



Rep. John E. Bradley

Filed: 11/10/2014

09800SB3265ham005

LRB098 19701 JLK 62182 a

1 AMENDMENT TO SENATE BILL 3265

2 AMENDMENT NO. _____. Amend Senate Bill 3265 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Wireless Emergency Telephone Safety Act is
5 amended by changing Section 17 as follows:

6 (50 ILCS 751/17)

7 (Section scheduled to be repealed on July 1, 2015)

8 Sec. 17. Wireless carrier surcharge.

9 (a) Except as provided in Sections 45 and 80, each wireless
10 carrier shall impose a monthly wireless carrier surcharge per
11 CMRS connection that either has a telephone number within an
12 area code assigned to Illinois by the North American Numbering
13 Plan Administrator or has a billing address in this State. No
14 wireless carrier shall impose the surcharge authorized by this
15 Section upon any subscriber who is subject to the surcharge
16 imposed by a unit of local government pursuant to Section 45.

1 Prior to January 1, 2008 (the effective date of Public Act
2 95-698), the surcharge amount shall be the amount set by the
3 Wireless Enhanced 9-1-1 Board. Beginning on January 1, 2008
4 (the effective date of Public Act 95-698), the monthly
5 surcharge imposed under this Section shall be \$0.73 per CMRS
6 connection. The wireless carrier that provides wireless
7 service to the subscriber shall collect the surcharge from the
8 subscriber. For mobile telecommunications services provided on
9 and after August 1, 2002, any surcharge imposed under this Act
10 shall be imposed based upon the municipality or county that
11 encompasses the customer's place of primary use as defined in
12 the Mobile Telecommunications Sourcing Conformity Act. The
13 surcharge shall be stated as a separate item on the
14 subscriber's monthly bill. The wireless carrier shall begin
15 collecting the surcharge on bills issued within 90 days after
16 the Wireless Enhanced 9-1-1 Board sets the monthly wireless
17 surcharge. State and local taxes shall not apply to the
18 wireless carrier surcharge.

19 (b) Except as provided in Sections 45 and 80, a wireless
20 carrier shall, within 45 days of collection, remit, either by
21 check or by electronic funds transfer, to the Illinois Commerce
22 Commission for deposit with the State Treasurer the amount of
23 the wireless carrier surcharge collected from each subscriber.
24 Of the amounts remitted under this subsection prior to January
25 1, 2008 (the effective date of Public Act 95-698), and for
26 surcharges imposed before January 1, 2008 (the effective date

1 of Public Act 95-698) but remitted after January 1, 2008, the
2 State Treasurer shall deposit one-third into the Wireless
3 Carrier Reimbursement Fund and two-thirds into the Wireless
4 Service Emergency Fund. For surcharges collected and remitted
5 on or after January 1, 2008 (the effective date of Public Act
6 95-698), \$0.1475 per surcharge collected shall be deposited
7 into the Wireless Carrier Reimbursement Fund, and \$0.5825 per
8 surcharge collected shall be deposited into the Wireless
9 Service Emergency Fund. For surcharges collected and remitted
10 on or after July 1, 2014, \$0.05 per surcharge collected shall
11 be deposited into the Wireless Carrier Reimbursement Fund,
12 \$0.66 per surcharge shall be deposited into the Wireless
13 Service Emergency Fund, and \$0.02 per surcharge collected shall
14 be deposited into the Wireless Service Emergency Fund and
15 distributed in equal amounts to each County Emergency Telephone
16 System Board or qualified governmental entity Telephone Boards
17 in counties with a population under 100,000 according to the
18 most recent census data which is authorized by the Illinois
19 Commerce Commission to serve as a primary wireless 9-1-1 public
20 safety answering point for the county and to provide wireless
21 9-1-1 service as prescribed by subsection (b) of Section 15 of
22 this Act, and which does provide such service. Of the amounts
23 deposited into the Wireless Carrier Reimbursement Fund under
24 this subsection, \$0.01 per surcharge collected may be
25 distributed to the carriers to cover their administrative
26 costs. Of the amounts deposited into the Wireless Service

1 Emergency Fund under this subsection, \$0.01 per surcharge
2 collected may be disbursed to the Illinois Commerce Commission
3 to cover its administrative costs.

4 (c) The first such remittance by wireless carriers shall
5 include the number of wireless subscribers by zip code, and the
6 9-digit zip code if currently being used or later implemented
7 by the carrier, that shall be the means by which the Illinois
8 Commerce Commission shall determine distributions from the
9 Wireless Service Emergency Fund. This information shall be
10 updated no less often than every year. Wireless carriers are
11 not required to remit surcharge moneys that are billed to
12 subscribers but not yet collected. Any carrier that fails to
13 provide the zip code information required under this subsection
14 (c) shall be subject to the penalty set forth in subsection (f)
15 of this Section.

16 (d) Any funds collected under the Prepaid Wireless 9-1-1
17 Surcharge Act shall be distributed using a prorated method
18 based upon zip code information collected from post-paid
19 wireless carriers under subsection (c) of this Section.

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

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

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

7 A penalty imposed in accordance with this subsection (e)
8 for a portion of a month during which the carrier provides the
9 number of subscribers by zip code as required under subsection
10 (c) of this Section shall be prorated for each day of that
11 month during which the carrier had not provided the number of
12 subscribers by zip code as required under subsection (c) of
13 this Section. Any penalty imposed under this subsection (e) is
14 in addition to the amount of the delinquency and is in addition
15 to any other penalty imposed under this Section.

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

23 (1) \$25 for each month or portion of a month that the
24 report is delinquent; or

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

1 and after July 1, 2014, an amount equal to the product of
2 \$0.01 and the number of subscribers served by the wireless
3 carrier.

4 A penalty imposed in accordance with this subsection (f)
5 for a portion of a month during which the carrier pays the
6 delinquent amount in full shall be prorated for each day of
7 that month that the delinquent amount was paid in full. A
8 penalty imposed and collected in accordance with subsection (e)
9 or this subsection (f) shall be deposited into the Wireless
10 Service Emergency Fund for distribution according to Section 25
11 of this Act. Any penalty imposed under this subsection (f) is
12 in addition to any other penalty imposed under this Section.

13 (g) The Illinois Commerce Commission may enforce the
14 collection of any delinquent amount and any penalty due and
15 unpaid under this Section by legal action or in any other
16 manner by which the collection of debts due the State of
17 Illinois may be enforced under the laws of this State. The
18 Executive Director of the Illinois Commerce Commission, or his
19 or her designee, may excuse the payment of any penalty imposed
20 under this Section if the Executive Director, or his or her
21 designee, determines that the enforcement of this penalty is
22 unjust.

23 (h) Notwithstanding any provision of law to the contrary,
24 nothing shall impair the right of wireless carriers to recover
25 compliance costs for all emergency communications services
26 that are not reimbursed out of the Wireless Carrier

1 Reimbursement Fund directly from their wireless subscribers
2 via line-item charges on the wireless subscriber's bill. Those
3 compliance costs include all costs incurred by wireless
4 carriers in complying with local, State, and federal regulatory
5 or legislative mandates that require the transmission and
6 receipt of emergency communications to and from the general
7 public, including, but not limited to, E-911.

8 (i) The Auditor General shall conduct, on an annual basis,
9 an audit of the Wireless Service Emergency Fund and the
10 Wireless Carrier Reimbursement Fund for compliance with the
11 requirements of this Act. The audit shall include, but not be
12 limited to, the following determinations:

13 (1) Whether the Commission is maintaining detailed
14 records of all receipts and disbursements from the Wireless
15 Carrier Emergency Fund and the Wireless Carrier
16 Reimbursement Fund.

17 (2) Whether the Commission's administrative costs
18 charged to the funds are adequately documented and are
19 reasonable.

20 (3) Whether the Commission's procedures for making
21 grants and providing reimbursements in accordance with the
22 Act are adequate.

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

25 The Commission, the Department of State Police, and any
26 other entity or person that may have information relevant to

1 the audit shall cooperate fully and promptly with the Office of
2 the Auditor General in conducting the audit. The Auditor
3 General shall commence the audit as soon as possible and
4 distribute the report upon completion in accordance with
5 Section 3-14 of the Illinois State Auditing Act.

6 (Source: P.A. 97-463, eff. 1-1-12; 98-634, eff. 6-6-14.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".