



Rep. Jaime M. Andrade, Jr.

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1 AMENDMENT TO SENATE BILL 462

2 AMENDMENT NO. _____. Amend Senate Bill 462, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Public Utilities Act is amended by changing
6 Section 13-703 as follows:

7 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

8 (Section scheduled to be repealed on July 1, 2017)

9 Sec. 13-703. (a) The Commission shall design and implement
10 a program whereby each telecommunications carrier providing
11 local exchange service shall provide a telecommunications
12 device capable of servicing the needs of those persons with a
13 hearing or speech disability together with a single party line,
14 at no charge additional to the basic exchange rate, to any
15 subscriber who is certified as having a hearing or speech
16 disability by a hearing care professional, as defined in the

1 Hearing Instrument Consumer Protection Act, ~~licensed~~
2 ~~physician~~, speech-language pathologist, ~~audiologist~~ or a
3 qualified State agency and to any subscriber which is an
4 organization serving the needs of those persons with a hearing
5 or speech disability as determined and specified by the
6 Commission pursuant to subsection (d).

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

1 this program, on a geographical basis, as soon as is
2 practicable, but no later than June 30, 1990.

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

23 Telecommunications carriers, wireless carriers,
24 Interconnected VoIP service providers, and sellers of prepaid
25 wireless telecommunications service shall have 60 days from the
26 date the Commission files its order to implement the new rate

1 established by the order.

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

17 (e) As used in this Section:

18 "Prepaid wireless telecommunications service" has the
19 meaning given to that term under Section 10 of the Prepaid
20 Wireless 9-1-1 Surcharge Act.

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

23 "Seller" has the meaning given to that term under Section
24 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

25 "Telecommunications carrier providing local exchange
26 service" includes, without otherwise limiting the meaning of

1 the term, telecommunications carriers which are purely mutual
2 concerns, having no rates or charges for services, but paying
3 the operating expenses by assessment upon the members of such a
4 company and no other person.

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

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

21 Sellers of prepaid wireless telecommunications service
22 shall remit the assessments to the Department of Revenue on the
23 same form and in the same manner which they remit the fee
24 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For
25 the purposes of display on the consumers' receipts, the rates
26 of the fee collected under the Prepaid Wireless 9-1-1 Surcharge

1 Act and the assessment under this Section may be combined. In
2 administration and enforcement of this Section, the provisions
3 of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge
4 Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of
5 Section 15 and subsections (c) and (e) of Section 20 of the
6 Prepaid Wireless 9-1-1 Surcharge Act and, from June 29, 2015
7 (the effective date of Public Act 99-6) ~~this amendatory Act of~~
8 ~~the 99th General Assembly~~, the seller shall be permitted to
9 deduct and retain 3% of the assessments that are collected by
10 the seller from consumers and that are remitted and timely
11 filed with the Department) that are not inconsistent with this
12 Section, shall apply, as far as practicable, to the subject
13 matter of this Section to the same extent as if those
14 provisions were included in this Section. The Department shall
15 deposit all assessments and penalties collected under this
16 Section into the Illinois Telecommunications Access
17 Corporation Fund, a special fund created in the State treasury.
18 On or before the 25th day of each calendar month, the
19 Department shall prepare and certify to the Comptroller the
20 amount available to the Commission for distribution out of the
21 Illinois Telecommunications Access Corporation Fund. The
22 amount certified shall be the amount (not including credit
23 memoranda) collected during the second preceding calendar
24 month by the Department, plus an amount the Department
25 determines is necessary to offset any amounts which were
26 erroneously paid to a different taxing body or fund. The amount

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

1 federally funded Lifeline benefit, a consumer must pay the
2 charge or assessment, and it must be collected by the seller
3 according to subsection (f).

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

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

10 (h) The Commission may adopt rules necessary to implement
11 this Section.

12 (Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15; revised
13 10-21-15.)

14 Section 10. The Hearing Instrument Consumer Protection Act
15 is amended by changing Section 8 as follows:

16 (225 ILCS 50/8) (from Ch. 111, par. 7408)

17 (Section scheduled to be repealed on January 1, 2026)

18 Sec. 8. Applicant qualifications; examination.

19 (a) In order to protect persons who are deaf or hard of
20 hearing, the Department shall authorize or shall conduct an
21 appropriate examination, which may be the International
22 Hearing Society's licensure examination, for persons who
23 dispense, test, select, recommend, fit, or service hearing
24 instruments. The frequency of holding these examinations shall

1 be determined by the Department by rule. Those who successfully
2 pass such an examination shall be issued a license as a hearing
3 instrument dispenser, which shall be effective for a 2-year
4 period.

5 (b) Applicants shall be:

6 (1) at least 18 years of age;

7 (2) of good moral character;

8 (3) the holder of an associate's degree or the
9 equivalent;

10 (4) free of contagious or infectious disease; and

11 (5) a citizen or person who has the status as a legal
12 alien.

13 Felony convictions of the applicant and findings against
14 the applicant involving matters set forth in Sections 17 and 18
15 shall be considered in determining moral character, but such a
16 conviction or finding shall not make an applicant ineligible to
17 register for examination.

18 (c) Prior to engaging in the practice of fitting,
19 dispensing, or servicing hearing instruments, an applicant
20 shall demonstrate, by means of written and practical
21 examinations, that such person is qualified to practice the
22 testing, selecting, recommending, fitting, selling, or
23 servicing of hearing instruments as defined in this Act. An
24 applicant must obtain a license within 12 months after passing
25 either the written or practical examination, whichever is
26 passed first, or must take and pass those examinations again in

1 order to be eligible to receive a license.

2 The Department shall, by rule, determine the conditions
3 under which an individual is examined.

4 (d) Proof of having met the minimum requirements of
5 continuing education as determined by the Board shall be
6 required of all license renewals. Pursuant to rule, the
7 continuing education requirements may, upon petition to the
8 Board, be waived in whole or in part if the hearing instrument
9 dispenser can demonstrate that he or she served in the Coast
10 Guard or Armed Forces, had an extreme hardship, or obtained his
11 or her license by examination or endorsement within the
12 preceding renewal period.

13 (e) Persons applying for an initial license must
14 demonstrate having earned, at a minimum, an associate degree or
15 its equivalent from an accredited institution of higher
16 education that is recognized by the U.S. Department of
17 Education or that meets the U.S. Department of Education
18 equivalency as determined through a National Association of
19 Credential Evaluation Services (NACES) member, and meet the
20 other requirements of this Section. In addition, the applicant
21 must demonstrate the successful completion of (1) 12 semester
22 hours or 18 quarter hours of academic undergraduate course work
23 in an accredited institution consisting of 3 semester hours of
24 anatomy and physiology of the ~~speech and~~ hearing mechanism, 3
25 semester hours of hearing science, 3 semester hours of
26 introduction to audiology, and 3 semester hours of aural

1 rehabilitation, or the quarter hour equivalent or (2) an
2 equivalent program as determined by the Department that is
3 consistent with the scope of practice of a hearing instrument
4 dispenser as defined in Section 3 of this Act. Persons licensed
5 before January 1, 2003 who have a valid license on that date
6 may have their license renewed without meeting the requirements
7 of this subsection.

8 (Source: P.A. 98-827, eff. 1-1-15; 99-204, eff. 7-30-15.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."