

1 AN ACT concerning regulation.

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

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

6 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

7 (Section scheduled to be repealed on July 1, 2017)

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

22 (b) The Commission shall design and implement a program,  
23 whereby each telecommunications carrier providing local

1 exchange service shall provide a telecommunications relay  
2 system, using third party intervention to connect those persons  
3 having a hearing or speech disability with persons of normal  
4 hearing by way of intercommunications devices and the telephone  
5 system, making available reasonable access to all phases of  
6 public telephone service to persons who have a hearing or  
7 speech disability. In order to design a telecommunications  
8 relay system which will meet the requirements of those persons  
9 with a hearing or speech disability available at a reasonable  
10 cost, the Commission shall initiate an investigation and  
11 conduct public hearings to determine the most cost-effective  
12 method of providing telecommunications relay service to those  
13 persons who have a hearing or speech disability when using  
14 telecommunications devices and therein solicit the advice,  
15 counsel, and physical assistance of Statewide nonprofit  
16 consumer organizations that serve persons with hearing or  
17 speech disabilities in such hearings and during the development  
18 and implementation of the system. The Commission shall phase in  
19 this program, on a geographical basis, as soon as is  
20 practicable, but no later than June 30, 1990.

21 (c) The Commission shall establish a competitively neutral  
22 rate recovery mechanism that establishes charges in an amount  
23 to be determined by the Commission for each line of a  
24 subscriber to allow telecommunications carriers providing  
25 local exchange service to recover costs as they are incurred  
26 under this Section. Beginning no later than April 1, 2016, and

1 on a yearly basis thereafter, the Commission shall initiate a  
2 proceeding to establish the competitively neutral amount to be  
3 charged or assessed to subscribers of telecommunications  
4 carriers and wireless carriers, Interconnected VoIP service  
5 providers, and consumers of prepaid wireless  
6 telecommunications service in a manner consistent with this  
7 subsection (c) and subsection (f) of this Section. The  
8 Commission shall issue its order establishing the  
9 competitively neutral amount to be charged or assessed to  
10 subscribers of telecommunications carriers and wireless  
11 carriers, Interconnected VoIP service providers, and  
12 purchasers of prepaid wireless telecommunications service on  
13 or prior to June 1 of each year, and such amount shall take  
14 effect June 1 of each year.

15 Telecommunications carriers, wireless carriers,  
16 Interconnected VoIP service providers, and sellers of prepaid  
17 wireless telecommunications service shall have 60 days from the  
18 date the Commission files its order to implement the new rate  
19 established by the order.

20 (d) The Commission shall determine and specify those  
21 organizations serving the needs of those persons having a  
22 hearing or speech disability that shall receive a  
23 telecommunications device and in which offices the equipment  
24 shall be installed in the case of an organization having more  
25 than one office. For the purposes of this Section,  
26 "organizations serving the needs of those persons with hearing

1 or speech disabilities" means centers for independent living as  
2 described in Section 12a of the Rehabilitation of Persons with  
3 Disabilities Act and not-for-profit organizations whose  
4 primary purpose is serving the needs of those persons with  
5 hearing or speech disabilities. The Commission shall direct the  
6 telecommunications carriers subject to its jurisdiction and  
7 this Section to comply with its determinations and  
8 specifications in this regard.

9 (e) As used in this Section:

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

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

15 "Seller" has the meaning given to that term under Section  
16 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

17 "Telecommunications carrier providing local exchange  
18 service" includes, without otherwise limiting the meaning of  
19 the term, telecommunications carriers which are purely mutual  
20 concerns, having no rates or charges for services, but paying  
21 the operating expenses by assessment upon the members of such a  
22 company and no other person.

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

25 (f) Interconnected VoIP service providers, sellers of  
26 prepaid wireless telecommunications service, and wireless

1 carriers in Illinois shall collect and remit assessments  
2 determined in accordance with this Section in a competitively  
3 neutral manner in the same manner as a telecommunications  
4 carrier providing local exchange service. However, the  
5 assessment imposed on consumers of prepaid wireless  
6 telecommunications service shall be collected by the seller  
7 from the consumer and imposed per retail transaction as a  
8 percentage of that retail transaction on all retail  
9 transactions occurring in this State. The assessment on  
10 subscribers of wireless carriers and consumers of prepaid  
11 wireless telecommunications service shall not be imposed or  
12 collected prior to June 1, 2016.

13 Sellers of prepaid wireless telecommunications service  
14 shall remit the assessments to the Department of Revenue on the  
15 same form and in the same manner which they remit the fee  
16 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For  
17 the purposes of display on the consumers' receipts, the rates  
18 of the fee collected under the Prepaid Wireless 9-1-1 Surcharge  
19 Act and the assessment under this Section may be combined. In  
20 administration and enforcement of this Section, the provisions  
21 of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge  
22 Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of  
23 Section 15 and subsections (c) and (e) of Section 20 of the  
24 Prepaid Wireless 9-1-1 Surcharge Act and, from June 29, 2015  
25 (the effective date of Public Act 99-6) ~~this amendatory Act of~~  
26 ~~the 99th General Assembly~~, the seller shall be permitted to

1 deduct and retain 3% of the assessments that are collected by  
2 the seller from consumers and that are remitted and timely  
3 filed with the Department) that are not inconsistent with this  
4 Section, shall apply, as far as practicable, to the subject  
5 matter of this Section to the same extent as if those  
6 provisions were included in this Section. The Department shall  
7 deposit all assessments and penalties collected under this  
8 Section into the Illinois Telecommunications Access  
9 Corporation Fund, a special fund created in the State treasury.  
10 On or before the 25th day of each calendar month, the  
11 Department shall prepare and certify to the Comptroller the  
12 amount available to the Commission for distribution out of the  
13 Illinois Telecommunications Access Corporation Fund. The  
14 amount certified shall be the amount (not including credit  
15 memoranda) collected during the second preceding calendar  
16 month by the Department, plus an amount the Department  
17 determines is necessary to offset any amounts which were  
18 erroneously paid to a different taxing body or fund. The amount  
19 paid to the Illinois Telecommunications Access Corporation  
20 Fund shall not include any amount equal to the amount of  
21 refunds made during the second preceding calendar month by the  
22 Department to retailers under this Section or any amount that  
23 the Department determines is necessary to offset any amounts  
24 which were payable to a different taxing body or fund but were  
25 erroneously paid to the Illinois Telecommunications Access  
26 Corporation Fund. The Commission shall distribute all the funds

1 to the Illinois Telecommunications Access Corporation and the  
2 funds may only be used in accordance with the provisions of  
3 this Section. The Department shall deduct 2% of all amounts  
4 deposited in the Illinois Telecommunications Access  
5 Corporation Fund during every year of remitted assessments. Of  
6 the 2% deducted by the Department, one-half shall be  
7 transferred into the Tax Compliance and Administration Fund to  
8 reimburse the Department for its direct costs of administering  
9 the collection and remittance of the assessment. The remaining  
10 one-half shall be transferred into the Public Utilities Fund to  
11 reimburse the Commission for its costs of distributing to the  
12 Illinois Telecommunications Access Corporation the amount  
13 certified by the Department for distribution. The amount to be  
14 charged or assessed under subsections (c) and (f) is not  
15 imposed on a provider or the consumer for wireless Lifeline  
16 service where the consumer does not pay the provider for the  
17 service. Where the consumer purchases from the provider  
18 optional minutes, texts, or other services in addition to the  
19 federally funded Lifeline benefit, a consumer must pay the  
20 charge or assessment, and it must be collected by the seller  
21 according to subsection (f).

22 Interconnected VoIP services shall not be considered an  
23 intrastate telecommunications service for the purposes of this  
24 Section in a manner inconsistent with federal law or Federal  
25 Communications Commission regulation.

26 (g) The provisions of this Section are severable under

1 Section 1.31 of the Statute on Statutes.

2 (h) The Commission may adopt rules necessary to implement  
3 this Section.

4 (Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15; revised  
5 10-21-15.)

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

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

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

10 Sec. 8. Applicant qualifications; examination.

11 (a) In order to protect persons who are deaf or hard of  
12 hearing, the Department shall authorize or shall conduct an  
13 appropriate examination, which may be the International  
14 Hearing Society's licensure examination, for persons who  
15 dispense, test, select, recommend, fit, or service hearing  
16 instruments. The frequency of holding these examinations shall  
17 be determined by the Department by rule. Those who successfully  
18 pass such an examination shall be issued a license as a hearing  
19 instrument dispenser, which shall be effective for a 2-year  
20 period.

21 (b) Applicants shall be:

22 (1) at least 18 years of age;

23 (2) of good moral character;

24 (3) the holder of an associate's degree or the

1 equivalent;

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

3 (5) a citizen or person who has the status as a legal  
4 alien.

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

10 (c) Prior to engaging in the practice of fitting,  
11 dispensing, or servicing hearing instruments, an applicant  
12 shall demonstrate, by means of written and practical  
13 examinations, that such person is qualified to practice the  
14 testing, selecting, recommending, fitting, selling, or  
15 servicing of hearing instruments as defined in this Act. An  
16 applicant must obtain a license within 12 months after passing  
17 either the written or practical examination, whichever is  
18 passed first, or must take and pass those examinations again in  
19 order to be eligible to receive a license.

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

22 (d) Proof of having met the minimum requirements of  
23 continuing education as determined by the Board shall be  
24 required of all license renewals. Pursuant to rule, the  
25 continuing education requirements may, upon petition to the  
26 Board, be waived in whole or in part if the hearing instrument

1 dispenser can demonstrate that he or she served in the Coast  
2 Guard or Armed Forces, had an extreme hardship, or obtained his  
3 or her license by examination or endorsement within the  
4 preceding renewal period.

5 (e) Persons applying for an initial license must  
6 demonstrate having earned, at a minimum, an associate degree or  
7 its equivalent from an accredited institution of higher  
8 education that is recognized by the U.S. Department of  
9 Education or that meets the U.S. Department of Education  
10 equivalency as determined through a National Association of  
11 Credential Evaluation Services (NACES) member, and meet the  
12 other requirements of this Section. In addition, the applicant  
13 must demonstrate the successful completion of (1) 12 semester  
14 hours or 18 quarter hours of academic undergraduate course work  
15 in an accredited institution consisting of 3 semester hours of  
16 anatomy and physiology of the ~~speech and~~ hearing mechanism, 3  
17 semester hours of hearing science, 3 semester hours of  
18 introduction to audiology, and 3 semester hours of aural  
19 rehabilitation, or the quarter hour equivalent or (2) an  
20 equivalent program as determined by the Department that is  
21 consistent with the scope of practice of a hearing instrument  
22 dispenser as defined in Section 3 of this Act. Persons licensed  
23 before January 1, 2003 who have a valid license on that date  
24 may have their license renewed without meeting the requirements  
25 of this subsection.

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

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