



Sen. Don Harmon

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09700SB2063sam001

LRB097 09995 ASK 53075 a

1 AMENDMENT TO SENATE BILL 2063

2 AMENDMENT NO. _____. Amend Senate Bill 2063 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Prepaid Wireless 9-1-1 Surcharge Act.

6 Section 5. Purpose. The General Assembly finds and declares
7 that maintaining effective and efficient 9-1-1 systems across
8 the State benefits all citizens. The fees imposed upon the
9 consumers of telecommunication services that have the ability
10 to dial 9-1-1 are an important funding mechanism to assist the
11 State and units of local government with the deployment of
12 enhanced 9-1-1 services to the citizens of this State.

13 Prepaid wireless telecommunication services are an
14 important segment of the telecommunications industry and have
15 proven particularly attractive to low-income and low-volume
16 consumers. Unlike traditional telecommunication services,

1 prepaid wireless telecommunications services are not sold or
2 used pursuant to term contracts or subscriptions and monthly
3 bills are not sent to consumers by prepaid wireless
4 telecommunication service providers or retail vendors.

5 Prepaid wireless consumers have the same access to
6 emergency 9-1-1 services from their wireless devices as
7 wireless consumers on term contracts. Prepaid wireless
8 consumers benefit from the ability to access the 9-1-1 system
9 by dialing 9-1-1.

10 Consumers purchase prepaid wireless telecommunication
11 services at a wide variety of general retail locations and
12 other distribution channels. Such purchases are made on a
13 cash-and-carry or pay-as-you-go basis from retailers.

14 It is the intent of the General Assembly to:

15 (1) ensure equitable contributions to the funding of
16 9-1-1 systems from consumers of prepaid wireless
17 telecommunication services;

18 (2) collect 9-1-1 surcharges from purchasers of
19 prepaid wireless telecommunications service at the point
20 of sale;

21 (3) impose the collection and remittance obligation
22 for 9-1-1 surcharges on sellers of prepaid wireless
23 telecommunications service;

24 (4) impose a single statewide 9-1-1 surcharge on point
25 of sale transactions in order to minimize administrative
26 costs on retailers.

1 Section 10. Definitions. In this Act:

2 "Consumer" means a person who purchases prepaid wireless
3 telecommunications service in a retail transaction.

4 "Department" means the Department of Revenue.

5 "Prepaid wireless E911 surcharge" means the charge that is
6 required to be collected by a seller from a consumer in the
7 amount established under Section 15 of this Act.

8 "Prepaid wireless telecommunications service" means a
9 wireless telecommunications service that allows a caller to
10 dial 9-1-1 to access the 9-1-1 system, which service must be
11 paid for in advance and is sold in predetermined units or
12 dollars of which the amount declines with use in a known
13 amount.

14 "Provider" means a person that provides prepaid wireless
15 telecommunications service pursuant to a license issued by the
16 Federal Communications Commission.

17 "Retail transaction" means the purchase of prepaid
18 wireless telecommunications service from a seller for any
19 purpose other than resale.

20 "Seller" means a person who sells prepaid wireless
21 telecommunications service to another person.

22 "Wireless telecommunications service" means commercial
23 mobile radio service as defined by 47 C.F.R. 20.3.

24 Section 15. Prepaid wireless 9-1-1 surcharge.

1 (a) There is hereby imposed on consumers a prepaid wireless
2 9-1-1 surcharge of 1.5% per retail transaction. The surcharge
3 authorized by this subsection (a) does not apply in a home rule
4 municipality having a population in excess of 500,000. The
5 amount of the surcharge may be reduced or increased pursuant to
6 subsection (e).

7 (a-5) A home rule municipality having a population in
8 excess of 500,000 on of the effective date of this Act may only
9 impose a prepaid wireless 9-1-1 surcharge not to exceed 6% per
10 retail transaction sourced to that jurisdiction and collected
11 and remitted in accordance with the provisions of subsection
12 (b).

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

1 For purposes of this subsection (b), a retail transaction
2 occurs in this State if (i) the retail transaction is made in
3 person by a consumer at the seller's business location and the
4 business is located within the State; (ii) the seller is a
5 provider and sells prepaid wireless telecommunications service
6 to a consumer located in Illinois; (iii) the retail transaction
7 is treated as occurring in this State for purposes of the
8 Retailers' Occupation Tax Act; or (iv) a seller that is
9 included within the definition of a "retailer maintaining a
10 place of business in this State" under Section 2 of the Use Tax
11 Act makes a sale of prepaid wireless telecommunications service
12 to a consumer located in Illinois.

13 (c) The prepaid wireless 9-1-1 surcharge is imposed on the
14 consumer and not on any provider. The seller shall be liable to
15 remit all prepaid wireless 9-1-1 surcharges that the seller
16 collects from consumers as provided in Section 20, including
17 all such surcharges that the seller is deemed to collect where
18 the amount of the surcharge has not been separately stated on
19 an invoice, receipt, or other similar document provided to the
20 consumer by the seller. The surcharge collected or deemed
21 collected by a seller shall constitute a debt owed by the
22 seller to this State, and any such surcharge actually collected
23 shall be held in trust for the benefit of the Department.

24 For purposes of this subsection (c), the surcharge shall
25 not be imposed or collected from entities that are tax exempt
26 under the Retailers' Occupation Tax Act.

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

8 (e) The prepaid wireless 9-1-1 charge shall be
9 proportionately increased or reduced, as applicable, upon any
10 change to the surcharge imposed under Section 17 of the
11 Wireless Emergency Telephone Safety Act. The adjusted rate
12 shall be determined by dividing the amount of the surcharge
13 imposed under Section 17 of the Wireless Emergency Telephone
14 Safety Act by \$50. Such increase or reduction shall be
15 effective on the first day of the first calendar month to occur
16 at least 60 days after the enactment of the change to the
17 surcharge imposed under Section 17 of the Wireless Emergency
18 Telephone Safety Act. The Department shall provide not less
19 than 30 days' notice of an increase or reduction in the amount
20 of the surcharge on the Department's website.

21 (f) Bundled transactions. When prepaid wireless
22 telecommunications service is sold with one or more other
23 products or services for a single, non-itemized price, then the
24 percentage specified in subsection (a) or (a-5) of this Section
25 shall be applied to the entire non-itemized price unless the
26 seller elects to apply the percentage to (i) the dollar amount

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

16 Section 20. Administration of prepaid wireless 9-1-1
17 surcharge.

18 (a) In the administration and enforcement of this Act, the
19 provisions of Sections 2a, 2b, 2c, 3, 4, 5, 5a, 5b, 5c, 5d, 5e,
20 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, and 12 of the
21 Retailers' Occupation Tax Act that are not inconsistent with
22 this Act, and Section 3-7 of the Uniform Penalty and Interest
23 Act shall apply as far as practicable, to the subject matter of
24 this Act to the same extent as if those provisions were
25 included in this Act. References to "taxes" in these

1 incorporated Sections shall be construed to apply to the
2 administration, payment, and remittance of all surcharges
3 under this Act. The Department shall establish registration and
4 payment procedures that substantially coincide with the
5 registration and payment procedures that apply to the
6 Retailers' Occupation Tax Act.

7 (b) For the first 12 months after the effective date of
8 this Act, a seller shall be permitted to deduct and retain 5%
9 of prepaid wireless 9-1-1 surcharges that are collected by the
10 seller from consumers and that are remitted and timely filed
11 with the Department. After the first 12 months, a seller shall
12 be permitted to deduct and retain 3% of prepaid wireless 9-1-1
13 surcharges that are collected by the seller from consumers and
14 that are remitted and timely filed with the Department.

15 (c) The Department shall pay all remitted prepaid wireless
16 E911 charges over to the State Treasurer for deposit into the
17 Wireless Service Emergency Fund within 30 days after receipt.
18 The Illinois Commerce Commission shall distribute such funds in
19 the same proportion as they are distributed under the Wireless
20 Emergency Telephone Safety Act and such funds may only be used
21 in accordance with the provisions of the Wireless Emergency
22 Telephone Safety Act. The Department may deduct an amount, not
23 to exceed 3% during the first year following the effective date
24 of this Act and not to exceed 2% during every year thereafter
25 of remitted charges, to be retained by the Department to
26 reimburse its direct costs of administering the collection and

1 remittance of prepaid wireless 9-1-1 surcharges.

2 (d) The Department may adopt and enforce reasonable rules
3 relating to the administration and enforcement of the
4 provisions of this Act as may be deemed expedient. The
5 Department shall require all surcharges collected under this
6 Act to be reported on existing forms or combined forms,
7 including, but not limited to, Form ST-1.

8 Section 25. Liability of sellers and providers. The
9 provisions of Section 50 of the Wireless Emergency Telephone
10 Safety Act shall apply to sellers and providers of prepaid
11 wireless telecommunications service.

12 Section 27. Home rule. A home rule unit may not impose a
13 separate surcharge on wireless 9-1-1 service in addition to the
14 surcharge imposed on wireless 9-1-1 service under this Act.
15 This Section is a denial and limitation of home rule powers and
16 functions under subsection (h) of Section 6 of Article VII of
17 the Illinois Constitution.

18 Section 30. Exclusivity of prepaid wireless 9-1-1
19 surcharge. The prepaid wireless 9-1-1 surcharge imposed by this
20 Act shall be the only 9-1-1 funding obligation imposed with
21 respect to prepaid wireless telecommunications service in this
22 State. No tax, fee, surcharge, or other charge shall be imposed
23 by this State, any political subdivision of this State, or any

1 intergovernmental agency, for 9-1-1 funding purposes, upon any
2 provider, seller, or consumer with respect to the sale,
3 purchase, use, or provision of prepaid wireless
4 telecommunications service.

5 Section 95. The Wireless Emergency Telephone Safety Act is
6 amended by changing Sections 10, 17, and 70 and by adding
7 Section 80 as follows:

8 (50 ILCS 751/10)

9 (Section scheduled to be repealed on April 1, 2013)

10 Sec. 10. Definitions. In this Act:

11 ~~"Active prepaid wireless telephone" means a prepaid~~
12 ~~wireless telephone that has been used or activated by the~~
13 ~~customer during the month to complete a telephone call for~~
14 ~~which the customer's card or account was decremented.~~

15 "Emergency telephone system board" means a board appointed
16 by the corporate authorities of any county or municipality that
17 provides for the management and operation of a 9-1-1 system
18 within the scope of the duties and powers prescribed by the
19 Emergency Telephone System Act.

20 "Master street address guide" means the computerized
21 geographical database that consists of all street and address
22 data within a 9-1-1 system.

23 "Mobile telephone number" or "MTN" shall mean the telephone
24 number assigned to a wireless telephone at the time of initial

1 activation.

2 "Prepaid wireless telecommunications ~~telephone~~ service"
3 means wireless telecommunications ~~telephone~~ service that
4 allows a caller to dial 9-1-1 to access the 9-1-1 system, which
5 service must be paid for in advance and is sold in
6 predetermined units or dollars which the amount declines with
7 use in a known amount. ~~which is activated by payment in advance~~
8 ~~of a finite dollar amount or for a finite set of minutes and~~
9 ~~which, unless an additional finite dollar amount or finite set~~
10 ~~of minutes is paid in advance, terminates either (i) upon use~~
11 ~~by a customer and delivery by the wireless carrier of an~~
12 ~~agreed-upon amount of service corresponding to the total dollar~~
13 ~~amount paid in advance, or within a certain period of time~~
14 ~~following initial purchase or activation.~~

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

21 "Qualified governmental entity" means a unit of local
22 government authorized to provide 9-1-1 services pursuant to the
23 Emergency Telephone System Act where no emergency telephone
24 system board exists.

25 "Remit period" means the billing period, one month in
26 duration, for which a wireless carrier, ~~other than a prepaid~~

1 ~~wireless carrier that provides zip code information based upon~~
2 ~~the addresses associated with its customers' points of~~
3 ~~purchase, customers' billing addresses, or locations~~
4 ~~associated with MTNs, as described in subsection (a) of Section~~
5 ~~17,~~ remits a surcharge and provides subscriber information by
6 zip code to the Illinois Commerce Commission, in accordance
7 with Section 17 of this Act.

8 "Statewide wireless emergency 9-1-1 system" means all
9 areas of the State where an emergency telephone system board
10 or, in the absence of an emergency telephone system board, a
11 qualified governmental entity has not declared its intention
12 for one or more of its public safety answering points to serve
13 as a primary wireless 9-1-1 public safety answering point for
14 its jurisdiction. The operator of the statewide wireless
15 emergency 9-1-1 system shall be the Department of State Police.

16 ~~"Sufficient positive balance" means a dollar amount~~
17 ~~greater than or equal to the monthly wireless 9-1-1 surcharge~~
18 ~~amount.~~

19 "Wireless carrier" means a provider of two-way cellular,
20 broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial
21 Mobile Radio Service (CMRS), Wireless Communications Service
22 (WCS), or other Commercial Mobile Radio Service (CMRS), as
23 defined by the Federal Communications Commission, offering
24 radio communications that may provide fixed, mobile, radio
25 location, or satellite communication services to individuals
26 or businesses within its assigned spectrum block and

1 geographical area or that offers real-time, two-way voice
2 service that is interconnected with the public switched
3 network, including a reseller of such service.

4 "Wireless enhanced 9-1-1" means the ability to relay the
5 telephone number of the originator of a 9-1-1 call and location
6 information from any mobile handset or text telephone device
7 accessing the wireless system to the designated wireless public
8 safety answering point as set forth in the order of the Federal
9 Communications Commission, FCC Docket No. 94-102, adopted June
10 12, 1996, with an effective date of October 1, 1996, and any
11 subsequent amendment thereto.

12 "Wireless public safety answering point" means the
13 functional division of an emergency telephone system board,
14 qualified governmental entity, or the Department of State
15 Police accepting wireless 9-1-1 calls.

16 "Wireless subscriber" means an individual or entity to whom
17 a wireless service account or number has been assigned by a
18 wireless carrier, other than an account or number associated
19 with prepaid wireless telecommunication service.

20 ~~"Wireless telephone service" includes prepaid wireless~~
21 ~~telephone service and means all "commercial mobile service", as~~
22 ~~that term is defined in 47 CFR 20.3, including all personal~~
23 ~~communications services, wireless radio telephone services,~~
24 ~~geographic area specialized and enhanced specialized mobile~~
25 ~~radio services, and incumbent wide area specialized mobile~~
26 ~~radio licensees that offer real time, two way service that is~~

1 ~~interconnected with the public switched telephone network.~~

2 (Source: P.A. 95-63, eff. 8-13-07.)

3 (50 ILCS 751/17)

4 (Section scheduled to be repealed on April 1, 2013)

5 Sec. 17. Wireless carrier surcharge.

6 (a) Except as provided in Sections ~~Section~~ 45 and 80, each
7 wireless carrier shall impose a monthly wireless carrier
8 surcharge per CMRS connection that either has a telephone
9 number within an area code assigned to Illinois by the North
10 American Numbering Plan Administrator or has a billing address
11 in this State. ~~In the case of prepaid wireless telephone~~
12 ~~service, this surcharge shall be remitted based upon the~~
13 ~~address associated with the point of purchase, the customer~~
14 ~~billing address, or the location associated with the MTN for~~
15 ~~each active prepaid wireless telephone that has a sufficient~~
16 ~~positive balance as of the last day of each month, if that~~
17 ~~information is available.~~ No wireless carrier shall impose the
18 surcharge authorized by this Section upon any subscriber who is
19 subject to the surcharge imposed by a unit of local government
20 pursuant to Section 45. Prior to January 1, 2008 (the effective
21 date of Public Act 95-698), the surcharge amount shall be the
22 amount set by the Wireless Enhanced 9-1-1 Board. Beginning on
23 January 1, 2008 (the effective date of Public Act 95-698), the
24 monthly surcharge imposed under this Section shall be \$0.73 per
25 CMRS connection. The wireless carrier that provides wireless

1 service to the subscriber shall collect the surcharge from the
2 subscriber. For mobile telecommunications services provided on
3 and after August 1, 2002, any surcharge imposed under this Act
4 shall be imposed based upon the municipality or county that
5 encompasses the customer's place of primary use as defined in
6 the Mobile Telecommunications Sourcing Conformity Act. The
7 surcharge shall be stated as a separate item on the
8 subscriber's monthly bill. The wireless carrier shall begin
9 collecting the surcharge on bills issued within 90 days after
10 the 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 Sections ~~Section~~ 45 and 80, a
14 wireless carrier shall, within 45 days of collection, remit,
15 either by check or by electronic funds transfer, to the State
16 Treasurer the amount of the wireless carrier surcharge
17 collected from each subscriber. Of the amounts remitted under
18 this subsection prior to January 1, 2008 (the effective date of
19 Public Act 95-698), and for surcharges imposed before January
20 1, 2008 (the effective date of Public Act 95-698) but remitted
21 after January 1, 2008, the State Treasurer shall deposit
22 one-third into the Wireless Carrier Reimbursement Fund and
23 two-thirds into the Wireless Service Emergency Fund. For
24 surcharges collected and remitted on or after January 1, 2008
25 (the effective date of Public Act 95-698), \$0.1475 per
26 surcharge collected shall be deposited into the Wireless

1 Carrier Reimbursement Fund, and \$0.5825 per surcharge
2 collected shall be deposited into the Wireless Service
3 Emergency Fund. Of the amounts deposited into the Wireless
4 Carrier Reimbursement Fund under this subsection, \$0.01 per
5 surcharge collected may be distributed to the carriers to cover
6 their administrative costs. Of the amounts deposited into the
7 Wireless Service Emergency Fund under this subsection, \$0.01
8 per surcharge collected may be disbursed to the Illinois
9 Commerce Commission to cover its administrative costs.

10 (c) The first such remittance by wireless carriers shall
11 include the number of wireless subscribers ~~customers~~ by zip
12 code, and the 9-digit zip code if currently being used or later
13 implemented by the carrier, that shall be the means by which
14 the Illinois Commerce Commission shall determine distributions
15 from the Wireless Service Emergency Fund. This information
16 shall be updated no less often than every year. Wireless
17 carriers are not required to remit surcharge moneys that are
18 billed to subscribers but not yet collected. Any carrier that
19 fails to provide the zip code information required under this
20 subsection (c) ~~or any prepaid wireless carrier that fails to~~
21 ~~provide zip code information based upon the addresses~~
22 ~~associated with its customers' points of purchase, customers'~~
23 ~~billing addresses, or locations associated with MTNs, as~~
24 ~~described in subsection (a) of this Section,~~ shall be subject
25 to the penalty set forth in subsection (f) of this Section.

26 (d) Any funds collected under the Prepaid Wireless 9-1-1

1 Surcharge Act shall be distributed using a prorated method
2 based upon zip code information collected from post-paid
3 wireless carriers under subsection (c) of this Section. Within
4 90 days after August 13, 2007 (the effective date of Public Act
5 95-63), each wireless carrier must implement a mechanism for
6 the collection of the surcharge imposed under subsection (a) of
7 this Section from its subscribers. If a wireless carrier does
8 not implement a mechanism for the collection of the surcharge
9 from its subscribers in accordance with this subsection (d),
10 then the carrier is required to remit the surcharge for all
11 subscribers until the carrier is deemed to be in compliance
12 with this subsection (d) by the Illinois Commerce Commission.

13 (e) If before midnight on the last day of the third
14 calendar month after the closing date of the remit period a
15 wireless carrier does not remit the surcharge or any portion
16 thereof required under this Section, then the surcharge or
17 portion thereof shall be deemed delinquent until paid in full,
18 and the Illinois Commerce Commission may impose a penalty
19 against the carrier in an amount equal to the greater of:

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

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

26 A penalty imposed in accordance with this subsection (e)

1 for a portion of a month during which the carrier provides the
2 number of subscribers by zip code as required under subsection
3 (c) of this Section shall be prorated for each day of that
4 month during which the carrier had not provided the number of
5 subscribers by zip code as required under subsection (c) of
6 this Section. Any penalty imposed under this subsection (e) is
7 in addition to the amount of the delinquency and is in addition
8 to any other penalty imposed under this Section.

9 (f) If, before midnight on the last day of the third
10 calendar month after the closing date of the remit period, a
11 wireless carrier does not provide the number of subscribers by
12 zip code as required under subsection (c) of this Section, then
13 the report is deemed delinquent and the Illinois Commerce
14 Commission may impose a penalty against the carrier in an
15 amount equal to the greater of:

16 (1) \$25 for each month or portion of a month that the
17 report is delinquent; or

18 (2) an amount equal to the product of 1/2¢ and the
19 number of subscribers served by the wireless carrier.

20 A penalty imposed in accordance with this subsection (f)
21 for a portion of a month during which the carrier pays the
22 delinquent amount in full shall be prorated for each day of
23 that month that the delinquent amount was paid in full. Any
24 penalty imposed under this subsection (f) is in addition to any
25 other penalty imposed under this Section.

26 (g) The Illinois Commerce Commission may enforce the

1 collection of any delinquent amount and any penalty due and
2 unpaid under this Section by legal action or in any other
3 manner by which the collection of debts due the State of
4 Illinois may be enforced under the laws of this State. The
5 Executive Director of the Illinois Commerce Commission, or his
6 or her designee, may excuse the payment of any penalty imposed
7 under this Section if the Executive Director, or his or her
8 designee, determines that the enforcement of this penalty is
9 unjust.

10 (h) Notwithstanding any provision of law to the contrary,
11 nothing shall impair the right of wireless carriers to recover
12 compliance costs for all emergency communications services
13 that are not reimbursed out of the Wireless Carrier
14 Reimbursement Fund directly from their wireless subscribers
15 ~~customers~~ via line-item charges on the wireless subscriber's
16 ~~customer's~~ bill. Those compliance costs include all costs
17 incurred by wireless carriers in complying with local, State,
18 and federal regulatory or legislative mandates that require the
19 transmission and receipt of emergency communications to and
20 from the general public, including, but not limited to, E-911.

21 (i) The Auditor General shall conduct, on an annual basis,
22 an audit of the Wireless Service Emergency Fund and the
23 Wireless Carrier Reimbursement Fund for compliance with the
24 requirements of this Act. The audit shall include, but not be
25 limited to, the following determinations:

26 (1) Whether the Commission is maintaining detailed

1 records of all receipts and disbursements from the Wireless
2 Carrier Emergency Fund and the Wireless Carrier
3 Reimbursement Fund.

4 (2) Whether the Commission's administrative costs
5 charged to the funds are adequately documented and are
6 reasonable.

7 (3) Whether the Commission's procedures for making
8 grants and providing reimbursements in accordance with the
9 Act are adequate.

10 (4) The status of the implementation of wireless 9-1-1
11 and E9-1-1 services in Illinois.

12 The Commission, the Department of State Police, and any
13 other entity or person that may have information relevant to
14 the audit shall cooperate fully and promptly with the Office of
15 the Auditor General in conducting the audit. The Auditor
16 General shall commence the audit as soon as possible and
17 distribute the report upon completion in accordance with
18 Section 3-14 of the Illinois State Auditing Act.

19 (Source: P.A. 95-63, eff. 8-13-07; 95-698, eff. 1-1-08; 95-876,
20 eff. 8-21-08.)

21 (50 ILCS 751/70)

22 (Section scheduled to be repealed on April 1, 2013)

23 Sec. 70. Repealer. This Act is repealed on January 1, 2019
24 ~~April 1, 2013.~~

25 (Source: P.A. 95-63, eff. 8-13-07; 95-698, eff. 1-1-08.)

1 (50 ILCS 751/80 new)

2 Sec. 80. Prepaid wireless telecommunications service;
3 surcharge. The wireless carrier surcharge and any other
4 requirements imposed by Section 17 or authorized by Section 45
5 shall not apply to prepaid wireless telecommunications
6 service. The provisions of the Prepaid Wireless 9-1-1 Surcharge
7 Act shall apply to prepaid wireless telecommunications
8 service.

9 Section 97. The Public Utilities Act is amended by changing
10 Section 13-230 as follows:

11 (220 ILCS 5/13-230)

12 (Section scheduled to be repealed on July 1, 2013)

13 Sec. 13-230. Prepaid calling service. "Prepaid calling
14 service" means telecommunications service that must be paid for
15 in advance by an end user, enables the end user to originate
16 calls using an access number or authorization code, whether
17 manually or electronically dialed, and is sold in predetermined
18 units or dollars of which the number declines with use in a
19 known amount. A prepaid calling service call is a call made by
20 an end user using prepaid calling service. "Prepaid calling
21 service" does not include prepaid wireless telecommunications
22 ~~telephone~~ service as defined in Section 10 of the Wireless
23 Emergency Telephone Safety Act.

1 (Source: P.A. 93-1002, eff. 1-1-05.)

2 Section 99. Effective date. This Act takes effect January
3 1, 2012."