to
14 the Department under this amendatory Act of the 99th General
15 Assembly does not affect any person's rights, obligations, or
16 duties, including any civil or criminal penalties applicable
17 thereto, arising out of those transferred rights, powers,
18 duties, and functions.

19 This amendatory Act of the 99th General Assembly does not
20 affect any act done, ratified, or cancelled, any right
21 occurring or established, or any action or proceeding commenced
22 in an administrative, civil, or criminal case before January 1,
23 2016. Any such action or proceeding that pertains to a right,
24 power, duty, or function transferred to the Department under
25 this amendatory Act of the 99th General Assembly that is
26 pending on that date may be prosecuted, defended, or continued

1 by the Commission.

2 For the purposes of Section 9b of the State Finance Act,
3 the Department is the successor to the Commission with respect
4 to the rights, duties, powers, and functions transferred by
5 this amendatory Act of the 99th General Assembly.

6 (c) The Department is authorized to enter into an
7 intergovernmental agreement with the Commission for the
8 purpose of having the Commission assist the Department and the
9 Statewide 9-1-1 Administrator in carrying out their duties and
10 functions under this Act. The agreement may provide for funding
11 for the Commission for its assistance to the Department and the
12 Statewide 9-1-1 Administrator.

13 (50 ILCS 750/99 new)

14 Sec. 99. Repealer. This Act is repealed on July 1, 2017.

15 Section 1-25. The Wireless Emergency Telephone Safety Act
16 is amended by changing Sections 27, 45, and 70 as follows:

17 (50 ILCS 751/27)

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

19 Sec. 27. Financial reports.

20 (a) The Illinois Commerce Commission shall create uniform
21 accounting procedures, with such modification as may be
22 required to give effect to statutory provisions applicable only
23 to municipalities with a population in excess of 500,000, that

1 any emergency telephone system board, qualified governmental
2 entity, or unit of local government described in Section 15 of
3 this Act and Section 15.4 of the Emergency Telephone System Act
4 or any entity imposing a wireless surcharge pursuant to Section
5 45 of this Act must follow.

6 (b) By October 1, 2014, each emergency telephone system
7 board, qualified governmental entity, or unit of local
8 government described in Section 15 of this Act and Section 15.4
9 of the Emergency Telephone System Act or any entity imposing a
10 wireless surcharge pursuant to Section 45 of this Act shall
11 report to the Illinois Commerce Commission audited financial
12 statements showing total revenue and expenditures for each of
13 the last two of its fiscal years in a form and manner as
14 prescribed by the Illinois Commerce Commission's Manager of
15 Accounting. Such financial information shall include:

16 (1) a detailed summary of revenue from all sources
17 including, but not limited to, local, State, federal, and
18 private revenues, and any other funds received;

19 (2) operating expenses, capital expenditures, and cash
20 balances; and

21 (3) such other financial information that is relevant
22 to the provision of 9-1-1 services as determined by the
23 Illinois Commerce Commission's Manager of Accounting.

24 The emergency telephone system board, qualified
25 governmental entity, or unit of local government is responsible
26 for any costs associated with auditing such financial

1 statements. The Illinois Commerce Commission shall post the
2 audited financial statements on the Commission's website.

3 (c) By October 1, 2015 ~~January 31, 2016~~ and each year
4 thereafter, each emergency telephone system board, qualified
5 governmental entity, or unit of local government described in
6 Section 15 of this Act and Section 15.4 of the Emergency
7 Telephone System Act or any entity imposing a wireless
8 surcharge pursuant to Section 45 of this Act shall report to
9 the Illinois Commerce Commission audited annual financial
10 statements showing total revenue and expenditures in a form and
11 manner as prescribed by the Illinois Commerce Commission's
12 Manager of Accounting.

13 The emergency telephone system board, qualified
14 governmental entity, or unit of local government is responsible
15 for any costs associated with auditing such financial
16 statements.

17 The Illinois Commerce Commission shall post each entity's
18 individual audited annual financial statements on the
19 Commission's website.

20 (d) If an emergency telephone system board or qualified
21 governmental entity that receives funds from the Wireless
22 Service Emergency Fund fails to file the 9-1-1 system financial
23 reports as required under this Section, the Illinois Commerce
24 Commission shall suspend and withhold monthly grants otherwise
25 due to the emergency telephone system board or qualified
26 governmental entity under Section 25 of this Act until the

1 report is filed.

2 Any monthly grants that have been withheld for 12 months or
3 more shall be forfeited by the emergency telephone system board
4 or qualified governmental entity and shall be distributed
5 proportionally by the Illinois Commerce Commission to
6 compliant emergency telephone system boards and qualified
7 governmental entities that receive funds from the Wireless
8 Service Emergency Fund.

9 (e) The Illinois Commerce Commission may adopt emergency
10 rules necessary to carry out the provisions of this Section.

11 (Source: P.A. 98-634, eff. 6-6-14.)

12 (50 ILCS 751/45)

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

14 Sec. 45. Continuation of current practices.

15 (a) Notwithstanding any other provision of this Act, a unit
16 of local government or emergency telephone system board
17 providing wireless 9-1-1 service and imposing and collecting a
18 wireless carrier surcharge prior to July 1, 1998 may continue
19 its practices of imposing and collecting its wireless carrier
20 surcharge, but, except as provided in subsection (b) of this
21 Section, in no event shall that monthly surcharge exceed \$2.50
22 per commercial mobile radio service (CMRS) connection or
23 in-service telephone number billed on a monthly basis. For
24 mobile telecommunications services provided on and after
25 August 1, 2002, any surcharge imposed shall be imposed based

1 upon the municipality or county that encompasses the customer's
2 place of primary use as defined in the Mobile
3 Telecommunications Sourcing Conformity Act.

4 (b) On or after the effective date of this amendatory Act
5 of the 98th General Assembly and until July 1, 2017 ~~2015~~, the
6 corporate authorities of a municipality with a population in
7 excess of 500,000 on the effective date of this amendatory Act
8 may by ordinance impose and collect a monthly surcharge per
9 commercial mobile radio service (CMRS) connection or
10 in-service telephone number billed on a monthly basis that does
11 not exceed the highest monthly surcharge imposed as of January
12 1, 2014 by any county or municipality under subsection (c) of
13 Section 15.3 of the Emergency Telephone System Act. On or after
14 July 1, 2017 ~~2015~~, the municipality may continue imposing and
15 collecting its wireless carrier surcharge as provided in and
16 subject to the limitations of subsection (a) of this Section.

17 (c) In addition to any other lawful purpose, a municipality
18 with a population over 500,000 may use the moneys collected
19 under this Section for any anti-terrorism or emergency
20 preparedness measures, including, but not limited to,
21 preparedness planning, providing local matching funds for
22 federal or State grants, personnel training, and specialized
23 equipment, including surveillance cameras as needed to deal
24 with natural and terrorist-inspired emergency situations or
25 events.

26 (Source: P.A. 98-634, eff. 6-6-14.)

1 (50 ILCS 751/70)

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

3 Sec. 70. Repealer. This Act is repealed on December 31 ~~July~~
4 ~~±~~, 2015.

5 (Source: P.A. 97-1163, eff. 2-4-13; 98-45, eff. 6-28-13;
6 98-634, eff. 6-6-14.)

7 Section 1-30. The Prepaid Wireless 9-1-1 Surcharge Act is
8 amended by changing Section 15 as follows:

9 (50 ILCS 753/15)

10 Sec. 15. Prepaid wireless 9-1-1 surcharge.

11 (a) Until September 30, 2015, there ~~There~~ is hereby imposed
12 on consumers a prepaid wireless 9-1-1 surcharge of 1.5% per
13 retail transaction. Beginning October 1, 2015, the prepaid
14 wireless 9-1-1 surcharge shall be 3% per retail transaction.

15 The surcharge authorized by this subsection (a) does not apply
16 in a home rule municipality having a population in excess of
17 500,000. ~~The amount of the surcharge may be reduced or~~
18 ~~increased pursuant to subsection (c).~~

19 (a-5) On or after the effective date of this amendatory Act
20 of the 98th General Assembly and until July 1, 2017 ~~2015~~, a
21 home rule municipality having a population in excess of 500,000
22 on the effective date of this amendatory Act may impose a
23 prepaid wireless 9-1-1 surcharge not to exceed 9% per retail

1 transaction sourced to that jurisdiction and collected and
2 remitted in accordance with the provisions of subsection (b-5)
3 of this Section. On or after July 1, 2017 ~~2015~~, a home rule
4 municipality having a population in excess of 500,000 on the
5 effective date of this Act may only impose a prepaid wireless
6 9-1-1 surcharge not to exceed 7% per retail transaction sourced
7 to that jurisdiction and collected and remitted in accordance
8 with the provisions of subsection (b-5).

9 (b) The prepaid wireless 9-1-1 surcharge shall be collected
10 by the seller from the consumer with respect to each retail
11 transaction occurring in this State and shall be remitted to
12 the Department by the seller as provided in this Act. The
13 amount of the prepaid wireless 9-1-1 surcharge shall be
14 separately stated as a distinct item apart from the charge for
15 the prepaid wireless telecommunications service on an invoice,
16 receipt, or other similar document that is provided to the
17 consumer by the seller or shall be otherwise disclosed to the
18 consumer. If the seller does not separately state the surcharge
19 as a distinct item to the consumer as provided in this Section,
20 then the seller shall maintain books and records as required by
21 this Act which clearly identify the amount of the 9-1-1
22 surcharge for retail transactions.

23 For purposes of this subsection (b), a retail transaction
24 occurs in this State if (i) the retail transaction is made in
25 person by a consumer at the seller's business location and the
26 business is located within the State; (ii) the seller is a

1 provider and sells prepaid wireless telecommunications service
2 to a consumer located in Illinois; (iii) the retail transaction
3 is treated as occurring in this State for purposes of the
4 Retailers' Occupation Tax Act; or (iv) a seller that is
5 included within the definition of a "retailer maintaining a
6 place of business in this State" under Section 2 of the Use Tax
7 Act makes a sale of prepaid wireless telecommunications service
8 to a consumer located in Illinois. In the case of a retail
9 transaction which does not occur in person at a seller's
10 business location, if a consumer uses a credit card to purchase
11 prepaid wireless telecommunications service on-line or over
12 the telephone, and no product is shipped to the consumer, the
13 transaction occurs in this State if the billing address for the
14 consumer's credit card is in this State.

15 (b-5) The prepaid wireless 9-1-1 surcharge imposed under
16 subsection (a-5) of this Section shall be collected by the
17 seller from the consumer with respect to each retail
18 transaction occurring in the municipality imposing the
19 surcharge. The amount of the prepaid wireless 9-1-1 surcharge
20 shall be separately stated on an invoice, receipt, or other
21 similar document that is provided to the consumer by the seller
22 or shall be otherwise disclosed to the consumer. If the seller
23 does not separately state the surcharge as a distinct item to
24 the consumer as provided in this Section, then the seller shall
25 maintain books and records as required by this Act which
26 clearly identify the amount of the 9-1-1 surcharge for retail

1 transactions.

2 For purposes of this subsection (b-5), a retail transaction
3 occurs in the municipality if (i) the retail transaction is
4 made in person by a consumer at the seller's business location
5 and the business is located within the municipality; (ii) the
6 seller is a provider and sells prepaid wireless
7 telecommunications service to a consumer located in the
8 municipality; (iii) the retail transaction is treated as
9 occurring in the municipality for purposes of the Retailers'
10 Occupation Tax Act; or (iv) a seller that is included within
11 the definition of a "retailer maintaining a place of business
12 in this State" under Section 2 of the Use Tax Act makes a sale
13 of prepaid wireless telecommunications service to a consumer
14 located in the municipality. In the case of a retail
15 transaction which does not occur in person at a seller's
16 business location, if a consumer uses a credit card to purchase
17 prepaid wireless telecommunications service on-line or over
18 the telephone, and no product is shipped to the consumer, the
19 transaction occurs in the municipality if the billing address
20 for the consumer's credit card is in the municipality.

21 (c) The prepaid wireless 9-1-1 surcharge is imposed on the
22 consumer and not on any provider. The seller shall be liable to
23 remit all prepaid wireless 9-1-1 surcharges that the seller
24 collects from consumers as provided in Section 20, including
25 all such surcharges that the seller is deemed to collect where
26 the amount of the surcharge has not been separately stated on

1 an invoice, receipt, or other similar document provided to the
2 consumer by the seller. The surcharge collected or deemed
3 collected by a seller shall constitute a debt owed by the
4 seller to this State, and any such surcharge actually collected
5 shall be held in trust for the benefit of the Department.

6 For purposes of this subsection (c), the surcharge shall
7 not be imposed or collected from entities that have an active
8 tax exemption identification number issued by the Department
9 under Section 1g of the Retailers' Occupation Tax Act.

10 (d) The amount of the prepaid wireless 9-1-1 surcharge that
11 is collected by a seller from a consumer, if such amount is
12 separately stated on an invoice, receipt, or other similar
13 document provided to the consumer by the seller, shall not be
14 included in the base for measuring any tax, fee, surcharge, or
15 other charge that is imposed by this State, any political
16 subdivision of this State, or any intergovernmental agency.

17 (e) (Blank). ~~The prepaid wireless 9-1-1 charge imposed~~
18 ~~under subsection (a) of this Section shall be proportionately~~
19 ~~increased or reduced, as applicable, upon any change to the~~
20 ~~surcharge imposed under Section 17 of the Wireless Emergency~~
21 ~~Telephone Safety Act. The adjusted rate shall be determined by~~
22 ~~dividing the amount of the surcharge imposed under Section 17~~
23 ~~of the Wireless Emergency Telephone Safety Act by \$50. Such~~
24 ~~increase or reduction shall be effective on the first day of~~
25 ~~the first calendar month to occur at least 60 days after the~~
26 ~~enactment of the change to the surcharge imposed under Section~~

1 ~~17 of the Wireless Emergency Telephone Safety Act. The~~
2 ~~Department shall provide not less than 30 days' notice of an~~
3 ~~increase or reduction in the amount of the surcharge on the~~
4 ~~Department's website.~~

5 (e-5) Any changes in the rate of the surcharge imposed by a
6 municipality under the authority granted in subsection (a-5) of
7 this Section shall be effective on the first day of the first
8 calendar month to occur at least 60 days after the enactment of
9 the change. The Department shall provide not less than 30 days'
10 notice of the increase or reduction in the rate of such
11 surcharge on the Department's website.

12 (f) When prepaid wireless telecommunications service is
13 sold with one or more other products or services for a single,
14 non-itemized price, then the percentage specified in
15 subsection (a) or (a-5) of this Section shall be applied to
16 the entire non-itemized price unless the seller elects to apply
17 the percentage to (i) the dollar amount of the prepaid wireless
18 telecommunications service if that dollar amount is disclosed
19 to the consumer or (ii) the portion of the price that is
20 attributable to the prepaid wireless telecommunications
21 service if the retailer can identify that portion by reasonable
22 and verifiable standards from its books and records that are
23 kept in the regular course of business for other purposes,
24 including, but not limited to, books and records that are kept
25 for non-tax purposes. However, if a minimal amount of prepaid
26 wireless telecommunications service is sold with a prepaid

1 wireless device for a single, non-itemized price, then the
2 seller may elect not to apply the percentage specified in
3 subsection (a) or (a-5) of this Section 15 to such transaction.
4 For purposes of this subsection, an amount of service
5 denominated as 10 minutes or less or \$5 or less is considered
6 minimal.

7 (g) The prepaid wireless 9-1-1 surcharge imposed under
8 subsections (a) and (a-5) of this Section is not imposed on the
9 provider or the consumer for wireless Lifeline service where
10 the consumer does not pay the provider for the service. Where
11 the consumer purchases from the provider optional minutes,
12 texts, or other services in addition to the federally funded
13 Lifeline benefit, a consumer must pay the prepaid wireless
14 9-1-1 surcharge, and it must be collected by the seller
15 according to subsection (b-5).

16 (Source: P.A. 97-463, eff. 1-1-12; 97-748, eff. 7-6-12; 98-634,
17 eff. 6-6-14.)

18 Section 1-31. The Counties Code is amended by changing
19 Section 5-1095.1 as follows:

20 (55 ILCS 5/5-1095.1)

21 Sec. 5-1095.1. County franchise fee or service provider fee
22 review; requests for information.

23 (a) If pursuant to its franchise agreement with a community
24 antenna television system (CATV) operator, a county imposes a

1 franchise fee authorized by 47 U.S.C. 542 or if a community
2 antenna television system (CATV) operator providing cable or
3 video service in that county is required to pay the service
4 provider fees imposed by the Cable and Video Competition Law of
5 2007, then the county may conduct an audit of that CATV
6 operator's franchise fees or service provider fees derived from
7 the provision of cable and video services to subscribers within
8 the franchise area to determine whether the amount of franchise
9 fees or service provider fees paid by that CATV operator to the
10 county was accurate. Any audit conducted under this subsection
11 (a) shall determine, for a period of not more than 4 years
12 after the date the franchise fees or service provider fees were
13 due, any overpayment or underpayment to the county by the CATV
14 operator, and the amount due to the county or CATV operator is
15 limited to the net difference.

16 (b) Not more than once every 2 years, a county or its agent
17 that is authorized to perform an audit as set forth in
18 subsection (a) ~~that has imposed a franchise fee authorized by~~
19 ~~47 U.S.C. 542~~ may, subject to the limitations and protections
20 stated in the Local Government Taxpayers' Bill of Rights Act,
21 request information from the CATV operator in the format
22 maintained by the CATV operator in the ordinary course of its
23 business that the county reasonably requires in order to
24 perform an audit under subsection (a). The information that may
25 be requested by the county includes without limitation the
26 following:

1 (1) in an electronic format used by the CATV operator
2 in the ordinary course of its business, the database used
3 by the CATV operator to determine the amount of the
4 franchise fee or service provider fee due to the county;
5 and

6 (2) in a format used by the CATV operator in the
7 ordinary course of its business, summary data, as needed by
8 the county, to determine the CATV operator's franchise fees
9 or service provider fees derived from the provision of
10 cable and video services to subscribers within the CATV
11 operator's franchise area.

12 (c) The CATV operator must provide the information
13 requested under subsection (b) within:

14 (1) 60 days after the receipt of the request if the
15 population of the requesting county is 500,000 or less; or

16 (2) 90 days after the receipt of the request if the
17 population of the requesting county exceeds 500,000.

18 The time in which a CATV operator must provide the
19 information requested under subsection (b) may be extended by
20 written an agreement between the county or its agent and the
21 CATV operator.

22 (c-5) The county or its agent must provide an initial
23 report of its audit findings to the CATV operator no later than
24 90 days after the information set forth in subsection (b) of
25 this Section has been provided by the CATV operator. This
26 90-day timeline may be extended one time by written agreement

1 between the county or its agent and the CATV operator. However,
2 in no event shall an extension of time exceed 90 days. This
3 initial report of audit findings shall detail the basis of its
4 findings and provide, but not be limited to, the following
5 information: (i) any overpayments of franchise fees or service
6 provider fees, (ii) any underpayments of franchise fees or
7 service provider fees, (iii) all county addresses that should
8 be included in the CATV operator's database and attributable to
9 that county for determination of franchise fees or service
10 provider fees, and (iv) addresses that should not be included
11 in the CATV operator's database and addresses that are not
12 attributable to that county for determination of franchise fees
13 or service provider fees. Generally accepted auditing
14 standards shall be utilized by the county and its agents in its
15 review of information provided by the CATV operator.

16 (c-10) In the event that the county or its agent does not
17 provide the initial report of the audit findings to the CATV
18 operator with the timeframes set forth in subsection (c-5) of
19 this Section, then the audit shall be deemed completed and to
20 have conclusively found that there was no overpayment or
21 underpayment by the CATV operator during the 24 months prior to
22 the county or its agents requesting the information set forth
23 in subsection (b) of this Section.

24 (d) If an audit by the county or its agents finds an error
25 by the CATV operator in the amount of the franchise fees or
26 service provider fees paid by the CATV operator to the county,

1 then the county shall ~~may~~ notify the CATV operator of the
2 error. Any such notice must be given to the CATV operator by
3 the county or its agent within 90 days after the county or its
4 agent discovers the error, and no later than 4 years after the
5 date the franchise fee or service provider fee was due. Upon
6 such a notice, the CATV operator must submit a written response
7 within 60 days after receipt of the notice stating that the
8 CATV operator has corrected the error on a prospective basis or
9 stating the reason that the error is inapplicable or
10 inaccurate. The county or its agent then has 60 days after the
11 receipt of the CATV operator's response to review and contest
12 the conclusion of the CATV operator. No legal proceeding to
13 collect a deficiency or overpayment based upon an alleged error
14 shall be commenced unless within 180 days after the county's
15 notification of the error to the CATV operator the parties are
16 unable to agree on the disposition of the audit findings.

17 Any legal proceeding to collect a deficiency as set forth
18 in this subsection (d) shall be filed in the appropriate
19 circuit court.

20 (e) No CATV operator is liable for any error in past
21 franchise fee or service provider fee payments that was unknown
22 by the CATV operator prior to the audit process unless (i) the
23 error was due to negligence on the part of the CATV operator in
24 the collection or processing of required data and (ii) the
25 county had not failed to respond in writing in a timely manner
26 to any written request of the CATV operator to review and

1 correct information used by the CATV operator to calculate the
2 appropriate franchise fees or service provider fees if a
3 diligent review of such information by the county reasonably
4 could have been expected to discover such error.

5 (f) All account specific information provided by a CATV
6 operator under this Section may be used only for the purpose of
7 an audit conducted under this Section and the enforcement of
8 any franchise fee or service provider fee delinquent claim. All
9 such information must be held in strict confidence by the
10 county and its agents and may not be disclosed to the public
11 under the Freedom of Information Act or under any other similar
12 statutes allowing for or requiring public disclosure.

13 (f-5) All contracts by and between a county and a third
14 party for the purposes of conducting an audit as contemplated
15 in this Code shall be disclosed to the public under the Freedom
16 of Information Act or under similar statutes allowing for or
17 requiring public disclosure.

18 (g) For the purposes of this Section, "CATV operator" means
19 a person or entity that provides cable and video services under
20 a franchise agreement with a county pursuant to Section 5-1095
21 of the Counties Code and a holder authorized under Section
22 21-401 of the Cable and Video Competition Law of 2007 as
23 consistent with Section 21-901 of that Law.

24 (h) This Section does not apply to any action that was
25 commenced, to any complaint that was filed, or to any audit
26 that was commenced before the effective date of this amendatory

1 Act of the 96th General Assembly. This Section also does not
2 apply to any franchise agreement that was entered into before
3 the effective date of this amendatory Act of the 96th General
4 Assembly unless the franchise agreement contains audit
5 provisions but no specifics regarding audit procedures.

6 (i) The provisions of this Section shall not be construed
7 as diminishing or replacing any civil remedy available to a
8 county, taxpayer, or tax collector.

9 (j) If a contingent fee is paid to an auditor, then the
10 payment must be based upon the net difference of the complete
11 audit.

12 (k) Within 90 days after the effective date of this
13 amendatory Act of the 96th General Assembly, a county shall
14 provide to any CATV operator a complete list of addresses
15 within the corporate limits of the county and shall annually
16 update the list.

17 (l) This Section is a denial and limitation of home rule
18 powers and functions under subsection (h) of Section 6 of
19 Article VII of the Illinois Constitution.

20 (Source: P.A. 96-1422, eff. 8-3-10.)

21 Section 1-33. The Illinois Municipal Code is amended by
22 changing Section 11-42-11.05 as follows:

23 (65 ILCS 5/11-42-11.05)

24 Sec. 11-42-11.05. Municipal franchise fee or service

1 provider fee review; requests for information.

2 (a) If pursuant to its franchise agreement with a community
3 antenna television system (CATV) operator, a municipality
4 imposes a franchise fee authorized by 47 U.S.C. 542 or if a
5 community antenna television system (CATV) operator providing
6 cable or video service in that municipality is required to pay
7 the service provider fees imposed by the Cable and Video
8 Competition Law of 2007, then the municipality may conduct an
9 audit of that CATV operator's franchise fees or service
10 provider fees derived from the provision of cable and video
11 services to subscribers within the franchise area to determine
12 whether the amount of franchise fees or service provider fees
13 paid by that CATV operator to the municipality was accurate.
14 Any audit conducted under this subsection (a) shall determine,
15 for a period of not more than 4 years after the date the
16 franchise fees or service provider fees were due, any
17 overpayment or underpayment to the municipality by the CATV
18 operator, and the amount due to the municipality or CATV
19 operator is limited to the net difference.

20 (b) Not more than once every 2 years, a municipality or its
21 agent that is authorized to perform an audit as set forth in
22 subsection (a) of this Section ~~that has imposed a franchise fee~~
23 ~~authorized by 47 U.S.C. 542~~ may, subject to the limitations and
24 protections stated in the Local Government Taxpayers' Bill of
25 Rights Act, request information from the CATV operator in the
26 format maintained by the CATV operator in the ordinary course

1 of its business that the municipality reasonably requires in
2 order to perform an audit under subsection (a). The information
3 that may be requested by the municipality includes without
4 limitation the following:

5 (1) in an electronic format used by the CATV operator
6 in the ordinary course of its business, the database used
7 by the CATV operator to determine the amount of the
8 franchise fee or service provider fee due to the
9 municipality; and

10 (2) in a format used by the CATV operator in the
11 ordinary course of its business, summary data, as needed by
12 the municipality, to determine the CATV operator's
13 franchise fees or service provider fees derived from the
14 provision of cable and video services to subscribers within
15 the CATV operator's franchise area.

16 (c) The CATV operator must provide the information
17 requested under subsection (b) within:

18 (1) 60 days after the receipt of the request if the
19 population of the requesting municipality is 500,000 or
20 less; or

21 (2) 90 days after the receipt of the request if the
22 population of the requesting municipality exceeds 500,000.

23 The time in which a CATV operator must provide the
24 information requested under subsection (b) may be extended by
25 written ~~an~~ agreement between the municipality or its agent and
26 the CATV operator.

1 (c-5) The municipality or its agent must provide an initial
2 report of its audit findings to the CATV operator no later than
3 90 days after the information set forth in subsection (b) of
4 this Section has been provided by the CATV operator. This
5 90-day timeline may be extended one time by written agreement
6 between the municipality or its agents and the CATV operator.
7 However, in no event shall an extension of time exceed 90 days.
8 This initial report of audit findings shall detail the basis of
9 its findings and provide, but not be limited to, the following
10 information: (i) any overpayments of franchise fees or service
11 provider fees, (ii) any underpayments of franchise fees or
12 service provider fees, (iii) all municipal addresses that
13 should be included in the CATV operator's database and
14 attributable to that municipality for determination of
15 franchise fees or service provider fees, and (iv) addresses
16 that should not be included in the CATV operator's database and
17 addresses that are not attributable to that municipality for
18 determination of franchise fees or service provider fees.
19 Generally accepted auditing standards shall be utilized by the
20 municipality and its agents in its review of information
21 provided by the CATV operator.

22 (c-10) In the event that the municipality or its agent does
23 not provide the initial report of the audit findings to the
24 CATV operator with the timeframes set forth in subsection (c-5)
25 of this Section, then the audit shall be deemed completed and
26 to have conclusively found that there was no overpayment or

1 underpayment by the CATV operator during the 24 months prior to
2 the municipality or its agents requesting the information set
3 forth in subsection (b) of this Section.

4 (d) If an audit by the municipality or its agents finds an
5 error by the CATV operator in the amount of the franchise fees
6 or service provider fees paid by the CATV operator to the
7 municipality, then the municipality shall ~~may~~ notify the CATV
8 operator of the error. Any such notice must be given to the
9 CATV operator by the municipality or its agent within 90 days
10 after the municipality or its agent discovers the error, and no
11 later than 4 years after the date the franchise fee or service
12 provider fee was due. Upon such a notice, the CATV operator
13 must submit a written response within 60 days after receipt of
14 the notice stating that the CATV operator has corrected the
15 error on a prospective basis or stating the reason that the
16 error is inapplicable or inaccurate. The municipality or its
17 agent then has 60 days after the receipt of the CATV operator's
18 response to review and contest the conclusion of the CATV
19 operator. No legal proceeding to collect a deficiency or
20 overpayment based upon an alleged error shall be commenced
21 unless within 180 days after the municipality's notification of
22 the error to the CATV operator the parties are unable to agree
23 on the disposition of the audit findings.

24 Any legal proceeding to collect a deficiency as set forth
25 in this subsection (d) shall be filed in the appropriate
26 circuit court.

1 (e) No CATV operator is liable for any error in past
2 franchise fee or service provider fee payments that was unknown
3 by the CATV operator prior to the audit process unless (i) the
4 error was due to negligence on the part of the CATV operator in
5 the collection or processing of required data and (ii) the
6 municipality had not failed to respond in writing in a timely
7 manner to any written request of the CATV operator to review
8 and correct information used by the CATV operator to calculate
9 the appropriate franchise fees or service provider fees if a
10 diligent review of such information by the municipality
11 reasonably could have been expected to discover such error.

12 (f) All account specific information provided by a CATV
13 operator under this Section may be used only for the purpose of
14 an audit conducted under this Section and the enforcement of
15 any franchise fee or service provider fee delinquent claim. All
16 such information must be held in strict confidence by the
17 municipality and its agents and may not be disclosed to the
18 public under the Freedom of Information Act or under any other
19 similar statutes allowing for or requiring public disclosure.

20 (f-5) All contracts by and between a municipality and a
21 third party for the purposes of conducting an audit as
22 contemplated in this Article shall be disclosed to the public
23 under the Freedom of Information Act or under similar statutes
24 allowing for or requiring public disclosure.

25 (g) For the purposes of this Section, "CATV operator" means
26 a person or entity that provides cable and video services under

1 a franchise agreement with a municipality pursuant to Section
2 11-42-11 of the Municipal Code and a holder authorized under
3 Section 21-401 of the Cable and Video Competition Law of 2007
4 as consistent with Section 21-901 of that Law.

5 (h) This Section does not apply to any action that was
6 commenced, to any complaint that was filed, or to any audit
7 that was commenced before the effective date of this amendatory
8 Act of the 96th General Assembly. This Section also does not
9 apply to any franchise agreement that was entered into before
10 the effective date of this amendatory Act of the 96th General
11 Assembly unless the franchise agreement contains audit
12 provisions but no specifics regarding audit procedures.

13 (i) The provisions of this Section shall not be construed
14 as diminishing or replacing any civil remedy available to a
15 municipality, taxpayer, or tax collector.

16 (j) If a contingent fee is paid to an auditor, then the
17 payment must be based upon the net difference of the complete
18 audit.

19 (k) Within 90 days after the effective date of this
20 amendatory Act of the 96th General Assembly, a municipality
21 shall provide to any CATV operator a complete list of addresses
22 within the corporate limits of the municipality and shall
23 annually update the list.

24 (l) This Section is a denial and limitation of home rule
25 powers and functions under subsection (h) of Section 6 of
26 Article VII of the Illinois Constitution.

1 (m) This Section does not apply to any municipality having
2 a population of more than 1,000,000.

3 (Source: P.A. 96-1422, eff. 8-3-10.)

4 Section 1-35. The Public Utilities Act is amended by
5 changing Sections 13-506.2, 13-703, 13-1200, 21-401, 21-801,
6 21-901, 21-1001, and 21-1601 as follows:

7 (220 ILCS 5/13-506.2)

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

9 Sec. 13-506.2. Market regulation for competitive retail
10 services.

11 (a) Definitions. As used in this Section:

12 (1) "Electing Provider" means a telecommunications
13 carrier that is subject to either rate regulation pursuant
14 to Section 13-504 or Section 13-505 or alternative
15 regulation pursuant to Section 13-506.1 and that elects to
16 have the rates, terms, and conditions of its competitive
17 retail telecommunications services solely determined and
18 regulated pursuant to the terms of this Article.

19 (2) "Basic local exchange service" means either a
20 stand-alone residence network access line and per-call
21 usage or, for any geographic area in which such stand-alone
22 service is not offered, a stand-alone flat rate residence
23 network access line for which local calls are not charged
24 for frequency or duration. Extended Area Service shall be

1 included in basic local exchange service.

2 (3) "Existing customer" means a residential customer
3 who was subscribing to one of the optional packages
4 described in subsection (d) of this Section as of the
5 effective date of this amendatory Act of the 99th General
6 Assembly. A customer who was subscribing to one of the
7 optional packages on that date but stops subscribing
8 thereafter shall not be considered an "existing customer"
9 as of the date the customer stopped subscribing to the
10 optional package, unless the stoppage is temporary and
11 caused by the customer changing service address locations,
12 or unless the customer resumes subscribing and is eligible
13 to receive discounts on monthly telephone service under the
14 federal Lifeline program, 47 C.F.R. Part 54, Subpart E.

15 (4) "New customer" means a residential customer who was
16 not subscribing to one of the optional packages described
17 in subsection (d) of this Section as of the effective date
18 of this amendatory Act of the 99th General Assembly and who
19 is eligible to receive discounts on monthly telephone
20 service under the federal Lifeline program, 47 C.F.R. Part
21 54, Subpart E.

22 (b) Election for market regulation. Notwithstanding any
23 other provision of this Act, an Electing Provider may elect to
24 have the rates, terms, and conditions of its competitive retail
25 telecommunications services solely determined and regulated
26 pursuant to the terms of this Section by filing written notice

1 of its election for market regulation with the Commission. The
2 notice of election shall designate the geographic area of the
3 Electing Provider's service territory where the market
4 regulation shall apply, either on a state-wide basis or in one
5 or more specified Market Service Areas ("MSA") or Exchange
6 areas. An Electing Provider shall not make an election for
7 market regulation under this Section unless it commits in its
8 written notice of election for market regulation to fulfill the
9 conditions and requirements in this Section in each geographic
10 area in which market regulation is elected. Immediately upon
11 filing the notice of election for market regulation, the
12 Electing Provider shall be subject to the jurisdiction of the
13 Commission to the extent expressly provided in this Section.

14 (c) Competitive classification. Market regulation shall be
15 available for competitive retail telecommunications services
16 as provided in this subsection.

17 (1) For geographic areas in which telecommunications
18 services provided by the Electing Provider were classified
19 as competitive either through legislative action or a
20 tariff filing pursuant to Section 13-502 prior to January
21 1, 2010, and that are included in the Electing Provider's
22 notice of election pursuant to subsection (b) of this
23 Section, such services, and all recurring and nonrecurring
24 charges associated with, related to or used in connection
25 with such services, shall be classified as competitive
26 without further Commission review. For services classified

1 as competitive pursuant to this subsection, the
2 requirements or conditions in any order or decision
3 rendered by the Commission pursuant to Section 13-502 prior
4 to the effective date of this amendatory Act of the 96th
5 General Assembly, except for the commitments made by the
6 Electing Provider in such order or decision concerning the
7 optional packages required in subsection (d) of this
8 Section and basic local exchange service as defined in this
9 Section, shall no longer be in effect and no Commission
10 investigation, review, or proceeding under Section 13-502
11 shall be continued, conducted, or maintained with respect
12 to such services, charges, requirements, or conditions. If
13 an Electing Provider has ceased providing optional
14 packages to customers pursuant to subdivision (d)(8) of
15 this Section, the commitments made by the Electing Provider
16 in such order or decision concerning the optional packages
17 under subsection (d) of this Section shall no longer be in
18 effect and no Commission investigation, review, or
19 proceeding under Section 13-502 shall be continued,
20 conducted, or maintained with respect to such packages.

21 (2) For those geographic areas in which residential
22 local exchange telecommunications services have not been
23 classified as competitive as of the effective date of this
24 amendatory Act of the 96th General Assembly, all
25 telecommunications services provided to residential and
26 business end users by an Electing Provider in the

1 geographic area that is included in its notice of election
2 pursuant to subsection (b) shall be classified as
3 competitive for purposes of this Article without further
4 Commission review.

5 (3) If an Electing Provider was previously subject to
6 alternative regulation pursuant to Section 13-506.1 of
7 this Article, the alternative regulation plan shall
8 terminate in whole for all services subject to that plan
9 and be of no force or effect, without further Commission
10 review or action, when the Electing Provider's residential
11 local exchange telecommunications service in each MSA in
12 its telecommunications service area in the State has been
13 classified as competitive pursuant to either subdivision
14 (c) (1) or (c) (2) of this Section.

15 (4) The service packages described in Section 13-518
16 shall be classified as competitive for purposes of this
17 Section if offered by an Electing Provider in a geographic
18 area in which local exchange telecommunications service
19 has been classified as competitive pursuant to either
20 subdivision (c) (1) or (c) (2) of this Section.

21 (5) Where a service, or its functional equivalent, or a
22 substitute service offered by a carrier that is not an
23 Electing Provider or the incumbent local exchange carrier
24 for that area is also being offered by an Electing Provider
25 for some identifiable class or group of customers in an
26 exchange, group of exchanges, or some other clearly defined

1 geographical area, the service offered by a carrier that is
2 not an Electing Provider or the incumbent local exchange
3 carrier for that area shall be classified as competitive
4 without further Commission review.

5 (6) Notwithstanding any other provision of this Act,
6 retail telecommunications services classified as
7 competitive pursuant to Section 13-502 or subdivision
8 (c)(5) of this Section shall have their rates, terms, and
9 conditions solely determined and regulated pursuant to the
10 terms of this Section in the same manner and to the same
11 extent as the competitive retail telecommunications
12 services of an Electing Provider, except that subsections
13 (d), (g), and (j) of this Section shall not apply to a
14 carrier that is not an Electing Provider or to the
15 competitive telecommunications services of a carrier that
16 is not an Electing Provider. The access services of a
17 carrier that is not an Electing Provider shall remain
18 subject to Section 13-900.2. The requirements in
19 subdivision (e)(3) of this Section shall not apply to
20 retail telecommunications services classified as
21 competitive pursuant to Section 13-502 or subdivision
22 (c)(5) of this Section, except that, upon request from the
23 Commission, the telecommunications carrier providing
24 competitive retail telecommunications services shall
25 provide a report showing the number of credits and
26 exemptions for the requested time period.

1 (d) Consumer choice safe harbor options.

2 (1) Subject to subdivision (d)(8) of this Section, an
3 ~~An~~ Electing Provider in each of the MSA or Exchange areas
4 classified as competitive pursuant to subdivision (c)(1)
5 or (c)(2) of this Section shall offer to all residential
6 customers who choose to subscribe the following optional
7 packages of services priced at the same rate levels in
8 effect on January 1, 2010:

9 (A) A basic package, which shall consist of a
10 stand-alone residential network access line and 30
11 local calls. If the Electing Provider offers a
12 stand-alone residential access line and local usage on
13 a per call basis, the price for the basic package shall
14 be the Electing Provider's applicable price in effect
15 on January 1, 2010 for the sum of a residential access
16 line and 30 local calls, additional calls over 30 calls
17 shall be provided at the current per call rate.
18 However, this basic package is not required if
19 stand-alone residential network access lines or
20 per-call local usage are not offered by the Electing
21 Provider in the geographic area on January 1, 2010 or
22 if the Electing Provider has not increased its
23 stand-alone network access line and local usage rates,
24 including Extended Area Service rates, since January
25 1, 2010.

26 (B) An extra package, which shall consist of

1 residential basic local exchange network access line
2 and unlimited local calls. The price for the extra
3 package shall be the Electing Provider's applicable
4 price in effect on January 1, 2010 for a residential
5 access line with unlimited local calls.

6 (C) A plus package, which shall consist of
7 residential basic local exchange network access line,
8 unlimited local calls, and the customer's choice of 2
9 vertical services offered by the Electing Provider.
10 The term "vertical services" as used in this
11 subsection, includes, but is not limited to, call
12 waiting, call forwarding, 3-way calling, caller ID,
13 call tracing, automatic callback, repeat dialing, and
14 voicemail. The price for the plus package shall be the
15 Electing Provider's applicable price in effect on
16 January 1, 2010 for the sum of a residential access
17 line with unlimited local calls and 2 times the average
18 price for the vertical features included in the
19 package.

20 (2) Subject to subdivision (d)(8) of this Section, for
21 ~~For~~ those geographic areas in which local exchange
22 telecommunications services were classified as competitive
23 on the effective date of this amendatory Act of the 96th
24 General Assembly, an Electing Provider in each such MSA or
25 Exchange area shall be subject to the same terms and
26 conditions as provided in commitments made by the Electing

1 Provider in connection with such previous competitive
2 classifications, which shall apply with equal force under
3 this Section, except as follows: (i) the limits on price
4 increases on the optional packages required by this Section
5 shall be extended consistent with subsection (d)(1) of this
6 Section and (ii) the price for the extra package required
7 by subsection (d)(1)(B) shall be reduced by one dollar from
8 the price in effect on January 1, 2010. In addition, if an
9 Electing Provider obtains a competitive classification
10 pursuant to subsection (c)(1) and (c)(2), the price for the
11 optional packages shall be determined in such area in
12 compliance with subsection (d)(1), except the price for the
13 plus package required by subsection (d)(1)(C) shall be the
14 lower of the price for such area or the price of the plus
15 package in effect on January 1, 2010 for areas classified
16 as competitive pursuant to subsection (c)(1).

17 (3) To the extent that the requirements in Section
18 13-518 applied to a telecommunications carrier prior to the
19 effective date of this Section and that telecommunications
20 carrier becomes an Electing Provider in accordance with the
21 provisions of this Section, the requirements in Section
22 13-518 shall cease to apply to that Electing Provider in
23 those geographic areas included in the Electing Provider's
24 notice of election pursuant to subsection (b) of this
25 Section.

26 (4) Subject to subdivision (d)(8) of this Section, an

1 ~~An~~ Electing Provider shall make the optional packages
2 required by this subsection and stand-alone residential
3 network access lines and local usage, where offered,
4 readily available to the public by providing information,
5 in a clear manner, to residential customers. Information
6 shall be made available on a website, and an Electing
7 Provider shall provide notification to its customers every
8 6 months, provided that notification may consist of a bill
9 page message that provides an objective description of the
10 safe harbor options that includes a telephone number and
11 website address where the customer may obtain additional
12 information about the packages from the Electing Provider.
13 The optional packages shall be offered on a monthly basis
14 with no term of service requirement. An Electing Provider
15 shall allow online electronic ordering of the optional
16 packages and stand-alone residential network access lines
17 and local usage, where offered, on its website in a manner
18 similar to the online electronic ordering of its other
19 residential services.

20 (5) Subject to subdivision (d)(8) of this Section, an
21 ~~An~~ Electing Provider shall comply with the Commission's
22 existing rules, regulations, and notices in Title 83, Part
23 735 of the Illinois Administrative Code when offering or
24 providing the optional packages required by this
25 subsection (d) and stand-alone residential network access
26 lines.

1 (6) Subject to subdivision (d)(8) of this Section, an
2 ~~An~~ Electing Provider shall provide to the Commission
3 semi-annual subscribership reports as of June 30 and
4 December 31 that contain the number of its customers
5 subscribing to each of the consumer choice safe harbor
6 packages required by subsection (d)(1) of this Section and
7 the number of its customers subscribing to retail
8 residential basic local exchange service as defined in
9 subsection (a)(2) of this Section. The first semi-annual
10 reports shall be made on April 1, 2011 for December 31,
11 2010, and on September 1, 2011 for June 30, 2011, and
12 semi-annually on April 1 and September 1 thereafter. Such
13 subscribership information shall be accorded confidential
14 and proprietary treatment upon request by the Electing
15 Provider.

16 (7) The Commission shall have the power, after notice
17 and hearing as provided in this Article, upon complaint or
18 upon its own motion, to take corrective action if the
19 requirements of this Section are not complied with by an
20 Electing Provider.

21 (8) On and after the effective date of this amendatory
22 Act of the 99th General Assembly, an Electing Provider
23 shall continue to offer and provide the optional packages
24 described in this subsection (d) to existing customers and
25 new customers. On and after July 1, 2017, an Electing
26 Provider may immediately stop offering the optional

1 packages described in this subsection (d) and, upon
2 providing two notices to affected customers and to the
3 Commission, may stop providing the optional packages
4 described in this subsection (d) to all customers who
5 subscribe to one of the optional packages. The first notice
6 shall be provided at least 90 days before the date upon
7 which the Electing Provider intends to stop providing the
8 optional packages, and the second notice must be provided
9 at least 30 days before that date. The first notice shall
10 not be provided prior to July 1, 2017. Each notice must
11 identify the date on which the Electing Provider intends to
12 stop providing the optional packages, at least one
13 alternative service available to the customer, and a
14 telephone number by which the customer may contact a
15 service representative of the Electing Provider. After
16 July 1, 2017 with respect to new customers, and upon the
17 expiration of the second notice period with respect to
18 customers who were subscribing to one of the optional
19 packages, subdivisions (d)(1), (d)(2), (d)(4), (d)(5),
20 (d)(6), and (d)(7) of this Section shall not apply to the
21 Electing Provider. Notwithstanding any other provision of
22 this Article, an Electing Provider that has ceased
23 providing the optional packages under this subdivision
24 (d)(8) is not subject to Section 13-301(1)(c) of this Act.
25 Notwithstanding any other provision of this Act, and
26 subject to subdivision (d)(7) of this Section, the

1 Commission's authority over the discontinuance of the
2 optional packages described in this subsection (d) by an
3 Electing Provider shall be governed solely by this
4 subsection (d) (8).

5 (e) Service quality and customer credits for basic local
6 exchange service.

7 (1) An Electing Provider shall meet the following
8 service quality standards in providing basic local
9 exchange service, which for purposes of this subsection
10 (e), includes both basic local exchange service and any the
11 consumer choice safe harbor options that may be required by
12 subsection (d) of this Section.

13 (A) Install basic local exchange service within 5
14 business days after receipt of an order from the
15 customer unless the customer requests an installation
16 date that is beyond 5 business days after placing the
17 order for basic service and to inform the customer of
18 the Electing Provider's duty to install service within
19 this timeframe. If installation of service is
20 requested on or by a date more than 5 business days in
21 the future, the Electing Provider shall install
22 service by the date requested.

23 (B) Restore basic local exchange service for the
24 customer within 30 hours after receiving notice that
25 the customer is out of service.

26 (C) Keep all repair and installation appointments

1 for basic local exchange service if a customer premises
2 visit requires a customer to be present. The
3 appointment window shall be either a specific time or,
4 at a maximum, a 4-hour time block during evening,
5 weekend, and normal business hours.

6 (D) Inform a customer when a repair or installation
7 appointment requires the customer to be present.

8 (2) Customers shall be credited by the Electing
9 Provider for violations of basic local exchange service
10 quality standards described in subdivision (e)(1) of this
11 Section. The credits shall be applied automatically on the
12 statement issued to the customer for the next monthly
13 billing cycle following the violation or following the
14 discovery of the violation. The next monthly billing cycle
15 following the violation or the discovery of the violation
16 means the billing cycle immediately following the billing
17 cycle in process at the time of the violation or discovery
18 of the violation, provided the total time between the
19 violation or discovery of the violation and the issuance of
20 the credit shall not exceed 60 calendar days. The Electing
21 Provider is responsible for providing the credits and the
22 customer is under no obligation to request such credits.
23 The following credits shall apply:

24 (A) If an Electing Provider fails to repair an
25 out-of-service condition for basic local exchange
26 service within 30 hours, the Electing Provider shall

1 provide a credit to the customer. If the service
2 disruption is for more than 30 hours, but not more than
3 48 hours, the credit must be equal to a pro-rata
4 portion of the monthly recurring charges for all basic
5 local exchange services disrupted. If the service
6 disruption is for more than 48 hours, but not more than
7 72 hours, the credit must be equal to at least 33% of
8 one month's recurring charges for all local services
9 disrupted. If the service disruption is for more than
10 72 hours, but not more than 96 hours, the credit must
11 be equal to at least 67% of one month's recurring
12 charges for all basic local exchange services
13 disrupted. If the service disruption is for more than
14 96 hours, but not more than 120 hours, the credit must
15 be equal to one month's recurring charges for all basic
16 local exchange services disrupted. For each day or
17 portion thereof that the service disruption continues
18 beyond the initial 120-hour period, the Electing
19 Provider shall also provide an additional credit of \$20
20 per calendar day.

21 (B) If an Electing Provider fails to install basic
22 local exchange service as required under subdivision
23 (e)(1) of this Section, the Electing Provider shall
24 waive 50% of any installation charges, or in the
25 absence of an installation charge or where
26 installation is pursuant to the Link Up program, the

1 Electing Provider shall provide a credit of \$25. If an
2 Electing Provider fails to install service within 10
3 business days after the service application is placed,
4 or fails to install service within 5 business days
5 after the customer's requested installation date, if
6 the requested date was more than 5 business days after
7 the date of the order, the Electing Provider shall
8 waive 100% of the installation charge, or in the
9 absence of an installation charge or where
10 installation is provided pursuant to the Link Up
11 program, the Electing Provider shall provide a credit
12 of \$50. For each day that the failure to install
13 service continues beyond the initial 10 business days,
14 or beyond 5 business days after the customer's
15 requested installation date, if the requested date was
16 more than 5 business days after the date of the order,
17 the Electing Provider shall also provide an additional
18 credit of \$20 per calendar day until the basic local
19 exchange service is installed.

20 (C) If an Electing Provider fails to keep a
21 scheduled repair or installation appointment when a
22 customer premises visit requires a customer to be
23 present as required under subdivision (e)(1) of this
24 Section, the Electing Provider shall credit the
25 customer \$25 per missed appointment. A credit required
26 by this subdivision does not apply when the Electing

1 Provider provides the customer notice of its inability
2 to keep the appointment no later than 8:00 pm of the
3 day prior to the scheduled date of the appointment.

4 (D) Credits required by this subsection do not
5 apply if the violation of a service quality standard:

6 (i) occurs as a result of a negligent or
7 willful act on the part of the customer;

8 (ii) occurs as a result of a malfunction of
9 customer-owned telephone equipment or inside
10 wiring;

11 (iii) occurs as a result of, or is extended by,
12 an emergency situation as defined in 83 Ill. Adm.
13 Code 732.10;

14 (iv) is extended by the Electing Provider's
15 inability to gain access to the customer's
16 premises due to the customer missing an
17 appointment, provided that the violation is not
18 further extended by the Electing Provider;

19 (v) occurs as a result of a customer request to
20 change the scheduled appointment, provided that
21 the violation is not further extended by the
22 Electing Provider;

23 (vi) occurs as a result of an Electing
24 Provider's right to refuse service to a customer as
25 provided in Commission rules; or

26 (vii) occurs as a result of a lack of

1 facilities where a customer requests service at a
2 geographically remote location, where a customer
3 requests service in a geographic area where the
4 Electing Provider is not currently offering
5 service, or where there are insufficient
6 facilities to meet the customer's request for
7 service, subject to an Electing Provider's
8 obligation for reasonable facilities planning.

9 (3) Each Electing Provider shall provide to the
10 Commission on a quarterly basis and in a form suitable for
11 posting on the Commission's website in conformance with the
12 rules adopted by the Commission and in effect on April 1,
13 2010, a public report that includes the following data for
14 basic local exchange service quality of service:

15 (A) With regard to credits due in accordance with
16 subdivision (e) (2) (A) as a result of out-of-service
17 conditions lasting more than 30 hours:

18 (i) the total dollar amount of any customer
19 credits paid;

20 (ii) the number of credits issued for repairs
21 between 30 and 48 hours;

22 (iii) the number of credits issued for repairs
23 between 49 and 72 hours;

24 (iv) the number of credits issued for repairs
25 between 73 and 96 hours;

26 (v) the number of credits used for repairs

1 between 97 and 120 hours;

2 (vi) the number of credits issued for repairs
3 greater than 120 hours; and

4 (vii) the number of exemptions claimed for
5 each of the categories identified in subdivision
6 (e) (2) (D).

7 (B) With regard to credits due in accordance with
8 subdivision (e) (2) (B) as a result of failure to install
9 basic local exchange service:

10 (i) the total dollar amount of any customer
11 credits paid;

12 (ii) the number of installations after 5
13 business days;

14 (iii) the number of installations after 10
15 business days;

16 (iv) the number of installations after 11
17 business days; and

18 (v) the number of exemptions claimed for each
19 of the categories identified in subdivision
20 (e) (2) (D).

21 (C) With regard to credits due in accordance with
22 subdivision (e) (2) (C) as a result of missed
23 appointments:

24 (i) the total dollar amount of any customer
25 credits paid;

26 (ii) the number of any customers receiving

1 credits; and

2 (iii) the number of exemptions claimed for
3 each of the categories identified in subdivision
4 (e) (2) (D).

5 (D) The Electing Provider's annual report required
6 by this subsection shall also include, for
7 informational reporting, the performance data
8 described in subdivisions (e) (2) (A), (e) (2) (B), and
9 (e) (2) (C), and trouble reports per 100 access lines
10 calculated using the Commission's existing applicable
11 rules and regulations for such measures, including the
12 requirements for service standards established in this
13 Section.

14 (4) It is the intent of the General Assembly that the
15 service quality rules and customer credits in this
16 subsection (e) of this Section and other enforcement
17 mechanisms, including fines and penalties authorized by
18 Section 13-305, shall apply on a nondiscriminatory basis to
19 all Electing Providers. Accordingly, notwithstanding any
20 provision of any service quality rules promulgated by the
21 Commission, any alternative regulation plan adopted by the
22 Commission, or any other order of the Commission, any
23 Electing Provider that is subject to any other order of the
24 Commission and that violates or fails to comply with the
25 service quality standards promulgated pursuant to this
26 subsection (e) or any other order of the Commission shall

1 not be subject to any fines, penalties, customer credits,
2 or enforcement mechanisms other than such fines or
3 penalties or customer credits as may be imposed by the
4 Commission in accordance with the provisions of this
5 subsection (e) and Section 13-305, which are to be
6 generally applicable to all Electing Providers. The amount
7 of any fines or penalties imposed by the Commission for
8 failure to comply with the requirements of this subsection
9 (e) shall be an appropriate amount, taking into account, at
10 a minimum, the Electing Provider's gross annual intrastate
11 revenue; the frequency, duration, and recurrence of the
12 violation; and the relative harm caused to the affected
13 customers or other users of the network. In imposing fines
14 and penalties, the Commission shall take into account
15 compensation or credits paid by the Electing Provider to
16 its customers pursuant to this subsection (e) in
17 compensation for any violation found pursuant to this
18 subsection (e), and in any event the fine or penalty shall
19 not exceed an amount equal to the maximum amount of a civil
20 penalty that may be imposed under Section 13-305.

21 (5) An Electing Provider in each of the MSA or Exchange
22 areas classified as competitive pursuant to subsection (c)
23 of this Section shall fulfill the requirements in
24 subdivision (e)(3) of this Section for 3 years after its
25 notice of election becomes effective. After such 3 years,
26 the requirements in subdivision (e)(3) of this Section

1 shall not apply to such Electing Provider, except that,
2 upon request from the Commission, the Electing Provider
3 shall provide a report showing the number of credits and
4 exemptions for the requested time period.

5 (f) Commission jurisdiction over competitive retail
6 telecommunications services. Except as otherwise expressly
7 stated in this Section, the Commission shall thereafter have no
8 jurisdiction or authority over any aspect of competitive retail
9 telecommunications service of an Electing Provider in those
10 geographic areas included in the Electing Provider's notice of
11 election pursuant to subsection (b) of this Section or of a
12 retail telecommunications service classified as competitive
13 pursuant to Section 13-502 or subdivision (c)(5) of this
14 Section, heretofore subject to the jurisdiction of the
15 Commission, including but not limited to, any requirements of
16 this Article related to the terms, conditions, rates, quality
17 of service, availability, classification or any other aspect of
18 any competitive retail telecommunications services. No
19 telecommunications carrier shall commit any unfair or
20 deceptive act or practice in connection with any aspect of the
21 offering or provision of any competitive retail
22 telecommunications service. Nothing in this Article shall
23 limit or affect any provisions in the Consumer Fraud and
24 Deceptive Business Practices Act with respect to any unfair or
25 deceptive act or practice by a telecommunications carrier.

26 (g) Commission authority over access services upon

1 election for market regulation.

2 (1) As part of its Notice of Election for Market
3 Regulation, the Electing Provider shall reduce its
4 intrastate switched access rates to rates no higher than
5 its interstate switched access rates in 4 installments. The
6 first reduction must be made 30 days after submission of
7 its complete application for Notice of Election for Market
8 Regulation, and the Electing Provider must reduce its
9 intrastate switched access rates by an amount equal to 33%
10 of the difference between its current intrastate switched
11 access rates and its current interstate switched access
12 rates. The second reduction must be made no later than one
13 year after the first reduction, and the Electing Provider
14 must reduce its then current intrastate switched access
15 rates by an amount equal to 41% of the difference between
16 its then current intrastate switched access rates and its
17 then current interstate switched access rates. The third
18 reduction must be made no later than one year after the
19 second reduction, and the Electing Provider must reduce its
20 then current intrastate switched access rates by an amount
21 equal to 50% of the difference between its then current
22 intrastate switched access rate and its then current
23 interstate switched access rates. The fourth reduction
24 must be made on or before June 30, 2013, and the Electing
25 Provider must reduce its intrastate switched access rate to
26 mirror its then current interstate switched access rates

1 and rate structure. Following the fourth reduction, each
2 Electing Provider must continue to set its intrastate
3 switched access rates to mirror its interstate switched
4 access rates and rate structure. For purposes of this
5 subsection, the rate for intrastate switched access
6 service means the composite, per-minute rate for that
7 service, including all applicable fixed and
8 traffic-sensitive charges, including, but not limited to,
9 carrier common line charges.

10 (2) Nothing in paragraph (1) of this subsection (g)
11 prohibits an Electing Provider from electing to offer
12 intrastate switched access service at rates lower than its
13 interstate switched access rates.

14 (3) The Commission shall have no authority to order an
15 Electing Provider to set its rates for intrastate switched
16 access at a level lower than its interstate switched access
17 rates.

18 (4) The Commission's authority under this subsection
19 (g) shall only apply to Electing Providers under Market
20 Regulation. The Commission's authority over switched
21 access services for all other carriers is retained under
22 Section 13-900.2 of this Act.

23 (h) Safety of service equipment and facilities.

24 (1) An Electing Provider shall furnish, provide, and
25 maintain such service instrumentalities, equipment, and
26 facilities as shall promote the safety, health, comfort,

1 and convenience of its patrons, employees, and public and
2 as shall be in all respects adequate, reliable, and
3 efficient without discrimination or delay. Every Electing
4 Provider shall provide service and facilities that are in
5 all respects environmentally safe.

6 (2) The Commission is authorized to conduct an
7 investigation of any Electing Provider or part thereof. The
8 investigation may examine the reasonableness, prudence, or
9 efficiency of any aspect of the Electing Provider's
10 operations or functions that may affect the adequacy,
11 safety, efficiency, or reliability of telecommunications
12 service. The Commission may conduct or order an
13 investigation only when it has reasonable grounds to
14 believe that the investigation is necessary to assure that
15 the Electing Provider is providing adequate, efficient,
16 reliable, and safe service. The Commission shall, before
17 initiating any such investigation, issue an order
18 describing the grounds for the investigation and the
19 appropriate scope and nature of the investigation, which
20 shall be reasonably related to the grounds relied upon by
21 the Commission in its order.

22 (i) (Blank).

23 (j) Application of Article VII. The provisions of Sections
24 7-101, 7-102, 7-104, 7-204, 7-205, and 7-206 of this Act are
25 applicable to an Electing Provider offering or providing retail
26 telecommunications service, and the Commission's regulation

1 thereof, except that (1) the approval of contracts and
2 arrangements with affiliated interests required by paragraph
3 (3) of Section 7-101 shall not apply to such telecommunications
4 carriers provided that, except as provided in item (2), those
5 contracts and arrangements shall be filed with the Commission;
6 (2) affiliated interest contracts or arrangements entered into
7 by such telecommunications carriers where the increased
8 obligation thereunder does not exceed the lesser of \$5,000,000
9 or 5% of such carrier's prior annual revenue from
10 noncompetitive services are not required to be filed with the
11 Commission; and (3) any consent and approval of the Commission
12 required by Section 7-102 is not required for the sale, lease,
13 assignment, or transfer by any Electing Provider of any
14 property that is not necessary or useful in the performance of
15 its duties to the public.

16 (k) Notwithstanding other provisions of this Section, the
17 Commission retains its existing authority to enforce the
18 provisions, conditions, and requirements of the following
19 Sections of this Article: 13-101, 13-103, 13-201, 13-301,
20 13-301.1, 13-301.2, 13-301.3, 13-303, 13-303.5, 13-304,
21 13-305, 13-401, 13-401.1, 13-402, 13-403, 13-404, 13-404.1,
22 13-404.2, 13-405, 13-406, 13-407, 13-501, 13-501.5, 13-503,
23 13-505, 13-509, 13-510, 13-512, 13-513, 13-514, 13-515,
24 13-516, 13-519, 13-702, 13-703, 13-704, 13-705, 13-706,
25 13-707, 13-709, 13-713, 13-801, 13-802.1, 13-804, 13-900,
26 13-900.1, 13-900.2, 13-901, 13-902, and 13-903, which are fully

1 and equally applicable to Electing Providers and to
2 telecommunications carriers providing retail
3 telecommunications service classified as competitive pursuant
4 to Section 13-502 or subdivision (c) (5) of this Section subject
5 to the provisions of this Section. On the effective date of
6 this amendatory Act of the 98th General Assembly, the following
7 Sections of this Article shall cease to apply to Electing
8 Providers and to telecommunications carriers providing retail
9 telecommunications service classified as competitive pursuant
10 to Section 13-502 or subdivision (c) (5) of this Section:
11 13-302, 13-405.1, 13-502, 13-502.5, 13-504, 13-505.2,
12 13-505.3, 13-505.4, 13-505.5, 13-505.6, 13-506.1, 13-507,
13 13-507.1, 13-508, 13-508.1, 13-517, 13-518, 13-601, 13-701,
14 and 13-712.

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

16 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

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

18 Sec. 13-703. (a) The Commission shall design and implement
19 a program whereby each telecommunications carrier providing
20 local exchange service shall provide a telecommunications
21 device capable of servicing the needs of those persons with a
22 hearing or speech disability together with a single party line,
23 at no charge additional to the basic exchange rate, to any
24 subscriber who is certified as having a hearing or speech
25 disability by a licensed physician, speech-language

1 pathologist, audiologist or a qualified State agency and to any
2 subscriber which is an organization serving the needs of those
3 persons with a hearing or speech disability as determined and
4 specified by the Commission pursuant to subsection (d).

5 (b) The Commission shall design and implement a program,
6 whereby each telecommunications carrier providing local
7 exchange service shall provide a telecommunications relay
8 system, using third party intervention to connect those persons
9 having a hearing or speech disability with persons of normal
10 hearing by way of intercommunications devices and the telephone
11 system, making available reasonable access to all phases of
12 public telephone service to persons who have a hearing or
13 speech disability. In order to design a telecommunications
14 relay system which will meet the requirements of those persons
15 with a hearing or speech disability available at a reasonable
16 cost, the Commission shall initiate an investigation and
17 conduct public hearings to determine the most cost-effective
18 method of providing telecommunications relay service to those
19 persons who have a hearing or speech disability when using
20 telecommunications devices and therein solicit the advice,
21 counsel, and physical assistance of Statewide nonprofit
22 consumer organizations that serve persons with hearing or
23 speech disabilities in such hearings and during the development
24 and implementation of the system. The Commission shall phase in
25 this program, on a geographical basis, as soon as is
26 practicable, but no later than June 30, 1990.

1 (c) The Commission shall establish a competitively neutral
2 rate recovery mechanism that establishes ~~authorizing~~ charges
3 in an amount to be determined by the Commission for each line
4 of a subscriber to allow telecommunications carriers providing
5 local exchange service to recover costs as they are incurred
6 under this Section. Beginning no later than April 1, 2016, and
7 on a yearly basis thereafter, the Commission shall initiate a
8 proceeding to establish the competitively neutral amount to be
9 charged or assessed to subscribers of telecommunications
10 carriers and wireless carriers, Interconnected VoIP service
11 providers and consumers of prepaid wireless telecommunications
12 service in a manner consistent with this subsection (c) and
13 subsection (f) of this Section. The Commission shall issue its
14 order establishing the competitively neutral amount to be
15 charged or assessed to subscribers of telecommunications
16 carriers and wireless carriers, Interconnected VoIP service
17 providers and purchasers of prepaid wireless
18 telecommunications service on or prior to June 1 of each year,
19 and such amount shall take effect June 1 of each year.

20 Telecommunications carriers, wireless carriers,
21 Interconnected VoIP service providers, and sellers of prepaid
22 wireless telecommunications service shall have 60 days from the
23 date the Commission files its order to implement the new rate
24 established by the order.

25 (d) The Commission shall determine and specify those
26 organizations serving the needs of those persons having a

1 hearing or speech disability that shall receive a
2 telecommunications device and in which offices the equipment
3 shall be installed in the case of an organization having more
4 than one office. For the purposes of this Section,
5 "organizations serving the needs of those persons with hearing
6 or speech disabilities" means centers for independent living as
7 described in Section 12a of the Disabled Persons Rehabilitation
8 Act and not-for-profit organizations whose primary purpose is
9 serving the needs of those persons with hearing or speech
10 disabilities. The Commission shall direct the
11 telecommunications carriers subject to its jurisdiction and
12 this Section to comply with its determinations and
13 specifications in this regard.

14 (e) As used in this Section:

15 "Prepaid wireless telecommunications service" has the
16 meaning given to that term under Section 10 of the Prepaid
17 Wireless 9-1-1 Surcharge Act.

18 "Retail transaction" has the meaning given to that term
19 under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

20 "Seller" has the meaning given to that term under Section
21 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

22 "Telecommunications ~~, the phrase "telecommunications~~
23 carrier providing local exchange service" includes, without
24 otherwise limiting the meaning of the term, telecommunications
25 carriers which are purely mutual concerns, having no rates or
26 charges for services, but paying the operating expenses by

1 assessment upon the members of such a company and no other
2 person.

3 "Wireless carrier" has the meaning given to that term under
4 Section 10 of the Wireless Emergency Telephone Safety Act.

5 (f) Interconnected VoIP service providers, sellers of
6 prepaid wireless telecommunications service, and wireless
7 carriers in Illinois shall collect and remit assessments
8 determined in accordance with this Section in a competitively
9 neutral manner in the same manner as a telecommunications
10 carrier providing local exchange service. However, the
11 assessment imposed on consumers of prepaid wireless
12 telecommunications service shall be collected by the seller
13 from the consumer and imposed per retail transaction as a
14 percentage of that retail transaction on all retail
15 transactions occurring in this State. The assessment on
16 subscribers of wireless carriers and consumers of prepaid
17 wireless telecommunications service shall not be imposed or
18 collected prior to June 1, 2016.

19 Sellers of prepaid wireless telecommunications service
20 shall remit the assessments to the Department of Revenue on the
21 same form and in the same manner which they remit the fee
22 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For
23 the purposes of display on the consumers' receipts, the rates
24 of the fee collected under the Prepaid Wireless 9-1-1 Surcharge
25 Act and the assessment under this Section may be combined. In
26 administration and enforcement of this Section, the provisions

1 of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge
2 Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of
3 Section 15 and subsections (c) and (e) of Section 20 of the
4 Prepaid Wireless 9-1-1 Surcharge Act and, from the effective
5 date of this amendatory Act of the 99th General Assembly, the
6 seller shall be permitted to deduct and retain 3% of the
7 assessments that are collected by the seller from consumers and
8 that are remitted and timely filed with the Department) that
9 are not inconsistent with this Section, shall apply, as far as
10 practicable, to the subject matter of this Section to the same
11 extent as if those provisions were included in this Section.
12 The Department shall deposit all assessments and penalties
13 collected under this Section into the Illinois
14 Telecommunications Access Corporation Fund, a special fund
15 created in the State treasury. On or before the 25th day of
16 each calendar month, the Department shall prepare and certify
17 to the Comptroller the amount available to the Commission for
18 distribution out of the Illinois Telecommunications Access
19 Corporation Fund. The amount certified shall be the amount (not
20 including credit memoranda) collected during the second
21 preceding calendar month by the Department, plus an amount the
22 Department determines is necessary to offset any amounts which
23 were erroneously paid to a different taxing body or fund. The
24 amount paid to the Illinois Telecommunications Access
25 Corporation Fund shall not include any amount equal to the
26 amount of refunds made during the second preceding calendar

1 month by the Department to retailers under this Section or any
2 amount that the Department determines is necessary to offset
3 any amounts which were payable to a different taxing body or
4 fund but were erroneously paid to the Illinois
5 Telecommunications Access Corporation Fund. The Commission
6 shall distribute all the funds to the Illinois
7 Telecommunications Access Corporation and the funds may only be
8 used in accordance with the provisions of this Section. The
9 Department shall deduct 2% of all amounts deposited in the
10 Illinois Telecommunications Access Corporation Fund during
11 every year of remitted assessments. Of the 2% deducted by the
12 Department, one-half shall be transferred into the Tax
13 Compliance and Administration Fund to reimburse the Department
14 for its direct costs of administering the collection and
15 remittance of the assessment. The remaining one-half shall be
16 transferred into the Public Utilities Fund to reimburse the
17 Commission for its costs of distributing to the Illinois
18 Telecommunications Access Corporation the amount certified by
19 the Department for distribution. The amount to be charged or
20 assessed under subsections (c) and (f) is not imposed on a
21 provider or the consumer for wireless Lifeline service where
22 the consumer does not pay the provider for the service. Where
23 the consumer purchases from the provider optional minutes,
24 texts, or other services in addition to the federally funded
25 Lifeline benefit, a consumer must pay the charge or assessment,
26 and it must be collected by the seller according to subsection

1 (f).

2 Interconnected VoIP services shall not be considered an
3 intrastate telecommunications service for the purposes of this
4 Section in a manner inconsistent with federal law or Federal
5 Communications Commission regulation.

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

8 (h) The Commission may adopt rules necessary to implement
9 this Section.

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

11 (220 ILCS 5/13-1200)

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

13 Sec. 13-1200. Repealer. This Article is repealed July 1,
14 2017 ~~2015~~.

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

16 (220 ILCS 5/21-401)

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

18 Sec. 21-401. Applications.

19 (a) (1) A person or entity seeking to provide cable service
20 or video service pursuant to this Article shall not use the
21 public rights-of-way for the installation or construction of
22 facilities for the provision of cable service or video service
23 or offer cable service or video service until it has obtained a
24 State-issued authorization to offer or provide cable or video

1 service under this Section, except as provided for in item (2)
2 of this subsection (a). All cable or video providers offering
3 or providing service in this State shall have authorization
4 pursuant to either (i) the Cable and Video Competition Law of
5 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the
6 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section
7 5-1095 of the Counties Code (55 ILCS 5/5-1095).

8 (2) Nothing in this Section shall prohibit a local unit of
9 government from granting a permit to a person or entity for the
10 use of the public rights-of-way to install or construct
11 facilities to provide cable service or video service, at its
12 sole discretion. No unit of local government shall be liable
13 for denial or delay of a permit prior to the issuance of a
14 State-issued authorization.

15 (b) The application to the Commission for State-issued
16 authorization shall contain a completed affidavit submitted by
17 the applicant and signed by an officer or general partner of
18 the applicant affirming all of the following:

19 (1) That the applicant has filed or will timely file
20 with the Federal Communications Commission all forms
21 required by that agency in advance of offering cable
22 service or video service in this State.

23 (2) That the applicant agrees to comply with all
24 applicable federal and State statutes and regulations.

25 (3) That the applicant agrees to comply with all
26 applicable local unit of government regulations.

1 (4) An exact description of the cable service or video
2 service area where the cable service or video service will
3 be offered during the term of the State-issued
4 authorization. The service area shall be identified in
5 terms of either (i) exchanges, as that term is defined in
6 Section 13-206 of this Act; (ii) a collection of United
7 States Census Bureau Block numbers (13 digit); (iii) if the
8 area is smaller than the areas identified in either (i) or
9 (ii), by geographic information system digital boundaries
10 meeting or exceeding national map accuracy standards; or
11 (iv) local unit of government. The description shall
12 include the number of low-income households within the
13 service area or footprint. If an applicant is an incumbent
14 cable operator, the incumbent cable operator and any
15 successor-in-interest shall be obligated to provide access
16 to cable services or video services within any local units
17 of government at the same levels required by the local
18 franchising authorities for the local unit of government on
19 June 30, 2007 (the effective date of Public Act 95-9), and
20 its application shall provide a description of an area no
21 smaller than the service areas contained in its franchise
22 or franchises within the jurisdiction of the local unit of
23 government in which it seeks to offer cable or video
24 service.

25 (5) The location and telephone number of the
26 applicant's principal place of business within this State

1 and the names of the applicant's principal executive
2 officers who are responsible for communications concerning
3 the application and the services to be offered pursuant to
4 the application, the applicant's legal name, and any name
5 or names under which the applicant does or will provide
6 cable services or video services in this State.

7 (6) A certification that the applicant has
8 concurrently delivered a copy of the application to all
9 local units of government that include all or any part of
10 the service area identified in item (4) of this subsection
11 (b) within such local unit of government's jurisdictional
12 boundaries.

13 (7) The expected date that cable service or video
14 service will be initially offered in the area identified in
15 item (4) of this subsection (b). In the event that a holder
16 does not offer cable services or video services within 3
17 months after the expected date, it shall amend its
18 application and update the expected date service will be
19 offered and explain the delay in offering cable services or
20 video services.

21 (8) For any entity that received State-issued
22 authorization prior to this amendatory Act of the 98th
23 General Assembly as a cable operator and that intends to
24 proceed as a cable operator under this Article, the entity
25 shall file a written affidavit with the Commission and
26 shall serve a copy of the affidavit with any local units of

1 government affected by the authorization within 30 days
2 after the effective date of this amendatory Act of the 98th
3 General Assembly stating that the holder will be providing
4 cable service under the State-issued authorization.

5 The application shall include adequate assurance that the
6 applicant possesses the financial, managerial, legal, and
7 technical qualifications necessary to construct and operate
8 the proposed system, to promptly repair any damage to the
9 public right-of-way caused by the applicant, and to pay the
10 cost of removal of its facilities. To accomplish these
11 requirements, the applicant may, at the time the applicant
12 seeks to use the public rights-of-way in that jurisdiction, be
13 required by the State of Illinois or later be required by the
14 local unit of government, or both, to post a bond, produce a
15 certificate of insurance, or otherwise demonstrate its
16 financial responsibility.

17 The application shall include the applicant's general
18 standards related to customer service required by Section
19 22-501 of this Act, which shall include, but not be limited to,
20 installation, disconnection, service and repair obligations;
21 appointment hours; employee ID requirements; customer service
22 telephone numbers and hours; procedures for billing, charges,
23 deposits, refunds, and credits; procedures for termination of
24 service; notice of deletion of programming service and changes
25 related to transmission of programming or changes or increases
26 in rates; use and availability of parental control or lock-out

1 devices; complaint procedures and procedures for bill dispute
2 resolution and a description of the rights and remedies
3 available to consumers if the holder does not materially meet
4 their customer service standards; and special services for
5 customers with visual, hearing, or mobility disabilities.

6 (c)(1) The applicant may designate information that it
7 submits in its application or subsequent reports as
8 confidential or proprietary, provided that the applicant
9 states the reasons the confidential designation is necessary.

10 The Commission shall provide adequate protection for such
11 information pursuant to Section 4-404 of this Act. If the
12 Commission, a local unit of government, or any other party
13 seeks public disclosure of information designated as
14 confidential, the Commission shall consider the confidential
15 designation in a proceeding under the Illinois Administrative
16 Procedure Act, and the burden of proof to demonstrate that the
17 designated information is confidential shall be upon the
18 applicant. Designated information shall remain confidential
19 pending the Commission's determination of whether the
20 information is entitled to confidential treatment. Information
21 designated as confidential shall be provided to local units of
22 government for purposes of assessing compliance with this
23 Article as permitted under a Protective Order issued by the
24 Commission pursuant to the Commission's rules and to the
25 Attorney General pursuant to Section 6.5 of the Attorney
26 General Act (15 ILCS 205/6.5). Information designated as

1 confidential under this Section or determined to be
2 confidential upon Commission review shall only be disclosed
3 pursuant to a valid and enforceable subpoena or court order or
4 as required by the Freedom of Information Act. Nothing herein
5 shall delay the application approval timeframes set forth in
6 this Article.

7 (2) Information regarding the location of video services
8 that have been or are being offered to the public and aggregate
9 information included in the reports required by this Article
10 shall not be designated or treated as confidential.

11 (d)(1) The Commission shall post all applications it
12 receives under this Article on its web site within 5 business
13 days.

14 (2) The Commission shall notify an applicant for a cable
15 service or video service authorization whether the applicant's
16 application and affidavit are complete on or before the 15th
17 business day after the applicant submits the application. If
18 the application and affidavit are not complete, the Commission
19 shall state in its notice all of the reasons the application or
20 affidavit are incomplete, and the applicant shall resubmit a
21 complete application. The Commission shall have 30 days after
22 submission by the applicant of a complete application and
23 affidavit to issue the service authorization. If the Commission
24 does not notify the applicant regarding the completeness of the
25 application and affidavit or issue the service authorization
26 within the time periods required under this subsection, the

1 application and affidavit shall be considered complete and the
2 service authorization issued upon the expiration of the 30th
3 day.

4 (e) Any authorization issued by the Commission will expire
5 on December 31, 2020 ~~2015~~ and shall contain or include all of
6 the following:

7 (1) A grant of authority, including an authorization
8 issued prior to this amendatory Act of the 98th General
9 Assembly, to provide cable service or video service in the
10 service area footprint as requested in the application,
11 subject to the provisions of this Article in existence on
12 the date the grant of authority was issued, and any
13 modifications to this Article enacted at any time prior to
14 the date in Section 21-1601 of this Act, and to the laws of
15 the State and the ordinances, rules, and regulations of the
16 local units of government.

17 (2) A grant of authority to use, occupy, and construct
18 facilities in the public rights-of-way for the delivery of
19 cable service or video service in the service area
20 footprint, subject to the laws, ordinances, rules, or
21 regulations of this State and local units of governments.

22 (3) A statement that the grant of authority is subject
23 to lawful operation of the cable service or video service
24 by the applicant, its affiliated entities, or its
25 successors-in-interest.

26 (e-5) ~~(4)~~ The Commission shall notify a local unit of

1 government within 3 business days of the grant of any
2 authorization within a service area footprint if that
3 authorization includes any part of the local unit of
4 government's jurisdictional boundaries and state whether the
5 holder will be providing video service or cable service under
6 the authorization.

7 (f) The authorization issued pursuant to this Section by
8 the Commission may be transferred to any successor-in-interest
9 to the applicant to which it is initially granted without
10 further Commission action if the successor-in-interest (i)
11 submits an application and the information required by
12 subsection (b) of this Section for the successor-in-interest
13 and (ii) is not in violation of this Article or of any federal,
14 State, or local law, ordinance, rule, or regulation. A
15 successor-in-interest shall file its application and notice of
16 transfer with the Commission and the relevant local units of
17 government no less than 15 business days prior to the
18 completion of the transfer. The Commission is not required or
19 authorized to act upon the notice of transfer; however, the
20 transfer is not effective until the Commission approves the
21 successor-in-interest's application. A local unit of
22 government or the Attorney General may seek to bar a transfer
23 of ownership by filing suit in a court of competent
24 jurisdiction predicated on the existence of a material and
25 continuing breach of this Article by the holder, a pattern of
26 noncompliance with customer service standards by the potential

1 successor-in-interest, or the insolvency of the potential
2 successor-in-interest. If a transfer is made when there are
3 violations of this Article or of any federal, State, or local
4 law, ordinance, rule, or regulation, the successor-in-interest
5 shall be subject to 3 times the penalties provided for in this
6 Article.

7 (g) The authorization issued pursuant to this Section
8 ~~21-401 of this Article~~ by the Commission may be terminated, or
9 its cable service or video service area footprint may be
10 modified, by the cable service provider or video service
11 provider by submitting notice to the Commission and to the
12 relevant local unit of government containing a description of
13 the change on the same terms as the initial description
14 pursuant to item (4) of subsection (b) of this Section. The
15 Commission is not required or authorized to act upon that
16 notice. It shall be a violation of this Article for a holder to
17 discriminate against potential residential subscribers because
18 of the race or income of the residents in the local area in
19 which the group resides by terminating or modifying its cable
20 service or video service area footprint. It shall be a
21 violation of this Article for a holder to terminate or modify
22 its cable service or video service area footprint if it leaves
23 an area with no cable service or video service from any
24 provider.

25 (h) The Commission's authority to administer this Article
26 is limited to the powers and duties explicitly provided under

1 this Article. Its authority under this Article does not include
2 or limit the powers and duties that the Commission has under
3 the other Articles of this Act, the Illinois Administrative
4 Procedure Act, or any other law or regulation to conduct
5 proceedings, other than as provided in subsection (c), or has
6 to promulgate rules or regulations. The Commission shall not
7 have the authority to limit or expand the obligations and
8 requirements provided in this Section or to regulate or control
9 a person or entity to the extent that person or entity is
10 providing cable service or video service, except as provided in
11 this Article.

12 (Source: P.A. 98-45, eff. 6-28-13; 98-756, eff. 7-16-14.)

13 (220 ILCS 5/21-801)

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

15 Sec. 21-801. Applicable fees payable to the local unit of
16 government.

17 (a) Prior to offering cable service or video service in a
18 local unit of government's jurisdiction, a holder shall notify
19 the local unit of government. The notice shall be given to the
20 local unit of government at least 10 days before the holder
21 begins to offer cable service or video service within the
22 boundaries of that local unit of government.

23 (b) In any local unit of government in which a holder
24 offers cable service or video service on a commercial basis,
25 the holder shall be liable for and pay the service provider fee

1 to the local unit of government. The local unit of government
2 shall adopt an ordinance imposing such a fee. The holder's
3 liability for the fee shall commence on the first day of the
4 calendar month that is at least 30 days after the holder
5 receives such ordinance. For any such ordinance adopted on or
6 after the effective date of this amendatory Act of the 99th
7 General Assembly, the holder's liability shall commence on the
8 first day of the calendar month that is at least 30 days after
9 the adoption of such ordinance. The ordinance shall be sent by
10 mail, postage prepaid, to the address listed on the holder's
11 application provided to the local unit of government pursuant
12 to item (6) of subsection (b) of Section 21-401 of this Act.
13 The fee authorized by this Section shall be 5% of gross
14 revenues or the same as the fee paid to the local unit of
15 government by any incumbent cable operator providing cable
16 service. The payment of the service provider fee shall be due
17 on a quarterly basis, 45 days after the close of the calendar
18 quarter. If mailed, the fee is considered paid on the date it
19 is postmarked. Except as provided in this Article, the local
20 unit of government may not demand any additional fees or
21 charges from the holder and may not demand the use of any other
22 calculation method other than allowed under this Article.

23 (c) For purposes of this Article, "gross revenues" means
24 all consideration of any kind or nature, including, without
25 limitation, cash, credits, property, and in-kind contributions
26 received by the holder for the operation of a cable or video

1 system to provide cable service or video service within the
2 holder's cable service or video service area within the local
3 unit of government's jurisdiction.

4 (1) Gross revenues shall include the following:

5 (i) Recurring charges for cable service or video
6 service.

7 (ii) Event-based charges for cable service or
8 video service, including, but not limited to,
9 pay-per-view and video-on-demand charges.

10 (iii) Rental of set-top boxes and other cable
11 service or video service equipment.

12 (iv) Service charges related to the provision of
13 cable service or video service, including, but not
14 limited to, activation, installation, and repair
15 charges.

16 (v) Administrative charges related to the
17 provision of cable service or video service, including
18 but not limited to service order and service
19 termination charges.

20 (vi) Late payment fees or charges, insufficient
21 funds check charges, and other charges assessed to
22 recover the costs of collecting delinquent payments.

23 (vii) A pro rata portion of all revenue derived by
24 the holder or its affiliates pursuant to compensation
25 arrangements for advertising or for promotion or
26 exhibition of any products or services derived from the

1 operation of the holder's network to provide cable
2 service or video service within the local unit of
3 government's jurisdiction. The allocation shall be
4 based on the number of subscribers in the local unit of
5 government divided by the total number of subscribers
6 in relation to the relevant regional or national
7 compensation arrangement.

8 (viii) Compensation received by the holder that is
9 derived from the operation of the holder's network to
10 provide cable service or video service with respect to
11 commissions that are received by the holder as
12 compensation for promotion or exhibition of any
13 products or services on the holder's network, such as a
14 "home shopping" or similar channel, subject to item
15 (ix) of this paragraph (1).

16 (ix) In the case of a cable service or video
17 service that is bundled or integrated functionally
18 with other services, capabilities, or applications,
19 the portion of the holder's revenue attributable to the
20 other services, capabilities, or applications shall be
21 included in gross revenue unless the holder can
22 reasonably identify the division or exclusion of the
23 revenue from its books and records that are kept in the
24 regular course of business.

25 (x) The service provider fee permitted by
26 subsection (b) of this Section.

1 (2) Gross revenues do not include any of the following:

2 (i) Revenues not actually received, even if
3 billed, such as bad debt, subject to item (vi) of
4 paragraph (1) of this subsection (c).

5 (ii) Refunds, discounts, or other price
6 adjustments that reduce the amount of gross revenues
7 received by the holder of the State-issued
8 authorization to the extent the refund, rebate,
9 credit, or discount is attributable to cable service or
10 video service.

11 (iii) Regardless of whether the services are
12 bundled, packaged, or functionally integrated with
13 cable service or video service, any revenues received
14 from services not classified as cable service or video
15 service, including, without limitation, revenue
16 received from telecommunications services, information
17 services, or the provision of directory or Internet
18 advertising, including yellow pages, white pages,
19 banner advertisement, and electronic publishing, or
20 any other revenues attributed by the holder to noncable
21 service or nonvideo service in accordance with the
22 holder's books and records and records kept in the
23 regular course of business and any applicable laws,
24 rules, regulations, standards, or orders.

25 (iv) The sale of cable services or video services
26 for resale in which the purchaser is required to

1 collect the service provider fee from the purchaser's
2 subscribers to the extent the purchaser certifies in
3 writing that it will resell the service within the
4 local unit of government's jurisdiction and pay the fee
5 permitted by subsection (b) of this Section with
6 respect to the service.

7 (v) Any tax or fee of general applicability imposed
8 upon the subscribers or the transaction by a city,
9 State, federal, or any other governmental entity and
10 collected by the holder of the State-issued
11 authorization and required to be remitted to the taxing
12 entity, including sales and use taxes.

13 (vi) Security deposits collected from subscribers.

14 (vii) Amounts paid by subscribers to "home
15 shopping" or similar vendors for merchandise sold
16 through any home shopping channel offered as part of
17 the cable service or video service.

18 (3) Revenue of an affiliate of a holder shall be
19 included in the calculation of gross revenues to the extent
20 the treatment of the revenue as revenue of the affiliate
21 rather than the holder has the effect of evading the
22 payment of the fee permitted by subsection (b) of this
23 Section which would otherwise be paid by the cable service
24 or video service.

25 (d) (1) Except for a holder providing cable service that is
26 subject to the fee in subsection (i) of this Section, the

1 holder shall pay to the local unit of government or the entity
2 designated by that local unit of government to manage public,
3 education, and government access, upon request as support for
4 public, education, and government access, a fee equal to no
5 less than (i) 1% of gross revenues or (ii) if greater, the
6 percentage of gross revenues that incumbent cable operators pay
7 to the local unit of government or its designee for public,
8 education, and government access support in the local unit of
9 government's jurisdiction. For purposes of item (ii) of
10 paragraph (1) of this subsection (d), the percentage of gross
11 revenues that all incumbent cable operators pay shall be equal
12 to the annual sum of the payments that incumbent cable
13 operators in the service area are obligated to pay by
14 franchises and agreements or by contracts with the local
15 government designee for public, education and government
16 access in effect on January 1, 2007, including the total of any
17 lump sum payments required to be made over the term of each
18 franchise or agreement divided by the number of years of the
19 applicable term, divided by the annual sum of such incumbent
20 cable operator's or operators' gross revenues during the
21 immediately prior calendar year. The sum of payments includes
22 any payments that an incumbent cable operator is required to
23 pay pursuant to item (3) of subsection (c) of Section 21-301.

24 (2) A local unit of government may require all holders of a
25 State-issued authorization and all cable operators franchised
26 by that local unit of government on June 30, 2007 (the

1 effective date of this Section) in the franchise area to
2 provide to the local unit of government, or to the entity
3 designated by that local unit of government to manage public,
4 education, and government access, information sufficient to
5 calculate the public, education, and government access
6 equivalent fee and any credits under paragraph (1) of this
7 subsection (d).

8 (3) The fee shall be due on a quarterly basis and paid 45
9 days after the close of the calendar quarter. Each payment
10 shall include a statement explaining the basis for the
11 calculation of the fee. If mailed, the fee is considered paid
12 on the date it is postmarked. The liability of the holder for
13 payment of the fee under this subsection shall commence on the
14 same date as the payment of the service provider fee pursuant
15 to subsection (b) of this Section.

16 (e) The holder may identify and collect the amount of the
17 service provider fee as a separate line item on the regular
18 bill of each subscriber.

19 (f) The holder may identify and collect the amount of the
20 public, education, and government programming support fee as a
21 separate line item on the regular bill of each subscriber.

22 (g) All determinations and computations under this Section
23 shall be made pursuant to the definition of gross revenues set
24 forth in this Section and shall be made pursuant to generally
25 accepted accounting principles.

26 (h) Nothing contained in this Article shall be construed to

1 exempt a holder from any tax that is or may later be imposed by
2 the local unit of government, including any tax that is or may
3 later be required to be paid by or through the holder with
4 respect to cable service or video service. A State-issued
5 authorization shall not affect any requirement of the holder
6 with respect to payment of the local unit of government's
7 simplified municipal telecommunications tax or any other tax as
8 it applies to any telephone service provided by the holder. A
9 State-issued authorization shall not affect any requirement of
10 the holder with respect to payment of the local unit of
11 government's 911 or E911 fees, taxes, or charges.

12 (i) Except for a municipality having a population of
13 2,000,000 or more, the fee imposed under paragraph (1) of
14 subsection (d) by a local unit of government against a holder
15 who is a cable operator shall be as follows:

16 (1) the fee shall be collected and paid only for
17 capital costs that are considered lawful under Subchapter
18 VI of the federal Communications Act of 1934, as amended,
19 and as implemented by the Federal Communications
20 Commission;

21 (2) the local unit of government shall impose any fee
22 by ordinance; and

23 (3) the fee may not exceed 1% of gross revenue; if,
24 however, on the date that an incumbent cable operator files
25 an application under Section 21-401, the incumbent cable
26 operator is operating under a franchise agreement that

1 imposes a fee for support for capital costs for public,
2 education, and government access facilities obligations in
3 excess of 1% of gross revenue, then the cable operator
4 shall continue to provide support for capital costs for
5 public, education, and government access facilities
6 obligations at the rate stated in such agreement.

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

8 (220 ILCS 5/21-901)

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

10 Sec. 21-901. Audits.

11 (a) A holder that has received State-issued authorization
12 under this Article is subject to an audit of its service
13 provider fees derived from the provision of cable or video
14 services to subscribers within any part of the local unit of
15 government which is located in the holder's service territory.
16 Any such audit shall be conducted by the local unit of
17 government or its agent for the sole purpose of determining any
18 overpayment or underpayment of the holder's service provider
19 fee to the local unit of government. ~~Upon receiving notice~~
20 ~~under item (4) of subsection (c) of Section 21-401 of this Act~~
21 ~~that a holder has received State-issued authorization under~~
22 ~~this Article, a local unit of government shall notify the~~
23 ~~holder of the requirements it imposes on other cable service or~~
24 ~~video service providers in its jurisdiction to submit to an~~
25 ~~audit of its books and records. The holder shall comply with~~

1 ~~the same requirements the local unit of government imposes on~~
2 ~~other cable service or video service providers in its~~
3 ~~jurisdiction to audit the holder's books and records and to~~
4 ~~recompute any amounts determined to be payable under the~~
5 ~~requirements of the local unit of government. If all local~~
6 ~~franchises between the local unit of government and a cable~~
7 ~~operator terminate, the audit requirements shall be those~~
8 ~~adopted by the local government pursuant to the Local~~
9 ~~Government Taxpayers' Bill of Rights Act. No acceptance of~~
10 ~~amounts remitted should be construed as an accord that the~~
11 ~~amounts are correct.~~

12 (b) Beginning on or after the effective date of this
13 amendatory Act of the 99th General Assembly, any audit
14 conducted pursuant to this Section by a local government shall
15 be governed by Section 11-42-11.05 of the Illinois Municipal
16 Code or Section 5-1095.1 of the Counties Code. Any additional
17 ~~amount due after an audit shall be paid within 30 days after~~
18 ~~the local unit of government's submission of an invoice for the~~
19 ~~sum.~~

20 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)

21 (220 ILCS 5/21-1001)

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

23 Sec. 21-1001. Local unit of government authority.

24 (a) The holder of a State-issued authorization shall comply
25 with all the applicable construction and technical standards

1 and right-of-way occupancy standards set forth in a local unit
2 of government's code of ordinances relating to the use of
3 public rights-of-way, pole attachments, permit obligations,
4 indemnification, performance bonds, penalties, or liquidated
5 damages. The applicable requirements for a holder that is using
6 its existing telecommunications network or constructing a
7 telecommunications network shall be the same requirements that
8 the local unit of government imposes on telecommunications
9 providers in its jurisdiction. The applicable requirements for
10 a holder that is using or constructing a cable system shall be
11 the same requirements the local unit of government imposes on
12 other cable operators in its jurisdiction.

13 (b) A local unit of government shall allow the holder to
14 install, construct, operate, maintain, and remove a cable
15 service, video service, or telecommunications network within a
16 public right-of-way and shall provide the holder with open,
17 comparable, nondiscriminatory, and competitively neutral
18 access to the public right-of-way on the same terms applicable
19 to other cable service or video service providers or cable
20 operators in its jurisdiction. Notwithstanding any other
21 provisions of law, if a local unit of government is permitted
22 by law to require the holder of a State authorization to seek a
23 permit to install, construct, operate, maintain, or remove its
24 cable service, video service, or telecommunications network
25 within a public right-of-way, those permits shall be deemed
26 granted within 45 days after being submitted, if not otherwise

1 acted upon by the local unit of government, provided the holder
2 complies with the requirements applicable to the holder in its
3 jurisdiction.

4 (c) A local unit of government may impose reasonable terms,
5 but it may not discriminate against the holder with respect to
6 any of the following:

7 (1) The authorization or placement of a cable service,
8 video service, or telecommunications network or equipment
9 in public rights-of-way.

10 (2) Access to a building.

11 (3) A local unit of government utility pole attachment.

12 (d) If a local unit of government imposes a permit fee on
13 incumbent cable operators, it may impose a permit fee on the
14 holder only to the extent it imposes such a fee on incumbent
15 cable operators. In all other cases, these fees may not exceed
16 the actual, direct costs incurred by the local unit of
17 government for issuing the relevant permit. In no event may a
18 fee under this Section be levied if the holder already has paid
19 a permit fee of any kind in connection with the same activity
20 that would otherwise be covered by the permit fee under this
21 Section provided no additional equipment, work, function, or
22 other burden is added to the existing activity for which the
23 permit was issued.

24 (e) Nothing in this Article shall affect the rights that
25 any holder has under Section 4 of the Telephone Line Right of
26 Way Act (220 ILCS 65/4).

1 (f) In addition to the other requirements in this Section,
2 if the holder installs, upgrades, constructs, operates,
3 maintains, and removes facilities or equipment within a public
4 right-of-way to provide cable service or video service, it
5 shall comply with the following:

6 (1) The holder must locate its equipment in the
7 right-of-way as to cause only minimum interference with the
8 use of streets, alleys, and other public ways and places,
9 and to cause only minimum impact upon and interference with
10 the rights and reasonable convenience of property owners
11 who adjoin any of the said streets, alleys, or other public
12 ways. No fixtures shall be placed in any public ways in
13 such a manner to interfere with the usual travel on such
14 public ways, nor shall such fixtures or equipment limit the
15 visibility of vehicular or pedestrian traffic, or both.

16 (2) The holder shall comply with a local unit of
17 government's reasonable requests to place equipment on
18 public property where possible and promptly comply with
19 local unit of government direction with respect to the
20 location and screening of equipment and facilities. In
21 constructing or upgrading its cable or video network in the
22 right-of-way, the holder shall use the smallest suitable
23 equipment enclosures and power pedestals and cabinets then
24 in use by the holder for the application.

25 (3) The holder's construction practices shall be in
26 accordance with all applicable Sections of the

1 Occupational Safety and Health Act of 1970, as amended, as
2 well as all applicable State laws, including the Civil
3 Administrative Code of Illinois, and local codes, where
4 applicable, as adopted by the local unit of government. All
5 installation of electronic equipment shall be of a
6 permanent nature, durable, and, where applicable,
7 installed in accordance with the provisions of the National
8 Electrical Safety Code of the National Bureau of Standards
9 and National Electrical Code of the National Board of Fire
10 Underwriters.

11 (4) The holder shall not interfere with the local unit
12 of government's performance of public works. Nothing in the
13 State-issued authorization shall be in preference or
14 hindrance to the right of the local unit of government to
15 perform or carry on any public works or public improvements
16 of any kind. The holder expressly agrees that it shall, at
17 its own expense, protect, support, temporarily disconnect,
18 relocate in the same street or other public place, or
19 remove from such street or other public place any of the
20 network, system, facilities, or equipment when required to
21 do so by the local unit of government because of necessary
22 public health, safety, and welfare improvements. In the
23 event a holder and other users of a public right-of-way,
24 including incumbent cable operators or utilities, are
25 required to relocate and compensation is paid to the users
26 of such public right-of-way, such parties shall be treated

1 equally with respect to such compensation.

2 (5) The holder shall comply with all local units of
3 government inspection requirements. The making of
4 post-construction, subsequent or periodic inspections, or
5 both, or the failure to do so shall not operate to relieve
6 the holder of any responsibility, obligation, or
7 liability.

8 (6) The holder shall maintain insurance or provide
9 evidence of self insurance as required by an applicable
10 ordinance of the local unit of government.

11 (7) The holder shall reimburse all reasonable
12 make-ready expenses, including aerial and underground
13 installation expenses requested by the holder to the local
14 unit of government within 30 days of billing to the holder,
15 provided that such charges shall be at the same rates as
16 charges to others for the same or similar services.

17 (8) The holder shall indemnify and hold harmless the
18 local unit of government and all boards, officers,
19 employees, and representatives thereof from all claims,
20 demands, causes of action, liability, judgments, costs and
21 expenses, or losses for injury or death to persons or
22 damage to property owned by, and Worker's Compensation
23 claims against any parties indemnified herein, arising out
24 of, caused by, or as a result of the holder's construction,
25 lines, cable, erection, maintenance, use or presence of, or
26 removal of any poles, wires, conduit, appurtenances

1 thereto, or equipment or attachments thereto. The holder,
2 however, shall not indemnify the local unit of government
3 for any liabilities, damages, cost, and expense resulting
4 from the willful misconduct, or negligence of the local
5 unit of government, its officers, employees, and agents.
6 The obligations imposed pursuant to this Section by a local
7 unit of government shall be competitively neutral.

8 (9) The holder, upon request, shall provide the local
9 unit of government with information describing the
10 location of the cable service or video service facilities
11 and equipment located in the unit of local government's
12 rights-of-way pursuant to its State-issued authorization.
13 If designated by the holder as confidential, such
14 information provided pursuant to this subsection shall be
15 exempt from inspection and copying under the ~~Illinois~~
16 ~~Freedom of Information Act pursuant to the exemption~~
17 ~~provided for under provision (mm) of item (1) of Section 7~~
18 ~~of the Freedom of Information Act and any other present or~~
19 ~~future exemptions applicable to such information~~ and shall
20 not be disclosed by the unit of local government to any
21 third party without the written consent of the holder.

22 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)

23 (220 ILCS 5/21-1601)

24 Sec. 21-1601. Repealer. Sections 21-101 through 21-1501 of
25 this Article are repealed July 1, 2017 ~~2015~~.

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

2 ARTICLE II

3 Section 2-1. The Department of Central Management Services
4 Law of the Civil Administrative Code of Illinois is amended by
5 changing Section 405-270 as follows:

6 (20 ILCS 405/405-270) (was 20 ILCS 405/67.18)

7 Sec. 405-270. Communications services. To provide for and
8 co-ordinate communications services for State agencies and,
9 when requested and when in the best interests of the State, for
10 units of federal or local governments and public and
11 not-for-profit institutions of primary, secondary, and higher
12 education. The Department may make use of its satellite uplink
13 available to interested parties not associated with State
14 government provided that State government usage shall have
15 first priority. For this purpose the Department shall have the
16 power and duty to do all of the following:

17 (1) Provide for and control the procurement,
18 retention, installation, and maintenance of communications
19 equipment or services used by State agencies in the
20 interest of efficiency and economy.

21 (2) Establish standards by January 1, 1989 for
22 communications services for State agencies which shall
23 include a minimum of one telecommunication device for the

1 deaf installed and operational within each State agency, to
2 provide public access to agency information for those
3 persons who are hearing or speech impaired. The Department
4 shall consult the Department of Human Services to develop
5 standards and implementation for this equipment.

6 (3) Establish charges (i) for communication services
7 for State agencies and, when requested, for units of
8 federal or local government and public and not-for-profit
9 institutions of primary, secondary, or higher education
10 and (ii) for use of the Department's satellite uplink by
11 parties not associated with State government. Entities
12 charged for these services shall reimburse the Department.

13 (4) Instruct all State agencies to report their usage
14 of communication services regularly to the Department in
15 the manner the Director may prescribe.

16 (5) Analyze the present and future aims and needs of
17 all State agencies in the area of communications services
18 and plan to serve those aims and needs in the most
19 effective and efficient manner.

20 (6) Provide services, including, but not limited to,
21 telecommunications, video recording, satellite uplink,
22 public information, and other communications services.

23 (7) Establish the administrative organization within
24 the Department that is required to accomplish the purpose
25 of this Section.

26 The Department is authorized to conduct a study for the

1 purpose of determining technical, engineering, and management
2 specifications for the networking, compatible connection, or
3 shared use of existing and future public and private owned
4 television broadcast and reception facilities, including but
5 not limited to terrestrial microwave, fiber optic, and
6 satellite, for broadcast and reception of educational,
7 governmental, and business programs, and to implement those
8 specifications.

9 However, the Department may not control or interfere with
10 the input of content into the telecommunications systems by the
11 several State agencies or units of federal or local government,
12 or public or not-for-profit institutions of primary,
13 secondary, and higher education, or users of the Department's
14 satellite uplink.

15 As used in this Section, the term "State agencies" means
16 all departments, officers, commissions, boards, institutions,
17 and bodies politic and corporate of the State except (i) the
18 judicial branch, including, without limitation, the several
19 courts of the State, the offices of the clerk of the supreme
20 court and the clerks of the appellate court, and the
21 Administrative Office of the Illinois Courts and (ii) the
22 General Assembly, legislative service agencies, and all
23 officers of the General Assembly.

24 This Section does not apply to the procurement of Next
25 Generation 9-1-1 service as governed by Section 15.6b of the
26 Emergency Telephone System Act.

1 (Source: P.A. 94-91, eff. 7-1-05; 94-295, eff. 7-21-05; 95-331,
2 eff. 8-21-07.)

3 Section 2-3. The Illinois Administrative Procedure Act is
4 amended by changing Section 5-45 as follows:

5 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

6 Sec. 5-45. Emergency rulemaking.

7 (a) "Emergency" means the existence of any situation that
8 any agency finds reasonably constitutes a threat to the public
9 interest, safety, or welfare.

10 (b) If any agency finds that an emergency exists that
11 requires adoption of a rule upon fewer days than is required by
12 Section 5-40 and states in writing its reasons for that
13 finding, the agency may adopt an emergency rule without prior
14 notice or hearing upon filing a notice of emergency rulemaking
15 with the Secretary of State under Section 5-70. The notice
16 shall include the text of the emergency rule and shall be
17 published in the Illinois Register. Consent orders or other
18 court orders adopting settlements negotiated by an agency may
19 be adopted under this Section. Subject to applicable
20 constitutional or statutory provisions, an emergency rule
21 becomes effective immediately upon filing under Section 5-65 or
22 at a stated date less than 10 days thereafter. The agency's
23 finding and a statement of the specific reasons for the finding
24 shall be filed with the rule. The agency shall take reasonable

1 and appropriate measures to make emergency rules known to the
2 persons who may be affected by them.

3 (c) An emergency rule may be effective for a period of not
4 longer than 150 days, but the agency's authority to adopt an
5 identical rule under Section 5-40 is not precluded. No
6 emergency rule may be adopted more than once in any 24 month
7 period, except that this limitation on the number of emergency
8 rules that may be adopted in a 24 month period does not apply
9 to (i) emergency rules that make additions to and deletions
10 from the Drug Manual under Section 5-5.16 of the Illinois
11 Public Aid Code or the generic drug formulary under Section
12 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
13 emergency rules adopted by the Pollution Control Board before
14 July 1, 1997 to implement portions of the Livestock Management
15 Facilities Act, (iii) emergency rules adopted by the Illinois
16 Department of Public Health under subsections (a) through (i)
17 of Section 2 of the Department of Public Health Act when
18 necessary to protect the public's health, (iv) emergency rules
19 adopted pursuant to subsection (n) of this Section, (v)
20 emergency rules adopted pursuant to subsection (o) of this
21 Section, or (vi) emergency rules adopted pursuant to subsection
22 (c-5) of this Section. Two or more emergency rules having
23 substantially the same purpose and effect shall be deemed to be
24 a single rule for purposes of this Section.

25 (c-5) To facilitate the maintenance of the program of group
26 health benefits provided to annuitants, survivors, and retired

1 employees under the State Employees Group Insurance Act of
2 1971, rules to alter the contributions to be paid by the State,
3 annuitants, survivors, retired employees, or any combination
4 of those entities, for that program of group health benefits,
5 shall be adopted as emergency rules. The adoption of those
6 rules shall be considered an emergency and necessary for the
7 public interest, safety, and welfare.

8 (d) In order to provide for the expeditious and timely
9 implementation of the State's fiscal year 1999 budget,
10 emergency rules to implement any provision of Public Act 90-587
11 or 90-588 or any other budget initiative for fiscal year 1999
12 may be adopted in accordance with this Section by the agency
13 charged with administering that provision or initiative,
14 except that the 24-month limitation on the adoption of
15 emergency rules and the provisions of Sections 5-115 and 5-125
16 do not apply to rules adopted under this subsection (d). The
17 adoption of emergency rules authorized by this subsection (d)
18 shall be deemed to be necessary for the public interest,
19 safety, and welfare.

20 (e) In order to provide for the expeditious and timely
21 implementation of the State's fiscal year 2000 budget,
22 emergency rules to implement any provision of this amendatory
23 Act of the 91st General Assembly or any other budget initiative
24 for fiscal year 2000 may be adopted in accordance with this
25 Section by the agency charged with administering that provision
26 or initiative, except that the 24-month limitation on the

1 adoption of emergency rules and the provisions of Sections
2 5-115 and 5-125 do not apply to rules adopted under this
3 subsection (e). The adoption of emergency rules authorized by
4 this subsection (e) shall be deemed to be necessary for the
5 public interest, safety, and welfare.

6 (f) In order to provide for the expeditious and timely
7 implementation of the State's fiscal year 2001 budget,
8 emergency rules to implement any provision of this amendatory
9 Act of the 91st General Assembly or any other budget initiative
10 for fiscal year 2001 may be adopted in accordance with this
11 Section by the agency charged with administering that provision
12 or initiative, except that the 24-month limitation on the
13 adoption of emergency rules and the provisions of Sections
14 5-115 and 5-125 do not apply to rules adopted under this
15 subsection (f). The adoption of emergency rules authorized by
16 this subsection (f) shall be deemed to be necessary for the
17 public interest, safety, and welfare.

18 (g) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 2002 budget,
20 emergency rules to implement any provision of this amendatory
21 Act of the 92nd General Assembly or any other budget initiative
22 for fiscal year 2002 may be adopted in accordance with this
23 Section by the agency charged with administering that provision
24 or initiative, except that the 24-month limitation on the
25 adoption of emergency rules and the provisions of Sections
26 5-115 and 5-125 do not apply to rules adopted under this

1 subsection (g). The adoption of emergency rules authorized by
2 this subsection (g) shall be deemed to be necessary for the
3 public interest, safety, and welfare.

4 (h) In order to provide for the expeditious and timely
5 implementation of the State's fiscal year 2003 budget,
6 emergency rules to implement any provision of this amendatory
7 Act of the 92nd General Assembly or any other budget initiative
8 for fiscal year 2003 may be adopted in accordance with this
9 Section by the agency charged with administering that provision
10 or initiative, except that the 24-month limitation on the
11 adoption of emergency rules and the provisions of Sections
12 5-115 and 5-125 do not apply to rules adopted under this
13 subsection (h). The adoption of emergency rules authorized by
14 this subsection (h) shall be deemed to be necessary for the
15 public interest, safety, and welfare.

16 (i) In order to provide for the expeditious and timely
17 implementation of the State's fiscal year 2004 budget,
18 emergency rules to implement any provision of this amendatory
19 Act of the 93rd General Assembly or any other budget initiative
20 for fiscal year 2004 may be adopted in accordance with this
21 Section by the agency charged with administering that provision
22 or initiative, except that the 24-month limitation on the
23 adoption of emergency rules and the provisions of Sections
24 5-115 and 5-125 do not apply to rules adopted under this
25 subsection (i). The adoption of emergency rules authorized by
26 this subsection (i) shall be deemed to be necessary for the

1 public interest, safety, and welfare.

2 (j) In order to provide for the expeditious and timely
3 implementation of the provisions of the State's fiscal year
4 2005 budget as provided under the Fiscal Year 2005 Budget
5 Implementation (Human Services) Act, emergency rules to
6 implement any provision of the Fiscal Year 2005 Budget
7 Implementation (Human Services) Act may be adopted in
8 accordance with this Section by the agency charged with
9 administering that provision, except that the 24-month
10 limitation on the adoption of emergency rules and the
11 provisions of Sections 5-115 and 5-125 do not apply to rules
12 adopted under this subsection (j). The Department of Public Aid
13 may also adopt rules under this subsection (j) necessary to
14 administer the Illinois Public Aid Code and the Children's
15 Health Insurance Program Act. The adoption of emergency rules
16 authorized by this subsection (j) shall be deemed to be
17 necessary for the public interest, safety, and welfare.

18 (k) In order to provide for the expeditious and timely
19 implementation of the provisions of the State's fiscal year
20 2006 budget, emergency rules to implement any provision of this
21 amendatory Act of the 94th General Assembly or any other budget
22 initiative for fiscal year 2006 may be adopted in accordance
23 with this Section by the agency charged with administering that
24 provision or initiative, except that the 24-month limitation on
25 the adoption of emergency rules and the provisions of Sections
26 5-115 and 5-125 do not apply to rules adopted under this

1 subsection (k). The Department of Healthcare and Family
2 Services may also adopt rules under this subsection (k)
3 necessary to administer the Illinois Public Aid Code, the
4 Senior Citizens and Disabled Persons Property Tax Relief Act,
5 the Senior Citizens and Disabled Persons Prescription Drug
6 Discount Program Act (now the Illinois Prescription Drug
7 Discount Program Act), and the Children's Health Insurance
8 Program Act. The adoption of emergency rules authorized by this
9 subsection (k) shall be deemed to be necessary for the public
10 interest, safety, and welfare.

11 (l) In order to provide for the expeditious and timely
12 implementation of the provisions of the State's fiscal year
13 2007 budget, the Department of Healthcare and Family Services
14 may adopt emergency rules during fiscal year 2007, including
15 rules effective July 1, 2007, in accordance with this
16 subsection to the extent necessary to administer the
17 Department's responsibilities with respect to amendments to
18 the State plans and Illinois waivers approved by the federal
19 Centers for Medicare and Medicaid Services necessitated by the
20 requirements of Title XIX and Title XXI of the federal Social
21 Security Act. The adoption of emergency rules authorized by
22 this subsection (l) shall be deemed to be necessary for the
23 public interest, safety, and welfare.

24 (m) In order to provide for the expeditious and timely
25 implementation of the provisions of the State's fiscal year
26 2008 budget, the Department of Healthcare and Family Services

1 may adopt emergency rules during fiscal year 2008, including
2 rules effective July 1, 2008, in accordance with this
3 subsection to the extent necessary to administer the
4 Department's responsibilities with respect to amendments to
5 the State plans and Illinois waivers approved by the federal
6 Centers for Medicare and Medicaid Services necessitated by the
7 requirements of Title XIX and Title XXI of the federal Social
8 Security Act. The adoption of emergency rules authorized by
9 this subsection (m) shall be deemed to be necessary for the
10 public interest, safety, and welfare.

11 (n) In order to provide for the expeditious and timely
12 implementation of the provisions of the State's fiscal year
13 2010 budget, emergency rules to implement any provision of this
14 amendatory Act of the 96th General Assembly or any other budget
15 initiative authorized by the 96th General Assembly for fiscal
16 year 2010 may be adopted in accordance with this Section by the
17 agency charged with administering that provision or
18 initiative. The adoption of emergency rules authorized by this
19 subsection (n) shall be deemed to be necessary for the public
20 interest, safety, and welfare. The rulemaking authority
21 granted in this subsection (n) shall apply only to rules
22 promulgated during Fiscal Year 2010.

23 (o) In order to provide for the expeditious and timely
24 implementation of the provisions of the State's fiscal year
25 2011 budget, emergency rules to implement any provision of this
26 amendatory Act of the 96th General Assembly or any other budget

1 initiative authorized by the 96th General Assembly for fiscal
2 year 2011 may be adopted in accordance with this Section by the
3 agency charged with administering that provision or
4 initiative. The adoption of emergency rules authorized by this
5 subsection (o) is deemed to be necessary for the public
6 interest, safety, and welfare. The rulemaking authority
7 granted in this subsection (o) applies only to rules
8 promulgated on or after the effective date of this amendatory
9 Act of the 96th General Assembly through June 30, 2011.

10 (p) In order to provide for the expeditious and timely
11 implementation of the provisions of Public Act 97-689,
12 emergency rules to implement any provision of Public Act 97-689
13 may be adopted in accordance with this subsection (p) by the
14 agency charged with administering that provision or
15 initiative. The 150-day limitation of the effective period of
16 emergency rules does not apply to rules adopted under this
17 subsection (p), and the effective period may continue through
18 June 30, 2013. The 24-month limitation on the adoption of
19 emergency rules does not apply to rules adopted under this
20 subsection (p). The adoption of emergency rules authorized by
21 this subsection (p) is deemed to be necessary for the public
22 interest, safety, and welfare.

23 (q) In order to provide for the expeditious and timely
24 implementation of the provisions of Articles 7, 8, 9, 11, and
25 12 of this amendatory Act of the 98th General Assembly,
26 emergency rules to implement any provision of Articles 7, 8, 9,

1 11, and 12 of this amendatory Act of the 98th General Assembly
2 may be adopted in accordance with this subsection (q) by the
3 agency charged with administering that provision or
4 initiative. The 24-month limitation on the adoption of
5 emergency rules does not apply to rules adopted under this
6 subsection (q). The adoption of emergency rules authorized by
7 this subsection (q) is deemed to be necessary for the public
8 interest, safety, and welfare.

9 (r) In order to provide for the expeditious and timely
10 implementation of the provisions of this amendatory Act of the
11 98th General Assembly, emergency rules to implement this
12 amendatory Act of the 98th General Assembly may be adopted in
13 accordance with this subsection (r) by the Department of
14 Healthcare and Family Services. The 24-month limitation on the
15 adoption of emergency rules does not apply to rules adopted
16 under this subsection (r). The adoption of emergency rules
17 authorized by this subsection (r) is deemed to be necessary for
18 the public interest, safety, and welfare.

19 (s) In order to provide for the expeditious and timely
20 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
21 the Illinois Public Aid Code, emergency rules to implement any
22 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
23 Public Aid Code may be adopted in accordance with this
24 subsection (s) by the Department of Healthcare and Family
25 Services. The rulemaking authority granted in this subsection
26 (s) shall apply only to those rules adopted prior to July 1,

1 2015. Notwithstanding any other provision of this Section, any
2 emergency rule adopted under this subsection (s) shall only
3 apply to payments made for State fiscal year 2015. The adoption
4 of emergency rules authorized by this subsection (s) is deemed
5 to be necessary for the public interest, safety, and welfare.

6 (t) In order to provide for the expeditious and timely
7 implementation of the provisions of Article II of this
8 amendatory Act of the 99th General Assembly, emergency rules to
9 implement the changes made by Article II of this amendatory Act
10 of the 99th General Assembly to the Emergency Telephone System
11 Act may be adopted in accordance with this subsection (t) by
12 the Department of State Police. The rulemaking authority
13 granted in this subsection (t) shall apply only to those rules
14 adopted prior to July 1, 2016. The 24-month limitation on the
15 adoption of emergency rules does not apply to rules adopted
16 under this subsection (t). The adoption of emergency rules
17 authorized by this subsection (t) is deemed to be necessary for
18 the public interest, safety, and welfare.

19 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;
20 98-651, eff. 6-16-14; 99-2, eff. 3-26-15.)

21 Section 2-5. The State Finance Act is amended by changing
22 Section 5.529 as follows:

23 (30 ILCS 105/5.529)

24 Sec. 5.529. The Statewide 9-1-1 ~~Wireless Service Emergency~~

1 Fund.

2 (Source: P.A. 91-660, eff. 12-22-99; 92-16, eff. 6-28-01.)

3 Section 2-10. The Emergency Telephone System Act is amended
4 by changing Sections 2, 3, 4, 6, 6.1, 7, 8, 10, 10.2, 11, 12,
5 15, 15.1, 15.4, 15.5, 15.6, 15.7, and 15.8 and by adding
6 Sections 15.2c, 15.3a, 15.4a, 15.4b, 15.6a, 15.6b, 20, 30, 35,
7 40, 45, 50, 55, and 60 as follows:

8 (50 ILCS 750/2) (from Ch. 134, par. 32)

9 Sec. 2. Definitions. As used in this Act, unless the
10 context otherwise requires:

11 "9-1-1 system" means the geographic area that has been
12 granted an order of authority by the Commission or the
13 Statewide 9-1-1 Administrator to use "9-1-1" as the primary
14 emergency telephone number.

15 "9-1-1 Authority" includes an Emergency Telephone System
16 Board, Joint Emergency Telephone System Board, and a qualified
17 governmental entity. "9-1-1 Authority" includes the Department
18 of State Police only to the extent it provides 9-1-1 services
19 under this Act.

20 "Administrator" means the Statewide 9-1-1 Administrator.

21 "Advanced service" means any telecommunications service
22 with dynamic bandwidth allocation, including, but not limited
23 to, ISDN Primary Rate Interface (PRI), that, through the use of
24 a DS-1, T-1, or similar un-channelized or multi-channel

1 transmission facility, is capable of transporting either the
2 subscriber's inter-premises voice telecommunications services
3 to the public switched network or the subscriber's 9-1-1 calls
4 to the public agency.

5 "ALI" or "automatic location identification" means, in an
6 E9-1-1 system, the automatic display at the public safety
7 answering point of the caller's telephone number, the address
8 or location of the telephone, and supplementary emergency
9 services information.

10 "ANI" or "automatic number identification" means the
11 automatic display of the 9-1-1 calling party's number on the
12 PSAP monitor.

13 "Automatic alarm" and "automatic alerting device" mean any
14 device that will access the 9-1-1 system for emergency services
15 upon activation.

16 "Board" means an Emergency Telephone System Board or a
17 Joint Emergency Telephone System Board created pursuant to
18 Section 15.4.

19 "Carrier" includes a telecommunications carrier and a
20 wireless carrier.

21 "Commission" means the Illinois Commerce Commission.

22 "Computer aided dispatch" or "CAD" means a database
23 maintained by the public safety agency or public safety
24 answering point used in conjunction with 9-1-1 caller data.

25 "Direct dispatch method" means a 9-1-1 service that
26 provides for the direct dispatch by a PSAP telecommunicator of

1 the appropriate unit upon receipt of an emergency call and the
2 decision as to the proper action to be taken.

3 "Department" means the Department of State Police.

4 "DS-1, T-1, or similar un-channelized or multi-channel
5 transmission facility" means a facility that can transmit and
6 receive a bit rate of at least 1.544 megabits per second
7 (Mbps).

8 "Dynamic bandwidth allocation" means the ability of the
9 facility or customer to drop and add channels, or adjust
10 bandwidth, when needed in real time for voice or data purposes.

11 "Enhanced 9-1-1" or "E9-1-1" means an emergency telephone
12 system that includes dedicated network, selective routing,
13 database, ALI, ANI, selective transfer, fixed transfer, and a
14 call back number.

15 "ETSB" means an emergency telephone system board appointed
16 by the corporate authorities of any county or municipality that
17 provides for the management and operation of a 9-1-1 system.

18 "Hearing-impaired individual" means a person with a
19 permanent hearing loss who can regularly and routinely
20 communicate by telephone only through the aid of devices which
21 can send and receive written messages over the telephone
22 network.

23 "Hosted supplemental 9-1-1 service" means a database
24 service that:

25 (1) electronically provides information to 9-1-1 call
26 takers when a call is placed to 9-1-1;

1 (2) allows telephone subscribers to provide
2 information to 9-1-1 to be used in emergency scenarios;

3 (3) collects a variety of formatted data relevant to
4 9-1-1 and first responder needs, which may include, but is
5 not limited to, photographs of the telephone subscribers,
6 physical descriptions, medical information, household
7 data, and emergency contacts;

8 (4) allows for information to be entered by telephone
9 subscribers through a secure website where they can elect
10 to provide as little or as much information as they choose;

11 (5) automatically displays data provided by telephone
12 subscribers to 9-1-1 call takers for all types of
13 telephones when a call is placed to 9-1-1 from a registered
14 and confirmed phone number;

15 (6) supports the delivery of telephone subscriber
16 information through a secure internet connection to all
17 emergency telephone system boards;

18 (7) works across all 9-1-1 call taking equipment and
19 allows for the easy transfer of information into a computer
20 aided dispatch system; and

21 (8) may be used to collect information pursuant to an
22 Illinois Premise Alert Program as defined in the Illinois
23 Premise Alert Program (PAP) Act.

24 "Interconnected voice over Internet protocol provider" or
25 "Interconnected VoIP provider" has the meaning given to that
26 term under Section 13-235 of the Public Utilities Act.

1 "Joint ETSB" means a Joint Emergency Telephone System Board
2 established by intergovernmental agreement of two or more
3 municipalities or counties, or a combination thereof, to
4 provide for the management and operation of a 9-1-1 system.

5 "Local public agency" means any unit of local government or
6 special purpose district located in whole or in part within
7 this State that provides or has authority to provide
8 firefighting, police, ambulance, medical, or other emergency
9 services.

10 "Mechanical dialer" means any device that either manually
11 or remotely triggers a dialing device to access the 9-1-1
12 system.

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

16 "Mobile telephone number" or "MTN" means the telephone
17 number assigned to a wireless telephone at the time of initial
18 activation.

19 "Network connections" means the number of voice grade
20 communications channels directly between a subscriber and a
21 telecommunications carrier's public switched network, without
22 the intervention of any other telecommunications carrier's
23 switched network, which would be required to carry the
24 subscriber's inter-premises traffic and which connection
25 either (1) is capable of providing access through the public
26 switched network to a 9-1-1 Emergency Telephone System, if one

1 exists, or (2) if no system exists at the time a surcharge is
2 imposed under Section 15.3, that would be capable of providing
3 access through the public switched network to the local 9-1-1
4 Emergency Telephone System if one existed. Where multiple voice
5 grade communications channels are connected to a
6 telecommunications carrier's public switched network through a
7 private branch exchange (PBX) service, there shall be
8 determined to be one network connection for each trunk line
9 capable of transporting either the subscriber's inter-premises
10 traffic to the public switched network or the subscriber's
11 9-1-1 calls to the public agency. Where multiple voice grade
12 communications channels are connected to a telecommunications
13 carrier's public switched network through centrex type
14 service, the number of network connections shall be equal to
15 the number of PBX trunk equivalents for the subscriber's
16 service, as determined by reference to any generally applicable
17 exchange access service tariff filed by the subscriber's
18 telecommunications carrier with the Commission.

19 "Network costs" means those recurring costs that directly
20 relate to the operation of the 9-1-1 network as determined by
21 the Statewide 9-1-1 Advisory Board, including, but not limited
22 to, costs for interoffice trunks, selective routing charges,
23 transfer lines and toll charges for 9-1-1 services, Automatic
24 Location Information (ALI) database charges, call box trunk
25 circuit (including central office only and not including
26 extensions to fire stations), independent local exchange

1 carrier charges and non-system provider charges, carrier
2 charges for third party database for on-site customer premises
3 equipment, back-up PSAP trunks for non-system providers,
4 periodic database updates as provided by carrier (also known as
5 "ALI data dump"), regional ALI storage charges, circuits for
6 call delivery (fiber or circuit connection), NG9-1-1 costs, and
7 all associated fees, taxes, and surcharges on each invoice.
8 "Network costs" shall not include radio circuits or toll
9 charges that are other than for 9-1-1 services.

10 "Next generation 9-1-1" or "NG9-1-1" means an Internet
11 Protocol-based (IP-based) system comprised of managed ESInets,
12 functional elements and applications, and databases that
13 replicate traditional E9-1-1 features and functions and
14 provide additional capabilities. "NG9-1-1" systems are
15 designed to provide access to emergency services from all
16 connected communications sources, and provide multimedia data
17 capabilities for PSAPs and other emergency services
18 organizations.

19 "NG9-1-1 costs" means those recurring costs that directly
20 relate to the Next Generation 9-1-1 service as determined by
21 the Statewide 9-1-1 Advisory Board, including, but not limited
22 to, costs for Emergency System Routing Proxy (ESRP), Emergency
23 Call Routing Function/Location Validation Function (ECRF/LVF),
24 Spatial Information Function (SIF), the Border Control
25 Function (BCF), and the Emergency Services Internet Protocol
26 networks (ESInets), legacy network gateways, and all

1 associated fees, taxes, and surcharges on each invoice.

2 "Private branch exchange" or "PBX" means a private
3 telephone system and associated equipment located on the user's
4 property that provides communications between internal
5 stations and external networks.

6 "Private business switch service" means a
7 telecommunications service including centrex type service and
8 PBX service, even though key telephone systems or equivalent
9 telephone systems registered with the Federal Communications
10 Commission under 47 C.F.R. Part 68 are directly connected to
11 centrex type and PBX systems providing 9-1-1 services equipped
12 for switched local network connections or 9-1-1 system access
13 to business end users through a private telephone switch.

14 "Private business switch service" does not include key
15 telephone systems or equivalent telephone systems registered
16 with the Federal Communications Commission under 47 C.F.R. Part
17 68 when not used in conjunction with centrex type and PBX
18 systems. "Private business switch service" typically includes,
19 but is not limited to, private businesses, corporations, and
20 industries where the telecommunications service is primarily
21 for conducting business.

22 "Private residential switch service" means a
23 telecommunications service including centrex type service and
24 PBX service, even though key telephone systems or equivalent
25 telephone systems registered with the Federal Communications
26 Commission under 47 C.F.R. Part 68 are directly connected to

1 centrex type and PBX systems providing 9-1-1 services equipped
2 for switched local network connections or 9-1-1 system access
3 to residential end users through a private telephone switch.
4 "Private residential switch service" does not include key
5 telephone systems or equivalent telephone systems registered
6 with the Federal Communications Commission under 47 C.F.R. Part
7 68 when not used in conjunction with centrex type and PBX
8 systems. "Private residential switch service" typically
9 includes, but is not limited to, apartment complexes,
10 condominiums, and campus or university environments where
11 shared tenant service is provided and where the usage of the
12 telecommunications service is primarily residential.

13 "Public agency" means the State, and any unit of local
14 government or special purpose district located in whole or in
15 part within this State, that provides or has authority to
16 provide firefighting, police, ambulance, medical, or other
17 emergency services.

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

24 "Public safety answering point" or "PSAP" means the initial
25 answering location of an emergency call.

26 "Qualified governmental entity" means a unit of local

1 government authorized to provide 9-1-1 services pursuant to
2 this Act where no emergency telephone system board exists.

3 "Referral method" means a 9-1-1 service in which the PSAP
4 telecommunicator provides the calling party with the telephone
5 number of the appropriate public safety agency or other
6 provider of emergency services.

7 "Regular service" means any telecommunications service,
8 other than advanced service, that is capable of transporting
9 either the subscriber's inter-premises voice
10 telecommunications services to the public switched network or
11 the subscriber's 9-1-1 calls to the public agency.

12 "Relay method" means a 9-1-1 service in which the PSAP
13 telecommunicator takes the pertinent information from a caller
14 and relays that information to the appropriate public safety
15 agency or other provider of emergency services.

16 "Remit period" means the billing period, one month in
17 duration, for which a wireless carrier remits a surcharge and
18 provides subscriber information by zip code to the Department,
19 in accordance with Section 20 of this Act.

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

1 emergency 9-1-1 system shall be the Department of State Police.

2 "System" means the communications equipment and related
3 software applications required to produce a response by the
4 appropriate emergency public safety agency or other provider of
5 emergency services as a result of an emergency call being
6 placed to 9-1-1.

7 "System provider" means the contracted entity providing
8 9-1-1 network and database services.

9 "Telecommunications carrier" means those entities included
10 within the definition specified in Section 13-202 of the Public
11 Utilities Act, and includes those carriers acting as resellers
12 of telecommunications services. "Telecommunications carrier"
13 includes telephone systems operating as mutual concerns.
14 "Telecommunications carrier" does not include a wireless
15 carrier.

16 "Telecommunications technology" means equipment that can
17 send and receive written messages over the telephone network.

18 "Transfer method" means a 9-1-1 service in which the PSAP
19 telecommunicator receiving a call transfers that call to the
20 appropriate public safety agency or other provider of emergency
21 services.

22 "Transmitting messages" shall have the meaning given to
23 that term under Section 8-11-2 of the Illinois Municipal Code.

24 "Trunk line" means a transmission path, or group of
25 transmission paths, connecting a subscriber's PBX to a
26 telecommunications carrier's public switched network. In the

1 case of regular service, each voice grade communications
2 channel or equivalent amount of bandwidth capable of
3 transporting either the subscriber's inter-premises voice
4 telecommunications services to the public switched network or
5 the subscriber's 9-1-1 calls to the public agency shall be
6 considered a trunk line, even if it is bundled with other
7 channels or additional bandwidth. In the case of advanced
8 service, each DS-1, T-1, or similar un-channelized or
9 multi-channel transmission facility that is capable of
10 transporting either the subscriber's inter-premises voice
11 telecommunications services to the public switched network or
12 the subscriber's 9-1-1 calls to the public agency shall be
13 considered a single trunk line, even if it contains multiple
14 voice grade communications channels or otherwise supports 2 or
15 more voice grade calls at a time; provided, however, that each
16 additional 1.544 Mbps of transmission capacity that is capable
17 of transporting either the subscriber's inter-premises voice
18 telecommunications services to the public switched network or
19 the subscriber's 9-1-1 calls to the public agency shall be
20 considered an additional trunk line.

21 "Voice-impaired individual" means a person with a
22 permanent speech disability which precludes oral
23 communication, who can regularly and routinely communicate by
24 telephone only through the aid of devices which can send and
25 receive written messages over the telephone network.

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 a 9-1-1 authority accepting wireless
21 9-1-1 calls.

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

26 As used in this Act, the terms defined in Sections following

1 ~~this Section and preceding Section 3 have the meanings ascribed~~
2 ~~to them in those Sections.~~

3 (Source: P.A. 88-497.)

4 (50 ILCS 750/3) (from Ch. 134, par. 33)

5 Sec. 3. (a) By July 1, 2017, every local public agency
6 shall be within the jurisdiction of a 9-1-1 system. ~~Every local~~
7 ~~public agency in a county having 100,000 or more inhabitants,~~
8 ~~within its respective jurisdiction, shall establish and have in~~
9 ~~operation within 3 years after the implementation date or by~~
10 ~~December 31, 1985, whichever is later, a basic or sophisticated~~
11 ~~system as specified in this Act. Other public agencies may~~
12 ~~establish such a system, and shall be entitled to participate~~
13 ~~in any program of grants or other State funding of such~~
14 ~~systems.~~

15 (b) By July 1, 2020, every 9-1-1 system in Illinois shall
16 provide Next Generation 9-1-1 service. ~~The establishment of~~
17 ~~such systems shall be centralized to the extent feasible.~~

18 (c) Nothing in this Act shall be construed to prohibit or
19 discourage in any way the formation of multijurisdictional or
20 regional systems, and any system established pursuant to this
21 Act may include the territory of more than one public agency or
22 may include a segment of the territory of a public agency.

23 (Source: P.A. 81-1509.)

24 (50 ILCS 750/4) (from Ch. 134, par. 34)

1 Sec. 4. Every system shall include police, firefighting,
2 and emergency medical and ambulance services, and may include
3 other emergency services,~~in the discretion of the affected~~
4 ~~local public agency, such as poison control services, suicide~~
5 ~~prevention services, and civil defense services.~~ The system may
6 incorporate private ambulance service. In those areas in which
7 a public safety agency of the state provides such emergency
8 services, the system shall include such public safety agencies.
9 (Source: P.A. 79-1092.)

10 (50 ILCS 750/6) (from Ch. 134, par. 36)

11 Sec. 6. Capabilities of system; pay telephones. All systems
12 shall be designed to meet the specific requirements of each
13 community and public agency served by the system. Every system,
14 ~~whether basic or sophisticated,~~ shall be designed to have the
15 capability of utilizing the direct dispatch method, relay
16 method, transfer method, or referral method ~~at least 1 of the~~
17 ~~methods specified in Sections 2.03 through 2.06,~~ in response to
18 emergency calls. The General Assembly finds and declares that
19 the most critical aspect of the design of any system is the
20 procedure established for handling a telephone request for
21 emergency services.

22 In addition, to maximize efficiency and utilization of the
23 system, all pay telephones within each system shall,~~within 3~~
24 ~~years after the implementation date or by December 31, 1985,~~
25 ~~whichever is later,~~ enable a caller to dial "9-1-1" for

1 emergency services without the necessity of inserting a coin.
2 This paragraph does not apply to pay telephones located in
3 penal institutions, as defined in Section 2-14 of the Criminal
4 Code of 2012, that have been designated for the exclusive use
5 of committed persons.

6 (Source: P.A. 97-1150, eff. 1-25-13.)

7 (50 ILCS 750/6.1) (from Ch. 134, par. 36.1)

8 Sec. 6.1. Every ~~The Commission shall require that every~~
9 9-1-1 system shall be readily accessible to hearing-impaired
10 and voice-impaired individuals through the use of
11 telecommunications technology for hearing-impaired and
12 speech-impaired individuals.

13 ~~As used in this Section:~~

14 ~~"Hearing impaired individual" means a person with a~~
15 ~~permanent hearing loss who can regularly and routinely~~
16 ~~communicate by telephone only through the aid of devices~~
17 ~~which can send and receive written messages over the~~
18 ~~telephone network.~~

19 ~~"Voice impaired individual" means a person with a~~
20 ~~permanent speech disability which precludes oral~~
21 ~~communication, who can regularly and routinely communicate~~
22 ~~by telephone only through the aid of devices which can send~~
23 ~~and receive written messages over the telephone network.~~

24 ~~"Telecommunications technology" means equipment that~~
25 ~~can send and receive written messages over the telephone~~

1 ~~network.~~

2 (Source: P.A. 87-146.)

3 (50 ILCS 750/7) (from Ch. 134, par. 37)

4 Sec. 7. The General Assembly finds that, because of
5 overlapping jurisdiction of public agencies, public safety
6 agencies and telephone service areas, the Administrator, with
7 the advice and recommendation of the Statewide 9-1-1 Advisory
8 Board, Commission shall establish a general overview or plan to
9 effectuate the purposes of this Act within the time frame
10 provided in this Act. In order to insure that proper
11 preparation and implementation of emergency telephone systems
12 are accomplished by all public agencies as required under this
13 Act in a county having 100,000 or more inhabitants within 3
14 years after the implementation date or by December 31, 1985,
15 whichever is later, the Department Commission, with the advice
16 and assistance of the Attorney General, shall secure compliance
17 by public agencies as provided in this Act.

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

19 (50 ILCS 750/8) (from Ch. 134, par. 38)

20 Sec. 8. The Administrator Commission, with the advice and
21 recommendation assistance of the Statewide 9-1-1 Advisory
22 Board Attorney General, shall coordinate the implementation of
23 systems established under this Act. ~~The Commission, with the~~
24 ~~advice and assistance of the Attorney General, shall assist~~

~~1 local public agencies and local public safety agencies in
2 obtaining financial help to establish emergency telephone
3 service, and shall aid such agencies in the formulation of
4 concepts, methods, and procedures which will improve the
5 operation of systems required by this Act and which will
6 increase cooperation between public safety agencies.~~

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

8 (50 ILCS 750/10) (from Ch. 134, par. 40)

9 Sec. 10. The Administrator, with the advice and
10 recommendation of the Statewide 9-1-1 Advisory Board, shall
11 establish uniform technical and operational standards for all
12 9-1-1 systems in Illinois. All findings, orders, decisions,
13 rules, and regulations issued or promulgated by the Commission
14 under this Act or any other Act establishing or conferring
15 power on the Commission with respect to emergency
16 telecommunications services, shall continue in force.
17 Notwithstanding the provisions of this Section, where
18 applicable, the Administrator shall, with the advice and
19 recommendation of the Statewide 9-1-1 Advisory Board, amend the
20 Commission's findings, orders, decisions, rules, and
21 regulations to conform to the specific provisions of this Act
22 as soon as practicable after the effective date of this
23 amendatory Act of the 99th General Assembly. The Department may
24 adopt emergency rules necessary to implement the provisions of
25 this amendatory Act of the 99th General Assembly under

1 subsection (t) of Section 5-45 of the Illinois Administrative
2 Procedure Act. ~~Technical and operational standards for the~~
3 ~~development of the local agency systems shall be established~~
4 ~~and reviewed by the Commission on or before December 31, 1979,~~
5 ~~after consultation with all agencies specified in Section 9.~~

6 ~~For the limited purpose of permitting a board, a qualified~~
7 ~~governmental entity, a group of boards, or a group of~~
8 ~~governmental entities to participate in a Regional Pilot~~
9 ~~Project to implement next generation 9 1 1, as defined in this~~
10 ~~Act, the Commission may forbear from applying any rule adopted~~
11 ~~under the Emergency Telephone Systems Act as it applies to~~
12 ~~conducting of the Regional Pilot Project to implement next~~
13 ~~generation 9 1 1, if the Commission determines, after notice~~
14 ~~and hearing, that:~~

15 ~~(1) enforcement of the rule is not necessary to ensure~~
16 ~~the development and improvement of emergency communication~~
17 ~~procedures and facilities in such a manner as to be able to~~
18 ~~quickly respond to any person requesting 9 1 1 service from~~
19 ~~police, fire, medical, rescue, and other emergency~~
20 ~~services;~~

21 ~~(2) enforcement of the rule or provision is not~~
22 ~~necessary for the protection of consumers; and~~

23 ~~(3) forbearance from applying the provisions or rules~~
24 ~~is consistent with the public interest.~~

25 ~~The Commission may exercise such forbearance with respect~~
26 ~~to one, and only one, Regional Pilot Project to implement next~~

1 ~~generation 9-1-1.~~

2 ~~If the Commission authorizes a Regional Pilot Project, then~~
3 ~~telecommunications carriers shall not be liable for any civil~~
4 ~~damages as a result of any act or omission, except willful or~~
5 ~~wanton misconduct, in connection with developing, adopting,~~
6 ~~operating, implementing, or delivering or receiving calls in~~
7 ~~connection with any plan or system authorized by this Section~~
8 ~~and Section 11 of this Act.~~

9 (Source: P.A. 96-1443, eff. 8-20-10.)

10 (50 ILCS 750/10.2) (from Ch. 134, par. 40.2)

11 Sec. 10.2. The Emergency Telephone System Board ~~in any~~
12 ~~county passing a referendum under Section 15.3,~~ and the
13 Chairman of the County Board in any county implementing a 9-1-1
14 system shall ensure that all areas of the county are included
15 in the system.

16 (Source: P.A. 87-146.)

17 (50 ILCS 750/11) (from Ch. 134, par. 41)

18 Sec. 11. ~~Within one year after the implementation date or~~
19 ~~by January 31, 1980, whichever is later, all public agencies in~~
20 ~~a county having 100,000 or more inhabitants shall submit~~
21 ~~tentative plans of the establishment of a system required by~~
22 ~~this Act to the public utility or utilities providing public~~
23 ~~telephone service within the respective jurisdiction of each~~
24 ~~public agency. A copy of each such plan shall be filed with the~~

1 ~~Commission.~~

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

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

20 ~~A board, a qualified governmental entity, a group of~~
21 ~~boards, or a group of qualified governmental entities involved~~
22 ~~in a Regional Pilot Project to implement next generation 9-1-1,~~
23 ~~as defined in this Act, shall submit a plan to the Commission~~
24 ~~describing in detail the Regional Pilot Project no fewer than~~
25 ~~180 days prior to the implementation of the plan. The~~
26 ~~Commission may approve the plan after notice and hearing to~~

1 ~~authorize such Regional Pilot Project. Such shall not exceed~~
2 ~~one year duration or other time period approved by the~~
3 ~~Commission. No entity may proceed with the Regional Pilot~~
4 ~~Project until it receives Commission approval. In approving any~~
5 ~~plan for a Regional Pilot Project under this Section, the~~
6 ~~Commission may impose such terms, conditions, or requirements~~
7 ~~as, in its judgment, are necessary to protect the interests of~~
8 ~~the public.~~

9 ~~The Commission shall have authority to approve one, and~~
10 ~~only one, Regional Pilot Project to implement next generation~~
11 ~~9-1-1.~~

12 All local public agencies operating a 9-1-1 system shall
13 operate under a plan that has been filed with and approved by
14 the Commission prior to January 1, 2016, or the Administrator.

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

17 (Source: P.A. 96-1443, eff. 8-20-10.)

18 (50 ILCS 750/12) (from Ch. 134, par. 42)

19 Sec. 12. The Attorney General may, in behalf of the
20 Department ~~Commission~~ or on his own initiative, commence
21 judicial proceedings to enforce compliance by any public agency
22 or public utility providing telephone service with this Act.

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

24 (50 ILCS 750/15) (from Ch. 134, par. 45)

1 Sec. 15. Copies of the annual certified notification of
2 continuing agreement required by Section 14 shall be filed with
3 the Attorney General and the Administrator Commission. All
4 ~~Commencing with the year 1987, all~~ such agreements shall be so
5 filed prior to the 31st day of January. The Attorney General
6 shall commence judicial proceedings to enforce compliance with
7 this Section and Section 14, where a public agency or public
8 safety agency has failed to timely enter into such agreement or
9 file copies thereof.

10 (Source: P.A. 86-101.)

11 (50 ILCS 750/15.1) (from Ch. 134, par. 45.1)

12 Sec. 15.1. Public body; exemption from civil liability for
13 developing or operating emergency telephone system.

14 (a) In no event shall a No public agency, the Commission,
15 the Statewide 9-1-1 Advisory Board, the Administrator, the
16 Department of State Police, public safety agency, public safety
17 answering point, emergency telephone system board, or unit of
18 local government assuming the duties of an emergency telephone
19 system board, or carrier, or its officers, employees, assigns,
20 or agents nor any officer, agent or employee of any public
21 agency, public safety agency, emergency telephone system
22 board, or unit of local government assuming the duties of an
23 emergency telephone system board, shall be liable for any civil
24 damages or criminal liability that directly or indirectly
25 results from, or is caused by, any act or omission in the

1 development, design, installation, operation, maintenance,
2 performance, or provision of 9-1-1 service required by this
3 Act, unless the act or omission constitutes gross negligence,
4 recklessness, or intentional misconduct ~~as a result of any act~~
5 ~~or omission, except willful or wanton misconduct, in connection~~
6 ~~with developing, adopting, operating or implementing any plan~~
7 ~~or system required by this Act.~~

8 A unit of local government, the Commission, the Statewide
9 9-1-1 Advisory Board, the Administrator, the Department of
10 State Police, public safety agency, public safety answering
11 point, emergency telephone system board, or carrier, or its
12 officers, employees, assigns, or agents, shall not be liable
13 for any form of civil damages or criminal liability that
14 directly or indirectly results from, or is caused by, the
15 release of subscriber information to any governmental entity as
16 required under the provisions of this Act, unless the release
17 constitutes gross negligence, recklessness, or intentional
18 misconduct.

19 (b) Exemption from civil liability for emergency
20 instructions is as provided in the Good Samaritan Act.

21 (c) This Section may not be offered as a defense in any
22 judicial proceeding brought by the Attorney General under
23 Section 12 to compel compliance with this Act.

24 (Source: P.A. 89-403, eff. 1-1-96; 89-607, eff. 1-1-97.)

1 Sec. 15.2c. Call boxes. No carrier shall be required to
2 provide a call box. For purposes of this Section, the term
3 "call box" means a device that is normally mounted to an
4 outside wall of the serving telecommunications carrier central
5 office and designed to provide emergency on-site answering by
6 authorized personnel at the central office location in the
7 event a central office is isolated from the 9-1-1 network.

8 (50 ILCS 750/15.3a new)

9 Sec. 15.3a. Local wireless surcharge.

10 (a) Notwithstanding any other provision of this Act, a unit
11 of local government or emergency telephone system board
12 providing wireless 9-1-1 service and imposing and collecting a
13 wireless carrier surcharge prior to July 1, 1998 may continue
14 its practices of imposing and collecting its wireless carrier
15 surcharge, but, except as provided in subsection (b) of this
16 Section, in no event shall that monthly surcharge exceed \$2.50
17 per commercial mobile radio service (CMRS) connection or
18 in-service telephone number billed on a monthly basis. For
19 mobile telecommunications services provided on and after
20 August 1, 2002, any surcharge imposed shall be imposed based
21 upon the municipality or county that encompasses the customer's
22 place of primary use as defined in the Mobile
23 Telecommunications Sourcing Conformity Act.

24 (b) Until July 1, 2017, the corporate authorities of a
25 municipality with a population in excess of 500,000 on the

1 effective date of this amendatory Act of the 99th General
2 Assembly may by ordinance continue to impose and collect a
3 monthly surcharge per commercial mobile radio service (CMRS)
4 connection or in-service telephone number billed on a monthly
5 basis that does not exceed the highest monthly surcharge
6 imposed as of January 1, 2014 by any county or municipality
7 under subsection (c) of Section 15.3 of this Act. On or after
8 July 1, 2017, the municipality may continue imposing and
9 collecting its wireless carrier surcharge as provided in and
10 subject to the limitations of subsection (a) of this Section.

11 (c) In addition to any other lawful purpose, a municipality
12 with a population over 500,000 may use the moneys collected
13 under this Section for any anti-terrorism or emergency
14 preparedness measures, including, but not limited to,
15 preparedness planning, providing local matching funds for
16 federal or State grants, personnel training, and specialized
17 equipment, including surveillance cameras, as needed to deal
18 with natural and terrorist-inspired emergency situations or
19 events.

20 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

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

22 (a) Except as provided in subsection (e) of this Section,
23 the ~~The~~ corporate authorities of any county or municipality may
24 ~~that imposes a surcharge under Section 15.3 shall~~ establish an
25 Emergency Telephone System Board. The corporate authorities

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

25 Upon the effective date of this amendatory Act of the 98th
26 General Assembly, appointed members of the Emergency Telephone

1 System Board shall serve staggered 3-year terms if: (1) the
2 Board serves a county with a population of 100,000 or less; and
3 (2) appointments, on the effective date of this amendatory Act
4 of the 98th General Assembly, are not for a stated term. The
5 corporate authorities of the county or municipality shall
6 assign terms to the board members serving on the effective date
7 of this amendatory Act of the 98th General Assembly in the
8 following manner: (1) one-third of board members' terms shall
9 expire on January 1, 2015; (2) one-third of board members'
10 terms shall expire on January 1, 2016; and (3) remaining board
11 members' terms shall expire on January 1, 2017. Board members
12 may be re-appointed upon the expiration of their terms by the
13 corporate authorities of the county or municipality.

14 The corporate authorities of a county or municipality may,
15 by a vote of the majority of the members elected, remove an
16 Emergency Telephone System Board member for misconduct,
17 official misconduct, or neglect of office.

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

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

24 (2) Coordinating and supervising the implementation,
25 upgrading, or maintenance of the system, including the
26 establishment of equipment specifications and coding

1 systems.

2 (3) Receiving moneys from the surcharge imposed under
3 Section 15.3, or disbursed to it under Section 30, and from
4 any other source, for deposit into the Emergency Telephone
5 System Fund.

6 (4) Authorizing all disbursements from the fund.

7 (5) Hiring any staff necessary for the implementation
8 or upgrade of the system.

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

12 (c) All moneys received by a board pursuant to a surcharge
13 imposed under Section 15.3, or disbursed to it under Section
14 30, shall be deposited into a separate interest-bearing
15 Emergency Telephone System Fund account. The treasurer of the
16 municipality or county that has established the board or, in
17 the case of a joint board, any municipal or county treasurer
18 designated in the intergovernmental agreement, shall be
19 custodian of the fund. All interest accruing on the fund shall
20 remain in the fund. No expenditures may be made from such fund
21 except upon the direction of the board by resolution passed by
22 a majority of all members of the board. ~~Expenditures may be~~
23 ~~made only to pay for the costs associated with the following:~~

24 ~~(1) The design of the Emergency Telephone System.~~

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

1 ~~(3) The repayment of any moneys advanced for the~~
2 ~~implementation of the system.~~

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

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

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

21 ~~(7) Other products and services necessary for the~~
22 ~~implementation, upgrade, and maintenance of the system and~~
23 ~~any other purpose related to the operation of the system,~~
24 ~~including costs attributable directly to the construction,~~
25 ~~leasing, or maintenance of any buildings or facilities or~~
26 ~~costs of personnel attributable directly to the operation~~

1 ~~of the system. Costs attributable directly to the operation~~
2 ~~of an emergency telephone system do not include the costs~~
3 ~~of public safety agency personnel who are and equipment~~
4 ~~that is dispatched in response to an emergency call.~~

5 ~~(7.5) The purchase of real property if the purchase is~~
6 ~~made before March 16, 2006.~~

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 ~~(10) The implementation of a computer aided dispatch~~
21 ~~system or hosted supplemental 9 1 1 services.~~

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

26 (d) The board shall complete a Master Street Address Guide

1 database ~~the data base~~ before implementation of the 9-1-1
2 system. The error ratio of the database ~~data base~~ shall not at
3 any time exceed 1% of the total database ~~data base~~.

4 (e) On and after January 1, 2016, no municipality or county
5 may create an Emergency Telephone System Board unless the board
6 is a Joint Emergency Telephone System Board. The corporate
7 authorities of any county or municipality entering into an
8 intergovernmental agreement to create or join a Joint Emergency
9 Telephone System Board shall rescind the ordinance or
10 ordinances creating the original Emergency Telephone System
11 Board and shall eliminate the Emergency Telephone System Board,
12 effective upon the creation, with regulatory approval by the
13 Administrator, or joining of the Joint Emergency Telephone
14 System Board.

15 (Source: P.A. 97-517, eff. 8-23-11; 97-1018, eff. 8-17-12;
16 98-481, eff. 8-16-13.)

17 (50 ILCS 750/15.4a new)

18 Sec. 15.4a. Consolidation.

19 (a) By July 1, 2017, and except as otherwise provided in
20 this Section, Emergency Telephone System Boards, Joint
21 Emergency Telephone System Boards, qualified governmental
22 entities, and PSAPs shall be consolidated as follows, subject
23 to subsections (b) and (c) of this Section:

24 (1) In any county with a population of at least 250,000
25 that has a single Emergency Telephone System Board, or

1 qualified governmental entity and more than 2 PSAPs, shall
2 reduce the number of PSAPs by at least 50% or to 2 PSAPs,
3 whichever is greater. Nothing in this paragraph shall
4 preclude consolidation resulting in one PSAP in the county.

5 (2) In any county with a population of at least 250,000
6 that has more than one Emergency Telephone System Board,
7 Joint Emergency Telephone System Board, or qualified
8 governmental entity, any 9-1-1 Authority serving a
9 population of less than 25,000 shall be consolidated such
10 that no 9-1-1 Authority in the county serves a population
11 of less than 25,000.

12 (3) In any county with a population of at least 250,000
13 but less than 1,000,000 that has more than one Emergency
14 Telephone System Board, Joint Emergency Telephone System
15 Board, or qualified governmental entity, each 9-1-1
16 Authority shall reduce the number of PSAPs by at least 50%
17 or to 2 PSAPs, whichever is greater. Nothing in this
18 paragraph shall preclude consolidation of a 9-1-1
19 Authority into a Joint Emergency Telephone System Board,
20 and nothing in this paragraph shall preclude consolidation
21 resulting in one PSAP in the county.

22 (4) In any county with a population of less than
23 250,000 that has a single Emergency Telephone System Board
24 or qualified governmental entity and more than 2 PSAPs, the
25 9-1-1 Authority shall reduce the number of PSAPs by at
26 least 50% or to 2 PSAPs, whichever is greater. Nothing in

1 this paragraph shall preclude consolidation resulting in
2 one PSAP in the county.

3 (5) In any county with a population of less than
4 250,000 that has more than one Emergency Telephone System
5 Board, Joint Emergency Telephone System Board, or
6 qualified governmental entity and more than 2 PSAPs, the
7 9-1-1 Authorities shall be consolidated into a single joint
8 board, and the number of PSAPs shall be reduced by at least
9 50% or to 2 PSAPs, whichever is greater. Nothing in this
10 paragraph shall preclude consolidation resulting in one
11 PSAP in the county.

12 (6) Any 9-1-1 Authority that does not have a PSAP
13 within its jurisdiction shall be consolidated through an
14 intergovernmental agreement with an existing 9-1-1
15 Authority that has a PSAP to create a Joint Emergency
16 Telephone Board.

17 (7) The corporate authorities of each county that has
18 no 9-1-1 service as of January 1, 2016 shall provide
19 enhanced 9-1-1 wireline and wireless enhanced 9-1-1
20 service for that county by either (i) entering into an
21 intergovernmental agreement with an existing Emergency
22 Telephone System Board to create a new Joint Emergency
23 Telephone System Board, or (ii) entering into an
24 intergovernmental agreement with the corporate authorities
25 that have created an existing Joint Emergency Telephone
26 System Board.

1 (b) By July 1, 2016, each county required to consolidate
2 pursuant to paragraph (7) of subsection (a) of this Section and
3 each 9-1-1 Authority required to consolidate pursuant to
4 paragraphs (1) through (6) of subsection (a) of this Section
5 shall file a plan for consolidation or a request for a waiver
6 pursuant to subsection (c) of this Section with the Division of
7 9-1-1. Within 60 calendar days of receiving a consolidation
8 plan, the Statewide 9-1-1 Advisory Board shall hold at least
9 one public hearing on the plan and provide a recommendation to
10 the Administrator. Notice of the hearing shall be provided to
11 the respective entity to which the plan applies. Within 90
12 calendar days of receiving a consolidation plan, the
13 Administrator shall approve the plan, approve the plan as
14 modified, or grant a waiver pursuant to subsection (c) of this
15 Section. In making his or her decision, the Administrator shall
16 consider any recommendation from the Statewide 9-1-1 Advisory
17 Board regarding the plan. If the Administrator does not follow
18 the recommendation of the Board, the Administrator shall
19 provide a written explanation for the deviation in his or her
20 decision. The deadlines provided in this subsection may be
21 extended upon agreement between the Administrator and entity
22 which submitted the plan.

23 (c) A waiver from a consolidation required under subsection
24 (a) of this Section may be granted if the Administrator finds
25 that the consolidation will result in a substantial threat to
26 public safety, is economically unreasonable, or is technically

1 infeasible.

2 (d) Any decision of the Administrator under this Section
3 shall be deemed a final administrative decision and shall be
4 subject to judicial review under the Administrative Review Law.

5 (50 ILCS 750/15.4b new)

6 Sec. 15.4b. Consolidation grants.

7 (a) The Administrator, with the advice and recommendation
8 of the Statewide 9-1-1 Advisory Board, shall administer a 9-1-1
9 System Consolidation Grant Program to defray costs associated
10 with 9-1-1 system consolidation of systems outside of a
11 municipality with a population in excess of 500,000. The
12 awarded grants will be used to offset non-recurring costs
13 associated with the consolidation of 9-1-1 systems and shall
14 not be used for ongoing operating costs associated with the
15 consolidated system. The Department, in consultation with the
16 Administrator and the Statewide 9-1-1 Advisory Board, shall
17 adopt rules defining the grant process and criteria for issuing
18 the grants. The grants should be awarded based on criteria that
19 include, but are not limited to:

20 (1) reducing the number of transfers of a 9-1-1 call;

21 (2) reducing the infrastructure required to adequately
22 provide 9-1-1 network services;

23 (3) promoting cost savings from resource sharing among
24 9-1-1 systems;

25 (4) facilitating interoperability and resiliency for

1 the receipt of 9-1-1 calls;

2 (5) reducing the number of 9-1-1 systems or reducing
3 the number of PSAPs within a 9-1-1 system;

4 (6) cost saving resulting from 9-1-1 system
5 consolidation; and

6 (7) expanding E9-1-1 service coverage as a result of
7 9-1-1 system consolidation including to areas without
8 E9-1-1 service.

9 Priority shall be given first to counties not providing
10 9-1-1 service as of January 1, 2016, and next to other entities
11 consolidating as required under Section 15.4a of this Act.

12 (b) The 9-1-1 System Consolidation Grant application, as
13 defined by Department rules, shall be submitted electronically
14 to the Administrator starting January 2, 2016, and every
15 January 2 thereafter. The application shall include a modified
16 9-1-1 system plan as required by this Act in support of the
17 consolidation plan. The Administrator shall have until June 30,
18 2016 and every June 30 thereafter to approve 9-1-1 System
19 Consolidation grants and modified 9-1-1 system plans. Payment
20 under the approved 9-1-1 System Consolidation grants shall be
21 contingent upon the final approval of a modified 9-1-1 system
22 plan.

23 (c) Existing and previously completed consolidation
24 projects shall be eligible to apply for reimbursement of costs
25 related to the consolidation incurred between 2010 and the
26 State fiscal year of the application.

1 (d) The 9-1-1 systems that receive grants under this
2 Section shall provide a report detailing grant fund usage to
3 the Administrator pursuant to Section 40 of this Act.

4 (50 ILCS 750/15.5)

5 Sec. 15.5. Private residential switch service 9-1-1
6 service.

7 (a) After June 30, 1995, an entity that provides or
8 operates private residential switch service and provides
9 telecommunications facilities or services to residents shall
10 provide to those residential end users the same level of 9-1-1
11 service as the public agency and the telecommunications carrier
12 are providing to other residential end users of the local 9-1-1
13 system. This service shall include, but not be limited to, the
14 capability to identify the telephone number, extension number,
15 and the physical location that is the source of the call to the
16 number designated as the emergency telephone number.

17 (b) The private residential switch operator is responsible
18 for forwarding end user automatic location identification
19 record information to the 9-1-1 system provider according to
20 the format, frequency, and procedures established by that
21 system provider.

22 (c) This Act does not apply to any PBX telephone extension
23 that uses radio transmissions to convey electrical signals
24 directly between the telephone extension and the serving PBX.

25 (d) An entity that violates this Section is guilty of a

1 business offense and shall be fined not less than \$1,000 and
2 not more than \$5,000.

3 (e) Nothing in this Section shall be construed to preclude
4 the Attorney General on behalf of the Department ~~Commission~~ or
5 on his or her own initiative, or any other interested person,
6 from seeking judicial relief, by mandamus, injunction, or
7 otherwise, to compel compliance with this Section.

8 (Source: P.A. 88-604, eff. 9-1-94; 89-222, eff. 1-1-96; 89-497,
9 eff. 6-27-96.)

10 (50 ILCS 750/15.6)

11 Sec. 15.6. Enhanced 9-1-1 service; business service.

12 (a) After June 30, 2000, or within 18 months after enhanced
13 9-1-1 service becomes available, any entity that installs or
14 operates a private business switch service and provides
15 telecommunications facilities or services to businesses shall
16 assure that the system is connected to the public switched
17 network in a manner that calls to 9-1-1 result in automatic
18 number and location identification. For buildings having their
19 own street address and containing workspace of 40,000 square
20 feet or less, location identification shall include the
21 building's street address. For buildings having their own
22 street address and containing workspace of more than 40,000
23 square feet, location identification shall include the
24 building's street address and one distinct location
25 identification per 40,000 square feet of workspace. Separate

1 buildings containing workspace of 40,000 square feet or less
2 having a common public street address shall have a distinct
3 location identification for each building in addition to the
4 street address.

5 (b) Exemptions. Buildings containing workspace of more
6 than 40,000 square feet are exempt from the multiple location
7 identification requirements of subsection (a) if the building
8 maintains, at all times, alternative and adequate means of
9 signaling and responding to emergencies. Those means shall
10 include, but not be limited to, a telephone system that
11 provides the physical location of 9-1-1 calls coming from
12 within the building. Health care facilities are presumed to
13 meet the requirements of this paragraph if the facilities are
14 staffed with medical or nursing personnel 24 hours per day and
15 if an alternative means of providing information about the
16 source of an emergency call exists. Buildings under this
17 exemption must provide 9-1-1 service that provides the
18 building's street address.

19 Buildings containing workspace of more than 40,000 square
20 feet are exempt from subsection (a) if the building maintains,
21 at all times, alternative and adequate means of signaling and
22 responding to emergencies, including a telephone system that
23 provides the location of a 9-1-1 call coming from within the
24 building, and the building is serviced by its own medical, fire
25 and security personnel. Buildings under this exemption are
26 subject to emergency phone system certification by the

1 Administrator Illinois Commerce Commission.

2 Buildings in communities not serviced by enhanced 9-1-1
3 service are exempt from subsection (a).

4 Correctional institutions and facilities, as defined in
5 subsection (d) of Section 3-1-2 of the Unified Code of
6 Corrections, are exempt from subsection (a).

7 (c) This Act does not apply to any PBX telephone extension
8 that uses radio transmissions to convey electrical signals
9 directly between the telephone extension and the serving PBX.

10 (d) An entity that violates this Section is guilty of a
11 business offense and shall be fined not less than \$1,000 and
12 not more than \$5,000.

13 (e) Nothing in this Section shall be construed to preclude
14 the Attorney General on behalf of the Department ~~Commission~~ or
15 on his or her own initiative, or any other interested person,
16 from seeking judicial relief, by mandamus, injunction, or
17 otherwise, to compel compliance with this Section.

18 (f) The Department may ~~Commission shall~~ promulgate rules
19 for the administration of this Section ~~no later than January 1,~~
20 ~~2000.~~

21 (Source: P.A. 91-518, eff. 8-13-99; 92-16, eff. 6-28-01;
22 92-188, eff. 8-1-01.)

23 (50 ILCS 750/15.6a new)

24 Sec. 15.6a. Wireless emergency 9-1-1 service.

25 (a) The digits "9-1-1" shall be the designated emergency

1 telephone number within the wireless system.

2 (b) The Department may set non-discriminatory and uniform
3 technical and operational standards consistent with the rules
4 of the Federal Communications Commission for directing calls to
5 authorized public safety answering points. These standards
6 shall not in any way prescribe the technology or manner a
7 wireless carrier shall use to deliver wireless 9-1-1 or
8 wireless E9-1-1 calls, and these standards shall not exceed the
9 requirements set by the Federal Communications Commission;
10 however, standards for directing calls to the authorized public
11 safety answering point shall be included. The authority given
12 to the Department in this Section is limited to setting
13 standards as set forth herein and does not constitute authority
14 to regulate wireless carriers.

15 (c) For the purpose of providing wireless 9-1-1 emergency
16 services, an emergency telephone system board or, in the
17 absence of an emergency telephone system board, a qualified
18 governmental entity, may declare its intention for one or more
19 of its public safety answering points to serve as a primary
20 wireless 9-1-1 public safety answering point for its
21 jurisdiction by notifying the Administrator in writing within 6
22 months after receiving its authority to operate a 9-1-1 system
23 under this Act. In addition, 2 or more emergency telephone
24 system boards or qualified governmental entities may, by virtue
25 of an intergovernmental agreement, provide wireless 9-1-1
26 service. The Department of State Police shall be the primary

1 wireless 9-1-1 public safety answering point for any
2 jurisdiction that did not provide notice to the Illinois
3 Commerce Commission and the Department prior to January 1,
4 2016.

5 (d) The Administrator, upon a request from a qualified
6 governmental entity or an emergency telephone system board and
7 with the advice and recommendation of the Statewide 9-1-1
8 Advisory Board, may grant authority to the emergency telephone
9 system board or a qualified governmental entity to provide
10 wireless 9-1-1 service in areas for which the Department has
11 accepted wireless 9-1-1 responsibility. The Administrator
12 shall maintain a current list of all 9-1-1 systems and
13 qualified governmental entities providing wireless 9-1-1
14 service under this Act.

15 (50 ILCS 750/15.6b new)

16 Sec. 15.6b. Next Generation 9-1-1 service.

17 (a) The Administrator, with the advice and recommendation
18 of the Statewide 9-1-1 Advisory Board, shall develop and
19 implement a plan for a statewide Next Generation 9-1-1 network.
20 The Next Generation 9-1-1 network must be an Internet
21 protocol-based platform that at a minimum provides:

22 (1) improved 9-1-1 call delivery;

23 (2) enhanced interoperability;

24 (3) increased ease of communication between 9-1-1
25 service providers, allowing immediate transfer of 9-1-1

1 calls, caller information, photos, and other data
2 statewide;

3 (4) a hosted solution with redundancy built in; and

4 (5) compliance with NENA Standards i3 Solution 08-003.

5 (b) By July 1, 2016, the Administrator, with the advice and
6 recommendation of the Statewide 9-1-1 Advisory Board, shall
7 design and issue a competitive request for a proposal to secure
8 the services of a consultant to complete a feasibility study on
9 the implementation of a statewide Next Generation 9-1-1 network
10 in Illinois. By July 1, 2017, the consultant shall complete the
11 feasibility study and make recommendations as to the
12 appropriate procurement approach for developing a statewide
13 Next Generation 9-1-1 network.

14 (c) Within 12 months of the final report from the
15 consultant under subsection (b) of this Section, the Department
16 shall procure and finalize a contract with a vendor certified
17 under Section 13-900 of the Public Utilities Act to establish a
18 statewide Next Generation 9-1-1 network. By July 1, 2020, the
19 vendor shall implement a Next Generation 9-1-1 network that
20 allows 9-1-1 systems providing 9-1-1 service to Illinois
21 residents to access the system utilizing their current
22 infrastructure if it meets the standards adopted by the
23 Department.

24 (50 ILCS 750/15.7)

25 Sec. 15.7. Compliance with certification of 9-1-1 system

1 providers by the Illinois Commerce Commission. In addition to
2 the requirements of this Act ~~Section~~, all 9-1-1 system
3 providers must comply with the requirements of Section 13-900
4 of the Public Utilities Act.

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

6 (50 ILCS 750/15.8)

7 Sec. 15.8. 9-1-1 dialing from a business.

8 (a) Any entity that installs or operates a private business
9 switch service and provides telecommunications facilities or
10 services to businesses shall ensure that all systems installed
11 on or after July 1, 2015 (the effective date of Public Act
12 98-875) ~~the effective date of this amendatory Act of the 98th~~
13 ~~General Assembly~~ are connected to the public switched network
14 in a manner such that when a user dials "9-1-1", the emergency
15 call connects to the 9-1-1 system without first dialing any
16 number or set of numbers.

17 (b) The requirements of this Section do not apply to:

18 (1) any entity certified by the Illinois Commerce
19 Commission to operate a Private Emergency Answering Point
20 as defined in 83 Ill. Adm. Code 726.105; or

21 (2) correctional institutions and facilities as
22 defined in subsection (d) of Section 3-1-2 of the Unified
23 Code of Corrections.

24 (c) An entity that violates this Section is guilty of a
25 business offense and shall be fined not less than \$1,000 and

1 not more than \$5,000.

2 (Source: P.A. 98-875, eff. 7-1-15.)

3 (50 ILCS 750/20 new)

4 Sec. 20. Statewide surcharge.

5 (a) On and after January 1, 2016, and except with respect
6 to those customers who are subject to surcharges as provided in
7 Sections 15.3 and 15.3a of this Act, a monthly surcharge shall
8 be imposed on all customers of telecommunications carriers and
9 wireless carriers as follows:

10 (1) Each telecommunications carrier shall impose a
11 monthly surcharge of \$0.87 per network connection;
12 provided, however, the monthly surcharge shall not apply to
13 a network connection provided for use with pay telephone
14 services. Where multiple voice grade communications
15 channels are connected between the subscriber's premises
16 and a public switched network through private branch
17 exchange (PBX) or centrex type service there shall be
18 imposed 5 such surcharges per network connection for both
19 regular service and advanced service provisioned trunk
20 lines.

21 (2) Each wireless carrier shall impose and collect a
22 monthly surcharge of \$0.87 per CMRS connection that either
23 has a telephone number within an area code assigned to
24 Illinois by the North American Numbering Plan
25 Administrator or has a billing address in this State.

1 (b) State and local taxes shall not apply to the surcharges
2 imposed under this Section.

3 (c) The surcharges imposed by this Section shall be stated
4 as a separately stated item on subscriber bills.

5 (d) The telecommunications carrier collecting the
6 surcharge shall also be entitled to deduct 3% of the gross
7 amount of surcharge collected to reimburse the
8 telecommunications carrier for the expense of accounting and
9 collecting the surcharge. On and after July 1, 2022, the
10 wireless carrier collecting a surcharge under this Section
11 shall be entitled to deduct up to 3% of the gross amount of the
12 surcharge collected to reimburse the wireless carrier for the
13 expense of accounting and collecting the surcharge.

14 (e) Surcharges imposed under this Section shall be
15 collected by the carriers and, within 30 days of collection,
16 remitted, either by check or electronic funds transfer, to the
17 Department for deposit into the Statewide 9-1-1 Fund. Carriers
18 are not required to remit surcharge moneys that are billed to
19 subscribers but not yet collected.

20 The first remittance by wireless carriers shall include the
21 number of subscribers by zip code, and the 9-digit zip code if
22 currently being used or later implemented by the carrier, that
23 shall be the means by which the Department shall determine
24 distributions from the Statewide 9-1-1 Fund. This information
25 shall be updated at least once each year. Any carrier that
26 fails to provide the zip code information required under this

1 subsection (e) shall be subject to the penalty set forth in
2 subsection (g) of this Section.

3 (f) If, within 5 business days it is due under subsection
4 (e) of this Section, a carrier does not remit the surcharge or
5 any portion thereof required under this Section, then the
6 surcharge or portion thereof shall be deemed delinquent until
7 paid in full, and the Department may impose a penalty against
8 the carrier in an amount equal to the greater of:

9 (1) \$25 for each month or portion of a month from the
10 time an amount becomes delinquent until the amount is paid
11 in full; or

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

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

22 (g) If, within 5 business days after it is due, a wireless
23 carrier does not provide the number of subscribers by zip code
24 as required under subsection (e) of this Section, then the
25 report is deemed delinquent and the Department may impose a
26 penalty against the carrier in an amount equal to the greater

1 of:

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

4 (2) an amount equal to the product of \$0.01 and the
5 number of subscribers served by the carrier.

6 A penalty imposed in accordance with this subsection (g)
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 (e) 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 (e) of
12 this Section. Any penalty imposed under this subsection (g) is
13 in addition to any other penalty imposed under this Section.

14 (h) A penalty imposed and collected in accordance with
15 subsection (f) or (g) of this Section shall be deposited into
16 the Statewide 9-1-1 Fund for distribution according to Section
17 30 of this Act.

18 (i) The Department may enforce the collection of any
19 delinquent amount and any penalty due and unpaid under this
20 Section by legal action or in any other manner by which the
21 collection of debts due the State of Illinois may be enforced
22 under the laws of this State. The Department may excuse the
23 payment of any penalty imposed under this Section if the
24 Administrator determines that the enforcement of this penalty
25 is unjust.

26 (j) Notwithstanding any provision of law to the contrary,

1 nothing shall impair the right of wireless carriers to recover
2 compliance costs for all emergency communications services
3 that are not reimbursed out of the Wireless Carrier
4 Reimbursement Fund directly from their wireless subscribers by
5 line-item charges on the wireless subscriber's bill. Those
6 compliance costs include all costs incurred by wireless
7 carriers in complying with local, State, and federal regulatory
8 or legislative mandates that require the transmission and
9 receipt of emergency communications to and from the general
10 public, including, but not limited to, E9-1-1.

11 (50 ILCS 750/30 new)

12 Sec. 30. Statewide 9-1-1 Fund; surcharge disbursement.

13 (a) A special fund in the State treasury known as the
14 Wireless Service Emergency Fund shall be renamed the Statewide
15 9-1-1 Fund. Any appropriations made from the Wireless Service
16 Emergency Fund shall be payable from the Statewide 9-1-1 Fund.
17 The Fund shall consist of the following:

18 (1) 9-1-1 wireless surcharges assessed under the
19 Wireless Emergency Telephone Safety Act.

20 (2) 9-1-1 surcharges assessed under Section 20 of this
21 Act.

22 (3) Prepaid wireless 9-1-1 surcharges assessed under
23 Section 15 of the Prepaid Wireless 9-1-1 Surcharge Act.

24 (4) Any appropriations, grants, or gifts made to the
25 Fund.

1 (5) Any income from interest, premiums, gains, or other
2 earnings on moneys in the Fund.

3 (6) Money from any other source that is deposited in or
4 transferred to the Fund.

5 (b) Subject to appropriation, the Department shall
6 distribute the 9-1-1 surcharges monthly as follows:

7 (1) From each surcharge collected and remitted under
8 Section 20 of this Act:

9 (A) \$0.013 shall be distributed monthly in equal
10 amounts to each County Emergency Telephone System
11 Board or qualified governmental entity in counties
12 with a population under 100,000 according to the most
13 recent census data which is authorized to serve as a
14 primary wireless 9-1-1 public safety answering point
15 for the county and to provide wireless 9-1-1 service as
16 prescribed by subsection (b) of Section 15.6a of this
17 Act, and which does provide such service.

18 (B) \$0.033 shall be transferred by the Comptroller
19 at the direction of the Department to the Wireless
20 Carrier Reimbursement Fund until June 30, 2017; from
21 July 1, 2017 through June 30, 2018, \$0.026 shall be
22 transferred; from July 1, 2018 through June 30, 2019,
23 \$0.020 shall be transferred; from July 1, 2019, through
24 June 30, 2020, \$0.013 shall be transferred; from July
25 1, 2020 through June 30, 2021, \$0.007 will be
26 transferred; and after June 30, 2021, no transfer shall

1 be made to the Wireless Carrier Reimbursement Fund.

2 (C) \$0.007 shall be used to cover the Department's
3 administrative costs.

4 (2) After disbursements under paragraph (1) of this
5 subsection (b), all remaining funds in the Statewide 9-1-1
6 Fund shall be disbursed in the following priority order:

7 (A) The Fund will pay monthly to:

8 (i) the 9-1-1 Authorities that imposed
9 surcharges under Section 15.3 of this Act and were
10 required to report to the Illinois Commerce
11 Commission under Section 27 of the Wireless
12 Emergency Telephone Safety Act on October 1, 2014,
13 except a 9-1-1 Authority in a municipality with a
14 population in excess of 500,000, an amount equal to
15 the average monthly wireline and VoIP surcharge
16 revenue attributable to the most recent 12-month
17 period reported to the Department under that
18 Section for the October 1, 2014 filing, subject to
19 the power of the Department to investigate the
20 amount reported and adjust the number by order
21 under Article X of the Public Utilities Act, so
22 that the monthly amount paid under this item
23 accurately reflects one-twelfth of the aggregate
24 wireline and VoIP surcharge revenue properly
25 attributable to the most recent 12-month period
26 reported to the Commission; or

1 (ii) county qualified governmental entities
2 that did not impose a surcharge under Section 15.3
3 as of December 31, 2015, and counties that did not
4 impose a surcharge as of June 30, 2015, an amount
5 equivalent to their population multiplied by .37
6 multiplied by the rate of \$0.69; counties that are
7 not county qualified governmental entities and
8 that did not impose a surcharge as of December 31,
9 2015, shall not begin to receive the payment
10 provided for in this subsection until E9-1-1 and
11 wireless E9-1-1 services are provided within their
12 counties; or

13 (iii) counties without 9-1-1 service that had
14 a surcharge in place by December 31, 2015, an
15 amount equivalent to their population multiplied
16 by .37 multiplied by their surcharge rate as
17 established by the referendum.

18 (B) All 9-1-1 network costs for systems outside of
19 municipalities with a population of at least 500,000
20 shall be paid by the Department directly to the
21 vendors.

22 (C) All expenses incurred by the Administrator and
23 the Statewide 9-1-1 Advisory Board and costs
24 associated with procurement under Section 15.6b
25 including requests for information and requests for
26 proposals.

1 (D) Funds may be held in reserve by the Statewide
2 9-1-1 Advisory Board and disbursed by the Department
3 for grants under Sections 15.4a, 15.4b, and for NG9-1-1
4 expenses up to \$12.5 million per year in State fiscal
5 years 2016 and 2017; up to \$13.5 million in State
6 fiscal year 2018; up to \$14.4 million in State fiscal
7 year 2019; up to \$15.3 million in State fiscal year
8 2020; up to \$16.2 million in State fiscal year 2021; up
9 to \$23.1 million in State fiscal year 2022; and up to
10 \$17.0 million per year for State fiscal year 2023 and
11 each year thereafter.

12 (E) All remaining funds per remit month shall be
13 used to make monthly proportional grants to the
14 appropriate 9-1-1 Authority currently taking wireless
15 9-1-1 based upon the United States Postal Zip Code of
16 the billing addresses of subscribers of wireless
17 carriers.

18 (c) The moneys deposited into the Statewide 9-1-1 Fund
19 under this Section shall not be subject to administrative
20 charges or chargebacks unless otherwise authorized by this Act.

21 (d) Whenever two or more 9-1-1 Authorities consolidate, the
22 resulting Joint Emergency Telephone System Board shall be
23 entitled to the monthly payments that had theretofore been made
24 to each consolidating 9-1-1 Authority. Any reserves held by any
25 consolidating 9-1-1 Authority shall be transferred to the
26 resulting Joint Emergency Telephone System Board. Whenever a

1 county that has no 9-1-1 service as of January 1, 2016 enters
2 into an agreement to consolidate to create or join a Joint
3 Emergency Telephone System Board, the Joint Emergency
4 Telephone System Board shall be entitled to the monthly
5 payments that would have otherwise been paid to the county if
6 it had provided 9-1-1 service.

7 (50 ILCS 750/35 new)

8 Sec. 35. 9-1-1 surcharge; allowable expenditures. Except
9 as otherwise provided in this Act, expenditures from surcharge
10 revenues received under this Act may be made by municipalities,
11 counties, and 9-1-1 Authorities only to pay for the costs
12 associated with the following:

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

14 (2) The coding of an initial Master Street Address
15 Guide database, and update and maintenance thereof.

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

18 (4) The charges for Automatic Number Identification
19 and Automatic Location Identification equipment, a
20 computer aided dispatch system that records, maintains,
21 and integrates information, mobile data transmitters
22 equipped with automatic vehicle locators, and maintenance,
23 replacement, and update thereof to increase operational
24 efficiency and improve the provision of emergency
25 services.

1 (5) The non-recurring charges related to installation
2 of the Emergency Telephone System.

3 (6) The acquisition and installation, or the
4 reimbursement of costs therefor to other governmental
5 bodies that have incurred those costs, of road or street
6 signs that are essential to the implementation of the
7 Emergency Telephone System and that are not duplicative of
8 signs that are the responsibility of the jurisdiction
9 charged with maintaining road and street signs.

10 (7) Other products and services necessary for the
11 implementation, upgrade, and maintenance of the system and
12 any other purpose related to the operation of the system,
13 including costs attributable directly to the construction,
14 leasing, or maintenance of any buildings or facilities or
15 costs of personnel attributable directly to the operation
16 of the system. Costs attributable directly to the operation
17 of an emergency telephone system do not include the costs
18 of public safety agency personnel who are and equipment
19 that is dispatched in response to an emergency call.

20 (8) The defraying of expenses incurred to implement
21 Next Generation 9-1-1, subject to the conditions set forth
22 in this Act.

23 (9) The implementation of a computer aided dispatch
24 system or hosted supplemental 9-1-1 services.

25 (10) The design, implementation, operation,
26 maintenance, or upgrade of wireless 9-1-1 or E9-1-1

1 emergency services and public safety answering points.

2 Moneys in the Statewide 9-1-1 Fund may also be transferred
3 to a participating fire protection district to reimburse
4 volunteer firefighters who man remote telephone switching
5 facilities when dedicated 9-1-1 lines are down.

6 In the case of a municipality with a population over
7 500,000, moneys may also be used for any anti-terrorism or
8 emergency preparedness measures, including, but not limited
9 to, preparedness planning, providing local matching funds for
10 federal or State grants, personnel training, and specialized
11 equipment, including surveillance cameras, as needed to deal
12 with natural and terrorist-inspired emergency situations or
13 events.

14 (50 ILCS 750/40 new)

15 Sec. 40. Financial reports.

16 (a) The Department shall create uniform accounting
17 procedures, with such modification as may be required to give
18 effect to statutory provisions applicable only to
19 municipalities with a population in excess of 500,000, that any
20 emergency telephone system board, qualified governmental
21 entity, or unit of local government receiving surcharge money
22 pursuant to Section 15.3, 15.3a, or 30 of this Act must follow.

23 (b) By October 1, 2016, and every October 1 thereafter,
24 each emergency telephone system board, qualified governmental
25 entity, or unit of local government receiving surcharge money

1 pursuant to Section 15.3, 15.3a, or 30 shall report to the
2 Department audited financial statements showing total revenue
3 and expenditures for the previous fiscal year in a form and
4 manner as prescribed by the Department. Such financial
5 information shall include:

6 (1) a detailed summary of revenue from all sources
7 including, but not limited to, local, State, federal, and
8 private revenues, and any other funds received;

9 (2) operating expenses, capital expenditures, and cash
10 balances; and

11 (3) such other financial information that is relevant
12 to the provision of 9-1-1 services as determined by the
13 Department.

14 The emergency telephone system board, qualified
15 governmental entity, or unit of local government is responsible
16 for any costs associated with auditing such financial
17 statements. The Department shall post the audited financial
18 statements on the Department's website.

19 (c) Along with its audited financial statement, each
20 emergency telephone system board, qualified governmental
21 entity, or unit of local government receiving a grant under
22 Section 15.4b of this Act shall include a report of the amount
23 of grant moneys received and how the grant moneys were used. In
24 case of a conflict between this requirement and the Grant
25 Accountability and Transparency Act, or with the rules of the
26 Governor's Office of Management and Budget adopted thereunder,

1 that Act and those rules shall control.

2 (d) If an emergency telephone system board or qualified
3 governmental entity that receives funds from the Statewide
4 9-1-1 Fund fails to file the 9-1-1 system financial reports as
5 required under this Section, the Department shall suspend and
6 withhold monthly disbursements otherwise due to the emergency
7 telephone system board or qualified governmental entity under
8 Section 30 of this Act until the report is filed.

9 Any monthly disbursements that have been withheld for 12
10 months or more shall be forfeited by the emergency telephone
11 system board or qualified governmental entity and shall be
12 distributed proportionally by the Department to compliant
13 emergency telephone system boards and qualified governmental
14 entities that receive funds from the Statewide 9-1-1 Fund.

15 Any emergency telephone system board or qualified
16 governmental entity not in compliance with this Section shall
17 be ineligible to receive any consolidation grant or
18 infrastructure grant issued under this Act.

19 (e) The Department may adopt emergency rules necessary to
20 implement the provisions of this Section.

21 (50 ILCS 750/45 new)

22 Sec. 45. Wireless Carrier Reimbursement Fund.

23 (a) A special fund in the State treasury known as the
24 Wireless Carrier Reimbursement Fund, which was created
25 previously under Section 30 of the Wireless Emergency Telephone

1 Safety Act, shall continue in existence without interruption
2 notwithstanding the repeal of that Act. Moneys in the Wireless
3 Carrier Reimbursement Fund may be used, subject to
4 appropriation, only (i) to reimburse wireless carriers for all
5 of their costs incurred in complying with the applicable
6 provisions of Federal Communications Commission wireless
7 enhanced 9-1-1 service mandates, and (ii) to pay the reasonable
8 and necessary costs of the Illinois Commerce Commission in
9 exercising its rights, duties, powers, and functions under this
10 Act. This reimbursement to wireless carriers may include, but
11 need not be limited to, the cost of designing, upgrading,
12 purchasing, leasing, programming, installing, testing, and
13 maintaining necessary data, hardware, and software and
14 associated operating and administrative costs and overhead.

15 (b) To recover costs from the Wireless Carrier
16 Reimbursement Fund, the wireless carrier shall submit sworn
17 invoices to the Illinois Commerce Commission. In no event may
18 any invoice for payment be approved for (i) costs that are not
19 related to compliance with the requirements established by the
20 wireless enhanced 9-1-1 mandates of the Federal Communications
21 Commission, or (ii) costs with respect to any wireless enhanced
22 9-1-1 service that is not operable at the time the invoice is
23 submitted.

24 (c) If in any month the total amount of invoices submitted
25 to the Illinois Commerce Commission and approved for payment
26 exceeds the amount available in the Wireless Carrier

1 Reimbursement Fund, wireless carriers that have invoices
2 approved for payment shall receive a pro-rata share of the
3 amount available in the Wireless Carrier Reimbursement Fund
4 based on the relative amount of their approved invoices
5 available that month, and the balance of the payments shall be
6 carried into the following months until all of the approved
7 payments are made.

8 (d) A wireless carrier may not receive payment from the
9 Wireless Carrier Reimbursement Fund for its costs of providing
10 wireless enhanced 9-1-1 services in an area when a unit of
11 local government or emergency telephone system board provides
12 wireless 9-1-1 services in that area and was imposing and
13 collecting a wireless carrier surcharge prior to July 1, 1998.

14 (e) The Illinois Commerce Commission shall maintain
15 detailed records of all receipts and disbursements and shall
16 provide an annual accounting of all receipts and disbursements
17 to the Auditor General.

18 (f) The Illinois Commerce Commission must annually review
19 the balance in the Wireless Carrier Reimbursement Fund as of
20 June 30 of each year and shall direct the Comptroller to
21 transfer into the Statewide 9-1-1 Fund for distribution in
22 accordance with subsection (b) of Section 30 of this Act any
23 amount in excess of outstanding invoices as of June 30 of each
24 year.

25 (g) The Illinois Commerce Commission shall adopt rules to
26 govern the reimbursement process.

1 (50 ILCS 750/50 new)

2 Sec. 50. Fund audits. The Auditor General shall conduct as
3 a part of its bi-annual audit, an audit of the Statewide 9-1-1
4 Fund and the Wireless Carrier Reimbursement Fund for compliance
5 with the requirements of this Act. The audit shall include, but
6 not be limited to, the following determinations:

7 (1) Whether detailed records of all receipts and
8 disbursements from the Statewide 9-1-1 Fund and the
9 Wireless Carrier Reimbursement Fund are being maintained.

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

12 (3) Whether the procedures for making disbursements
13 and grants and providing reimbursements in accordance with
14 the Act are adequate.

15 (4) The status of the implementation of statewide 9-1-1
16 service and Next Generation 9-1-1 service in Illinois.

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

1 (50 ILCS 750/55 new)

2 Sec. 55. Public disclosure. Because of the highly
3 competitive nature of the wireless telephone industry, public
4 disclosure of information about surcharge moneys paid by
5 wireless carriers could have the effect of stifling competition
6 to the detriment of the public and the delivery of wireless
7 9-1-1 services. Therefore, the Illinois Commerce Commission,
8 the Department of State Police, governmental agencies, and
9 individuals with access to that information shall take
10 appropriate steps to prevent public disclosure of this
11 information. Information and data supporting the amount and
12 distribution of surcharge moneys collected and remitted by an
13 individual wireless carrier shall be deemed exempt information
14 for purposes of the Freedom of Information Act and shall not be
15 publicly disclosed. The gross amount paid by all carriers shall
16 not be deemed exempt and may be publicly disclosed.

17 (50 ILCS 750/60 new)

18 Sec. 60. Interconnected VoIP providers. Interconnected
19 VoIP providers in Illinois shall be subject in a competitively
20 neutral manner to the same provisions of this Act as are
21 provided for telecommunications carriers. Interconnected VoIP
22 services shall not be considered an intrastate
23 telecommunications service for the purposes of this Act in a
24 manner inconsistent with federal law or Federal Communications
25 Commission regulation.

- 1 (50 ILCS 750/2.01 rep.)
- 2 (50 ILCS 750/2.02 rep.)
- 3 (50 ILCS 750/2.03 rep.)
- 4 (50 ILCS 750/2.04 rep.)
- 5 (50 ILCS 750/2.05 rep.)
- 6 (50 ILCS 750/2.06 rep.)
- 7 (50 ILCS 750/2.06a rep.)
- 8 (50 ILCS 750/2.07 rep.)
- 9 (50 ILCS 750/2.08 rep.)
- 10 (50 ILCS 750/2.09 rep.)
- 11 (50 ILCS 750/2.10 rep.)
- 12 (50 ILCS 750/2.11 rep.)
- 13 (50 ILCS 750/2.12 rep.)
- 14 (50 ILCS 750/2.13 rep.)
- 15 (50 ILCS 750/2.14 rep.)
- 16 (50 ILCS 750/2.15 rep.)
- 17 (50 ILCS 750/2.16 rep.)
- 18 (50 ILCS 750/2.17 rep.)
- 19 (50 ILCS 750/2.18 rep.)
- 20 (50 ILCS 750/2.19 rep.)
- 21 (50 ILCS 750/2.20 rep.)
- 22 (50 ILCS 750/2.21 rep.)
- 23 (50 ILCS 750/2.22 rep.)
- 24 (50 ILCS 750/2.23 rep.)
- 25 (50 ILCS 750/2.24 rep.)

1 (50 ILCS 750/2.25 rep.)

2 (50 ILCS 750/2.26 rep.)

3 (50 ILCS 750/2.27 rep.)

4 (50 ILCS 750/2.28 rep.)

5 (50 ILCS 750/9 rep.)

6 Section 2-15. The Emergency Telephone System Act is amended
7 by repealing Sections 2.01, 2.02, 2.03, 2.04, 2.05, 2.06,
8 2.06a, 2.07, 2.08, 2.09, 2.10, 2.11, 2.12, 2.13, 2.14, 2.15,
9 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, 2.22, 2.23, 2.24, 2.25,
10 2.26, 2.27, 2.28, and 9.

11 Section 2-25. The Prepaid Wireless 9-1-1 Surcharge Act is
12 amended by changing Section 20 as follows:

13 (50 ILCS 753/20)

14 Sec. 20. Administration of prepaid wireless 9-1-1
15 surcharge.

16 (a) In the administration and enforcement of this Act, the
17 provisions of Sections 2a, 2b, 2c, 3, 4, 5, 5a, 5b, 5c, 5d, 5e,
18 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, and 12 of the
19 Retailers' Occupation Tax Act that are not inconsistent with
20 this Act, and Section 3-7 of the Uniform Penalty and Interest
21 Act shall apply, as far as practicable, to the subject matter
22 of this Act to the same extent as if those provisions were
23 included in this Act. References to "taxes" in these
24 incorporated Sections shall be construed to apply to the

1 administration, payment, and remittance of all surcharges
2 under this Act. The Department shall establish registration and
3 payment procedures that substantially coincide with the
4 registration and payment procedures that apply to the
5 Retailers' Occupation Tax Act.

6 (b) ~~A For the first 12 months after the effective date of~~
7 ~~this Act, a seller shall be permitted to deduct and retain 5%~~
8 ~~of prepaid wireless 9-1-1 surcharges that are collected by the~~
9 ~~seller from consumers and that are remitted and timely filed~~
10 ~~with the Department. After the first 12 months, a seller shall~~
11 be permitted to deduct and retain 3% of prepaid wireless 9-1-1
12 surcharges that are collected by the seller from consumers and
13 that are remitted and timely filed with the Department.

14 (c) Other than the amounts for deposit into the Municipal
15 Wireless Service Emergency Fund, the Department shall pay to
16 the State Treasurer all prepaid wireless E911 charges, ~~and~~
17 penalties, and interest collected under this Act for deposit
18 into the Statewide 9-1-1 Fund ~~Wireless Service Emergency Fund~~.
19 On or before the 25th day of each calendar month, the
20 Department shall prepare and certify to the Comptroller the
21 amount available to the Department of State Police ~~Illinois~~
22 ~~Commerce Commission~~ for distribution out of the Statewide 9-1-1
23 Fund ~~Wireless Service Emergency Fund~~. The amount certified
24 shall be the amount (not including credit memoranda) collected
25 during the second preceding calendar month by the Department
26 plus an amount the Department determines is necessary to offset

1 any amounts which were erroneously paid to a different taxing
2 body. The amount paid to the Statewide 9-1-1 Fund ~~Wireless~~
3 ~~Service Emergency Fund~~ shall not include any amount equal to
4 the amount of refunds made during the second preceding calendar
5 month by the Department of Revenue to retailers under this Act
6 or any amount that the Department determines is necessary to
7 offset any amounts which were payable to a different taxing
8 body but were erroneously paid to the Statewide 9-1-1 Fund
9 ~~Wireless Service Emergency Fund~~. The Department of State Police
10 ~~Illinois Commerce Commission~~ shall distribute the funds ~~in the~~
11 ~~same proportion as they are distributed under the Wireless~~
12 ~~Emergency Telephone Safety Act and the funds may only be used~~
13 in accordance with Section 30 ~~the provisions~~ of the ~~Wireless~~
14 Emergency Telephone Safety Act. The Department may deduct an
15 amount, ~~not to exceed 3% during the first year following the~~
16 ~~effective date of this Act and not to exceed 2% during every~~
17 ~~year thereafter~~ of remitted charges, to be transferred into the
18 Tax Compliance and Administration Fund to reimburse the
19 Department for its direct costs of administering the collection
20 and remittance of prepaid wireless 9-1-1 surcharges.

21 (d) The Department shall administer the collection of all
22 9-1-1 surcharges and may adopt and enforce reasonable rules
23 relating to the administration and enforcement of the
24 provisions of this Act as may be deemed expedient. The
25 Department shall require all surcharges collected under this
26 Act to be reported on existing forms or combined forms,

1 including, but not limited to, Form ST-1. Any overpayments
2 received by the Department for liabilities reported on existing
3 or combined returns shall be applied as an overpayment of
4 retailers' occupation tax, use tax, service occupation tax, or
5 service use tax liability.

6 (e) If a home rule municipality having a population in
7 excess of 500,000 as of the effective date of this amendatory
8 Act of the 97th General Assembly imposes an E911 surcharge
9 under subsection (a-5) of Section 15 of this Act, then the
10 Department shall pay to the State Treasurer all prepaid
11 wireless E911 charges, penalties, and interest collected for
12 deposit into the Municipal Wireless Service Emergency Fund. All
13 deposits into the Municipal Wireless Service Emergency Fund
14 shall be held by the State Treasurer as ex officio custodian
15 apart from all public moneys or funds of this State. Any
16 interest attributable to moneys in the Fund must be deposited
17 into the Fund. Moneys in the Municipal Wireless Service
18 Emergency Fund are not subject to appropriation. On or before
19 the 25th day of each calendar month, the Department shall
20 prepare and certify to the Comptroller the amount available for
21 disbursement to the home rule municipality out of the Municipal
22 Wireless Service Emergency Fund. The amount to be paid to the
23 Municipal Wireless Service Emergency Fund shall be the amount
24 (not including credit memoranda) collected during the second
25 preceding calendar month by the Department plus an amount the
26 Department determines is necessary to offset any amounts which

1 were erroneously paid to a different taxing body. The amount
2 paid to the Municipal Wireless Service Emergency Fund shall not
3 include any amount equal to the amount of refunds made during
4 the second preceding calendar month by the Department to
5 retailers under this Act or any amount that the Department
6 determines is necessary to offset any amounts which were
7 payable to a different taxing body but were erroneously paid to
8 the Municipal Wireless Service Emergency Fund. Within 10 days
9 after receipt by the Comptroller of the certification provided
10 for in this subsection, the Comptroller shall cause the orders
11 to be drawn for the respective amounts in accordance with the
12 directions in the certification. The Department may deduct an
13 amount, ~~not to exceed 3% during the first year following the~~
14 ~~effective date of this amendatory Act of the 97th General~~
15 ~~Assembly and not to exceed 2% during every year thereafter~~ of
16 remitted charges, to be transferred into the Tax Compliance and
17 Administration Fund to reimburse the Department for its direct
18 costs of administering the collection and remittance of prepaid
19 wireless 9-1-1 surcharges.

20 (Source: P.A. 97-463, eff. 1-1-12; 97-748, eff. 7-6-12.)

21 ARTICLE III

22 Section 3-99. Effective date. This Act takes effect upon
23 becoming law, except that Article II of this Act takes effect
24 on January 1, 2016.