



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3940

Introduced 2/17/2023, by Rep. Angelica Guerrero-Cuellar

SYNOPSIS AS INTRODUCED:

50 ILCS 750/15.3 from Ch. 134, par. 45.3
50 ILCS 750/15.3a
50 ILCS 750/15.5
50 ILCS 750/99

Amends the Emergency Telephone System Act. Changes the date that the Act will be repealed from December 31, 2023 to December 31, 2025. Makes other, conforming date changes. Provides that an entity that manages or operates a private residential switch service or shared residential or temporary residential MLTS service that was installed on or before February 16, 2020 shall ensure that the system includes the ALI containing the street address of the 9-1-1 caller (rather than dispatchable location) who is the source of the call to 9-1-1. Effective immediately.

LRB103 25395 AWJ 51742 b

1 An Act concerning local government.

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

4 Section 5. The Emergency Telephone System Act is amended
5 by changing Sections 15.3, 15.3a, 15.5, and 99 as follows:

6 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

7 (Section scheduled to be repealed on December 31, 2023)

8 Sec. 15.3. Local non-wireless surcharge.

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

1 public switched network through private branch exchange (PBX)
2 or centrex type service, a municipality imposing a surcharge
3 at a rate per network connection, as determined in accordance
4 with this Act, shall impose:

5 (i) in a municipality with a population of 500,000 or
6 less or in any county, 5 such surcharges per network
7 connection, as defined under Section 2 of this Act, for
8 both regular service and advanced service provisioned
9 trunk lines;

10 (ii) in a municipality with a population, prior to
11 March 1, 2010, of 500,000 or more, 5 surcharges per
12 network connection, as defined under Section 2 of this
13 Act, for both regular service and advanced service
14 provisioned trunk lines;

15 (iii) in a municipality with a population, as of March
16 1, 2010, of 500,000 or more, 5 surcharges per network
17 connection, as defined under Section 2 of this Act, for
18 regular service provisioned trunk lines, and 12 surcharges
19 per network connection, as defined under Section 2 of this
20 Act, for advanced service provisioned trunk lines, except
21 where an advanced service provisioned trunk line supports
22 at least 2 but fewer than 23 simultaneous voice grade
23 calls ("VGC's"), a telecommunication carrier may elect to
24 impose fewer than 12 surcharges per trunk line as provided
25 in subsection (iv) of 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
 7 with the table provided in this Section, without limiting
 8 any telecommunications carrier's obligations to otherwise
 9 keep and maintain records. Any telecommunications carrier
 10 electing to impose fewer than 12 surcharges per an
 11 advanced service provisioned trunk line shall keep and
 12 maintain records adequately to demonstrate the VGC
 13 capability of each advanced service provisioned trunk line
 14 with fewer than 12 surcharges imposed, provided that 12
 15 surcharges shall be imposed on an advanced service
 16 provisioned trunk line regardless of the VGC capability
 17 where a telecommunications carrier cannot demonstrate the
 18 VGC capability of the advanced service provisioned trunk
 19 line.

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

24 Subsections (i), (ii), (iii), and (iv) are not intended to

1 make any change in the meaning of this Section, but are
2 intended to remove possible ambiguity, thereby confirming the
3 intent of paragraph (a) as it existed prior to and following
4 the effective date of this amendatory Act of the 97th General
5 Assembly.

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

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

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

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

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

1 -----

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

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

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

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

1 funds.

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

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

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

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

1 any county or municipality under subsection (c) of this
2 Section. Beginning January 1, 2018 and until December 31, 2025
3 ~~2023~~, a municipality with a population over 500,000 may not
4 impose a monthly surcharge in excess of \$5.00 per network
5 connection. On or after January 1, 2026 ~~2024~~, a municipality
6 with a population over 500,000 may not impose a monthly
7 surcharge in excess of \$2.50 per network connection.

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

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

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

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

14 (l) Any surcharge imposed pursuant to this Section by a
15 county or municipality, other than a municipality with a
16 population in excess of 500,000, shall cease to be imposed on
17 January 1, 2016.

18 (Source: P.A. 101-639, eff. 6-12-20; 102-9, eff. 6-3-21.)

19 (50 ILCS 750/15.3a)

20 (Section scheduled to be repealed on December 31, 2023)

21 Sec. 15.3a. Local wireless surcharge.

22 (a) Notwithstanding any other provision of this Act, a
23 unit of local government or emergency telephone system board
24 providing wireless 9-1-1 service and imposing and collecting a
25 wireless carrier surcharge prior to July 1, 1998 may continue

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

11 (b) Until December 31, 2017, the corporate authorities of
12 a municipality with a population in excess of 500,000 on the
13 effective date of this amendatory Act of the 99th General
14 Assembly may by ordinance continue to impose and collect a
15 monthly surcharge per commercial mobile radio service (CMRS)
16 connection or in-service telephone number billed on a monthly
17 basis that does not exceed the highest monthly surcharge
18 imposed as of January 1, 2014 by any county or municipality
19 under subsection (c) of Section 15.3 of this Act. Beginning
20 January 1, 2018, and until December 31, 2025 ~~2023~~, a
21 municipality with a population in excess of 500,000 may by
22 ordinance continue to impose and collect a monthly surcharge
23 per commercial mobile radio service (CMRS) connection or
24 in-service telephone number billed on a monthly basis that
25 does not exceed \$5.00. On or after January 1, 2026 ~~2024~~, the
26 municipality may continue imposing and collecting its wireless

1 carrier surcharge as provided in and subject to the
2 limitations of subsection (a) of this Section.

3 (c) In addition to any other lawful purpose, a
4 municipality with a population over 500,000 may use the moneys
5 collected under this Section for any anti-terrorism or
6 emergency preparedness measures, including, but not limited
7 to, preparedness planning, providing local matching funds for
8 federal or State grants, personnel training, and specialized
9 equipment, including surveillance cameras, as needed to deal
10 with natural and terrorist-inspired emergency situations or
11 events.

12 (Source: P.A. 101-639, eff. 6-12-20; 102-9, eff. 6-3-21.)

13 (50 ILCS 750/15.5)

14 (Section scheduled to be repealed on December 31, 2023)

15 Sec. 15.5. Grandfathered private residential switch or
16 MLTS 9-1-1 service.

17 (a) An entity that manages or operates a private
18 residential switch service or shared residential or temporary
19 residential MLTS service that was installed on or before
20 February 16, 2020 shall ensure that the system is connected to
21 the public switched telephone network so that calls to 9-1-1
22 route to the appropriate 9-1-1 jurisdiction and shall ensure
23 that the system includes, but is not limited to, the
24 capability to provide ANI, the extension number, and the ALI
25 containing the street address of the 9-1-1 caller who

1 ~~dispatchable location that~~ is the source of the call to 9-1-1.

2 (b) The private residential switch or shared residential
3 or temporary residential MLTS service operator is responsible
4 for forwarding end user ANI and ALI record information to the
5 9-1-1 system provider according to the format, frequency, and
6 procedures established by that system provider.

7 (c) This Act does not apply to any MLTS telephone
8 extension that uses radio transmissions to convey electrical
9 signals directly between the telephone extension and the
10 serving MLTS.

11 (d) An entity that violates this Section is guilty of a
12 business offense and shall be fined not less than \$1,000 and
13 not more than \$5,000.

14 (e) Nothing in this Section shall be construed to preclude
15 the Attorney General on behalf of the Illinois State Police or
16 on his or her own initiative, or any other interested person,
17 from seeking judicial relief, by mandamus, injunction, or
18 otherwise, to compel compliance with this Section.

19 (Source: P.A. 102-538, eff. 8-20-21; 102-983, eff. 5-27-22.)

20 (50 ILCS 750/99)

21 (Section scheduled to be repealed on December 31, 2023)

22 Sec. 99. Repealer. This Act is repealed on December 31,
23 2025 ~~2023~~.

24 (Source: P.A. 101-639, eff. 6-12-20; 102-9, eff. 6-3-21.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.