



Rep. Brandon W. Phelps

**Filed: 5/31/2017**

10000SB1839ham005

LRB100 06226 SLF 27427 a

1 AMENDMENT TO SENATE BILL 1839

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1839, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 3. The Freedom of Information Act is amended by  
6 changing Section 7.5 as follows:

7 (5 ILCS 140/7.5)

8 Sec. 7.5. Statutory exemptions. To the extent provided for  
9 by the statutes referenced below, the following shall be exempt  
10 from inspection and copying:

11 (a) All information determined to be confidential  
12 under Section 4002 of the Technology Advancement and  
13 Development Act.

14 (b) Library circulation and order records identifying  
15 library users with specific materials under the Library  
16 Records Confidentiality Act.

1           (c) Applications, related documents, and medical  
2 records received by the Experimental Organ Transplantation  
3 Procedures Board and any and all documents or other records  
4 prepared by the Experimental Organ Transplantation  
5 Procedures Board or its staff relating to applications it  
6 has received.

7           (d) Information and records held by the Department of  
8 Public Health and its authorized representatives relating  
9 to known or suspected cases of sexually transmissible  
10 disease or any information the disclosure of which is  
11 restricted under the Illinois Sexually Transmissible  
12 Disease Control Act.

13           (e) Information the disclosure of which is exempted  
14 under Section 30 of the Radon Industry Licensing Act.

15           (f) Firm performance evaluations under Section 55 of  
16 the Architectural, Engineering, and Land Surveying  
17 Qualifications Based Selection Act.

18           (g) Information the disclosure of which is restricted  
19 and exempted under Section 50 of the Illinois Prepaid  
20 Tuition Act.

21           (h) Information the disclosure of which is exempted  
22 under the State Officials and Employees Ethics Act, and  
23 records of any lawfully created State or local inspector  
24 general's office that would be exempt if created or  
25 obtained by an Executive Inspector General's office under  
26 that Act.

1 (i) Information contained in a local emergency energy  
2 plan submitted to a municipality in accordance with a local  
3 emergency energy plan ordinance that is adopted under  
4 Section 11-21.5-5 of the Illinois Municipal Code.

5 (j) Information and data concerning the distribution  
6 of surcharge moneys collected and remitted by ~~wireless~~  
7 carriers under the ~~Wireless~~ Emergency Telephone System  
8 ~~Safety~~ Act.

9 (k) Law enforcement officer identification information  
10 or driver identification information compiled by a law  
11 enforcement agency or the Department of Transportation  
12 under Section 11-212 of the Illinois Vehicle Code.

13 (l) Records and information provided to a residential  
14 health care facility resident sexual assault and death  
15 review team or the Executive Council under the Abuse  
16 Prevention Review Team Act.

17 (m) Information provided to the predatory lending  
18 database created pursuant to Article 3 of the Residential  
19 Real Property Disclosure Act, except to the extent  
20 authorized under that Article.

21 (n) Defense budgets and petitions for certification of  
22 compensation and expenses for court appointed trial  
23 counsel as provided under Sections 10 and 15 of the Capital  
24 Crimes Litigation Act. This subsection (n) shall apply  
25 until the conclusion of the trial of the case, even if the  
26 prosecution chooses not to pursue the death penalty prior

1 to trial or sentencing.

2 (o) Information that is prohibited from being  
3 disclosed under Section 4 of the Illinois Health and  
4 Hazardous Substances Registry Act.

5 (p) Security portions of system safety program plans,  
6 investigation reports, surveys, schedules, lists, data, or  
7 information compiled, collected, or prepared by or for the  
8 Regional Transportation Authority under Section 2.11 of  
9 the Regional Transportation Authority Act or the St. Clair  
10 County Transit District under the Bi-State Transit Safety  
11 Act.

12 (q) Information prohibited from being disclosed by the  
13 Personnel Records Review Act.

14 (r) Information prohibited from being disclosed by the  
15 Illinois School Student Records Act.

16 (s) Information the disclosure of which is restricted  
17 under Section 5-108 of the Public Utilities Act.

18 (t) All identified or deidentified health information  
19 in the form of health data or medical records contained in,  
20 stored in, submitted to, transferred by, or released from  
21 the Illinois Health Information Exchange, and identified  
22 or deidentified health information in the form of health  
23 data and medical records of the Illinois Health Information  
24 Exchange in the possession of the Illinois Health  
25 Information Exchange Authority due to its administration  
26 of the Illinois Health Information Exchange. The terms

1 "identified" and "deidentified" shall be given the same  
2 meaning as in the Health Insurance Portability and  
3 Accountability Act of 1996, Public Law 104-191, or any  
4 subsequent amendments thereto, and any regulations  
5 promulgated thereunder.

6 (u) Records and information provided to an independent  
7 team of experts under Brian's Law.

8 (v) Names and information of people who have applied  
9 for or received Firearm Owner's Identification Cards under  
10 the Firearm Owners Identification Card Act or applied for  
11 or received a concealed carry license under the Firearm  
12 Concealed Carry Act, unless otherwise authorized by the  
13 Firearm Concealed Carry Act; and databases under the  
14 Firearm Concealed Carry Act, records of the Concealed Carry  
15 Licensing Review Board under the Firearm Concealed Carry  
16 Act, and law enforcement agency objections under the  
17 Firearm Concealed Carry Act.

18 (w) Personally identifiable information which is  
19 exempted from disclosure under subsection (g) of Section  
20 19.1 of the Toll Highway Act.

21 (x) Information which is exempted from disclosure  
22 under Section 5-1014.3 of the Counties Code or Section  
23 8-11-21 of the Illinois Municipal Code.

24 (y) Confidential information under the Adult  
25 Protective Services Act and its predecessor enabling  
26 statute, the Elder Abuse and Neglect Act, including

1 information about the identity and administrative finding  
2 against any caregiver of a verified and substantiated  
3 decision of abuse, neglect, or financial exploitation of an  
4 eligible adult maintained in the Registry established  
5 under Section 7.5 of the Adult Protective Services Act.

6 (z) Records and information provided to a fatality  
7 review team or the Illinois Fatality Review Team Advisory  
8 Council under Section 15 of the Adult Protective Services  
9 Act.

10 (aa) Information which is exempted from disclosure  
11 under Section 2.37 of the Wildlife Code.

12 (bb) Information which is or was prohibited from  
13 disclosure by the Juvenile Court Act of 1987.

14 (cc) Recordings made under the Law Enforcement  
15 Officer-Worn Body Camera Act, except to the extent  
16 authorized under that Act.

17 (dd) Information that is prohibited from being  
18 disclosed under Section 45 of the Condominium and Common  
19 Interest Community Ombudsperson Act.

20 (ee) ~~(dd)~~ Information that is exempted from disclosure  
21 under Section 30.1 of the Pharmacy Practice Act.

22 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,  
23 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;  
24 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;  
25 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.  
26 8-19-16; revised 9-1-16.)

1           Section 5. The Department of State Police Law of the Civil  
2 Administrative Code of Illinois is amended by changing Sections  
3 2605-52 and 2605-475 as follows:

4           (20 ILCS 2605/2605-52)

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

6           (a) There shall be established an Office of the Statewide  
7 9-1-1 Administrator within the Department. Beginning January  
8 1, 2016, the Office of the Statewide 9-1-1 Administrator shall  
9 be responsible for developing, implementing, and overseeing a  
10 uniform statewide 9-1-1 system for all areas of the State  
11 outside of municipalities having a population over 500,000.

12           (b) The Governor shall appoint, with the advice and consent  
13 of the Senate, a Statewide 9-1-1 Administrator. The  
14 Administrator shall serve for a term of 2 years, and until a  
15 successor is appointed and qualified; except that the term of  
16 the first 9-1-1 Administrator appointed under this Act shall  
17 expire on the third Monday in January, 2017. The Administrator  
18 shall not hold any other remunerative public office. The  
19 Administrator shall receive an annual salary as set by the  
20 Governor.

21           (c) The Department, from appropriations made to it for that  
22 purpose, shall make grants to 9-1-1 Authorities for the purpose  
23 of defraying costs associated with 9-1-1 system consolidations  
24 awarded by the Administrator under Section 15.4b of the

1 Emergency Telephone System Act.

2 (Source: P.A. 99-6, eff. 6-29-15.)

3 (20 ILCS 2605/2605-475) (was 20 ILCS 2605/55a in part)

4 Sec. 2605-475. ~~Wireless~~ Emergency Telephone System Safety  
5 Act. The Department and Statewide 9-1-1 Administrator shall ~~To~~  
6 exercise the powers and perform the duties specifically  
7 assigned to each ~~the Department~~ under the ~~Wireless~~ Emergency  
8 Telephone System Safety Act ~~with respect to the development and~~  
9 ~~improvement of emergency communications procedures and~~  
10 ~~facilities in such a manner as to facilitate a quick response~~  
11 ~~to any person calling the number "9-1-1" seeking police, fire,~~  
12 ~~medical, or other emergency services through a wireless carrier~~  
13 ~~as defined in Section 10 of the Wireless Emergency Telephone~~  
14 ~~Safety Act.~~ Nothing in the ~~Wireless~~ Emergency Telephone System  
15 Safety Act shall require the Department of Illinois State  
16 Police to provide wireless enhanced 9-1-1 services.

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

18 Section 10. The State Finance Act is amended by changing  
19 Section 8.37 as follows:

20 (30 ILCS 105/8.37)

21 Sec. 8.37. State Police Wireless Service Emergency Fund.

22 (a) The State Police Wireless Service Emergency Fund is  
23 created as a special fund in the State Treasury.



1 (b) Grants or surcharge funds allocated to the Department  
2 of State Police from the Statewide 9-1-1 ~~Wireless Service~~  
3 ~~Emergency~~ Fund shall be deposited into the State Police  
4 Wireless Service Emergency Fund and shall be used in accordance  
5 with Section 30 20 of the ~~Wireless~~ Emergency Telephone System  
6 Safety Act.

7 (c) On July 1, 1999, the State Comptroller and State  
8 Treasurer shall transfer \$1,300,000 from the General Revenue  
9 Fund to the State Police Wireless Service Emergency Fund. On  
10 June 30, 2003 the State Comptroller and State Treasurer shall  
11 transfer \$1,300,000 from the State Police Wireless Service  
12 Emergency Fund to the General Revenue Fund.

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

14 Section 15. The Emergency Telephone System Act is amended  
15 by changing Sections 2, 8, 10, 10.3, 12, 14, 15.2a, 15.3,  
16 15.3a, 15.4, 15.4a, 15.4b, 15.6a, 19, 20, 30, 35, 40, 55, and  
17 99 and by adding Section 17.5 as follows:

18 (50 ILCS 750/2) (from Ch. 134, par. 32)

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

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

22 "9-1-1 network" means the network used for the delivery of  
23 9-1-1 calls and messages over dedicated and redundant  
24 facilities to a primary or back up 9-1-1 PSAP that meets P.01

1 grade of service standards for basic 9-1-1 and enhanced 9-1-1  
2 services or meets national I3 industry call delivery standards  
3 for Next Generation 9-1-1 services.

4 "9-1-1 system" means the geographic area that has been  
5 granted an order of authority by the Commission or the  
6 Statewide 9-1-1 Administrator to use "9-1-1" as the primary  
7 emergency telephone number.

8 "9-1-1 Authority" includes an Emergency Telephone System  
9 Board, Joint Emergency Telephone System Board, and a qualified  
10 governmental entity. "9-1-1 Authority" includes the Department  
11 of State Police only to the extent it provides 9-1-1 services  
12 under this Act.

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

14 "Advanced service" means any telecommunications service  
15 with or without dynamic bandwidth allocation, including, but  
16 not limited to, ISDN Primary Rate Interface (PRI), that,  
17 through the use of a DS-1, T-1, or other similar un-channelized  
18 or multi-channel transmission facility, is capable of  
19 transporting either the subscriber's inter-premises voice  
20 telecommunications services to the public switched network or  
21 the subscriber's 9-1-1 calls to the public agency.

22 "ALI" or "automatic location identification" means, in an  
23 E9-1-1 system, the automatic display at the public safety  
24 answering point of the caller's telephone number, the address  
25 or location of the telephone, and supplementary emergency  
26 services information.

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

4 "Automatic alarm" and "automatic alerting device" mean any  
5 device that will access the 9-1-1 system for emergency services  
6 upon activation.

7 "Backup PSAP" means a public safety answering point that  
8 serves as an alternate to the PSAP for enhanced systems and is  
9 at a different location and operates independently from the  
10 PSAP. A backup PSAP may accept overflow calls from the PSAP or  
11 be activated if the primary PSAP is disabled.

12 "Board" means an Emergency Telephone System Board or a  
13 Joint Emergency Telephone System Board created pursuant to  
14 Section 15.4.

15 "Carrier" includes a telecommunications carrier and a  
16 wireless carrier.

17 "Commission" means the Illinois Commerce Commission.

18 "Computer aided dispatch" or "CAD" means a computer-based  
19 system that aids PSAP telecommunicators by automating selected  
20 dispatching and record keeping activities ~~database maintained~~  
21 ~~by the public safety agency or public safety answering point~~  
22 ~~used in conjunction with 9-1-1 caller data.~~

23 "Direct dispatch method" means a 9-1-1 service that  
24 provides for the direct dispatch by a PSAP telecommunicator of  
25 the appropriate unit upon receipt of an emergency call and the  
26 decision as to the proper action to be taken.

1 "Department" means the Department of State Police.

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

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

9 "Enhanced 9-1-1" or "E9-1-1" means a ~~an emergency~~ telephone  
10 system that includes ~~dedicated~~ network ~~switching~~, ~~database and~~  
11 PSAP premise elements capable of providing automatic location  
12 identification data, selective routing, ~~database, ALI, ANI,~~  
13 selective transfer, fixed transfer, and a call back number,  
14 including any enhanced 9-1-1 service so designated by the  
15 Federal Communications Commission in its report and order in WC  
16 Dockets Nos. 04-36 and 05-196, or any successor proceeding.

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

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

25 "Hosted supplemental 9-1-1 service" means a database  
26 service that:

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

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

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

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

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

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

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

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

26 "Interconnected voice over Internet protocol provider" or

1 "Interconnected VoIP provider" has the meaning given to that  
2 term under Section 13-235 of the Public Utilities Act.

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

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

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

15 "Master Street Address Guide" or "MSAG" is a database of  
16 street names and house ranges within their associated  
17 communities defining emergency service zones (ESZs) and their  
18 associated emergency service numbers (ESNs) to enable proper  
19 routing of 9-1-1 calls ~~means the computerized geographical~~  
20 ~~database that consists of all street and address data within a~~  
21 ~~9-1-1 system.~~

22 "Mobile telephone number" or "MTN" means the telephone  
23 number assigned to a wireless telephone at the time of initial  
24 activation.

25 "Network connections" means the number of voice grade  
26 communications channels directly between a subscriber and a

1 telecommunications carrier's public switched network, without  
2 the intervention of any other telecommunications carrier's  
3 switched network, which would be required to carry the  
4 subscriber's inter-premises traffic and which connection  
5 either (1) is capable of providing access through the public  
6 switched network to a 9-1-1 Emergency Telephone System, if one  
7 exists, or (2) if no system exists at the time a surcharge is  
8 imposed under Section 15.3, that would be capable of providing  
9 access through the public switched network to the local 9-1-1  
10 Emergency Telephone System if one existed. Where multiple voice  
11 grade communications channels are connected to a  
12 telecommunications carrier's public switched network through a  
13 private branch exchange (PBX) service, there shall be  
14 determined to be one network connection for each trunk line  
15 capable of transporting either the subscriber's inter-premises  
16 traffic to the public switched network or the subscriber's  
17 9-1-1 calls to the public agency. Where multiple voice grade  
18 communications channels are connected to a telecommunications  
19 carrier's public switched network through centrex type  
20 service, the number of network connections shall be equal to  
21 the number of PBX trunk equivalents for the subscriber's  
22 service or other multiple voice grade communication channels  
23 facility, as determined by reference to any generally  
24 applicable exchange access service tariff filed by the  
25 subscriber's telecommunications carrier with the Commission.

26 "Network costs" means those recurring costs that directly

1 relate to the operation of the 9-1-1 network as determined by  
2 the Statewide 9-1-1 Administrator with the advice of the  
3 Statewide 9-1-1 Advisory Board, which may include ~~including,~~  
4 but need not be limited to, some or all of the following: costs  
5 for interoffice trunks, selective routing charges, transfer  
6 lines and toll charges for 9-1-1 services, Automatic Location  
7 Information (ALI) database charges, ~~call box trunk circuit~~  
8 ~~(including central office only and not including extensions to~~  
9 ~~fire stations),~~ independent local exchange carrier charges and  
10 non-system provider charges, carrier charges for third party  
11 database for on-site customer premises equipment, back-up PSAP  
12 trunks for non-system providers, periodic database updates as  
13 provided by carrier (also known as "ALI data dump"), regional  
14 ALI storage charges, circuits for call delivery (fiber or  
15 circuit connection), NG9-1-1 costs, and all associated fees,  
16 taxes, and surcharges on each invoice. "Network costs" shall  
17 not include radio circuits or toll charges that are other than  
18 for 9-1-1 services.

19 "Next generation 9-1-1" or "NG9-1-1" means an Internet  
20 Protocol-based (IP-based) system comprised of managed ESInets,  
21 functional elements and applications, and databases that  
22 replicate traditional E9-1-1 features and functions and  
23 provide additional capabilities. "NG9-1-1" systems are  
24 designed to provide access to emergency services from all  
25 connected communications sources, and provide multimedia data  
26 capabilities for PSAPs and other emergency services



1 organizations.

2 "NG9-1-1 costs" means those recurring costs that directly  
3 relate to the Next Generation 9-1-1 service as determined by  
4 the Statewide 9-1-1 Advisory Board, including, but not limited  
5 to, costs for Emergency System Routing Proxy (ESRP), Emergency  
6 Call Routing Function/Location Validation Function (ECRF/LVF),  
7 Spatial Information Function (SIF), the Border Control  
8 Function (BCF), and the Emergency Services Internet Protocol  
9 networks (ESInets), legacy network gateways, and all  
10 associated fees, taxes, and surcharges on each invoice.

11 "Private branch exchange" or "PBX" means a private  
12 telephone system and associated equipment located on the user's  
13 property that provides communications between internal  
14 stations and external networks.

15 ~~"Private business switch service" means a~~  
16 ~~telecommunications service including centrex type service and~~  
17 ~~PBX service, even though key telephone systems or equivalent~~  
18 ~~telephone systems registered with the Federal Communications~~  
19 ~~Commission under 47 C.F.R. Part 68 are directly connected to~~  
20 ~~centrex type and PBX systems providing 9-1-1 services equipped~~  
21 ~~for switched local network connections or 9-1-1 system access~~  
22 ~~to business end users through a private telephone switch.~~

23 "Private business switch service" means network and  
24 premises based systems including a VoIP, Centrex type service,  
25 or PBX service, even though ~~does not include~~ key telephone  
26 systems or equivalent telephone systems registered with the

1 Federal Communications Commission under 47 C.F.R. Part 68 are  
2 directly connected to Centrex ~~when not used in conjunction with~~  
3 ~~centrex~~ type and PBX systems. "Private business switch service"  
4 does not include key telephone systems or equivalent telephone  
5 systems registered with the Federal Communications Commission  
6 under 47 C.F.R. Part 68 when not used in conjunction with a  
7 VoIP, Centrex type, or PBX systems. "Private business switch  
8 service" typically includes, but is not limited to, private  
9 businesses, corporations, and industries where the  
10 telecommunications service is primarily for conducting  
11 business.

12 "Private residential switch service" means network and  
13 premise based systems ~~a telecommunications service~~ including a  
14 VoIP, Centrex ~~centrex~~ type service, or ~~and~~ PBX service or, ~~even~~  
15 ~~though~~ key telephone systems or equivalent telephone systems  
16 registered with the Federal Communications Commission under 47  
17 C.F.R. Part 68 that are directly connected to a VoIP, Centrex  
18 ~~centrex~~ type service, or ~~and~~ PBX systems ~~providing 9-1-1~~  
19 ~~services~~ equipped for switched local network connections or  
20 9-1-1 system access to residential end users through a private  
21 telephone switch. "Private residential switch service" does  
22 not include key telephone systems or equivalent telephone  
23 systems registered with the Federal Communications Commission  
24 under 47 C.F.R. Part 68 when not used in conjunction with a  
25 VoIP, Centrex ~~centrex~~ type, or ~~and~~ PBX systems. "Private  
26 residential switch service" typically includes, but is not

1 limited to, apartment complexes, condominiums, and campus or  
2 university environments where shared tenant service is  
3 provided and where the usage of the telecommunications service  
4 is primarily residential.

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

10 "Public safety agency" means a functional division of a  
11 public agency that provides firefighting, police, medical, or  
12 other emergency services to respond to and manage emergency  
13 incidents. For the purpose of providing wireless service to  
14 users of 9-1-1 emergency services, as expressly provided for in  
15 this Act, the Department of State Police may be considered a  
16 public safety agency.

17 "Public safety answering point" or "PSAP" is a set of  
18 call-takers authorized by a governing body and operating under  
19 common management that receive 9-1-1 calls and asynchronous  
20 event notifications for a defined geographic area and processes  
21 those calls and events according to a specified operational  
22 policy ~~means the initial answering location of an emergency~~  
23 ~~call.~~

24 "Qualified governmental entity" means a unit of local  
25 government authorized to provide 9-1-1 services pursuant to  
26 this Act where no emergency telephone system board exists.

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

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

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

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

18 "Secondary Answering Point" or "SAP" means a location,  
19 other than a PSAP, that is able to receive the voice, data, and  
20 call back number of E9-1-1 or NG9-1-1 emergency calls  
21 transferred from a PSAP and completes the call taking process  
22 by dispatching police, medical, fire, or other emergency  
23 responders.

24 "Statewide wireless emergency 9-1-1 system" means all  
25 areas of the State where an emergency telephone system board  
26 or, in the absence of an emergency telephone system board, a

1 qualified governmental entity, has not declared its intention  
2 for one or more of its public safety answering points to serve  
3 as a primary wireless 9-1-1 public safety answering point for  
4 its jurisdiction. The operator of the statewide wireless  
5 emergency 9-1-1 system shall be the Department of State Police.

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

11 "System provider" means the contracted entity providing  
12 9-1-1 network and database services.

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

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

22 "Transfer method" means a 9-1-1 service in which the PSAP  
23 telecommunicator receiving a call transfers that call to the  
24 appropriate public safety agency or other provider of emergency  
25 services.

26 "Transmitting messages" shall have the meaning given to

1 that term under Section 8-11-2 of the Illinois Municipal Code.

2 "Trunk line" means a transmission path, or group of  
3 transmission paths, connecting a subscriber's PBX to a  
4 telecommunications carrier's public switched network. In the  
5 case of regular service, each voice grade communications  
6 channel or equivalent amount of bandwidth capable of  
7 transporting either the subscriber's inter-premises voice  
8 telecommunications services to the public switched network or  
9 the subscriber's 9-1-1 calls to the public agency shall be  
10 considered a trunk line, even if it is bundled with other  
11 channels or additional bandwidth. In the case of advanced  
12 service, each DS-1, T-1, or other ~~similar~~ un-channelized or  
13 multi-channel transmission facility that is capable of  
14 transporting either the subscriber's inter-premises voice  
15 telecommunications services to the public switched network or  
16 the subscriber's 9-1-1 calls to the public agency shall be  
17 considered a single trunk line, even if it contains multiple  
18 voice grade communications channels or otherwise supports 2 or  
19 more voice grade calls at a time; provided, however, that each  
20 additional increment of up to 24 voice grade channels ~~1.544~~  
21 ~~Mbps~~ of transmission capacity that is capable of transporting  
22 either the subscriber's inter-premises voice  
23 telecommunications services to the public switched network or  
24 the subscriber's 9-1-1 calls to the public agency shall be  
25 considered an additional trunk line.

26 "Unmanned backup PSAP" means a public safety answering

1 point that serves as an alternate to the PSAP at an alternate  
2 location and is typically unmanned but can be activated if the  
3 primary PSAP is disabled.

4 "Virtual answering point" or "VAP" means a temporary or  
5 nonpermanent location that is capable of receiving an emergency  
6 call, contains a fully functional worksite that is not bound to  
7 a specific location, but rather is portable and scalable,  
8 connecting emergency call takers or dispatchers to the work  
9 process, and is capable of completing the call dispatching  
10 process.

11 "Voice-impaired individual" means a person with a  
12 permanent speech disability which precludes oral  
13 communication, who can regularly and routinely communicate by  
14 telephone only through the aid of devices which can send and  
15 receive written messages over the telephone network.

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

1 "Wireless enhanced 9-1-1" means the ability to relay the  
2 telephone number of the originator of a 9-1-1 call and location  
3 information from any mobile handset or text telephone device  
4 accessing the wireless system to the designated wireless public  
5 safety answering point as set forth in the order of the Federal  
6 Communications Commission, FCC Docket No. 94-102, adopted June  
7 12, 1996, with an effective date of October 1, 1996, and any  
8 subsequent amendment thereto.

9 "Wireless public safety answering point" means the  
10 functional division of a 9-1-1 authority accepting wireless  
11 9-1-1 calls.

12 "Wireless subscriber" means an individual or entity to whom  
13 a wireless service account or number has been assigned by a  
14 wireless carrier, other than an account or number associated  
15 with prepaid wireless telecommunication service.

16 (Source: P.A. 99-6, eff. 1-1-16.)

17 (50 ILCS 750/8) (from Ch. 134, par. 38)

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

19 Sec. 8. The Administrator, with the advice and  
20 recommendation of the Statewide 9-1-1 Advisory Board, shall  
21 coordinate the implementation of systems established under  
22 this Act. To assist with this coordination, all systems  
23 authorized to operate under this Act shall register with the  
24 Administrator information regarding its composition and  
25 organization, including, but not limited to, identification of



1 all PSAPs, SAPs, VAPs, Back-up PSAPs, and Unmanned Back-up  
2 PSAPs. The Department may adopt rules for the administration of  
3 this Section.

4 (Source: P.A. 99-6, eff. 1-1-16.)

5 (50 ILCS 750/10) (from Ch. 134, par. 40)

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

7 Sec. 10.

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

23 (b) The Department may adopt emergency rules necessary to  
24 implement the provisions of this amendatory Act of the 99th  
25 General Assembly under subsection (t) of Section 5-45 of the

1 Illinois Administrative Procedure Act.

2 (c) Nothing in this Act shall deprive the Commission of any  
3 authority to regulate the provision by telecommunication  
4 carriers or 9-1-1 system service providers of  
5 telecommunication or other services under the Public Utilities  
6 Act.

7 (d) For rules that implicate both the regulation of 9-1-1  
8 authorities under this Act and the regulation of  
9 telecommunication carriers and 9-1-1 system service providers  
10 under the Public Utilities Act, the Department and the  
11 Commission may adopt joint rules necessary for implementation.

12 (e) Any findings, orders, or decisions of the Administrator  
13 under this Section shall be deemed a final administrative  
14 decision and shall be subject to judicial review under the  
15 Administrative Review Law.

16 (Source: P.A. 99-6, eff. 1-1-16.)

17 (50 ILCS 750/10.3)

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

19 Sec. 10.3. Notice of address change. The Emergency  
20 Telephone System Board or qualified governmental entity in any  
21 county implementing a 9-1-1 system that changes any person's  
22 address (when the person whose address has changed has not  
23 moved to a new residence) shall notify the person (i) of the  
24 person's new address and (ii) that the person should contact  
25 the local election authority to determine if the person should

1 re-register to vote.

2 (Source: P.A. 90-664, eff. 7-30-98.)

3 (50 ILCS 750/12) (from Ch. 134, par. 42)

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

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

9 (Source: P.A. 99-6, eff. 1-1-16.)

10 (50 ILCS 750/14) (from Ch. 134, par. 44)

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

12 Sec. 14. The General Assembly declares that a major purpose  
13 of ~~in enacting~~ this Act is to ensure that 9-1-1 systems have  
14 redundant methods of dispatch for: (1) each public safety  
15 agency within its jurisdiction, herein known as participating  
16 agencies; and (2) 9-1-1 systems whose jurisdictional  
17 boundaries are contiguous, herein known as adjacent 9-1-1  
18 systems, when an emergency request for service is received for  
19 a public safety agency that needs to be dispatched by the  
20 adjacent 9-1-1 system. Another primary purpose of this Section  
21 is to eliminate instances in which a public safety agency  
22 ~~responding emergency service~~ refuses, once dispatched, to  
23 render aid to the requester because the requester is outside of  
24 the jurisdictional boundaries of the public safety agency

1 ~~emergency service~~. Therefore, in implementing a 9-1-1 system  
2 ~~systems~~ under this Act, all 9-1-1 authorities ~~public agencies~~  
3 ~~in a single system~~ shall enter into call handling and aid  
4 outside jurisdictional boundaries agreements with each  
5 participating agency and adjacent 9-1-1 system ~~a joint powers~~  
6 ~~agreement or any other form of written cooperative agreement~~  
7 ~~which is applicable when need arises on a day to day basis.~~  
8 ~~Certified notification of the continuation of such agreements~~  
9 ~~shall be made among the involved parties on an annual basis. In~~  
10 ~~addition, such agreements shall be entered into between public~~  
11 ~~agencies and public safety agencies which are part of different~~  
12 ~~systems but whose jurisdictional boundaries are contiguous.~~  
13 The agreements shall provide a primary and secondary means of  
14 dispatch. It must also provide that, once an emergency unit is  
15 dispatched in response to a request through the system, such  
16 unit shall render its services to the requesting party without  
17 regard to whether the unit is operating outside its normal  
18 jurisdictional boundaries. Certified notification of the  
19 continuation of call handling and aid outside jurisdictional  
20 boundaries agreements shall be made among the involved parties  
21 on an annual basis.

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

23 (50 ILCS 750/15.2a) (from Ch. 134, par. 45.2a)

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

25 Sec. 15.2a. The installation of or connection to a

1 telephone company's network of any automatic alarm, automatic  
2 alerting device, or mechanical dialer that causes the number  
3 9-1-1 to be dialed in order to directly access emergency  
4 services is prohibited in a 9-1-1 system.

5 This Section does not apply to a person who connects to a  
6 9-1-1 network using automatic crash notification technology  
7 subject to an established protocol.

8 This Section does not apply to devices used to enable  
9 access to the 9-1-1 system for cognitively-impaired or special  
10 needs persons or for persons with disabilities in an emergency  
11 situation reported by a caregiver after initiating a missing  
12 person's report. The device must have the capability to be  
13 activated and controlled remotely by trained personnel at a  
14 service center to prevent falsely activated or repeated calls  
15 to the 9-1-1 system in a single incident. The device must have  
16 the technical capability to generate location information to  
17 the 9-1-1 system. Under no circumstances shall a device be sold  
18 for use in a geographical jurisdiction where the 9-1-1 system  
19 has not deployed wireless phase II location technology. The  
20 alerting device shall also provide for either 2-way  
21 communication or send a pre-recorded message to a 9-1-1  
22 provider explaining the nature of the emergency so that the  
23 9-1-1 provider will be able to dispatch the appropriate  
24 emergency responder.

25 Violation of this Section is a Class A misdemeanor. A  
26 second or subsequent violation of this Section is a Class 4

1 felony.

2 (Source: P.A. 99-143, eff. 7-27-15.)

3 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

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

5 Sec. 15.3. Local non-wireless surcharge.

6 (a) Except as provided in subsection (1) of this Section,  
7 the corporate authorities of any municipality or any county  
8 may, subject to the limitations of subsections (c), (d), and  
9 (h), and in addition to any tax levied pursuant to the  
10 Simplified Municipal Telecommunications Tax Act, impose a  
11 monthly surcharge on billed subscribers of network connection  
12 provided by telecommunication carriers engaged in the business  
13 of transmitting messages by means of electricity originating  
14 within the corporate limits of the municipality or county  
15 imposing the surcharge at a rate per network connection  
16 determined in accordance with subsection (c), however the  
17 monthly surcharge shall not apply to a network connection  
18 provided for use with pay telephone services. Provided,  
19 however, that where multiple voice grade communications  
20 channels are connected between the subscriber's premises and a  
21 public switched network through private branch exchange (PBX)  
22 or centrex type service, a municipality imposing a surcharge at  
23 a rate per network connection, as determined in accordance with  
24 this Act, shall impose:

25 (i) in a municipality with a population of 500,000 or

1 less or in any county, 5 such surcharges per network  
2 connection, as defined under Section 2 ~~determined in~~  
3 ~~accordance with subsections (a) and (d) of Section 2.12~~ of  
4 this Act, for both regular service and advanced service  
5 provisioned trunk lines;

6 (ii) in a municipality with a population, prior to  
7 March 1, 2010, of 500,000 or more, 5 surcharges per network  
8 connection, as defined under Section 2 ~~determined in~~  
9 ~~accordance with subsections (a) and (d) of Section 2.12~~ of  
10 this Act, for both regular service and advanced service  
11 provisioned trunk lines;

12 (iii) in a municipality with a population, as of March  
13 1, 2010, of 500,000 or more, 5 surcharges per network  
14 connection, as defined under Section 2 ~~determined in~~  
15 ~~accordance with subsections (a) and (d) of Section 2.12~~ of  
16 this Act, for regular service provisioned trunk lines, and  
17 12 surcharges per network connection, as defined under  
18 Section 2 ~~determined in accordance with subsections (a) and~~  
19 ~~(d) of Section 2.12~~ of this Act, for advanced service  
20 provisioned trunk lines, except where an advanced service  
21 provisioned trunk line supports at least 2 but fewer than  
22 23 simultaneous voice grade calls ("VGC's"), a  
23 telecommunication carrier may elect to impose fewer than 12  
24 surcharges per trunk line as provided in subsection (iv) of  
25 this Section; or

26 (iv) for an advanced service provisioned trunk line

1 connected between the subscriber's premises and the public  
 2 switched network through a P.B.X., where the advanced  
 3 service provisioned trunk line is capable of transporting  
 4 at least 2 but fewer than 23 simultaneous VGC's per trunk  
 5 line, the telecommunications carrier collecting the  
 6 surcharge may elect to impose surcharges in accordance with  
 7 the table provided in this Section, without limiting any  
 8 telecommunications carrier's obligations to otherwise keep  
 9 and maintain records. Any telecommunications carrier  
 10 electing to impose fewer than 12 surcharges per an advanced  
 11 service provisioned trunk line shall keep and maintain  
 12 records adequately to demonstrate the VGC capability of  
 13 each advanced service provisioned trunk line with fewer  
 14 than 12 surcharges imposed, provided that 12 surcharges  
 15 shall be imposed on an advanced service provisioned trunk  
 16 line regardless of the VGC capability where a  
 17 telecommunications carrier cannot demonstrate the VGC  
 18 capability of the advanced service provisioned trunk line.

19	Facility	VGC's	911 Surcharges
20	Advanced service provisioned trunk line	18-23	12
21	Advanced service provisioned trunk line	12-17	10
22	Advanced service provisioned trunk line	2-11	8

23 Subsections (i), (ii), (iii), and (iv) are not intended to  
 24 make any change in the meaning of this Section, but are



1 intended to remove possible ambiguity, thereby confirming the  
2 intent of paragraph (a) as it existed prior to and following  
3 the effective date of this amendatory Act of the 97th General  
4 Assembly.

5 For mobile telecommunications services, if a surcharge is  
6 imposed it shall be imposed based upon the municipality or  
7 county that encompasses the customer's place of primary use as  
8 defined in the Mobile Telecommunications Sourcing Conformity  
9 Act. A municipality may enter into an intergovernmental  
10 agreement with any county in which it is partially located,  
11 when the county has adopted an ordinance to impose a surcharge  
12 as provided in subsection (c), to include that portion of the  
13 municipality lying outside the county in that county's  
14 surcharge referendum. If the county's surcharge referendum is  
15 approved, the portion of the municipality identified in the  
16 intergovernmental agreement shall automatically be  
17 disconnected from the county in which it lies and connected to  
18 the county which approved the referendum for purposes of a  
19 surcharge on telecommunications carriers.

20 (b) For purposes of computing the surcharge imposed by  
21 subsection (a), the network connections to which the surcharge  
22 shall apply shall be those in-service network connections,  
23 other than those network connections assigned to the  
24 municipality or county, where the service address for each such  
25 network connection or connections is located within the  
26 corporate limits of the municipality or county levying the

1 surcharge. Except for mobile telecommunication services, the  
 2 "service address" shall mean the location of the primary use of  
 3 the network connection or connections. For mobile  
 4 telecommunication services, "service address" means the  
 5 customer's place of primary use as defined in the Mobile  
 6 Telecommunications Sourcing Conformity Act.

7 (c) Upon the passage of an ordinance to impose a surcharge  
 8 under this Section the clerk of the municipality or county  
 9 shall certify the question of whether the surcharge may be  
 10 imposed to the proper election authority who shall submit the  
 11 public question to the electors of the municipality or county  
 12 in accordance with the general election law; provided that such  
 13 question shall not be submitted at a consolidated primary  
 14 election. The public question shall be in substantially the  
 15 following form:

16 -----  
 17 Shall the county (or city, village  
 18 or incorporated town) of ..... impose YES  
 19 a surcharge of up to ...¢ per month per  
 20 network connection, which surcharge will  
 21 be added to the monthly bill you receive -----  
 22 for telephone or telecommunications  
 23 charges, for the purpose of installing  
 24 (or improving) a 9-1-1 Emergency NO  
 25 Telephone System?  
 26 -----

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

3           However, if a Joint Emergency Telephone System Board is to  
4 be created pursuant to an intergovernmental agreement under  
5 Section 15.4, the ordinance to impose the surcharge shall be  
6 subject to the approval of a majority of the total number of  
7 votes cast upon the public question by the electors of all of  
8 the municipalities or counties, or combination thereof, that  
9 are parties to the intergovernmental agreement.

10           The referendum requirement of this subsection (c) shall not  
11 apply to any municipality with a population over 500,000 or to  
12 any county in which a proposition as to whether a sophisticated  
13 9-1-1 Emergency Telephone System should be installed in the  
14 county, at a cost not to exceed a specified monthly amount per  
15 network connection, has previously been approved by a majority  
16 of the electors of the county voting on the proposition at an  
17 election conducted before the effective date of this amendatory  
18 Act of 1987.

19           (d) A county may not impose a surcharge, unless requested  
20 by a municipality, in any incorporated area which has  
21 previously approved a surcharge as provided in subsection (c)  
22 or in any incorporated area where the corporate authorities of  
23 the municipality have previously entered into a binding  
24 contract or letter of intent with a telecommunications carrier  
25 to provide sophisticated 9-1-1 service through municipal  
26 funds.

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

5 (f) The surcharge authorized by this Section shall be  
6 collected from the subscriber by the telecommunications  
7 carrier providing the subscriber the network connection as a  
8 separately stated item on the subscriber's bill.

9 (g) The amount of surcharge collected by the  
10 telecommunications carrier shall be paid to the particular  
11 municipality or county or Joint Emergency Telephone System  
12 Board not later than 30 days after the surcharge is collected,  
13 net of any network or other 9-1-1 or sophisticated 9-1-1 system  
14 charges then due the particular telecommunications carrier, as  
15 shown on an itemized bill. The telecommunications carrier  
16 collecting the surcharge shall also be entitled to deduct 3% of  
17 the gross amount of surcharge collected to reimburse the  
18 telecommunications carrier for the expense of accounting and  
19 collecting the surcharge.

20 (h) Except as expressly provided in subsection (a) of this  
21 Section, on or after the effective date of this amendatory Act  
22 of the 98th General Assembly and until December 31, 2017, ~~July~~  
23 ~~1, 2017~~, a municipality with a population of 500,000 or more  
24 shall not impose a monthly surcharge per network connection in  
25 excess of the highest monthly surcharge imposed as of January  
26 1, 2014 by any county or municipality under subsection (c) of

1 this Section. Beginning January 1, 2018 and until December 31,  
2 2020, a municipality with a population over 500,000 may not  
3 impose a monthly surcharge in excess of \$5.00 per network  
4 connection. On or after January 1, 2021, ~~July 1, 2017,~~ a  
5 municipality with a population over 500,000 may not impose a  
6 monthly surcharge in excess of \$2.50 per network connection.

7 (i) Any municipality or county or joint emergency telephone  
8 system board that has imposed a surcharge pursuant to this  
9 Section prior to the effective date of this amendatory Act of  
10 1990 shall hereafter impose the surcharge in accordance with  
11 subsection (b) of this Section.

12 (j) The corporate authorities of any municipality or county  
13 may issue, in accordance with Illinois law, bonds, notes or  
14 other obligations secured in whole or in part by the proceeds  
15 of the surcharge described in this Section. The State of  
16 Illinois pledges and agrees that it will not limit or alter the  
17 rights and powers vested in municipalities and counties by this  
18 Section to impose the surcharge so as to impair the terms of or  
19 affect the security for bonds, notes or other obligations  
20 secured in whole or in part with the proceeds of the surcharge  
21 described in this Section. The pledge and agreement set forth  
22 in this Section survive the termination of the surcharge under  
23 subsection (l) by virtue of the replacement of the surcharge  
24 monies guaranteed under Section 20; the State of Illinois  
25 pledges and agrees that it will not limit or alter the rights  
26 vested in municipalities and counties to the surcharge

1 replacement funds guaranteed under Section 20 so as to impair  
2 the terms of or affect the security for bonds, notes or other  
3 obligations secured in whole or in part with the proceeds of  
4 the surcharge described in this Section.

5 (k) Any surcharge collected by or imposed on a  
6 telecommunications carrier pursuant to this Section shall be  
7 held to be a special fund in trust for the municipality, county  
8 or Joint Emergency Telephone Board imposing the surcharge.  
9 Except for the 3% deduction provided in subsection (g) above,  
10 the special fund shall not be subject to the claims of  
11 creditors of the telecommunication carrier.

12 (l) ~~On and after the effective date of this amendatory Act~~  
13 ~~of the 99th General Assembly, no county or municipality, other~~  
14 ~~than a municipality with a population over 500,000, may impose~~  
15 ~~a monthly surcharge under this Section in excess of the amount~~  
16 ~~imposed by it on the effective date of this Act.~~ Any surcharge  
17 imposed pursuant to this Section by a county or municipality,  
18 other than a municipality with a population in excess of  
19 500,000, shall cease to be imposed on January 1, 2016.

20 (Source: P.A. 98-634, eff. 6-6-14; 99-6, eff. 6-29-15.)

21 (50 ILCS 750/15.3a)

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

23 Sec. 15.3a. Local wireless surcharge.

24 (a) Notwithstanding any other provision of this Act, a unit  
25 of local government or emergency telephone system board

1 providing wireless 9-1-1 service and imposing and collecting a  
2 wireless carrier surcharge prior to July 1, 1998 may continue  
3 its practices of imposing and collecting its wireless carrier  
4 surcharge, but, except as provided in subsection (b) of this  
5 Section, in no event shall that monthly surcharge exceed \$2.50  
6 per commercial mobile radio service (CMRS) connection or  
7 in-service telephone number billed on a monthly basis. For  
8 mobile telecommunications services provided on and after  
9 August 1, 2002, any surcharge imposed shall be imposed based  
10 upon the municipality or county that encompasses the customer's  
11 place of primary use as defined in the Mobile  
12 Telecommunications Sourcing Conformity Act.

13 (b) Until December 31, 2017, ~~July 1, 2017,~~ the corporate  
14 authorities of a municipality with a population in excess of  
15 500,000 on the effective date of this amendatory Act of the  
16 99th General Assembly may by ordinance continue to impose and  
17 collect a monthly surcharge per commercial mobile radio service  
18 (CMRS) connection or in-service telephone number billed on a  
19 monthly basis that does not exceed the highest monthly  
20 surcharge imposed as of January 1, 2014 by any county or  
21 municipality under subsection (c) of Section 15.3 of this Act.  
22 Beginning January 1, 2018, and until December 31, 2020, a  
23 municipality with a population in excess of 500,000 may by  
24 ordinance continue to impose and collect a monthly surcharge  
25 per commercial mobile radio service (CMRS) connection or  
26 in-service telephone number billed on a monthly basis that does

1 not exceed \$5.00. On or after January 1, 2021, ~~July 1, 2017,~~  
2 the municipality may continue imposing and collecting its  
3 wireless carrier surcharge as provided in and subject to the  
4 limitations of subsection (a) of this Section.

5 (c) In addition to any other lawful purpose, a municipality  
6 with a population over 500,000 may use the moneys collected  
7 under this Section for any anti-terrorism or emergency  
8 preparedness measures, including, but not limited to,  
9 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 (Source: P.A. 99-6, eff. 1-1-16.)

15 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

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

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

18 (a) Except as provided in subsection (e) of this Section,  
19 the corporate authorities of any county or municipality may  
20 establish an Emergency Telephone System Board.

21 The corporate authorities shall provide for the manner of  
22 appointment and the number of members of the Board, provided  
23 that the board shall consist of not fewer than 5 members, one  
24 of whom must be a public member who is a resident of the local  
25 exchange service territory included in the 9-1-1 coverage area,



1 one of whom (in counties with a population less than 100,000)  
2 may be a member of the county board, and at least 3 of whom  
3 shall be representative of the 9-1-1 public safety agencies,  
4 including but not limited to police departments, fire  
5 departments, emergency medical services providers, and  
6 emergency services and disaster agencies, and appointed on the  
7 basis of their ability or experience. In counties with a  
8 population of more than 100,000 but less than 2,000,000, a  
9 member of the county board may serve on the Emergency Telephone  
10 System Board. Elected officials, including members of a county  
11 board, are also eligible to serve on the board. Members of the  
12 board shall serve without compensation but shall be reimbursed  
13 for their actual and necessary expenses. Any 2 or more  
14 municipalities, counties, or combination thereof, may, instead  
15 of establishing individual boards, establish by  
16 intergovernmental agreement a Joint Emergency Telephone System  
17 Board pursuant to this Section. The manner of appointment of  
18 such a joint board shall be prescribed in the agreement. On or  
19 after the effective date of this amendatory Act of the 100th  
20 General Assembly, any new intergovernmental agreement entered  
21 into to establish or join a Joint Emergency Telephone System  
22 Board shall provide for the appointment of a PSAP  
23 representative to the board.

24 Upon the effective date of this amendatory Act of the 98th  
25 General Assembly, appointed members of the Emergency Telephone  
26 System Board shall serve staggered 3-year terms if: (1) the

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

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

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

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

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

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

5           (4) Authorizing all disbursements from the fund.

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

8           (6) (Blank).

9           (c) All moneys received by a board pursuant to a surcharge  
10          imposed under Section 15.3, or disbursed to it under Section  
11          30, shall be deposited into a separate interest-bearing  
12          Emergency Telephone System Fund account. The treasurer of the  
13          municipality or county that has established the board or, in  
14          the case of a joint board, any municipal or county treasurer  
15          designated in the intergovernmental agreement, shall be  
16          custodian of the fund. All interest accruing on the fund shall  
17          remain in the fund. No expenditures may be made from such fund  
18          except upon the direction of the board by resolution passed by  
19          a majority of all members of the board.

20          (d) The board shall complete a Master Street Address Guide  
21          database before implementation of the 9-1-1 system. The error  
22          ratio of the database shall not at any time exceed 1% of the  
23          total database.

24          (e) On and after January 1, 2016, no municipality or county  
25          may create an Emergency Telephone System Board unless the board  
26          is a Joint Emergency Telephone System Board. The corporate

1 authorities of any county or municipality entering into an  
2 intergovernmental agreement to create or join a Joint Emergency  
3 Telephone System Board shall rescind an ~~the~~ ordinance or  
4 ordinances creating a single ~~the original~~ Emergency Telephone  
5 System Board and shall eliminate the single Emergency Telephone  
6 System Board, effective upon the creation of the Joint  
7 Emergency Telephone System Board, with regulatory approval by  
8 the Administrator, or joining of the Joint Emergency Telephone  
9 System Board. Nothing in this Section shall be construed to  
10 require the dissolution of an Emergency Telephone System Board  
11 that is not succeeded by a Joint Emergency Telephone System  
12 Board or is not required to consolidate under Section 15.4a of  
13 this Act.

14 (f) Within one year after the effective date of this  
15 amendatory Act of the 100th General Assembly, any corporate  
16 authorities of a county or municipality, other than a  
17 municipality with a population of more than 500,000, operating  
18 a 9-1-1 system without an Emergency Telephone System Board or  
19 Joint Emergency Telephone System Board shall create or join a  
20 Joint Emergency Telephone System Board.

21 (Source: P.A. 98-481, eff. 8-16-13; 99-6, eff. 1-1-16.)

22 (50 ILCS 750/15.4a)

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

24 Sec. 15.4a. Consolidation.

25 (a) By July 1, 2017, and except as otherwise provided in

1 this Section, Emergency Telephone System Boards, Joint  
2 Emergency Telephone System Boards, qualified governmental  
3 entities, and PSAPs shall be consolidated as follows, subject  
4 to subsections (b) and (c) of this Section:

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

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

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

1 resulting in one PSAP in the county.

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

9 (5) In any county with a population of less than  
10 250,000 that has more than one Emergency Telephone System  
11 Board, Joint Emergency Telephone System Board, or  
12 qualified governmental entity and more than 2 PSAPs, the  
13 9-1-1 Authorities shall be consolidated into a single joint  
14 board, and the number of PSAPs shall be reduced by at least  
15 50% or to 2 PSAPs, whichever is greater. Nothing in this  
16 paragraph shall preclude consolidation resulting in one  
17 PSAP in the county.

18 (6) Any 9-1-1 Authority that does not have a PSAP  
19 within its jurisdiction shall be consolidated through an  
20 intergovernmental agreement with an existing 9-1-1  
21 Authority that has a PSAP to create a Joint Emergency  
22 Telephone Board.

23 (7) The corporate authorities of each county that has  
24 no 9-1-1 service as of January 1, 2016 shall provide  
25 enhanced 9-1-1 wireline and wireless enhanced 9-1-1  
26 service for that county by either (i) entering into an

1 intergovernmental agreement with an existing Emergency  
2 Telephone System Board to create a new Joint Emergency  
3 Telephone System Board, or (ii) entering into an  
4 intergovernmental agreement with the corporate authorities  
5 that have created an existing Joint Emergency Telephone  
6 System Board.

7 (b) By July 1, 2016, each county required to consolidate  
8 pursuant to paragraph (7) of subsection (a) of this Section and  
9 each 9-1-1 Authority required to consolidate pursuant to  
10 paragraphs (1) through (6) of subsection (a) of this Section  
11 shall file a plan for consolidation or a request for a waiver  
12 pursuant to subsection (c) of this Section with the Office  
13 Division of the Statewide 9-1-1 Administrator.

14 (1) No county or 9-1-1 Authority may avoid the  
15 requirements of this Section by converting primary PSAPs to  
16 secondary or virtual answering points. Any county or 9-1-1  
17 Authority not in compliance with this Section shall be  
18 ineligible to receive consolidation grant funds issued  
19 under Section 15.4b of this Act or monthly disbursements  
20 otherwise due under Section 30 of this Act, until the  
21 county or 9-1-1 Authority is in compliance.

22 (2) Within 60 calendar days of receiving a  
23 consolidation plan, the Statewide 9-1-1 Advisory Board  
24 shall hold at least one public hearing on the plan and  
25 provide a recommendation to the Administrator. Notice of  
26 the hearing shall be provided to the respective entity to

1 which the plan applies.

2 (3) Within 90 calendar days of receiving a  
3 consolidation plan, the Administrator shall approve the  
4 plan, approve the plan as modified, or grant a waiver  
5 pursuant to subsection (c) of this Section. In making his  
6 or her decision, the Administrator shall consider any  
7 recommendation from the Statewide 9-1-1 Advisory Board  
8 regarding the plan. If the Administrator does not follow  
9 the recommendation of the Board, the Administrator shall  
10 provide a written explanation for the deviation in his or  
11 her decision.

12 (4) The deadlines provided in this subsection may be  
13 extended upon agreement between the Administrator and  
14 entity which submitted the plan.

15 (c) A waiver from a consolidation required under subsection  
16 (a) of this Section may be granted if the Administrator finds  
17 that the consolidation will result in a substantial threat to  
18 public safety, is economically unreasonable, or is technically  
19 infeasible.

20 (d) Any decision of the Administrator under this Section  
21 shall be deemed a final administrative decision and shall be  
22 subject to judicial review under the Administrative Review Law.  
23 (Source: P.A. 99-6, eff. 1-1-16.)

24 (50 ILCS 750/15.4b)

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



1           Sec. 15.4b. Consolidation grants.

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

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

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

18           (3) promoting cost savings from resource sharing among  
19 9-1-1 systems;

20           (4) facilitating interoperability and resiliency for  
21 the receipt of 9-1-1 calls;

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

24           (6) cost saving resulting from 9-1-1 system  
25 consolidation; and

26           (7) expanding E9-1-1 service coverage as a result of

1 9-1-1 system consolidation including to areas without  
2 E9-1-1 service.

3 Priority shall be given first to counties not providing  
4 9-1-1 service as of January 1, 2016, and next to other entities  
5 consolidating as required under Section 15.4a of this Act.

6 (b) The 9-1-1 System Consolidation Grant application, as  
7 defined by Department rules, shall be submitted electronically  
8 to the Administrator starting January 2, 2016, and every  
9 January 2 thereafter. The application shall include a modified  
10 9-1-1 system plan as required by this Act in support of the  
11 consolidation plan. The Administrator shall have until June 30,  
12 2016 and every June 30 thereafter to approve 9-1-1 System  
13 Consolidation grants and modified 9-1-1 system plans. Payment  
14 under the approved 9-1-1 System Consolidation grants shall be  
15 contingent upon the final approval of a modified 9-1-1 system  
16 plan.

17 (c) Existing and previously completed consolidation  
18 projects shall be eligible to apply for reimbursement of costs  
19 related to the consolidation incurred between 2010 and the  
20 State fiscal year of the application.

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

24 (Source: P.A. 99-6, eff. 1-1-16.)

25 (50 ILCS 750/15.6a)

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

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

3 (a) The digits "9-1-1" shall be the designated emergency  
4 telephone number within the wireless system.

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

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

1 system boards or qualified governmental entities may, by virtue  
2 of an intergovernmental agreement, provide wireless 9-1-1  
3 service. Until the jurisdiction comes into compliance with  
4 Section 15.4a of this Act, the ~~The~~ Department of State Police  
5 shall be the primary wireless 9-1-1 public safety answering  
6 point for any jurisdiction that did not provide notice to the  
7 Illinois Commerce Commission and the Department prior to  
8 January 1, 2016.

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

19 (Source: P.A. 99-6, eff. 1-1-16.)

20 (50 ILCS 750/17.5 new)

21 Sec. 17.5. 9-1-1 call transfer, forward, or relay.

22 (a) The General Assembly finds the following:

23 (1) Some 9-1-1 systems throughout this State do not  
24 have a procedure in place to manually transfer, forward, or  
25 relay 9-1-1 calls originating within one 9-1-1 system's

1 jurisdiction, but which should properly be answered and  
2 dispatched by another 9-1-1 system, to the appropriate  
3 9-1-1 system for answering and dispatch of first  
4 responders.

5 (2) On January 1, 2016, the General Assembly gave  
6 oversight authority of 9-1-1 systems to the Department of  
7 State Police.

8 (3) Since that date, the Department of State Police has  
9 authorized individual 9-1-1 systems in counties and  
10 municipalities to implement and upgrade enhanced 9-1-1  
11 systems throughout the State.

12 (b) The Department shall prepare a directory of all  
13 authorized 9-1-1 systems in the State. The directory shall  
14 include an emergency 24/7 10-digit telephone number for all  
15 primary public safety answering points located in each 9-1-1  
16 system to which 9-1-1 calls from another jurisdiction can be  
17 transferred. This directory shall be made available to each  
18 9-1-1 authority for its use in establishing standard operating  
19 procedures regarding calls outside its 9-1-1 jurisdiction.

20 (c) Each 9-1-1 system shall provide the Department with the  
21 following information:

22 (1) The name of the PSAP, a list of every participating  
23 agency, and the county the PSAP is in, including college  
24 and university public safety entities.

25 (2) The 24/7 10-digit emergency telephone number and  
26 email address for the dispatch agency to which 9-1-1 calls

1 originating in another 9-1-1 jurisdiction can be  
2 transferred or by which the PSAP can be contacted via email  
3 to exchange information. Each 9-1-1 system shall provide  
4 the Department with any changes to the participating  
5 agencies and this number and email address immediately upon  
6 the change occurring. Each 9-1-1 system shall provide the  
7 PSAP information, the 24/7 10-digit emergency telephone  
8 number and email address to the Manager of the Department's  
9 9-1-1 Program within 30 days of the effective date of this  
10 amendatory Act of the 100th General Assembly.

11 (3) The standard operating procedure describing the  
12 manner in which the 9-1-1 system will transfer, forward, or  
13 relay 9-1-1 calls originating within its jurisdiction, but  
14 which should properly be answered and dispatched by another  
15 9-1-1 system, to the appropriate 9-1-1 system. Each 9-1-1  
16 system shall provide the standard operating procedures to  
17 the Manager of the Department's 9-1-1 Program within 180  
18 days after the effective date of this amendatory Act of the  
19 100th General Assembly.

20 (50 ILCS 750/19)

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

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

23 (a) Beginning July 1, 2015, there is created the Statewide  
24 9-1-1 Advisory Board within the Department of State Police. The  
25 Board shall consist of the following 11 voting members:

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

3           (2) The Executive Director of the Commission, or his or  
4           her designee.

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

6                   (A) one member representing the Illinois chapter  
7                   of the National Emergency Number Association, or his or  
8                   her designee;

9                   (B) one member representing the Illinois chapter  
10                   of the Association of Public-Safety Communications  
11                   Officials, or his or her designee;

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

14                   (D) one member representing a county 9-1-1 system  
15                   from a county with a population between 50,000 and  
16                   250,000;

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

19                   (F) one member representing a municipality with a  
20                   population of less than 500,000 in a county with a  
21                   population in excess of 2,000,000;

22                   (G) one member representing the Illinois  
23                   Association of Chiefs of Police;

24                   (H) one member representing the Illinois Sheriffs'  
25                   Association; and

26                   (I) one member representing the Illinois Fire

1 Chiefs Association.

2 The Governor shall appoint the following non-voting  
3 members: (i) one member representing an incumbent local  
4 exchange 9-1-1 system provider; (ii) one member representing a  
5 non-incumbent local exchange 9-1-1 system provider; (iii) one  
6 member representing a large wireless carrier; (iv) one member  
7 representing an incumbent local exchange ~~a small wireless~~  
8 carrier; ~~and~~ (v) one member representing the Illinois  
9 Telecommunications Association; (vi) one member representing  
10 the Cable Television and Communication Association of  
11 Illinois; and (vii) one member representing the Illinois State  
12 Ambulance Association. The Speaker of the House of  
13 Representatives, the Minority Leader of the House of  
14 Representatives, the President of the Senate, and the Minority  
15 Leader of the Senate may each appoint a member of the General  
16 Assembly to temporarily serve as a non-voting member of the  
17 Board during the 12 months prior to the repeal date of this Act  
18 to discuss legislative initiatives of the Board.

19 (b) The Governor shall make initial appointments to the  
20 Statewide 9-1-1 Advisory Board by August 31, 2015. Six of the  
21 voting members appointed by the Governor shall serve an initial  
22 term of 2 years, and the remaining voting members appointed by  
23 the Governor shall serve an initial term of 3 years.  
24 Thereafter, each appointment by the Governor shall be for a  
25 term of 3 years. Non-voting members shall serve for a term of 3  
26 years. Vacancies shall be filled in the same manner as the



1 original appointment. Persons appointed to fill a vacancy shall  
2 serve for the balance of the unexpired term.

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

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

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

11 (1) advise the Department of State Police and the  
12 Statewide 9-1-1 Administrator on the oversight of 9-1-1  
13 systems and the development and implementation of a uniform  
14 statewide 9-1-1 system;

15 (2) make recommendations to the Governor and the  
16 General Assembly regarding improvements to 9-1-1 services  
17 throughout the State; and

18 (3) exercise all other powers and duties provided in  
19 this Act.

20 (e) The Statewide 9-1-1 Advisory Board shall submit to the  
21 General Assembly a report by March 1 of each year providing an  
22 update on the transition to a statewide 9-1-1 system and  
23 recommending any legislative action.

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

26 (Source: P.A. 99-6, eff. 6-29-15.)

1 (50 ILCS 750/20)

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

3 Sec. 20. Statewide surcharge.

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

9 (1) Each telecommunications carrier shall impose a  
10 monthly surcharge ~~of \$0.87~~ per network connection;  
11 provided, however, the monthly surcharge shall not apply to  
12 a network connection provided for use with pay telephone  
13 services. Where multiple voice grade communications  
14 channels are connected between the subscriber's premises  
15 and a public switched network through private branch  
16 exchange (PBX), ~~or~~ centrex type service, or other multiple  
17 voice grade communication channels facility, there shall  
18 be imposed 5 such surcharges per network connection for  
19 both regular service and advanced service provisioned  
20 trunk lines. Until December 31, 2017, the surcharge shall  
21 be \$0.87 per network connection and on and after January 1,  
22 2018, the surcharge shall be \$1.50 per network connection.

23 (2) Each wireless carrier shall impose and collect a  
24 monthly surcharge ~~of \$0.87~~ per CMRS connection that either  
25 has a telephone number within an area code assigned to

1 Illinois by the North American Numbering Plan  
2 Administrator or has a billing address in this State. Until  
3 December 31, 2017, the surcharge shall be \$0.87 per  
4 connection and on and after January 1, 2018, the surcharge  
5 shall be \$1.50 per connection.

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

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

10 (d) The telecommunications carrier collecting the  
11 surcharge may deduct and retain an amount not to exceed ~~shall~~  
12 ~~also be entitled to deduct~~ 3% of the gross amount of surcharge  
13 collected to reimburse the telecommunications carrier for the  
14 expense of accounting and collecting the surcharge. On and  
15 after July 1, 2022, the wireless carrier collecting a surcharge  
16 under this Section may deduct and retain an amount not to  
17 exceed ~~shall be entitled to deduct up to~~ 3% of the gross amount  
18 of the surcharge collected to reimburse the wireless carrier  
19 for the expense of accounting and collecting the surcharge.

20 (e) Surcharges imposed under this Section shall be  
21 collected by the carriers and, shall be remitted to the  
22 Department, within 30 days of collection, remitted, either by  
23 check or electronic funds transfer, by the end of the next  
24 calendar month after the calendar month in which it was  
25 collected ~~to the Department~~ for deposit into the Statewide  
26 9-1-1 Fund. Carriers are not required to remit surcharge moneys

1 that are billed to subscribers but not yet collected.

2 The first remittance by wireless carriers shall include the  
3 number of subscribers by zip code, and the 9-digit zip code if  
4 currently being used or later implemented by the carrier, that  
5 shall be the means by which the Department shall determine  
6 distributions from the Statewide 9-1-1 Fund. This information  
7 shall be updated at least once each year. Any carrier that  
8 fails to provide the zip code information required under this  
9 subsection (e) shall be subject to the penalty set forth in  
10 subsection (g) of this Section.

11 (f) If, within 8 calendar ~~5-business~~ days after it is due  
12 under subsection (e) of this Section, a carrier does not remit  
13 the surcharge or any portion thereof required under this  
14 Section, then the surcharge or portion thereof shall be deemed  
15 delinquent until paid in full, and the Department may impose a  
16 penalty against the carrier in an amount equal to the greater  
17 of:

18 (1) \$25 for each month or portion of a month from the  
19 time an amount becomes delinquent until the amount is paid  
20 in full; or

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

24 A penalty imposed in accordance with this subsection (f)  
25 for a portion of a month during which the carrier pays the  
26 delinquent amount in full shall be prorated for each day of

1 that month that the delinquent amount was paid in full. Any  
2 penalty imposed under this subsection (f) is in addition to the  
3 amount of the delinquency and is in addition to any other  
4 penalty imposed under this Section.

5 (g) If, within 8 calendar ~~5 business~~ days after it is due,  
6 a wireless carrier does not provide the number of subscribers  
7 by zip code as required under subsection (e) of this Section,  
8 then the report is deemed delinquent and the Department may  
9 impose a penalty against the carrier in an amount equal to the  
10 greater of:

11 (1) \$25 for each month or portion of a month that the  
12 report is delinquent; or

13 (2) an amount equal to the product of \$0.01 and the  
14 number of subscribers served by the carrier for each month  
15 or portion of a month that the delinquent report is not  
16 provided.

17 A penalty imposed in accordance with this subsection (g)  
18 for a portion of a month during which the carrier provides the  
19 number of subscribers by zip code as required under subsection  
20 (e) of this Section shall be prorated for each day of that  
21 month during which the carrier had not provided the number of  
22 subscribers by zip code as required under subsection (e) of  
23 this Section. Any penalty imposed under this subsection (g) is  
24 in addition to any other penalty imposed under this Section.

25 (h) A penalty imposed and collected in accordance with  
26 subsection (f) or (g) of this Section shall be deposited into

1 the Statewide 9-1-1 Fund for distribution according to Section  
2 30 of this Act.

3 (i) The Department may enforce the collection of any  
4 delinquent amount and any penalty due and unpaid under this  
5 Section by legal action or in any other manner by which the  
6 collection of debts due the State of Illinois may be enforced  
7 under the laws of this State. The Department may excuse the  
8 payment of any penalty imposed under this Section if the  
9 Administrator determines that the enforcement of this penalty  
10 is unjust.

11 (j) Notwithstanding any provision of law to the contrary,  
12 nothing shall impair the right of wireless carriers to recover  
13 compliance costs for all emergency communications services  
14 that are not reimbursed out of the Wireless Carrier  
15 Reimbursement Fund directly from their wireless subscribers by  
16 line-item charges on the wireless subscriber's bill. Those  
17 compliance costs include all costs incurred by wireless  
18 carriers in complying with local, State, and federal regulatory  
19 or legislative mandates that require the transmission and  
20 receipt of emergency communications to and from the general  
21 public, including, but not limited to, E9-1-1.

22 (Source: P.A. 99-6, eff. 1-1-16.)

23 (50 ILCS 750/30)

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

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

1 (a) A special fund in the State treasury known as the  
2 Wireless Service Emergency Fund shall be renamed the Statewide  
3 9-1-1 Fund. Any appropriations made from the Wireless Service  
4 Emergency Fund shall be payable from the Statewide 9-1-1 Fund.  
5 The Fund shall consist of the following:

6 (1) 9-1-1 wireless surcharges assessed under the  
7 Wireless Emergency Telephone Safety Act.

8 (2) 9-1-1 surcharges assessed under Section 20 of this  
9 Act.

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

12 (4) Any appropriations, grants, or gifts made to the  
13 Fund.

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

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

18 (b) Subject to appropriation and availability of funds, the  
19 Department shall distribute the 9-1-1 surcharges monthly as  
20 follows:

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

23 (A) \$0.013 shall be distributed monthly in equal  
24 amounts to each County Emergency Telephone System  
25 Board or qualified governmental entity in counties  
26 with a population under 100,000 according to the most

1 recent census data which is authorized to serve as a  
2 primary wireless 9-1-1 public safety answering point  
3 for the county and to provide wireless 9-1-1 service as  
4 prescribed by subsection (b) of Section 15.6a of this  
5 Act, and which does provide such service.

6 (B) \$0.033 shall be transferred by the Comptroller  
7 at the direction of the Department to the Wireless  
8 Carrier Reimbursement Fund until June 30, 2017; from  
9 July 1, 2017 through June 30, 2018, \$0.026 shall be  
10 transferred; from July 1, 2018 through June 30, 2019,  
11 \$0.020 shall be transferred; from July 1, 2019, through  
12 June 30, 2020, \$0.013 shall be transferred; from July  
13 1, 2020 through June 30, 2021, \$0.007 will be  
14 transferred; and after June 30, 2021, no transfer shall  
15 be made to the Wireless Carrier Reimbursement Fund.

16 (C) Until December 31, 2017, \$0.007 and on and  
17 after January 1, 2018, \$0.017 shall be used to cover  
18 the Department's administrative costs.

19 (D) Beginning January 1, 2018, until June 30, 2020,  
20 \$0.12, and on and after July 1, 2020, \$0.04 shall be  
21 used to make monthly proportional grants to the  
22 appropriate 9-1-1 Authority currently taking wireless  
23 9-1-1 based upon the United States Postal Zip Code of  
24 the billing addresses of subscribers wireless  
25 carriers.

26 (E) Until June 30, 2020, \$0.05 shall be used by the



1           Department for grants for NG9-1-1 expenses, with  
2           priority given to 9-1-1 Authorities that provide 9-1-1  
3           service within the territory of a Large Electing  
4           Provider as defined in Section 13-406.1 of the Public  
5           Utilities Act.

6           (F) On and after July 1, 2020, \$0.13 shall be used  
7           for the implementation of and continuing expenses for  
8           the Statewide NG9-1-1 system.

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

12           (A) The Fund shall ~~will~~ pay monthly to:

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

1           that the monthly amount paid under this item  
2           accurately reflects one-twelfth of the aggregate  
3           wireline and VoIP surcharge revenue properly  
4           attributable to the most recent 12-month period  
5           reported to the Commission; or

6           (ii) county qualified governmental entities  
7           that did not impose a surcharge under Section 15.3  
8           as of December 31, 2015, and counties that did not  
9           impose a surcharge as of June 30, 2015, an amount  
10          equivalent to their population multiplied by .37  
11          multiplied by the rate of \$0.69; counties that are  
12          not county qualified governmental entities and  
13          that did not impose a surcharge as of December 31,  
14          2015, shall not begin to receive the payment  
15          provided for in this subsection until E9-1-1 and  
16          wireless E9-1-1 services are provided within their  
17          counties; or

18          (iii) counties without 9-1-1 service that had  
19          a surcharge in place by December 31, 2015, an  
20          amount equivalent to their population multiplied  
21          by .37 multiplied by their surcharge rate as  
22          established by the referendum.

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

1 (C) All expenses incurred by the Administrator and  
2 the Statewide 9-1-1 Advisory Board and costs  
3 associated with procurement under Section 15.6b  
4 including requests for information and requests for  
5 proposals.

6 (D) Funds may be held in reserve by the Statewide  
7 9-1-1 Advisory Board and disbursed by the Department  
8 for grants under Section 15.4b of this Act ~~Sections~~  
9 ~~15.4a, 15.4b,~~ and for NG9-1-1 expenses up to \$12.5  
10 million per year in State fiscal years 2016 and 2017;  
11 up to \$20 ~~\$13.5~~ million in State fiscal year 2018; up  
12 to \$20.9 ~~\$14.4~~ million in State fiscal year 2019; up to  
13 \$15.3 million in State fiscal year 2020; up to \$16.2  
14 million in State fiscal year 2021; up to \$23.1 million  
15 in State fiscal year 2022; and up to \$17.0 million per  
16 year for State fiscal year 2023 and each year  
17 thereafter. The amount held in reserve in State fiscal  
18 years 2018 and 2019 shall not be less than \$6.5  
19 million. Disbursements under this subparagraph (D)  
20 shall be prioritized as follows: (i) consolidation  
21 grants prioritized under subsection (a) of Section  
22 15.4b of this Act; (ii) NG 9-1-1 expenses; and (iii)  
23 consolidation grants under Section 15.4b of this Act  
24 for consolidation expenses incurred between January 1,  
25 2010, and January 1, 2016.

26 (E) All remaining funds per remit month shall be

1           used to make monthly proportional grants to the  
2           appropriate 9-1-1 Authority currently taking wireless  
3           9-1-1 based upon the United States Postal Zip Code of  
4           the billing addresses of subscribers of wireless  
5           carriers.

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

9           (d) Whenever two or more 9-1-1 Authorities consolidate, the  
10          resulting Joint Emergency Telephone System Board shall be  
11          entitled to the monthly payments that had theretofore been made  
12          to each consolidating 9-1-1 Authority. Any reserves held by any  
13          consolidating 9-1-1 Authority shall be transferred to the  
14          resulting Joint Emergency Telephone System Board. Whenever a  
15          county that has no 9-1-1 service as of January 1, 2016 enters  
16          into an agreement to consolidate to create or join a Joint  
17          Emergency Telephone System Board, the Joint Emergency  
18          Telephone System Board shall be entitled to the monthly  
19          payments that would have otherwise been paid to the county if  
20          it had provided 9-1-1 service.

21          (Source: P.A. 99-6, eff. 1-1-16.)

22                 (50 ILCS 750/35)

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

24                 Sec. 35. 9-1-1 surcharge; allowable expenditures. Except  
25                 as otherwise provided in this Act, expenditures from surcharge

1 revenues received under this Act may be made by municipalities,  
2 counties, and 9-1-1 Authorities only to pay for the costs  
3 associated with the following:

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

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

7 (3) The repayment of any moneys advanced for the  
8 implementation of the system.

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

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

19 (6) The initial acquisition and installation, or the  
20 reimbursement of costs therefor to other governmental  
21 bodies that have incurred those costs, of road or street  
22 signs that are essential to the implementation of the  
23 Emergency Telephone System and that are not duplicative of  
24 signs that are the responsibility of the jurisdiction  
25 charged with maintaining road and street signs. Funds may  
26 not be used for ongoing expenses associated with road or

1 street sign maintenance and replacement.

2 (7) Other products and services necessary for the  
3 implementation, upgrade, and maintenance of the system and  
4 any other purpose related to the operation of the system,  
5 including costs attributable directly to the construction,  
6 leasing, or maintenance of any buildings or facilities or  
7 costs of personnel attributable directly to the operation  
8 of the system. Costs attributable directly to the operation  
9 of an emergency telephone system do not include the costs  
10 of public safety agency personnel who are and equipment  
11 that is dispatched in response to an emergency call.

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

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

17 (10) The design, implementation, operation,  
18 maintenance, or upgrade of wireless 9-1-1, ~~or~~ E9-1-1, or  
19 NG9-1-1 emergency services and public safety answering  
20 points.

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

25 In the case of a municipality with a population over  
26 500,000, moneys may also be used for any anti-terrorism or

1 emergency preparedness measures, including, but not limited  
2 to, preparedness planning, providing local matching funds for  
3 federal or State grants, personnel training, and specialized  
4 equipment, including surveillance cameras, as needed to deal  
5 with natural and terrorist-inspired emergency situations or  
6 events.

7 (Source: P.A. 99-6, eff. 1-1-16.)

8 (50 ILCS 750/40)

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

10 Sec. 40. Financial reports.

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

18 (b) By January 31, 2018, and every January 31 thereafter  
19 ~~October 1, 2016, and every October 1 thereafter~~, each emergency  
20 telephone system board, qualified governmental entity, or unit  
21 of local government receiving surcharge money pursuant to  
22 Section 15.3, 15.3a, or 30 shall report to the Department  
23 audited financial statements showing total revenue and  
24 expenditures for the period beginning with the end of the  
25 period covered by the last submitted report through the end of

1 the previous calendar year ~~previous fiscal year~~ in a form and  
2 manner as prescribed by the Department. Such financial  
3 information shall include:

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

7 (2) all expenditures made during the reporting period  
8 from distributions under this Act; ~~operating expenses,~~  
9 ~~capital expenditures, and cash balances;~~ and

10 (3) call data and statistics, when available, from the  
11 reporting period, as specified by the Department and  
12 collected in accordance with any reporting method  
13 established or required ~~such other financial information~~  
14 ~~that is relevant to the provision of 9 1 1 services as~~  
15 ~~determined by the Department;~~

16 (4) all costs associated with dispatching appropriate  
17 public safety agencies to respond to 9-1-1 calls received  
18 by the PSAP; and

19 (5) all funding sources and amounts of funding used for  
20 costs described in paragraph (4) of this subsection (b).

21 The emergency telephone system board, qualified  
22 governmental entity, or unit of local government is responsible  
23 for any costs associated with auditing such financial  
24 statements. The Department shall post the audited financial  
25 statements on the Department's website.

26 (c) Along with its audited financial statement, each



1 emergency telephone system board, qualified governmental  
2 entity, or unit of local government receiving a grant under  
3 Section 15.4b of this Act shall include a report of the amount  
4 of grant moneys received and how the grant moneys were used. In  
5 case of a conflict between this requirement and the Grant  
6 Accountability and Transparency Act, or with the rules of the  
7 Governor's Office of Management and Budget adopted thereunder,  
8 that Act and those rules shall control.

9 (d) If an emergency telephone system board or qualified  
10 governmental entity that receives funds from the Statewide  
11 9-1-1 Fund fails to file the 9-1-1 system financial reports as  
12 required under this Section, the Department shall suspend and  
13 withhold monthly disbursements otherwise due to the emergency  
14 telephone system board or qualified governmental entity under  
15 Section 30 of this Act until the report is filed.

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

22 Any emergency telephone system board or qualified  
23 governmental entity not in compliance with this Section shall  
24 be ineligible to receive any consolidation grant or  
25 infrastructure grant issued under this Act.

26 (e) The Department may adopt emergency rules necessary to

1 implement the provisions of this Section.

2 (f) Any findings or decisions of the Department under this  
3 Section shall be deemed a final administrative decision and  
4 shall be subject to judicial review under the Administrative  
5 Review Law.

6 (g) Beginning October 1, 2017, the Department shall provide  
7 a quarterly report to the Board of its expenditures from the  
8 Statewide 9-1-1 Fund for the prior fiscal quarter.

9 (Source: P.A. 99-6, eff. 1-1-16.)

10 (50 ILCS 750/55)

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

12 Sec. 55. Public disclosure. Because of the highly  
13 competitive nature of the ~~wireless~~ telephone industry, public  
14 disclosure of information about surcharge moneys paid by  
15 ~~wireless~~ carriers could have the effect of stifling competition  
16 to the detriment of the public and the delivery of ~~wireless~~  
17 9-1-1 services. Therefore, the Illinois Commerce Commission,  
18 the Department of State Police, governmental agencies, and  
19 individuals with access to that information shall take  
20 appropriate steps to prevent public disclosure of this  
21 information. Information and data supporting the amount and  
22 distribution of surcharge moneys collected and remitted by an  
23 individual ~~wireless~~ carrier shall be deemed exempt information  
24 for purposes of the Freedom of Information Act and shall not be  
25 publicly disclosed. The gross amount paid by all carriers shall

1 not be deemed exempt and may be publicly disclosed.

2 (Source: P.A. 99-6, eff. 1-1-16.)

3 (50 ILCS 750/99)

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

5 Sec. 99. Repealer. This Act is repealed on December 31,  
6 2020 ~~July 1, 2017~~.

7 (Source: P.A. 99-6, eff. 6-29-15.)

8 Section 20. The Prepaid Wireless 9-1-1 Surcharge Act is  
9 amended by changing Section 15 as follows:

10 (50 ILCS 753/15)

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

12 (a) Until September 30, 2015, there is hereby imposed on  
13 consumers a prepaid wireless 9-1-1 surcharge of 1.5% per retail  
14 transaction. Beginning October 1, 2015, the prepaid wireless  
15 9-1-1 surcharge shall be 3% per retail transaction. The  
16 surcharge authorized by this subsection (a) does not apply in a  
17 home rule municipality having a population in excess of  
18 500,000.

19 (a-5) On or after the effective date of this amendatory Act  
20 of the 98th General Assembly and until December 31, 2020, ~~July~~  
21 ~~1, 2017,~~ a home rule municipality having a population in excess  
22 of 500,000 on the effective date of this amendatory Act may  
23 impose a prepaid wireless 9-1-1 surcharge not to exceed 9% per

1 retail transaction sourced to that jurisdiction and collected  
2 and remitted in accordance with the provisions of subsection  
3 (b-5) of this Section. On or after January 1, 2021, ~~July 1,~~  
4 ~~2017~~, a home rule municipality having a population in excess of  
5 500,000 on the effective date of this Act may only impose a  
6 prepaid wireless 9-1-1 surcharge not to exceed 7% per retail  
7 transaction sourced to that jurisdiction and collected and  
8 remitted in accordance 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).

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

25 (f) When prepaid wireless telecommunications service is  
26 sold with one or more other products or services for a single,

1 non-itemized price, then the percentage specified in  
2 subsection (a) or (a-5) of this Section 15 shall be applied to  
3 the entire non-itemized price unless the seller elects to apply  
4 the percentage to (i) the dollar amount of the prepaid wireless  
5 telecommunications service if that dollar amount is disclosed  
6 to the consumer or (ii) the portion of the price that is  
7 attributable to the prepaid wireless telecommunications  
8 service if the retailer can identify that portion by reasonable  
9 and verifiable standards from its books and records that are  
10 kept in the regular course of business for other purposes,  
11 including, but not limited to, books and records that are kept  
12 for non-tax purposes. However, if a minimal amount of prepaid  
13 wireless telecommunications service is sold with a prepaid  
14 wireless device for a single, non-itemized price, then the  
15 seller may elect not to apply the percentage specified in  
16 subsection (a) or (a-5) of this Section 15 to such transaction.  
17 For purposes of this subsection, an amount of service  
18 denominated as 10 minutes or less or \$5 or less is considered  
19 minimal.

20 (g) The prepaid wireless 9-1-1 surcharge imposed under  
21 subsections (a) and (a-5) of this Section is not imposed on the  
22 provider or the consumer for wireless Lifeline service where  
23 the consumer does not pay the provider for the service. Where  
24 the consumer purchases from the provider optional minutes,  
25 texts, or other services in addition to the federally funded  
26 Lifeline benefit, a consumer must pay the prepaid wireless



1 9-1-1 surcharge, and it must be collected by the seller  
2 according to subsection (b-5).

3 (Source: P.A. 98-634, eff. 6-6-14; 99-6, eff. 6-29-15.)

4 Section 25. The Public Utilities Act is amended by changing  
5 Sections 13-102, 13-103, 13-230, 13-301.1, 13-406, 13-703,  
6 13-1200, 21-401, and 21-1601 and by adding Section 13-406.1 as  
7 follows:

8 (220 ILCS 5/13-102) (from Ch. 111 2/3, par. 13-102)

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

10 Sec. 13-102. Findings. With respect to telecommunications  
11 services, as herein defined, the General Assembly finds that:

12 (a) universally available and widely affordable  
13 telecommunications services are essential to the health,  
14 welfare and prosperity of all Illinois citizens;

15 (b) federal regulatory and judicial rulings in the 1980s  
16 caused a restructuring of the telecommunications industry and  
17 opened some aspects of the industry to competitive entry,  
18 thereby necessitating revision of State telecommunications  
19 regulatory policies and practices;

20 (c) revisions in telecommunications regulatory policies  
21 and practices in Illinois beginning in the mid-1980s brought  
22 the benefits of competition to consumers in many  
23 telecommunications markets, but not in local exchange  
24 telecommunications service markets;

1 (d) the federal Telecommunications Act of 1996 established  
2 the goal of opening all telecommunications service markets to  
3 competition and accords to the states the responsibility to  
4 establish and enforce policies necessary to attain that goal;

5 (e) it is in the immediate interest of the People of the  
6 State of Illinois for the State to exercise its rights within  
7 the new framework of federal telecommunications policy to  
8 ensure that the economic benefits of competition in all  
9 telecommunications service markets are realized as effectively  
10 as possible;

11 (f) the competitive offering of all telecommunications  
12 services will increase innovation and efficiency in the  
13 provision of telecommunications services and may lead to  
14 reduced prices for consumers, increased investment in  
15 communications infrastructure, the creation of new jobs, and  
16 the attraction of new businesses to Illinois; ~~and~~

17 (g) protection of the public interest requires changes in  
18 the regulation of telecommunications carriers and services to  
19 ensure, to the maximum feasible extent, the reasonable and  
20 timely development of effective competition in all  
21 telecommunications service markets; ~~and~~

22 (h) Illinois residents rely on today's modern wired and  
23 wireless Internet Protocol (IP) networks and services to  
24 improve their lives by connecting them to school and college  
25 degrees, work and job opportunities, family and friends,  
26 information, and entertainment, as well as emergency

1 responders and public safety officials; Illinois businesses  
2 rely on these modern IP networks and services to compete in a  
3 global marketplace by expanding their customer base, managing  
4 inventory and operations more efficiently, and offering  
5 customers specialized and personalized products and services;  
6 without question, Illinois residents and our State's economy  
7 rely profoundly on the modern wired and wireless IP networks  
8 and services in our State;

9 (i) the transition from 20th century traditional circuit  
10 switched and other legacy telephone services to modern 21st  
11 century next generation Internet Protocol (IP) services is  
12 taking place at an extraordinary pace as Illinois consumers are  
13 upgrading to home communications service using IP technology,  
14 including high speed Internet, Voice over Internet Protocol,  
15 and wireless service;

16 (j) this rapid transition to IP-based communications has  
17 dramatically transformed the way people communicate and has  
18 provided significant benefits to consumers in the form of  
19 innovative functionalities resulting from the seamless  
20 convergence of voice, video, and text, benefits realized by the  
21 General Assembly when it chose to transition its own  
22 telecommunications system to an all IP communications network  
23 in 2016;

24 (k) the benefits of the transition to IP-based networks and  
25 services were also recognized by the General Assembly in 2015  
26 through the enactment of legislation requiring that every 9-1-1

1 emergency system in Illinois provide Next Generation 9-1-1  
2 service by July 1, 2020, and requiring that the Next Generation  
3 9-1-1 network must be an IP-based platform; and

4 (1) completing the transition to all IP-based networks and  
5 technologies is in the public interest because it will promote  
6 continued innovation, consumer benefits, increased  
7 efficiencies, and increased investment in IP-based networks  
8 and services.

9 (Source: P.A. 90-185, eff. 7-23-97.)

10 (220 ILCS 5/13-103) (from Ch. 111 2/3, par. 13-103)

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

12 Sec. 13-103. Policy. Consistent with its findings, the  
13 General Assembly declares that it is the policy of the State of  
14 Illinois that:

15 (a) telecommunications services should be available to all  
16 Illinois citizens at just, reasonable, and affordable rates and  
17 that such services should be provided as widely and  
18 economically as possible in sufficient variety, quality,  
19 quantity and reliability to satisfy the public interest;

20 (b) consistent with the protection of consumers of  
21 telecommunications services and the furtherance of other  
22 public interest goals, competition in all telecommunications  
23 service markets should be pursued as a substitute for  
24 regulation in determining the variety, quality and price of  
25 telecommunications services and that the economic burdens of

1 regulation should be reduced to the extent possible consistent  
2 with the furtherance of market competition and protection of  
3 the public interest;

4 (c) all necessary and appropriate modifications to State  
5 regulation of telecommunications carriers and services should  
6 be implemented without unnecessary disruption to the  
7 telecommunications infrastructure system or to consumers of  
8 telecommunications services and that it is necessary and  
9 appropriate to establish rules to encourage and ensure orderly  
10 transitions in the development of markets for all  
11 telecommunications services;

12 (d) the consumers of telecommunications services and  
13 facilities provided by persons or companies subject to  
14 regulation pursuant to this Act and Article should be required  
15 to pay only reasonable and non-discriminatory rates or charges  
16 and that in no case should rates or charges for non-competitive  
17 telecommunications services include any portion of the cost of  
18 providing competitive telecommunications services, as defined  
19 in Section 13-209, or the cost of any nonregulated activities;

20 (e) the regulatory policies and procedures provided in this  
21 Article are established in recognition of the changing nature  
22 of the telecommunications industry and therefore should be  
23 subject to systematic legislative review to ensure that the  
24 public benefits intended to result from such policies and  
25 procedures are fully realized; ~~and~~

26 (f) development of and prudent investment in advanced

1 telecommunications services and networks that foster economic  
2 development of the State should be encouraged through the  
3 implementation and enforcement of policies that promote  
4 effective and sustained competition in all telecommunications  
5 service markets; ~~and-~~

6 (g) completion of the transition to modern IP-based  
7 networks should be encouraged through relief from the outdated  
8 regulations that require continued investment in legacy  
9 circuit switched networks from which Illinois consumers have  
10 largely transitioned, while at the same time ensuring that  
11 consumers have access to available alternative services that  
12 provide quality voice service and access to emergency  
13 communications.

14 (Source: P.A. 90-185, eff. 7-23-97.)

15 (220 ILCS 5/13-230)

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

17 Sec. 13-230. Prepaid calling service. "Prepaid calling  
18 service" means telecommunications service that must be paid for  
19 in advance by an end user, enables the end user to originate  
20 calls using an access number or authorization code, whether  
21 manually or electronically dialed, and is sold in predetermined  
22 units or dollars of which the number declines with use in a  
23 known amount. A prepaid calling service call is a call made by  
24 an end user using prepaid calling service. "Prepaid calling  
25 service" does not include a wireless telecommunications

1 service that allows a caller to dial 9-1-1 to access the 9-1-1  
2 system, which service must be paid for in advance, and is sold  
3 in predetermined units or dollars and the amount declines with  
4 use in a known amount ~~prepaid wireless telecommunications~~  
5 ~~service as defined in Section 10 of the Wireless Emergency~~  
6 ~~Telephone Safety Act.~~

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

8 (220 ILCS 5/13-301.1) (from Ch. 111 2/3, par. 13-301.1)

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

10 Sec. 13-301.1. Universal Telephone Service Assistance  
11 Program.

12 (a) The Commission shall by rule or regulation establish a  
13 Universal Telephone Service Assistance Program for low income  
14 residential customers. The program shall provide for a  
15 reduction of access line charges, a reduction of connection  
16 charges, or any other alternative assistance or program to  
17 increase accessibility to telephone service and broadband  
18 Internet access service that the Commission deems advisable  
19 subject to the availability of funds for the program as  
20 provided in subsections ~~subsection~~ (d) and (e). The Commission  
21 shall establish eligibility requirements for benefits under  
22 the program.

23 (b) The Commission shall adopt rules providing for enhanced  
24 enrollment for eligible consumers to receive lifeline service.  
25 Enhanced enrollment may include, but is not limited to, joint

1 marketing, joint application, or joint processing with the  
2 Low-Income Home Energy Assistance Program, the Medicaid  
3 Program, and the Food Stamp Program. The Department of Human  
4 Services, the Department of Healthcare and Family Services, and  
5 the Department of Commerce and Economic Opportunity, upon  
6 request of the Commission, shall assist in the adoption and  
7 implementation of those rules. The Commission and the  
8 Department of Human Services, the Department of Healthcare and  
9 Family Services, and the Department of Commerce and Economic  
10 Opportunity may enter into memoranda of understanding  
11 establishing the respective duties of the Commission and the  
12 Departments in relation to enhanced enrollment.

13 (c) In this Section:<sup>7</sup>

14 "Lifeline "~~lifeline~~ service" means a retail local  
15 service offering described by 47 CFR ~~C.F.R. Section~~  
16 54.401(a), as amended.

17 (d) The Commission shall require by rule or regulation that  
18 each telecommunications carrier providing local exchange  
19 telecommunications services notify its customers that if the  
20 customer wishes to participate in the funding of the Universal  
21 Telephone Service Assistance Program he may do so by electing  
22 to contribute, on a monthly basis, a fixed amount that will be  
23 included in the customer's monthly bill. The customer may cease  
24 contributing at any time upon providing notice to the  
25 telecommunications carrier providing local exchange  
26 telecommunications services. The notice shall state that any



1 contribution made will not reduce the customer's bill for  
2 telecommunications services. Failure to remit the amount of  
3 increased payment will reduce the contribution accordingly.  
4 The Commission shall specify the monthly fixed amount or  
5 amounts that customers wishing to contribute to the funding of  
6 the Universal Telephone Service Assistance Program may choose  
7 from in making their contributions. Every telecommunications  
8 carrier providing local exchange telecommunications services  
9 shall remit the amounts contributed in accordance with the  
10 terms of the Universal Telephone Service Assistance Program.

11 (e) Amounts collected and remitted under subsection (d)  
12 may, to the extent the Commission deems advisable, be used for  
13 funding a program to be administered by the entity designated  
14 by the Commission as administrator of the Universal Telephone  
15 Service Assistance Program for educating and assisting  
16 low-income residential customers with a transition to Internet  
17 protocol-based networks and services. This program may  
18 include, but need not be limited to, measures designed to  
19 notify and educate residential customers regarding the  
20 availability of alternative voice services with access to  
21 9-1-1, access to and use of broadband Internet access service,  
22 and pricing options.

23 (Source: P.A. 94-793, eff. 5-19-06; 95-331, eff. 8-21-07.);  
24 and

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

2 Sec. 13-406. Abandonment of service. No telecommunications  
3 carrier offering or providing noncompetitive  
4 telecommunications service pursuant to a valid Certificate of  
5 Service Authority or certificate of public convenience and  
6 necessity shall discontinue or abandon such service once  
7 initiated until and unless it shall demonstrate, and the  
8 Commission finds, after notice and hearing, that such  
9 discontinuance or abandonment will not deprive customers of any  
10 necessary or essential telecommunications service or access  
11 thereto and is not otherwise contrary to the public interest.  
12 No telecommunications carrier offering or providing  
13 competitive telecommunications service shall completely  
14 discontinue or abandon such service to an identifiable class or  
15 group of customers once initiated except upon 60 days notice to  
16 the Commission and affected customers. The Commission may, upon  
17 its own motion or upon complaint, investigate the proposed  
18 discontinuance or abandonment of a competitive  
19 telecommunications service and may, after notice and hearing,  
20 prohibit such proposed discontinuance or abandonment if the  
21 Commission finds that it would be contrary to the public  
22 interest. If the Commission does not provide notice of a  
23 hearing within 60 calendar days after the notification or holds  
24 a hearing and fails to find that the proposed discontinuation  
25 or abandonment would be contrary to the public interest, the  
26 provider may discontinue or abandon such service after

1 providing at least 30 days notice to affected customers. This  
2 Section does not apply to a Large Electing Provider proceeding  
3 under Section 13-406.1.

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

5 (220 ILCS 5/13-406.1 new)

6 Sec. 13-406.1. Large Electing Provider transition to  
7 IP-based networks and service.

8 (a) As used in this Section:

9 "Alternative voice service" means service that includes  
10 all of the applicable functionalities for voice telephony  
11 services described in 47 CFR 54.101(a).

12 "Existing customer" means a residential customer of the  
13 Large Electing Provider who is subscribing to a  
14 telecommunications service on the date the Large Electing  
15 Provider sends its notice under paragraph (1) of subsection (c)  
16 of this Section of its intent to cease offering and providing  
17 service. For purposes of this Section, a residential customer  
18 of the Large Electing Provider whose service has been  
19 temporarily suspended, but not finally terminated as of the  
20 date that the Large Electing Provider sends that notice, shall  
21 be deemed to be an "existing customer".

22 "Large Electing Provider" means an Electing Provider, as  
23 defined in Section 13-506.2 of this Act, that (i) reported in  
24 its annual competition report for the year 2016 filed with the  
25 Commission under Section 13-407 of this Act and 83 Ill. Adm.

1 Code 793 that it provided at least 700,000 access lines to end  
2 users; and (ii) is affiliated with a provider of commercial  
3 mobile radio service, as defined in 47 CFR 20.3, as of January  
4 1, 2017.

5 "New customer" means a residential customer who is not  
6 subscribing to a telecommunications service provided by the  
7 Large Electing Provider on the date the Large Electing Provider  
8 sends its notice under paragraph (1) of subsection (c) of this  
9 Section of its intent to cease offering and providing that  
10 service.

11 "Provider" includes every corporation, company,  
12 association, firm, partnership, and individual and their  
13 lessees, trustees, or receivers appointed by a court that sell  
14 or offer to sell an alternative voice service.

15 "Reliable access to 9-1-1" means access to 9-1-1 that  
16 complies with the applicable rules, regulations, and  
17 guidelines established by the Federal Communications  
18 Commission and the applicable provisions of the Emergency  
19 Telephone System Act and implementing rules.

20 "Willing provider" means a provider that voluntarily  
21 participates in the request for service process.

22 (b) Beginning June 30, 2017, a Large Electing Provider may,  
23 to the extent permitted by and consistent with federal law,  
24 including, as applicable, approval by the Federal  
25 Communications Commission of the discontinuance of the  
26 interstate-access component of a telecommunications service,

1 cease to offer and provide a telecommunications service to an  
2 identifiable class or group of customers, other than voice  
3 telecommunications service to residential customers or a  
4 telecommunications service to a class of customers under  
5 subsection (b-5) of this Section, upon 60 days notice to the  
6 Commission and affected customers.

7 (b-5) Notwithstanding any provision to the contrary in this  
8 Section 13-406.1, beginning December 31, 2021, a Large Electing  
9 Provider may, to the extent permitted by and consistent with  
10 federal law, including, if applicable, approval by the Federal  
11 Communications Commission of the discontinuance of the  
12 interstate-access component of a telecommunication service,  
13 cease to offer and provide a telecommunications service to one  
14 or more of the following classes or groups of customers upon 60  
15 days notice to the Commission and affected customers: (1)  
16 electric utilities, as defined in Section 16-102 of this Act;  
17 (2) public utilities, as defined in Section 3-105 of this Act,  
18 that offers natural gas or water services; (3) electric, gas,  
19 and water utilities that are excluded from the definition of  
20 public utility under paragraph (1) of subsection (b) of Section  
21 3-105 of this Act; (4) water companies as described in  
22 paragraph (2) of subsection (b) of Section 3-105 of this Act;  
23 (5) natural gas cooperatives as described in paragraph (4) of  
24 subsection (b) of Section 3-105 of this Act; (6) electric  
25 cooperatives as defined in Section 3-119 of this Act; (7)  
26 entities engaged in the commercial generation of electric power

1 and energy; (8) the functional divisions of public agencies, as  
2 defined in Section 2 of the Emergency Telephone System Act,  
3 that provide police or firefighting services; and (9) 9-1-1  
4 Authorities, as defined in Section 2 of the Emergency Telephone  
5 System Act; provided that the date shall be extended to  
6 December 21, 2022, for (i) an electric utility, as defined in  
7 Section 16-102 of this Act, that serves more than 3 million  
8 customers in the State; and (ii) an entity engaged in the  
9 commercial generation of electric power and energy that  
10 operates one or more nuclear power plants in the State.

11 (c) Beginning June 30, 2017, a Large Electing Provider may,  
12 to the extent permitted by and consistent with federal law,  
13 cease to offer and provide voice telecommunications service to  
14 an identifiable class or group of residential customers, which,  
15 for the purposes of this subsection (c), shall be referred to  
16 as "requested service", subject to compliance with the  
17 following requirements:

18 (1) No less than 255 days prior to providing notice to  
19 the Federal Communications Commission of its intent to  
20 discontinue the interstate-access component of the  
21 requested service, the Large Electing Provider shall:

22 (A) file a notice of the proposed cessation of the  
23 requested service with the Commission, which shall  
24 include a statement that the Large Electing Provider  
25 will comply with any service discontinuance rules and  
26 regulations of the Federal Communications Commission

1 pertaining to compatibility of alternative voice  
2 services with medical monitoring devices; and

3 (B) provide notice of the proposed cessation of the  
4 requested service to each of the Large Electing  
5 Provider's existing customers within the affected  
6 geographic area by first-class mail separate from  
7 customer bills. If the customer has elected to receive  
8 electronic billing, the notice shall be sent  
9 electronically and by first-class mail separate from  
10 customer bills. The notice provided under this  
11 subparagraph (B) shall describe the requested service,  
12 identify the earliest date on which the Large Electing  
13 Provider intends to cease offering or providing the  
14 telecommunications service, provide a telephone number  
15 by which the existing customer may contact a service  
16 representative of the Large Electing Provider, and  
17 provide a telephone number by which the existing  
18 customer may contact the Commission's Consumer  
19 Services Division. The notice shall also include the  
20 following statement:

21 "If you do not believe that an alternative  
22 voice service including reliable access to 9-1-1  
23 is available to you, from either [name of Large  
24 Electing Provider] or another provider of wired or  
25 wireless voice service where you live, you have the  
26 right to request the Illinois Commerce Commission

1           to investigate the availability of alternative  
2           voice service including reliable access to 9-1-1.  
3           To do so, you must submit such a request either in  
4           writing or by signing and returning a copy of this  
5           notice, no later than (insert date), 60 days after  
6           the date of the notice to the following address:  
7           Chief Clerk of the Illinois Commerce Commission  
8           527 East Capitol Avenue  
9           Springfield, Illinois 62706

10           You must include in your request a reference to  
11           the notice you received from [Large Electing  
12           Provider's name] and the date of notice.".

13           Thirty days following the date of notice, the Large  
14           Electing Provider shall provide each customer to which  
15           the notice was sent a follow-up notice containing the  
16           same information and reminding customers of the  
17           deadline for requesting the Commission to investigate  
18           alternative voice service with access to 9-1-1.

19           (2) After June 30, 2017, and only in a geographic area  
20           for which a Large Electing Provider has provided notice of  
21           proposed cessation of the requested service to existing  
22           customers under paragraph (1) of this subsection (c), an  
23           existing customer of that provider may, within 60 days  
24           after issuance of such notice, request the Commission to  
25           investigate the availability of alternative voice service  
26           including reliable access to 9-1-1 to that customer. For



1       the purposes of this paragraph (2), existing customers who  
2       make such a request are referred to as "requesting existing  
3       customers". The Large Electing Provider may cease to offer  
4       or provide the requested service to existing customers who  
5       do not make a request for investigation beginning 30 days  
6       after issuance of the notice required by paragraph (5) of  
7       this subsection (c).

8               (A) In response to all requests and investigations  
9       under this paragraph (2), the Commission shall conduct  
10       a single investigation to be commenced 75 days after  
11       the receipt of notice under paragraph (1) of this  
12       subsection (c), and completed within 135 days after  
13       commencement. The Commission shall, within 135 days  
14       after commencement of the investigation, make one of  
15       the findings described in subdivisions (i) and (ii) of  
16       this subparagraph (A) for each requesting existing  
17       customer.

18               (i) If, as a result of the investigation, the  
19       Commission finds that service from at least one  
20       provider offering alternative voice service  
21       including reliable access to 9-1-1 through any  
22       technology or medium is available to one or more  
23       requesting existing customers, the Commission  
24       shall declare by order that, with respect to each  
25       requesting existing customer for which such a  
26       finding is made, the Large Electing Provider may

1           cease to offer or provide the requested service  
2           beginning 30 days after the issuance of the notice  
3           required by paragraph (5) of this subsection (c).

4           (ii) If, as a result of the investigation, the  
5           Commission finds that service from at least one  
6           provider offering alternative voice service,  
7           including reliable access to 9-1-1, through any  
8           technology or medium is not available to one or  
9           more requesting existing customers, the Commission  
10          shall declare by order that an emergency exists  
11          with respect to each requesting existing customer  
12          for which such a finding is made.

13          (B) If the Commission declares an emergency under  
14          subdivision (ii) of subparagraph (A) of this paragraph  
15          (2) with respect to one or more requesting existing  
16          customers, the Commission shall conduct a request for  
17          service process to identify a willing provider of  
18          alternative voice service including reliable access to  
19          9-1-1. A provider shall not be required to participate  
20          in the request for service process. The willing  
21          provider may utilize any form of technology that is  
22          capable of providing alternative voice service  
23          including reliable access to 9-1-1, including, without  
24          limitation, Voice over Internet Protocol services and  
25          wireless services. The Commission shall, within 45  
26          days after the issuance of an order finding that an

1       emergency exists, make one of the determinations  
2       described in subdivisions (i) and (ii) of this  
3       subparagraph (B) for each requesting existing customer  
4       for which an emergency has been declared.

5               (i) If the Commission determines that another  
6               provider is willing and capable of providing  
7               alternative voice service including reliable  
8               access to 9-1-1 to one or more requesting existing  
9               customers for which an emergency has been  
10              declared, the Commission shall declare by order  
11              that, with respect to each requesting existing  
12              customer for which such a determination is made,  
13              the Large Electing Provider may cease to offer or  
14              provide the requested service beginning 30 days  
15              after the issuance of the notice required by  
16              paragraph (5) of this Section.

17              (ii) If the Commission determines that for one  
18              or more of the requesting existing customers for  
19              which an emergency has been declared there is no  
20              other provider willing and capable of providing  
21              alternative voice service including reliable  
22              access to 9-1-1, the Commission shall issue an  
23              order requiring the Large Electing Provider to  
24              provide alternative voice service including  
25              reliable access to 9-1-1 to each requesting  
26              existing customer utilizing any form of technology

1           capable of providing alternative voice service  
2           including reliable access to 9-1-1, including,  
3           without limitation, continuation of the requested  
4           service, Voice over Internet Protocol services,  
5           and wireless services, until another willing  
6           provider is available. A Large Electing Provider  
7           may fulfill the requirement through an affiliate  
8           or another provider. The Large Electing Provider  
9           may request that such an order be rescinded upon a  
10          showing that an alternative voice service  
11          including reliable access to 9-1-1 has become  
12          available to the requesting existing customer from  
13          another provider.

14           (3) If the Commission receives no requests for  
15          investigation from any existing customer under paragraph  
16          (2) of this subsection (c) within 60 days after issuance of  
17          the notice under paragraph (1) of this subsection (c), the  
18          Commission shall provide written notice to the Large  
19          Electing Provider of that fact no later than 75 days after  
20          receipt of notice under paragraph (1) of this subsection  
21          (c). Notwithstanding any provision of this subsection (c)  
22          to the contrary, if no existing customer requests an  
23          investigation under paragraph (2) of this subsection (c),  
24          the Large Electing Provider may immediately provide the  
25          notice to the Federal Communications Commission as  
26          described in paragraph (4) of this subsection (c).

1           (4) At the same time that it provides notice to the  
2           Federal Communications Commission of its intent to  
3           discontinue the interstate-access component of the  
4           requested service, the Large Electing Provider shall:

5                   (A) file a notice of proposal to cease to offer and  
6                   provide the requested service with the Commission; and

7                   (B) provide a notice of proposal to cease to offer  
8                   and provide the requested service to existing  
9                   customers and new customers receiving the service at  
10                  the time of the notice within each affected geographic  
11                  area, with the notice made by first-class mail or  
12                  within customer bills delivered by mail or equivalent  
13                  means of notice, including electronic means if the  
14                  customer has elected to receive electronic billing.  
15                  The notice provided under this subparagraph (B) shall  
16                  include a brief description of the requested service,  
17                  the date on which the Large Electing Provider intends  
18                  to cease offering or providing the telecommunications  
19                  service, and a statement as required by 47 CFR 63.71  
20                  that describes the process by which the customer may  
21                  submit comments to the Federal Communications  
22                  Commission.

23           (5) Upon approval by the Federal Communications  
24           Commission of its request to discontinue the  
25           interstate-access component of the requested service and  
26           subject to the requirements of any order issued by the

1       Commission under subdivision (ii) of subparagraph (B) of  
2       paragraph (2) of this subsection (c), the Large Electing  
3       Provider may immediately cease to offer the requested  
4       service to all customers not receiving the service on the  
5       date of the Federal Communications Commission's approval  
6       and may cease to offer and provide the requested service to  
7       all customers receiving the service at the time of the  
8       Federal Communications Commission's approval upon 30 days  
9       notice to the Commission and affected customers. Notice to  
10       affected customers under this paragraph (5) shall be  
11       provided by first-class mail separate from customer bills.  
12       The notice provided under this paragraph (5) shall describe  
13       the requested service, identify the date on which the Large  
14       Electing Provider intends to cease offering or providing  
15       the telecommunications service, and provide a telephone  
16       number by which the existing customer may contact a service  
17       representative of the Large Electing Provider.

18       (6) The notices provided for in paragraph (1) of this  
19       subsection (c) are not required as a prerequisite for the  
20       Large Electing Provider to cease to offer or provide a  
21       telecommunications service in a geographic area where  
22       there are no residential customers taking service from the  
23       Large Electing Provider on the date that the Large Electing  
24       Provider files notice to the Federal Communications  
25       Commission of its intent to discontinue the  
26       interstate-access component of the requested service in

1       that geographic area.

2       (7) For a period of 45 days following the date of a  
3       notice issued under paragraph (5) of this Section, an  
4       existing customer (i) who is located in the affected  
5       geographic area subject to that notice; (ii) who was  
6       receiving the requested service as of the date of the  
7       Federal Communications Commission's approval of the Large  
8       Electing Provider's request to discontinue the  
9       interstate-access component of the requested service;  
10       (iii) who did not make a timely request for investigation  
11       under paragraph (2) of this subsection (c); and (iv) whose  
12       service will be or has been discontinued under paragraph  
13       (5), may request assistance from the Large Electing  
14       Provider in identifying providers of alternative voice  
15       service including reliable access to 9-1-1. Within 15 days  
16       of the request, the Large Electing Provider shall provide  
17       the customer with a list of alternative voice service  
18       providers.

19       (8) Notwithstanding any other provision of this Act,  
20       except as expressly authorized by this subsection (c), the  
21       Commission may not, upon its own motion or upon complaint,  
22       investigate, suspend, disapprove, condition, or otherwise  
23       regulate the cessation of a telecommunications service to  
24       an identifiable class or group of customers once initiated  
25       by a Large Electing Provider under subsection (b) or (b-5)  
26       of this Section or this subsection (c).

1 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

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

3 Sec. 13-703. (a) The Commission shall design and implement  
4 a program whereby each telecommunications carrier providing  
5 local exchange service shall provide a telecommunications  
6 device capable of servicing the needs of those persons with a  
7 hearing or speech disability together with a single party line,  
8 at no charge additional to the basic exchange rate, to any  
9 subscriber who is certified as having a hearing or speech  
10 disability by a hearing care professional, as defined in the  
11 Hearing Instrument Consumer Protection Act, a speech-language  
12 pathologist, or a qualified State agency and to any subscriber  
13 which is an organization serving the needs of those persons  
14 with a hearing or speech disability as determined and specified  
15 by the Commission pursuant to subsection (d).

16 (b) The Commission shall design and implement a program,  
17 whereby each telecommunications carrier providing local  
18 exchange service shall provide a telecommunications relay  
19 system, using third party intervention to connect those persons  
20 having a hearing or speech disability with persons of normal  
21 hearing by way of intercommunications devices and the telephone  
22 system, making available reasonable access to all phases of  
23 public telephone service to persons who have a hearing or  
24 speech disability. In order to design a telecommunications  
25 relay system which will meet the requirements of those persons



1 with a hearing or speech disability available at a reasonable  
2 cost, the Commission shall initiate an investigation and  
3 conduct public hearings to determine the most cost-effective  
4 method of providing telecommunications relay service to those  
5 persons who have a hearing or speech disability when using  
6 telecommunications devices and therein solicit the advice,  
7 counsel, and physical assistance of Statewide nonprofit  
8 consumer organizations that serve persons with hearing or  
9 speech disabilities in such hearings and during the development  
10 and implementation of the system. The Commission shall phase in  
11 this program, on a geographical basis, as soon as is  
12 practicable, but no later than June 30, 1990.

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

1 competitively neutral amount to be charged or assessed to  
2 subscribers of telecommunications carriers and wireless  
3 carriers, Interconnected VoIP service providers, and  
4 purchasers of prepaid wireless telecommunications service on  
5 or prior to June 1 of each year, and such amount shall take  
6 effect June 1 of each year.

7 Telecommunications carriers, wireless carriers,  
8 Interconnected VoIP service providers, and sellers of prepaid  
9 wireless telecommunications service shall have 60 days from the  
10 date the Commission files its order to implement the new rate  
11 established by the order.

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

1 (e) As used in this Section:

2 "Prepaid wireless telecommunications service" has the  
3 meaning given to that term under Section 10 of the Prepaid  
4 Wireless 9-1-1 Surcharge Act.

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

7 "Seller" has the meaning given to that term under Section  
8 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

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

15 "Wireless carrier" has the meaning given to that term under  
16 Section 2 10 of the ~~Wireless~~ Emergency Telephone System ~~Safety~~  
17 Act.

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

1 percentage of that retail transaction on all retail  
2 transactions occurring in this State. The assessment on  
3 subscribers of wireless carriers and consumers of prepaid  
4 wireless telecommunications service shall not be imposed or  
5 collected prior to June 1, 2016.

6 Sellers of prepaid wireless telecommunications service  
7 shall remit the assessments to the Department of Revenue on the  
8 same form and in the same manner which they remit the fee  
9 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For  
10 the purposes of display on the consumers' receipts, the rates  
11 of the fee collected under the Prepaid Wireless 9-1-1 Surcharge  
12 Act and the assessment under this Section may be combined. In  
13 administration and enforcement of this Section, the provisions  
14 of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge  
15 Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of  
16 Section 15 and subsections (c) and (e) of Section 20 of the  
17 Prepaid Wireless 9-1-1 Surcharge Act and, from June 29, 2015  
18 (the effective date of Public Act 99-6), the seller shall be  
19 permitted to deduct and retain 3% of the assessments that are  
20 collected by the seller from consumers and that are remitted  
21 and timely filed with the Department) that are not inconsistent  
22 with this Section, shall apply, as far as practicable, to the  
23 subject matter of this Section to the same extent as if those  
24 provisions were included in this Section. The Department shall  
25 deposit all assessments and penalties collected under this  
26 Section into the Illinois Telecommunications Access

1 Corporation Fund, a special fund created in the State treasury.  
2 On or before the 25th day of each calendar month, the  
3 Department shall prepare and certify to the Comptroller the  
4 amount available to the Commission for distribution out of the  
5 Illinois Telecommunications Access Corporation Fund. The  
6 amount certified shall be the amount (not including credit  
7 memoranda) collected during the second preceding calendar  
8 month by the Department, plus an amount the Department  
9 determines is necessary to offset any amounts which were  
10 erroneously paid to a different taxing body or fund. The amount  
11 paid to the Illinois Telecommunications Access Corporation  
12 Fund shall not include any amount equal to the amount of  
13 refunds made during the second preceding calendar month by the  
14 Department to retailers under this Section or any amount that  
15 the Department determines is necessary to offset any amounts  
16 which were payable to a different taxing body or fund but were  
17 erroneously paid to the Illinois Telecommunications Access  
18 Corporation Fund. The Commission shall distribute all the funds  
19 to the Illinois Telecommunications Access Corporation and the  
20 funds may only be used in accordance with the provisions of  
21 this Section. The Department shall deduct 2% of all amounts  
22 deposited in the Illinois Telecommunications Access  
23 Corporation Fund during every year of remitted assessments. Of  
24 the 2% deducted by the Department, one-half shall be  
25 transferred into the Tax Compliance and Administration Fund to  
26 reimburse the Department for its direct costs of administering

1 the collection and remittance of the assessment. The remaining  
2 one-half shall be transferred into the Public Utility Fund to  
3 reimburse the Commission for its costs of distributing to the  
4 Illinois Telecommunications Access Corporation the amount  
5 certified by the Department for distribution. The amount to be  
6 charged or assessed under subsections (c) and (f) is not  
7 imposed on a provider or the consumer for wireless Lifeline  
8 service where the consumer does not pay the provider for the  
9 service. Where the consumer purchases from the provider  
10 optional minutes, texts, or other services in addition to the  
11 federally funded Lifeline benefit, a consumer must pay the  
12 charge or assessment, and it must be collected by the seller  
13 according to this subsection (f).

14 Interconnected VoIP services shall not be considered an  
15 intrastate telecommunications service for the purposes of this  
16 Section in a manner inconsistent with federal law or Federal  
17 Communications Commission regulation.

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

20 (h) The Commission may adopt rules necessary to implement  
21 this Section.

22 (Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15; 99-642,  
23 eff. 7-28-16; 99-847, eff. 8-19-16; 99-933, eff. 1-27-17;  
24 revised 2-15-17.)

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

2 Sec. 13-1200. Repealer. This Article is repealed December  
3 31, 2020 ~~July 1, 2017~~.

4 (Source: P.A. 98-45, eff. 6-28-13; 99-6, eff. 6-29-15.)

5 (220 ILCS 5/21-401)

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

7 Sec. 21-401. Applications.

8 (a) (1) A person or entity seeking to provide cable service  
9 or video service pursuant to this Article shall not use the  
10 public rights-of-way for the installation or construction of  
11 facilities for the provision of cable service or video service  
12 or offer cable service or video service until it has obtained a  
13 State-issued authorization to offer or provide cable or video  
14 service under this Section, except as provided for in item (2)  
15 of this subsection (a). All cable or video providers offering  
16 or providing service in this State shall have authorization  
17 pursuant to either (i) the Cable and Video Competition Law of  
18 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the  
19 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section  
20 5-1095 of the Counties Code (55 ILCS 5/5-1095).

21 (2) Nothing in this Section shall prohibit a local unit of  
22 government from granting a permit to a person or entity for the  
23 use of the public rights-of-way to install or construct  
24 facilities to provide cable service or video service, at its  
25 sole discretion. No unit of local government shall be liable

1 for denial or delay of a permit prior to the issuance of a  
2 State-issued authorization.

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

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

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

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

15 (4) An exact description of the cable service or video  
16 service area where the cable service or video service will  
17 be offered during the term of the State-issued  
18 authorization. The service area shall be identified in  
19 terms of either (i) exchanges, as that term is defined in  
20 Section 13-206 of this Act; (ii) a collection of United  
21 States Census Bureau Block numbers (13 digit); (iii) if the  
22 area is smaller than the areas identified in either (i) or  
23 (ii), by geographic information system digital boundaries  
24 meeting or exceeding national map accuracy standards; or  
25 (iv) local unit of government. The description shall  
26 include the number of low-income households within the



1 service area or footprint. If an applicant is an incumbent  
2 cable operator, the incumbent cable operator and any  
3 successor-in-interest shall be obligated to provide access  
4 to cable services or video services within any local units  
5 of government at the same levels required by the local  
6 franchising authorities for the local unit of government on  
7 June 30, 2007 (the effective date of Public Act 95-9), and  
8 its application shall provide a description of an area no  
9 smaller than the service areas contained in its franchise  
10 or franchises within the jurisdiction of the local unit of  
11 government in which it seeks to offer cable or video  
12 service.

13 (5) The location and telephone number of the  
14 applicant's principal place of business within this State  
15 and the names of the applicant's principal executive  
16 officers who are responsible for communications concerning  
17 the application and the services to be offered pursuant to  
18 the application, the applicant's legal name, and any name  
19 or names under which the applicant does or will provide  
20 cable services or video services in this State.

21 (6) A certification that the applicant has  
22 concurrently delivered a copy of the application to all  
23 local units of government that include all or any part of  
24 the service area identified in item (4) of this subsection  
25 (b) within such local unit of government's jurisdictional  
26 boundaries.

1           (7) The expected date that cable service or video  
2 service will be initially offered in the area identified in  
3 item (4) of this subsection (b). In the event that a holder  
4 does not offer cable services or video services within 3  
5 months after the expected date, it shall amend its  
6 application and update the expected date service will be  
7 offered and explain the delay in offering cable services or  
8 video services.

9           (8) For any entity that received State-issued  
10 authorization prior to this amendatory Act of the 98th  
11 General Assembly as a cable operator and that intends to  
12 proceed as a cable operator under this Article, the entity  
13 shall file a written affidavit with the Commission and  
14 shall serve a copy of the affidavit with any local units of  
15 government affected by the authorization within 30 days  
16 after the effective date of this amendatory Act of the 98th  
17 General Assembly stating that the holder will be providing  
18 cable service under the State-issued authorization.

19           The application shall include adequate assurance that the  
20 applicant possesses the financial, managerial, legal, and  
21 technical qualifications necessary to construct and operate  
22 the proposed system, to promptly repair any damage to the  
23 public right-of-way caused by the applicant, and to pay the  
24 cost of removal of its facilities. To accomplish these  
25 requirements, the applicant may, at the time the applicant  
26 seeks to use the public rights-of-way in that jurisdiction, be

1 required by the State of Illinois or later be required by the  
2 local unit of government, or both, to post a bond, produce a  
3 certificate of insurance, or otherwise demonstrate its  
4 financial responsibility.

5 The application shall include the applicant's general  
6 standards related to customer service required by Section  
7 22-501 of this Act, which shall include, but not be limited to,  
8 installation, disconnection, service and repair obligations;  
9 appointment hours; employee ID requirements; customer service  
10 telephone numbers and hours; procedures for billing, charges,  
11 deposits, refunds, and credits; procedures for termination of  
12 service; notice of deletion of programming service and changes  
13 related to transmission of programming or changes or increases  
14 in rates; use and availability of parental control or lock-out  
15 devices; complaint procedures and procedures for bill dispute  
16 resolution and a description of the rights and remedies  
17 available to consumers if the holder does not materially meet  
18 their customer service standards; and special services for  
19 customers with visual, hearing, or mobility disabilities.

20 (c)(1) The applicant may designate information that it  
21 submits in its application or subsequent reports as  
22 confidential or proprietary, provided that the applicant  
23 states the reasons the confidential designation is necessary.  
24 The Commission shall provide adequate protection for such  
25 information pursuant to Section 4-404 of this Act. If the  
26 Commission, a local unit of government, or any other party

1 seeks public disclosure of information designated as  
2 confidential, the Commission shall consider the confidential  
3 designation in a proceeding under the Illinois Administrative  
4 Procedure Act, and the burden of proof to demonstrate that the  
5 designated information is confidential shall be upon the  
6 applicant. Designated information shall remain confidential  
7 pending the Commission's determination of whether the  
8 information is entitled to confidential treatment. Information  
9 designated as confidential shall be provided to local units of  
10 government for purposes of assessing compliance with this  
11 Article as permitted under a Protective Order issued by the  
12 Commission pursuant to the Commission's rules and to the  
13 Attorney General pursuant to Section 6.5 of the Attorney  
14 General Act (15 ILCS 205/6.5). Information designated as  
15 confidential under this Section or determined to be  
16 confidential upon Commission review shall only be disclosed  
17 pursuant to a valid and enforceable subpoena or court order or  
18 as required by the Freedom of Information Act. Nothing herein  
19 shall delay the application approval timeframes set forth in  
20 this Article.

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

25 (d)(1) The Commission shall post all applications it  
26 receives under this Article on its web site within 5 business

1 days.

2 (2) The Commission shall notify an applicant for a cable  
3 service or video service authorization whether the applicant's  
4 application and affidavit are complete on or before the 15th  
5 business day after the applicant submits the application. If  
6 the application and affidavit are not complete, the Commission  
7 shall state in its notice all of the reasons the application or  
8 affidavit are incomplete, and the applicant shall resubmit a  
9 complete application. The Commission shall have 30 days after  
10 submission by the applicant of a complete application and  
11 affidavit to issue the service authorization. If the Commission  
12 does not notify the applicant regarding the completeness of the  
13 application and affidavit or issue the service authorization  
14 within the time periods required under this subsection, the  
15 application and affidavit shall be considered complete and the  
16 service authorization issued upon the expiration of the 30th  
17 day.

18 (e) Any authorization issued by the Commission will expire  
19 on December 31, 2023 ~~2020~~ and shall contain or include all of  
20 the following:

21 (1) A grant of authority, including an authorization  
22 issued prior to this amendatory Act of the 98th General  
23 Assembly, to provide cable service or video service in the  
24 service area footprint as requested in the application,  
25 subject to the provisions of this Article in existence on  
26 the date the grant of authority was issued, and any

1 modifications to this Article enacted at any time prior to  
2 the date in Section 21-1601 of this Act, and to the laws of  
3 the State and the ordinances, rules, and regulations of the  
4 local units of government.

5 (2) A grant of authority to use, occupy, and construct  
6 facilities in the public rights-of-way for the delivery of  
7 cable service or video service in the service area  
8 footprint, subject to the laws, ordinances, rules, or  
9 regulations of this State and local units of governments.

10 (3) A statement that the grant of authority is subject  
11 to lawful operation of the cable service or video service  
12 by the applicant, its affiliated entities, or its  
13 successors-in-interest.

14 (e-5) The Commission shall notify a local unit of  
15 government within 3 business days of the grant of any  
16 authorization within a service area footprint if that  
17 authorization includes any part of the local unit of  
18 government's jurisdictional boundaries and state whether the  
19 holder will be providing video service or cable service under  
20 the authorization.

21 (f) The authorization issued pursuant to this Section by  
22 the Commission may be transferred to any successor-in-interest  
23 to the applicant to which it is initially granted without  
24 further Commission action if the successor-in-interest (i)  
25 submits an application and the information required by  
26 subsection (b) of this Section for the successor-in-interest

1 and (ii) is not in violation of this Article or of any federal,  
2 State, or local law, ordinance, rule, or regulation. A  
3 successor-in-interest shall file its application and notice of  
4 transfer with the Commission and the relevant local units of  
5 government no less than 15 business days prior to the  
6 completion of the transfer. The Commission is not required or  
7 authorized to act upon the notice of transfer; however, the  
8 transfer is not effective until the Commission approves the  
9 successor-in-interest's application. A local unit of  
10 government or the Attorney General may seek to bar a transfer  
11 of ownership by filing suit in a court of competent  
12 jurisdiction predicated on the existence of a material and  
13 continuing breach of this Article by the holder, a pattern of  
14 noncompliance with customer service standards by the potential  
15 successor-in-interest, or the insolvency of the potential  
16 successor-in-interest. If a transfer is made when there are  
17 violations of this Article or of any federal, State, or local  
18 law, ordinance, rule, or regulation, the successor-in-interest  
19 shall be subject to 3 times the penalties provided for in this  
20 Article.

21 (g) The authorization issued pursuant to this Section by  
22 the Commission may be terminated, or its cable service or video  
23 service area footprint may be modified, by the cable service  
24 provider or video service provider by submitting notice to the  
25 Commission and to the relevant local unit of government  
26 containing a description of the change on the same terms as the

1 initial description pursuant to item (4) of subsection (b) of  
2 this Section. The Commission is not required or authorized to  
3 act upon that notice. It shall be a violation of this Article  
4 for a holder to discriminate against potential residential  
5 subscribers because of the race or income of the residents in  
6 the local area in which the group resides by terminating or  
7 modifying its cable service or video service area footprint. It  
8 shall be a violation of this Article for a holder to terminate  
9 or modify its cable service or video service area footprint if  
10 it leaves an area with no cable service or video service from  
11 any provider.

12 (h) The Commission's authority to administer this Article  
13 is limited to the powers and duties explicitly provided under  
14 this Article. Its authority under this Article does not include  
15 or limit the powers and duties that the Commission has under  
16 the other Articles of this Act, the Illinois Administrative  
17 Procedure Act, or any other law or regulation to conduct  
18 proceedings, other than as provided in subsection (c), or has  
19 to promulgate rules or regulations. The Commission shall not  
20 have the authority to limit or expand the obligations and  
21 requirements provided in this Section or to regulate or control  
22 a person or entity to the extent that person or entity is  
23 providing cable service or video service, except as provided in  
24 this Article.

25 (Source: P.A. 98-45, eff. 6-28-13; 98-756, eff. 7-16-14; 99-6,  
26 eff. 6-29-15.)



1 (220 ILCS 5/21-1601)

2 Sec. 21-1601. Repealer. Sections 21-101 through 21-1501 of  
3 this Article are repealed December 31, 2020 ~~July 1, 2017~~.

4 (Source: P.A. 98-45, eff. 6-28-13; 99-6, eff. 6-29-15.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law."