

1 AN ACT concerning utilities.

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 by  
5 changing Sections 10, 11, and 15.4 and by adding Sections 2.21,  
6 2.22, and 2.23 as follows:

7 (50 ILCS 750/2.21 new)

8 Sec. 2.21. Next generation 9-1-1 (NG9-1-1). "Next  
9 generation 9-1-1" or "(NG9-1-1)" means, for the purposes of a  
10 Regional Pilot Project, a system comprised of managed Internet  
11 Protocol-based networks and elements that augment or replace  
12 present day 9-1-1 features and functions and add new  
13 capabilities, which may enable the public to transmit text,  
14 images, video, or data, or a combination thereof, to the 9-1-1  
15 system.

16 (50 ILCS 750/2.22 new)

17 Sec. 2.22. Regional Pilot Project. "Regional Pilot  
18 Project" means an experimental program designed to test the  
19 efficacy of next generation 9-1-1 (NG9-1-1) within a region  
20 that includes not less than 15 counties and not more than 19  
21 counties with an aggregate population no greater than 500,000.  
22 Any Regional Pilot Project must be approved by the Commission

1 and provide for an initial testing phase designed to  
2 demonstrate the ability of the technology to provide access to  
3 emergency services from new and existing sources with no  
4 reduction in existing service quality, reliability, or safety.

5 (50 ILCS 750/2.23 new)

6 Sec. 2.23. Qualified governmental entity. "Qualified  
7 governmental entity" means a unit of local government  
8 authorized to provide 9-1-1 services pursuant to the Emergency  
9 Telephone System Act where no emergency telephone system board  
10 exists.

11 (50 ILCS 750/10) (from Ch. 134, par. 40)

12 Sec. 10. Technical and operational standards for the  
13 development of the local agency systems shall be established  
14 and reviewed by the Commission on or before December 31, 1979,  
15 after consultation with all agencies specified in Section 9.

16 For the limited purpose of permitting a board, a qualified  
17 governmental entity, a group of boards, or a group of  
18 governmental entities to participate in a Regional Pilot  
19 Project to implement next generation 9-1-1, as defined in this  
20 Act, the Commission may forbear from applying any rule adopted  
21 under the Emergency Telephone Systems Act as it applies to  
22 conducting of the Regional Pilot Project to implement next  
23 generation 9-1-1, if the Commission determines, after notice  
24 and hearing, that:

1           (1) enforcement of the rule is not necessary to ensure  
2           the development and improvement of emergency communication  
3           procedures and facilities in such a manner as to be able to  
4           quickly respond to any person requesting 9-1-1 service from  
5           police, fire, medical, rescue, and other emergency  
6           services;

7           (2) enforcement of the rule or provision is not  
8           necessary for the protection of consumers; and

9           (3) forbearance from applying the provisions or rules  
10          is consistent with the public interest.

11          The Commission may exercise such forbearance with respect  
12          to one, and only one, Regional Pilot Project to implement next  
13          generation 9-1-1.

14          If the Commission authorizes a Regional Pilot Project, then  
15          telecommunications carriers shall not be liable for any civil  
16          damages as a result of any act or omission, except willful or  
17          wanton misconduct, in connection with developing, adopting,  
18          operating, implementing, or delivering or receiving calls in  
19          connection with any plan or system authorized by this Section  
20          and Section 11 of this Act.

21          (Source: P.A. 79-1092.)

22                 (50 ILCS 750/11) (from Ch. 134, par. 41)

23                 Sec. 11. Within one year after the implementation date or  
24                 by January 31, 1980, whichever is later, all public agencies in  
25                 a county having 100,000 or more inhabitants shall submit

1 tentative plans of the establishment of a system required by  
2 this Act to the public utility or utilities providing public  
3 telephone service within the respective jurisdiction of each  
4 public agency. A copy of each such plan shall be filed with the  
5 Commission.

6 Within 2 years after the implementation date or by January  
7 31, 1982, whichever is later, all public agencies in a county  
8 having 100,000 or more inhabitants shall submit final plans for  
9 the establishment of the system to such utilities, and shall  
10 make arrangements with such utilities for the implementation of  
11 the planned emergency telephone system no later than 3 years  
12 after the implementation date or by December 31, 1985,  
13 whichever is later. A copy of the plan required by this  
14 subdivision shall be filed with the Commission. In order to  
15 secure compliance with the standards promulgated under Section  
16 10, the Commission shall have the power to approve or  
17 disapprove such plan, unless such plan was announced before the  
18 effective date of this Act.

19 If any public agency has implemented or is a part of a  
20 system required by this Act on a deadline specified in this  
21 Section, such public agency shall submit in lieu of the  
22 tentative or final plan a report describing the system and  
23 stating its operational date.

24 A board, a qualified governmental entity, a group of  
25 boards, or a group of qualified governmental entities involved  
26 in a Regional Pilot Project to implement next generation 9-1-1,

1 as defined in this Act, shall submit a plan to the Commission  
2 describing in detail the Regional Pilot Project no fewer than  
3 180 days prior to the implementation of the plan. The  
4 Commission may approve the plan after notice and hearing to  
5 authorize such Regional Pilot Project. Such shall not exceed  
6 one year duration or other time period approved by the  
7 Commission. No entity may proceed with the Regional Pilot  
8 Project until it receives Commission approval. In approving any  
9 plan for a Regional Pilot Project under this Section, the  
10 Commission may impose such terms, conditions, or requirements  
11 as, in its judgment, are necessary to protect the interests of  
12 the public.

13 The Commission shall have authority to approve one, and  
14 only one, Regional Pilot Project to implement next generation  
15 9-1-1.

16 Plans filed under this Section shall conform to minimum  
17 standards established pursuant to Section 10.

18 (Source: P.A. 81-1122.)

19 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

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

21 (a) The corporate authorities of any county or municipality  
22 that imposes a surcharge under Section 15.3 shall establish an  
23 Emergency Telephone System Board. The corporate authorities  
24 shall provide for the manner of appointment and the number of  
25 members of the Board, provided that the board shall consist of

1 not fewer than 5 members, one of whom must be a public member  
2 who is a resident of the local exchange service territory  
3 included in the 9-1-1 coverage area, one of whom (in counties  
4 with a population less than 100,000) must be a member of the  
5 county board, and at least 3 of whom shall be representative of  
6 the 9-1-1 public safety agencies, including but not limited to  
7 police departments, fire departments, emergency medical  
8 services providers, and emergency services and disaster  
9 agencies, and appointed on the basis of their ability or  
10 experience. In counties with a population of more than 100,000  
11 but less than 2,000,000, a member of the county board may serve  
12 on the Emergency Telephone System Board. Elected officials,  
13 including members of a county board, are also eligible to serve  
14 on the board. Members of the board shall serve without  
15 compensation but shall be reimbursed for their actual and  
16 necessary expenses. Any 2 or more municipalities, counties, or  
17 combination thereof, that impose a surcharge under Section 15.3  
18 may, instead of establishing individual boards, establish by  
19 intergovernmental agreement a Joint Emergency Telephone System  
20 Board pursuant to this Section. The manner of appointment of  
21 such a joint board shall be prescribed in the agreement.

22 (b) The powers and duties of the board shall be defined by  
23 ordinance of the municipality or county, or by  
24 intergovernmental agreement in the case of a joint board. The  
25 powers and duties shall include, but need not be limited to the  
26 following:

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

2 (2) Coordinating and supervising the implementation,  
3 upgrading, or maintenance of the system, including the  
4 establishment of equipment specifications and coding  
5 systems.

6 (3) Receiving moneys from the surcharge imposed under  
7 Section 15.3, and from any other source, for deposit into  
8 the Emergency Telephone System Fund.

9 (4) Authorizing all disbursements from the fund.

10 (5) Hiring any staff necessary for the implementation  
11 or upgrade of the system.

12 (6) Participating in a Regional Pilot Project to  
13 implement next generation 9-1-1, as defined in this Act,  
14 subject to the conditions set forth in this Act.

15 (c) All moneys received by a board pursuant to a surcharge  
16 imposed under Section 15.3 shall be deposited into a separate  
17 interest-bearing Emergency Telephone System Fund account. The  
18 treasurer of the municipality or county that has established  
19 the board or, in the case of a joint board, any municipal or  
20 county treasurer designated in the intergovernmental  
21 agreement, shall be custodian of the fund. All interest  
22 accruing on the fund shall remain in the fund. No expenditures  
23 may be made from such fund except upon the direction of the  
24 board by resolution passed by a majority of all members of the  
25 board. Expenditures may be made only to pay for the costs  
26 associated with the following:

- 1           (1) The design of the Emergency Telephone System.
- 2           (2) The coding of an initial Master Street Address  
3 Guide data base, and update and maintenance thereof.
- 4           (3) The repayment of any moneys advanced for the  
5 implementation of the system.
- 6           (4) The charges for Automatic Number Identification  
7 and Automatic Location Identification equipment, a  
8 computer aided dispatch system that records, maintains,  
9 and integrates information, mobile data transmitters  
10 equipped with automatic vehicle locators, and maintenance,  
11 replacement and update thereof to increase operational  
12 efficiency and improve the provision of emergency  
13 services.
- 14          (5) The non-recurring charges related to installation  
15 of the Emergency Telephone System and the ongoing network  
16 charges.
- 17          (6) The acquisition and installation, or the  
18 reimbursement of costs therefor to other governmental  
19 bodies that have incurred those costs, of road or street  
20 signs that are essential to the implementation of the  
21 emergency telephone system and that are not duplicative of  
22 signs that are the responsibility of the jurisdiction  
23 charged with maintaining road and street signs.
- 24          (7) Other products and services necessary for the  
25 implementation, upgrade, and maintenance of the system and  
26 any other purpose related to the operation of the system,

1 including costs attributable directly to the construction,  
2 leasing, or maintenance of any buildings or facilities or  
3 costs of personnel attributable directly to the operation  
4 of the system. Costs attributable directly to the operation  
5 of an emergency telephone system do not include the costs  
6 of public safety agency personnel who are and equipment  
7 that is dispatched in response to an emergency call.

8 (8) In the case of a municipality that imposes a  
9 surcharge under subsection (h) of Section 15.3, moneys may  
10 also be used for any anti-terrorism or emergency  
11 preparedness measures, including, but not limited to,  
12 preparedness planning, providing local matching funds for  
13 federal or State grants, personnel training, and  
14 specialized equipment, including surveillance cameras as  
15 needed to deal with natural and terrorist-inspired  
16 emergency situations or events.

17 (9) The defraying of expenses incurred in  
18 participation in a Regional Pilot Project to implement next  
19 generation 9-1-1, subject to the conditions set forth in  
20 this Act.

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

25 (d) The board shall complete the data base before  
26 implementation of the 9-1-1 system. The error ratio of the data

1 base shall not at any time exceed 1% of the total data base.

2 (Source: P.A. 95-698, eff. 1-1-08; 95-806, eff. 1-1-09;  
3 95-1012, eff. 12-15-08; revised 1-18-10.)

4 Section 7. The Wireless Emergency Telephone Safety Act is  
5 amended by changing Section 25 as follows:

6 (50 ILCS 751/25)

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

8 Sec. 25. Wireless Service Emergency Fund; distribution of  
9 moneys. Within 60 days after the effective date of this Act,  
10 wireless carriers shall submit to the Illinois Commerce  
11 Commission the number of wireless subscribers by zip code and  
12 the 9-digit zip code of the wireless subscribers, if currently  
13 being used or later implemented by the carrier.

14 The Illinois Commerce Commission shall, subject to  
15 appropriation, make monthly proportional grants to the  
16 appropriate emergency telephone system board or qualified  
17 governmental entity based upon the United States Postal Zip  
18 Code of the wireless subscriber's billing address. No matching  
19 funds shall be required from grant recipients.

20 If the Illinois Commerce Commission is notified of an area  
21 of overlapping jurisdiction, grants for that area shall be made  
22 based upon reference to an official Master Street Address Guide  
23 to the emergency telephone system board or qualified  
24 governmental entity whose public service answering points

1 provide wireless 9-1-1 service in that area. The emergency  
2 telephone system board or qualified governmental entity shall  
3 provide the Illinois Commerce Commission with a valid copy of  
4 the appropriate Master Street Address Guide. The Illinois  
5 Commerce Commission does not have a duty to verify  
6 jurisdictional responsibility.

7 In the event of a subscriber billing address being matched  
8 to an incorrect jurisdiction by the Illinois Commerce  
9 Commission, the recipient, upon notification from the Illinois  
10 Commerce Commission, shall redirect the funds to the correct  
11 jurisdiction. The Illinois Commerce Commission shall not be  
12 held liable for any damages relating to an act or omission  
13 under this Act, unless the act or omission constitutes gross  
14 negligence, recklessness, or intentional misconduct.

15 In the event of a dispute between emergency telephone  
16 system boards or qualified governmental entities concerning a  
17 subscriber billing address, the Illinois Commerce Commission  
18 shall resolve the dispute.

19 The Illinois Commerce Commission shall maintain detailed  
20 records of all receipts and disbursements and shall provide an  
21 annual accounting of all receipts and disbursements to the  
22 Auditor General.

23 The Illinois Commerce Commission shall adopt rules to  
24 govern the grant process.

25 The Illinois Commerce Commission must conduct a study to  
26 determine the future technological and financial needs of the

1 ~~wireless 9-1-1 systems~~ ~~The Illinois Commerce Commission may~~  
2 ~~also use moneys in the Wireless Service Emergency Fund for the~~  
3 ~~purpose of conducting a study to determine the future~~  
4 ~~technological and financial needs of the wireless 9-1-1~~  
5 ~~systems.~~ The ~~A~~ study shall include input from the  
6 telecommunications industry, the Illinois National Emergency  
7 Number Association, and the public safety community. The  
8 Illinois Commerce Commission may use moneys in the Wireless  
9 Service Emergency Fund for the purpose of conducting the study.  
10 The Illinois Commerce Commission must report its findings and  
11 recommendations to the General Assembly within one year after  
12 the effective date of this amendatory Act of the 96th General  
13 Assembly.

14 (Source: P.A. 95-698, eff. 1-1-08.)

15 Section 10. The Public Utilities Act is amended by adding  
16 Section 13-900.1 as follows:

17 (220 ILCS 5/13-900.1 new)

18 Sec. 13-900.1. Regulatory flexibility for 9-1-1 system  
19 providers.

20 (a) For purposes of this Section, "Regional Pilot Project"  
21 to implement next generation 9-1-1 has the same meaning as that  
22 term is defined in Section 2.22 of the Emergency Telephone  
23 System Act.

24 (b) For the limited purpose of a Regional Pilot Project to

1 implement next generation 9-1-1, as defined in Section 13-900  
2 of this Article, the Commission may forbear from applying any  
3 rule or provision of Section 13-900 as it applies to  
4 implementation of the Regional Pilot Project to implement next  
5 generation 9-1-1 if the Commission determines, after notice and  
6 hearing, that: (1) enforcement of the rule is not necessary to  
7 ensure the development and improvement of emergency  
8 communication procedures and facilities in such a manner as to  
9 be able to quickly respond to any person requesting 9-1-1  
10 services from police, fire, medical, rescue, and other  
11 emergency services; (2) enforcement of the rule or provision is  
12 not necessary for the protection of consumers; and (3)  
13 forbearance from applying such provisions or rules is  
14 consistent with the public interest. The Commission may  
15 exercise such forbearance with respect to one, and only one,  
16 Regional Pilot Project as authorized by Sections 10 and 11 of  
17 the Emergency Telephone Systems Act to implement next  
18 generation 9-1-1.

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.