

1 AMENDMENT TO SENATE BILL 1098

2 AMENDMENT NO. _____. Amend Senate Bill 1098 on page 1, by
3 replacing line 5 as follows:

4 "is amended by changing Sections 10 and 17 and by adding
5 Section 70 as follows:"; and

6 on page 1, immediately below line 8, by inserting the
7 following:

8 "Active prepaid wireless telephone" means a prepaid
9 wireless telephone that has been used or activated by the
10 customer during the month to complete a telephone call for
11 which the customer's card or account was decremented."; and

12 on page 1, immediately below line 16, by inserting the
13 following:

14 "Mobile telephone number" or "MTN" shall mean the
15 telephone number assigned to a wireless telephone at the time
16 of initial activation.

17 "Prepaid wireless telephone service" means wireless
18 telephone service which is activated by payment in advance of
19 a finite dollar amount or for a finite set of minutes and
20 which, unless an additional finite dollar amount or finite
21 set of minutes is paid in advance, terminates either (i) upon
22 use by a customer and delivery by the wireless carrier of an
23 agreed-upon amount of service corresponding to the total

1 dollar amount paid in advance, or within a certain period of
2 time following initial purchase or activation."; and

3 on page 2, immediately below line 33, by inserting the
4 following:

5 "Wireless telephone service" includes prepaid wireless
6 telephone service and means all "commercial mobile service",
7 as that term is defined in 47 CFR 20.3, including all
8 personal communications services, wireless radio telephone
9 services, geographic area specialized and enhanced
10 specialized mobile radio services, and incumbent wide area
11 specialized mobile radio licensees that offer real time,
12 two-way service that is interconnected with the public
13 switched telephone network."; and

14 on page 2, immediately below line 34, by inserting the
15 following:

16 (50 ILCS 751/17)

17 Sec. 17. Wireless carrier surcharge.

18 (a) Except as provided in Section 45, each wireless
19 carrier shall impose a monthly wireless carrier surcharge per
20 CMRS connection that either has a telephone number within an
21 area code assigned to Illinois by the North American
22 Numbering Plan Administrator or has a billing address in this
23 State. In the case of prepaid wireless telephone service,
24 this surcharge shall be remitted based upon the address
25 associated with the point of purchase, the customer billing
26 address or the location associated with the MTN for all
27 active prepaid wireless telephones. No wireless carrier
28 shall impose the surcharge authorized by this Section upon
29 any subscriber who is subject to the surcharge imposed by a
30 unit of local government pursuant to Section 45. The wireless
31 carrier that provides wireless service to the subscriber
32 shall collect the surcharge set by the Wireless Enhanced

1 9-1-1 Board from the subscriber. For mobile
2 telecommunications services provided on and after August 1,
3 2002, any surcharge imposed under this Act shall be imposed
4 based upon the municipality or county that encompasses the
5 customer's place of primary use as defined in the Mobile
6 Telecommunications Sourcing Conformity Act. The surcharge
7 shall be stated as a separate item on the subscriber's
8 monthly bill. The wireless carrier shall begin collecting
9 the surcharge on bills issued within 90 days after the
10 Wireless Enhanced 9-1-1 Board sets the monthly wireless
11 surcharge. State and local taxes shall not apply to the
12 wireless carrier surcharge.

13 (b) Except as provided in Section 45, a wireless carrier
14 shall, within 45 days of collection, remit, either by check
15 or by electronic funds transfer, to the State Treasurer the
16 amount of the wireless carrier surcharge collected from each
17 subscriber. Of the amounts remitted under this subsection,
18 the State Treasurer shall deposit one-third into the Wireless
19 Carrier Reimbursement Fund and two-thirds into the Wireless
20 Service Emergency Fund.

21 (c) The first such remittance by wireless carriers shall
22 include the number of customers by zip code, and the 9-digit
23 zip code if currently being used or later implemented by the
24 carrier, that shall be the means by which the Department of
25 Central Management Services shall determine distributions
26 from the Wireless Service Emergency Fund. This information
27 shall be updated no less often than every year. Wireless
28 carriers are not required to remit surcharge moneys that are
29 billed to subscribers but not yet collected.

30 (Source: P.A. 91-660, eff. 12-22-99; 92-526, eff. 7-1-02.)

31 (50 ILCS 751/70)

32 (Section scheduled to be repealed on April 1, 2005)

33 Sec. 70. Repealer. This Act is repealed on April 1,

1 2008 2005.

2 (Source: P.A. 91-660, eff. 12-22-99.)".