

1 AN ACT concerning taxes.

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

4 Section 5. The Telecommunications Municipal
5 Infrastructure Maintenance Fee Act is amended by changing
6 Sections 15 and 20 as follows:

7 (35 ILCS 635/15)

8 Sec. 15. State telecommunications infrastructure
9 maintenance fees.

10 (a) A State infrastructure maintenance fee is hereby
11 imposed upon telecommunications retailers as a replacement
12 for the personal property tax in an amount specified in
13 subsection (b).

14 (b) The amount of the State infrastructure maintenance
15 fee imposed upon a telecommunications retailer under this
16 Section shall be equal to 0.5% of all gross charges charged
17 by the telecommunications retailer to service addresses in
18 this State for telecommunications, other than wireless
19 telecommunications, originating or received in this State.
20 However, the State infrastructure maintenance fee is not
21 imposed in any case in which the imposition of the fee would
22 violate the Constitution or statutes of the United States.

23 (c) An optional infrastructure maintenance fee is hereby
24 created. A telecommunications retailer may elect to pay the
25 optional infrastructure maintenance fee with respect to the
26 gross charges charged by the telecommunications retailer to
27 service addresses in a particular municipality for
28 telecommunications, other than wireless telecommunications,
29 originating or received in the municipality if (1) the
30 telecommunications retailer is not required to pay any
31 compensation to the municipality under an existing franchise

1 agreement and (2) the municipality has not imposed a
2 municipal infrastructure maintenance fee as authorized in
3 Section 20 of this Act. A telecommunications retailer
4 electing to pay the optional infrastructure maintenance fee
5 shall notify the Department of such election on the
6 application for certificate of registration. If a
7 telecommunications retailer elects to pay this fee with
8 respect to the gross charges charged by the
9 telecommunications retailer to service addresses in a
10 particular municipality, such election shall remain in full
11 force and effect until such time as the municipality imposes
12 a municipal infrastructure maintenance fee.

13 (d) The amount of the optional infrastructure
14 maintenance fee which a telecommunications retailer may elect
15 to pay with respect to a particular municipality shall be
16 equal to 25% of the maximum amount of the municipal
17 infrastructure maintenance fee which the municipality could
18 impose under Section 20 of this Act.

19 (e) The State infrastructure maintenance fee and the
20 optional infrastructure maintenance fee authorized by this
21 Section shall be collected, enforced, and administered as set
22 forth in subsection (b) of Section 25 of this Act.

23 (f) A telecommunications retailer that pays the optional
24 infrastructure maintenance fee with respect to the gross
25 charges charged by the telecommunications retailer to service
26 addresses in a particular municipality for
27 telecommunications, other than wireless communications,
28 originating or received in the municipality shall annually
29 verify with that municipality all service addresses located
30 in that municipality. For each service address that is not
31 located in a municipality and therefore not eligible to be
32 charged the optional infrastructure maintenance fee, the
33 telecommunications retailer shall issue a refund to the
34 customer of all amounts improperly charged for the optional

1 infrastructure maintenance fee plus interest at the rate of 1
2 1/2% per month or portion thereof from the date the fee was
3 improperly collected to the date the refund is issued.

4 (Source: P.A. 90-154, eff. 1-1-98; 90-562, eff. 12-16-97.)

5 (35 ILCS 635/20)

6 Sec. 20. Municipal telecommunications infrastructure
7 maintenance fee.

8 (a) A municipality may impose a municipal infrastructure
9 maintenance fee upon telecommunications retailers in an
10 amount specified in subsection (b). On and after the
11 effective date of this amendatory Act of 1997, a certified
12 copy of an ordinance or resolution imposing a fee under this
13 Section shall be filed with the Department within 30 days
14 after the effective date of this amendatory Act or the
15 effective date of the ordinance or resolution imposing such
16 fee, whichever is later. Failure to file a certified copy of
17 the ordinance or resolution imposing a fee under this Section
18 shall have no effect on the validity of the ordinance or
19 resolution. The Department shall create and maintain a list
20 of all ordinances and resolutions filed pursuant to this
21 Section and make that list, as well as copies of the
22 ordinances and resolutions, available to the public for a
23 reasonable fee.

24 (b) The amount of the municipal infrastructure
25 maintenance fee imposed upon a telecommunications retailer
26 under this Section shall not exceed: (i) in a municipality
27 with a population of more than 500,000, 2.0% of all gross
28 charges charged by the telecommunications retailer to service
29 addresses in the municipality for telecommunications
30 originating or received in the municipality; and (ii) in a
31 municipality with a population of 500,000 or less, 1.0% of
32 all gross charges charged by the telecommunications retailer
33 to service addresses in the municipality for

1 telecommunications originating or received in the
2 municipality. If imposed, the municipal telecommunications
3 infrastructure fee must be in 1/4% increments. However, the
4 fee shall not be imposed in any case in which the imposition
5 of the fee would violate the Constitution or statutes of the
6 United States.

7 (c) The municipal telecommunications infrastructure fee
8 authorized by this Section shall be collected, enforced, and
9 administered as set forth in subsection (c) of Section 25 of
10 this Act.

11 (d) A municipality with a population of more than
12 500,000 that imposes a municipal infrastructure maintenance
13 fee under this Section may, by ordinance, exempt from the fee
14 all charges for the inbound toll-free telecommunications
15 service commonly known as "800", "877", or "888" or for a
16 similar service.

17 (e) A telecommunications retailer that pays the
18 municipal infrastructure maintenance fee with respect to the
19 gross charges charged by the telecommunications retailer to
20 service addresses in a particular municipality for
21 telecommunications originating or received in the
22 municipality shall annually verify with that municipality all
23 service addresses located in that municipality. For each
24 service address that is not located in a municipality and
25 therefore not eligible to be charged the municipal
26 infrastructure maintenance fee, the telecommunications
27 retailer shall issue a refund to the customer of all amounts
28 improperly charged for the municipal infrastructure
29 maintenance fee plus interest at the rate of 1 1/2% per month
30 or portion thereof from the date the fee was improperly
31 collected to the date the refund is issued.

32 (Source: P.A. 90-154, eff. 1-1-98; 90-562, eff. 12-16-97;
33 91-870, eff. 6-22-00.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.