



Rep. John E. Bradley

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LRB099 04130 SXM 36223 a

1 AMENDMENT TO SENATE BILL 96

2 AMENDMENT NO. _____. Amend Senate Bill 96 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE I

5 Section 1-5. The Attorney General Act is amended by
6 changing Section 6.5 as follows:

7 (15 ILCS 205/6.5)

8 Sec. 6.5. Consumer Utilities Unit.

9 (a) The General Assembly finds that the health, welfare,
10 and prosperity of all Illinois citizens, and the public's
11 interest in adequate, safe, reliable, cost-effective electric,
12 natural gas, water, cable, video, and telecommunications
13 services, requires effective public representation by the
14 Attorney General to protect the rights and interests of the
15 public in the provision of all elements of electric, natural

1 gas, water, cable, video, and telecommunications service both
2 during and after the transition to a competitive market, and
3 that to ensure that the benefits of competition in the
4 provision of electric, natural gas, water, cable, video, and
5 telecommunications services to all consumers are attained,
6 there shall be created within the Office of the Attorney
7 General a Consumer Utilities Unit.

8 (b) As used in this Section: "Electric services" means
9 services sold by an electric service provider. "Electric
10 service provider" shall mean anyone who sells, contracts to
11 sell, or markets electric power, generation, distribution,
12 transmission, or services (including metering and billing) in
13 connection therewith. Electric service providers shall include
14 any electric utility and any alternative retail electric
15 supplier as defined in Section 16-102 of the Public Utilities
16 Act.

17 (b-5) As used in this Section: "Telecommunications
18 services" means services sold by a telecommunications carrier,
19 as provided for in Section 13-203 of the Public Utilities Act.
20 "Telecommunications carrier" means anyone who sells, contracts
21 to sell, or markets telecommunications services, whether
22 noncompetitive or competitive, including access services,
23 interconnection services, or any services in connection
24 therewith. Telecommunications carriers include any carrier as
25 defined in Section 13-202 of the Public Utilities Act.

26 (b-10) As used in this Section, "natural gas services"

1 means natural gas services sold by a "gas utility" or by an
2 "alternative gas supplier", as those terms are defined in
3 Section 19-105 of the Public Utilities Act.

4 (b-15) As used in this Section, "water services" means
5 services sold by any corporation, company, limited liability
6 company, association, joint stock company or association,
7 firm, partnership, or individual, its lessees, trustees, or
8 receivers appointed by any court and that owns, controls,
9 operates, or manages within this State, directly or indirectly,
10 for public use, any plant, equipment, or property used or to be
11 used for or in connection with (i) the production, storage,
12 transmission, sale, delivery, or furnishing of water or (ii)
13 the treatment, storage, transmission, disposal, sale of
14 services, delivery, or furnishing of sewage or sewage services.

15 (b-20) As used in this Section, "cable service and video
16 service" means services sold by anyone who sells, contracts to
17 sell, or markets cable services or video services pursuant to a
18 State-issued authorization under the Cable and Video
19 Competition Law of 2007.

20 (c) There is created within the Office of the Attorney
21 General a Consumer Utilities Unit, consisting of Assistant
22 Attorneys General appointed by the Attorney General, who,
23 together with such other staff as is deemed necessary by the
24 Attorney General, shall have the power and duty on behalf of
25 the people of the State to intervene in, initiate, enforce, and
26 defend all legal proceedings on matters relating to the

1 provision, marketing, and sale of electric, natural gas, water,
2 cable, video, and telecommunications service whenever the
3 Attorney General determines that such action is necessary to
4 promote or protect the rights and interests of all Illinois
5 citizens, classes of customers, and users of electric, natural
6 gas, water, cable, video, and telecommunications services.

7 (d) In addition to the investigative and enforcement powers
8 available to the Attorney General, including without
9 limitation those under the Consumer Fraud and Deceptive
10 Business Practices Act, the Illinois Antitrust Act, and any
11 other law of this State, the Attorney General shall be a party
12 as a matter of right to all proceedings, investigations, and
13 related matters involving the provision of electric, natural
14 gas, water, cable, video, and telecommunications services
15 before the Illinois Commerce Commission, the courts, and other
16 public bodies. Upon request, the Office of the Attorney General
17 shall have access to and the use of all files, records, data,
18 and documents in the possession or control of the Commission.
19 The Office of the Attorney General may use information obtained
20 under this Section, including information that is designated as
21 and that qualifies for confidential treatment, which
22 information the Attorney General's office shall maintain as
23 confidential, to be used for law enforcement purposes only,
24 which information may be shared with other law enforcement
25 officials. Nothing in this Section is intended to take away or
26 limit any of the powers the Attorney General has pursuant to

1 common law or other statutory law.

2 (Source: P.A. 94-291, eff. 7-21-05; 95-9, eff. 6-30-07; 95-876,
3 eff. 8-21-08.)

4 Section 1-10. The Department of State Police Law of the
5 Civil Administrative Code of Illinois is amended by changing
6 Section 2605-25 and by adding Section 2605-52 as follows:

7 (20 ILCS 2605/2605-25) (was 20 ILCS 2605/55a-1)

8 Sec. 2605-25. Department divisions. The Department is
9 divided into the Illinois State Police Academy, the Office of
10 the Statewide 9-1-1 Administrator, and 4 divisions: the
11 Division of Operations, the Division of Forensic Services, the
12 Division of Administration, and the Division of Internal
13 Investigation. ~~Beginning on July 1, 2015, there shall be the~~
14 ~~Division of the Statewide 9 1 1 Administrator within the~~
15 ~~Department of State Police to develop, implement, and oversee a~~
16 ~~uniform statewide 9 1 1 system for all areas of the State~~
17 ~~outside of municipalities having a population of more than~~
18 ~~500,000.~~

19 (Source: P.A. 98-634, eff. 6-6-14.)

20 (20 ILCS 2605/2605-52 new)

21 Sec. 2605-52. Office of the Statewide 9-1-1 Administrator.

22 (a) There shall be established an Office of the Statewide
23 9-1-1 Administrator within the Department. Beginning January

1 1, 2016, the Office of the Statewide 9-1-1 Administrator shall
2 be responsible for developing, implementing, and overseeing a
3 uniform statewide 9-1-1 system for all areas of the State
4 outside of municipalities having a population over 500,000.

5 (b) The Governor shall appoint, with the advice and consent
6 of the Senate, a Statewide 9-1-1 Administrator. The
7 Administrator shall serve for a term of 2 years, and until a
8 successor is appointed and qualified; except that the term of
9 the first 9-1-1 Administrator appointed under this Act shall
10 expire on the third Monday in January, 2017. The Administrator
11 shall not hold any other remunerative public office. The
12 Administrator shall receive an annual salary as set by the
13 Governor.

14 Section 1-15. The State Finance Act is amended by adding
15 Section 5.866 as follows:

16 (30 ILCS 105/5.866 new)

17 Sec. 5.866. The Illinois Telecommunications Access
18 Corporation Fund.

19 Section 1-20. The Emergency Telephone System Act is amended
20 by changing Section 15.3 and by adding Sections 19, 75, and 99
21 as follows:

22 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

1 Sec. 15.3. Local non-wireless surcharge ~~Surcharge~~.

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

21 (i) in a municipality with a population of 500,000 or
22 less or in any county, 5 such surcharges per network
23 connection, as determined in accordance with subsections
24 (a) and (d) of Section 2.12 of this Act, for both regular
25 service and advanced service provisioned trunk lines;

26 (ii) in a municipality with a population, prior to

1 March 1, 2010, of 500,000 or more, 5 surcharges per network
2 connection, as determined in accordance with subsections
3 (a) and (d) of Section 2.12 of this Act, for both regular
4 service and advanced service provisioned trunk lines;

5 (iii) in a municipality with a population, as of March
6 1, 2010, of 500,000 or more, 5 surcharges per network
7 connection, as determined in accordance with subsections
8 (a) and (d) of Section 2.12 of this Act, for regular
9 service provisioned trunk lines, and 12 surcharges per
10 network connection, as determined in accordance with
11 subsections (a) and (d) of Section 2.12 of this Act, for
12 advanced service provisioned trunk lines, except where an
13 advanced service provisioned trunk line supports at least 2
14 but fewer than 23 simultaneous voice grade calls ("VGC's"),
15 a telecommunication carrier may elect to impose fewer than
16 12 surcharges per trunk line as provided in subsection (iv)
17 of this Section; or

18 (iv) for an advanced service provisioned trunk line
19 connected between the subscriber's premises and the public
20 switched network through a P.B.X., where the advanced
21 service provisioned trunk line is capable of transporting
22 at least 2 but fewer than 23 simultaneous VGC's per trunk
23 line, the telecommunications carrier collecting the
24 surcharge may elect to impose surcharges in accordance with
25 the table provided in this Section, without limiting any
26 telecommunications carrier's obligations to otherwise keep

1 and maintain records. Any telecommunications carrier
 2 electing to impose fewer than 12 surcharges per an advanced
 3 service provisioned trunk line shall keep and maintain
 4 records adequately to demonstrate the VGC capability of
 5 each advanced service provisioned trunk line with fewer
 6 than 12 surcharges imposed, provided that 12 surcharges
 7 shall be imposed on an advanced service provisioned trunk
 8 line regardless of the VGC capability where a
 9 telecommunications carrier cannot demonstrate the VGC
 10 capability of the advanced service provisioned trunk line.

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

15 Subsections (i), (ii), (iii), and (iv) are not intended to
 16 make any change in the meaning of this Section, but are
 17 intended to remove possible ambiguity, thereby confirming the
 18 intent of paragraph (a) as it existed prior to and following
 19 the effective date of this amendatory Act of the 97th General
 20 Assembly.

21 For mobile telecommunications services, if a surcharge is
 22 imposed it shall be imposed based upon the municipality or
 23 county that encompasses the customer's place of primary use as
 24 defined in the Mobile Telecommunications Sourcing Conformity

1 Act. A municipality may enter into an intergovernmental
2 agreement with any county in which it is partially located,
3 when the county has adopted an ordinance to impose a surcharge
4 as provided in subsection (c), to include that portion of the
5 municipality lying outside the county in that county's
6 surcharge referendum. If the county's surcharge referendum is
7 approved, the portion of the municipality identified in the
8 intergovernmental agreement shall automatically be
9 disconnected from the county in which it lies and connected to
10 the county which approved the referendum for purposes of a
11 surcharge on telecommunications carriers.

12 (b) For purposes of computing the surcharge imposed by
13 subsection (a), the network connections to which the surcharge
14 shall apply shall be those in-service network connections,
15 other than those network connections assigned to the
16 municipality or county, where the service address for each such
17 network connection or connections is located within the
18 corporate limits of the municipality or county levying the
19 surcharge. Except for mobile telecommunication services, the
20 "service address" shall mean the location of the primary use of
21 the network connection or connections. For mobile
22 telecommunication services, "service address" means the
23 customer's place of primary use as defined in the Mobile
24 Telecommunications Sourcing Conformity Act.

25 (c) Upon the passage of an ordinance to impose a surcharge
26 under this Section the clerk of the municipality or county

1 shall certify the question of whether the surcharge may be
 2 imposed to the proper election authority who shall submit the
 3 public question to the electors of the municipality or county
 4 in accordance with the general election law; provided that such
 5 question shall not be submitted at a consolidated primary
 6 election. The public question shall be in substantially the
 7 following form:

8 -----

9 Shall the county (or city, village
 10 or incorporated town) of impose YES
 11 a surcharge of up to ...¢ per month per
 12 network connection, which surcharge will
 13 be added to the monthly bill you receive -----
 14 for telephone or telecommunications
 15 charges, for the purpose of installing
 16 (or improving) a 9-1-1 Emergency NO
 17 Telephone System?

18 -----

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

21 However, if a Joint Emergency Telephone System Board is to
 22 be created pursuant to an intergovernmental agreement under
 23 Section 15.4, the ordinance to impose the surcharge shall be
 24 subject to the approval of a majority of the total number of
 25 votes cast upon the public question by the electors of all of
 26 the municipalities or counties, or combination thereof, that

1 are parties to the intergovernmental agreement.

2 The referendum requirement of this subsection (c) shall not
3 apply to any municipality with a population over 500,000 or to
4 any county in which a proposition as to whether a sophisticated
5 9-1-1 Emergency Telephone System should be installed in the
6 county, at a cost not to exceed a specified monthly amount per
7 network connection, has previously been approved by a majority
8 of the electors of the county voting on the proposition at an
9 election conducted before the effective date of this amendatory
10 Act of 1987.

11 (d) A county may not impose a surcharge, unless requested
12 by a municipality, in any incorporated area which has
13 previously approved a surcharge as provided in subsection (c)
14 or in any incorporated area where the corporate authorities of
15 the municipality have previously entered into a binding
16 contract or letter of intent with a telecommunications carrier
17 to provide sophisticated 9-1-1 service through municipal
18 funds.

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

23 (f) The surcharge authorized by this Section shall be
24 collected from the subscriber by the telecommunications
25 carrier providing the subscriber the network connection as a
26 separately stated item on the subscriber's bill.

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

12 (h) Except as expressly provided in subsection (a) of this
13 Section, on or after the effective date of this amendatory Act
14 of the 98th General Assembly and until July 1, 2017 ~~2015~~, a
15 municipality with a population of 500,000 or more shall not
16 impose a monthly surcharge per network connection in excess of
17 the highest monthly surcharge imposed as of January 1, 2014 by
18 any county or municipality under subsection (c) of this
19 Section. On or after July 1, 2017 ~~2015~~, a municipality with a
20 population over 500,000 may not impose a monthly surcharge in
21 excess of \$2.50 per network connection.

22 (i) Any municipality or county or joint emergency telephone
23 system board that has imposed a surcharge pursuant to this
24 Section prior to the effective date of this amendatory Act of
25 1990 shall hereafter impose the surcharge in accordance with
26 subsection (b) of this Section.

1 (j) The corporate authorities of any municipality or county
2 may issue, in accordance with Illinois law, bonds, notes or
3 other obligations secured in whole or in part by the proceeds
4 of the surcharge described in this Section. ~~Notwithstanding any~~
5 ~~change in law subsequent to the issuance of any bonds, notes or~~
6 ~~other obligations secured by the surcharge, every municipality~~
7 ~~or county issuing such bonds, notes or other obligations shall~~
8 ~~be authorized to impose the surcharge as though the laws~~
9 ~~relating to the imposition of the surcharge in effect at the~~
10 ~~time of issuance of the bonds, notes or other obligations were~~
11 ~~in full force and effect until the bonds, notes or other~~
12 ~~obligations are paid in full.~~ The State of Illinois pledges and
13 agrees that it will not limit or alter the rights and powers
14 vested in municipalities and counties by this Section to impose
15 the surcharge so as to impair the terms of or affect the
16 security for bonds, notes or other obligations secured in whole
17 or in part with the proceeds of the surcharge described in this
18 Section. The pledge and agreement set forth in this Section
19 survive the termination of the surcharge under subsection (1)
20 by virtue of the replacement of the surcharge monies guaranteed
21 under Section 20; the State of Illinois pledges and agrees that
22 it will not limit or alter the rights vested in municipalities
23 and counties to the surcharge replacement funds guaranteed
24 under Section 20 so as to impair the terms of or affect the
25 security for bonds, notes or other obligations secured in whole
26 or in part with the proceeds of the surcharge described in this

1 Section.

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

9 (l) On and after the effective date of this amendatory
10 Act of the 99th General Assembly, no county or municipality,
11 other than a municipality with a population over 500,000, may
12 impose a monthly surcharge under this Section in excess of the
13 amount imposed by it on the effective date of this Act. Any
14 surcharge imposed pursuant to this Section by a county or
15 municipality, other than a municipality with a population in
16 excess of 500,000, shall cease to be imposed on January 1,
17 2016.

18 (Source: P.A. 97-463, eff. 8-19-11; 98-634, eff. 6-6-14.)

19 (50 ILCS 750/19 new)

20 Sec. 19. Statewide 9-1-1 Advisory Board.

21 (a) Beginning July 1, 2015, there is created the Statewide
22 9-1-1 Advisory Board within the Department of State Police. The
23 Board shall consist of the following 11 voting members:

24 (1) The Director of the State Police, or his or her
25 designee, who shall serve as chairman.

1 (2) The Executive Director of the Commission, or his or
2 her designee.

3 (3) Nine members appointed by the Governor as follows:

4 (A) one member representing the Illinois chapter
5 of the National Emergency Number Association, or his or
6 her designee;

7 (B) one member representing the Illinois chapter
8 of the Association of Public-Safety Communications
9 Officials, or his or her designee;

10 (C) one member representing a county 9-1-1 system
11 from a county with a population of less than 50,000;

12 (D) one member representing a county 9-1-1 system
13 from a county with a population between 50,000 and
14 250,000;

15 (E) one member representing a county 9-1-1 system
16 from a county with a population of more than 250,000;

17 (F) one member representing a municipality with a
18 population of less than 500,000 in a county with a
19 population of in excess of 2,000,000;

20 (G) one member representing the Illinois
21 Association of Chiefs of Police;

22 (H) one member representing the Illinois Sheriffs'
23 Association; and

24 (I) one member representing the Illinois Fire
25 Chiefs Association.

26 The Governor shall appoint the following non-voting

1 members: (i) one member representing an incumbent local
2 exchange 9-1-1 system provider; (ii) one member representing a
3 non-incumbent local exchange 9-1-1 system provider; (iii) one
4 member representing a large wireless carrier; (iv) one member
5 representing a small wireless carrier; and (v) one member
6 representing the Illinois Telecommunications Association.

7 (b) The Governor shall make initial appointments to the
8 Statewide 9-1-1 Advisory Board by August 31, 2015. Six of the
9 voting members appointed by the Governor shall serve an initial
10 term of 2 years, and the remaining voting members appointed by
11 the Governor shall serve an initial term of 3 years.
12 Thereafter, each appointment by the Governor shall be for a
13 term of 3 years. Non-voting members shall serve for a term of 3
14 years. Vacancies shall be filled in the same manner as the
15 original appointment. Persons appointed to fill a vacancy shall
16 serve for the balance of the unexpired term.

17 Members of the Statewide 9-1-1 Advisory Board shall serve
18 without compensation.

19 (c) The 9-1-1 Services Advisory Board, as constituted on
20 June 1, 2015 without the legislative members, shall serve in
21 the role of the Statewide 9-1-1 Advisory Board until all
22 appointments of voting members have been made by the Governor
23 under subsection (a) of this Section.

24 (d) The Statewide 9-1-1 Advisory Board shall:

25 (1) advise the Department of State Police and the
26 Statewide 9-1-1 Administrator on the oversight of 9-1-1

1 systems and the development and implementation of a uniform
2 statewide 9-1-1 system;

3 (2) make recommendations to the Governor and the
4 General Assembly regarding improvements to 9-1-1 services
5 throughout the State; and

6 (3) exercise all other powers and duties provided in
7 this Act.

8 (e) The Statewide 9-1-1 Advisory Board shall submit to the
9 General Assembly a report by March 1 of each year providing an
10 update on the transition to a statewide 9-1-1 system and
11 recommending any legislative action.

12 (f) The Department of State Police shall provide
13 administrative support to the Statewide 9-1-1 Advisory Board.

14 (50 ILCS 750/75 new)

15 Sec. 75. Transfer of rights, functions, powers, duties, and
16 property to Department of State Police; rules and standards;
17 savings provisions.

18 (a) On January 1, 2016, the rights, functions, powers, and
19 duties of the Illinois Commerce Commission as set forth in this
20 Act and the Wireless Emergency Telephone Safety Act existing
21 prior to January 1, 2016, are transferred to and shall be
22 exercised by the Department of State Police. On or before
23 January 1, 2016, the Commission shall transfer and deliver to
24 the Department all books, records, documents, property (real
25 and personal), unexpended appropriations, and pending business

1 pertaining to the rights, powers, duties, and functions
2 transferred to the Department under this amendatory Act of the
3 99th General Assembly.

4 (b) The rules and standards of the Commission that are in
5 effect on January 1, 2016 and that pertain to the rights,
6 powers, duties, and functions transferred to the Department
7 under this amendatory Act of the 99th General Assembly shall
8 become the rules and standards of the Department on January 1,
9 2016, and shall continue in effect until amended or repealed by
10 the Department.

11 Any rules pertaining to the rights, powers, duties, and
12 functions transferred to the Department under this amendatory
13 Act of the 99th General Assembly that have been proposed by the
14 Commission but have not taken effect or been finally adopted by
15 January 1, 2016, shall become proposed rules of the Department
16 on January 1, 2016, and any rulemaking procedures that have
17 already been completed by the Commission for those proposed
18 rules need not be repealed.

19 As soon as it is practical after January 1, 2016, the
20 Department shall revise and clarify the rules transferred to it
21 under this amendatory Act of the 99th General Assembly to
22 reflect the transfer of rights, powers, duties, and functions
23 effected by this amendatory Act of the 99th General Assembly
24 using the procedures for recodification of rules available
25 under the Illinois Administrative Procedure Act, except that
26 existing title, part, and section numbering for the affected

1 rules may be retained. The Department may propose and adopt
2 under the Illinois Administrative Procedure Act any other rules
3 necessary to consolidate and clarify those rules.

4 (c) The rights, powers, duties, and functions transferred
5 to the Department by this amendatory Act of the 99th General
6 Assembly shall be vested in and exercised by the Department
7 subject to the provisions of this Act and the Wireless
8 Emergency Telephone Safety Act. An act done by the Department
9 or an officer, employee, or agent of the Department in the
10 exercise of the transferred rights, powers, duties, and
11 functions shall have the same legal effect as if done by the
12 Commission or an officer, employee, or agent of the Commission.

13 The transfer of rights, powers, duties, and functions to
14 the Department under this amendatory Act of the 99th General
15 Assembly does not invalidate any previous action taken by or in
16 respect to the Commission, its officers, employees, or agents.
17 References to the Commission or its officers, employees, or
18 agents in any document, contract, agreement, or law shall, in
19 appropriate contexts, be deemed to refer to the Department or
20 its officers, employees, or agents.

21 The transfer of rights, powers, duties, and functions to
22 the Department under this amendatory Act of the 99th General
23 Assembly does not affect any person's rights, obligations, or
24 duties, including any civil or criminal penalties applicable
25 thereto, arising out of those transferred rights, powers,
26 duties, and functions.

1 This amendatory Act of the 99th General Assembly does not
2 affect any act done, ratified, or cancelled, any right
3 occurring or established, or any action or proceeding commenced
4 in an administrative, civil, or criminal case before January 1,
5 2016. Any such action or proceeding that pertains to a right,
6 power, duty, or function transferred to the Department under
7 this amendatory Act of the 99th General Assembly that is
8 pending on that date may be prosecuted, defended, or continued
9 by the Commission.

10 For the purposes of Section 9b of the State Finance Act,
11 the Department is the successor to the Commission with respect
12 to the rights, duties, powers, and functions transferred by
13 this amendatory Act of the 99th General Assembly.

14 (c) The Department is authorized to enter into an
15 intergovernmental agreement with the Commission for the
16 purpose of having the Commission assist the Department and the
17 Statewide 9-1-1 Administrator in carrying out their duties and
18 functions under this Act. The agreement may provide for funding
19 for the Commission for its assistance to the Department and the
20 Statewide 9-1-1 Administrator.

21 (50 ILCS 750/99 new)

22 Sec. 99. Repealer. This Act is repealed on July 1, 2017.

23 Section 1-25. The Wireless Emergency Telephone Safety Act
24 is amended by changing Sections 27, 45, and 70 as follows:

1 (50 ILCS 751/27)

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

3 Sec. 27. Financial reports.

4 (a) The Illinois Commerce Commission shall create uniform
5 accounting procedures, with such modification as may be
6 required to give effect to statutory provisions applicable only
7 to municipalities with a population in excess of 500,000, that
8 any emergency telephone system board, qualified governmental
9 entity, or unit of local government described in Section 15 of
10 this Act and Section 15.4 of the Emergency Telephone System Act
11 or any entity imposing a wireless surcharge pursuant to Section
12 45 of this Act must follow.

13 (b) By October 1, 2014, each emergency telephone system
14 board, qualified governmental entity, or unit of local
15 government described in Section 15 of this Act and Section 15.4
16 of the Emergency Telephone System Act or any entity imposing a
17 wireless surcharge pursuant to Section 45 of this Act shall
18 report to the Illinois Commerce Commission audited financial
19 statements showing total revenue and expenditures for each of
20 the last two of its fiscal years in a form and manner as
21 prescribed by the Illinois Commerce Commission's Manager of
22 Accounting. Such financial information shall include:

23 (1) a detailed summary of revenue from all sources
24 including, but not limited to, local, State, federal, and
25 private revenues, and any other funds received;

1 (2) operating expenses, capital expenditures, and cash
2 balances; and

3 (3) such other financial information that is relevant
4 to the provision of 9-1-1 services as determined by the
5 Illinois Commerce Commission's Manager of Accounting.

6 The emergency telephone system board, qualified
7 governmental entity, or unit of local government is responsible
8 for any costs associated with auditing such financial
9 statements. The Illinois Commerce Commission shall post the
10 audited financial statements on the Commission's website.

11 (c) By October 1, 2015 ~~January 31, 2016~~ and each year
12 thereafter, each emergency telephone system board, qualified
13 governmental entity, or unit of local government described in
14 Section 15 of this Act and Section 15.4 of the Emergency
15 Telephone System Act or any entity imposing a wireless
16 surcharge pursuant to Section 45 of this Act shall report to
17 the Illinois Commerce Commission audited annual financial
18 statements showing total revenue and expenditures in a form and
19 manner as prescribed by the Illinois Commerce Commission's
20 Manager of Accounting.

21 The emergency telephone system board, qualified
22 governmental entity, or unit of local government is responsible
23 for any costs associated with auditing such financial
24 statements.

25 The Illinois Commerce Commission shall post each entity's
26 individual audited annual financial statements on the

1 Commission's website.

2 (d) If an emergency telephone system board or qualified
3 governmental entity that receives funds from the Wireless
4 Service Emergency Fund fails to file the 9-1-1 system financial
5 reports as required under this Section, the Illinois Commerce
6 Commission shall suspend and withhold monthly grants otherwise
7 due to the emergency telephone system board or qualified
8 governmental entity under Section 25 of this Act until the
9 report is filed.

10 Any monthly grants that have been withheld for 12 months or
11 more shall be forfeited by the emergency telephone system board
12 or qualified governmental entity and shall be distributed
13 proportionally by the Illinois Commerce Commission to
14 compliant emergency telephone system boards and qualified
15 governmental entities that receive funds from the Wireless
16 Service Emergency Fund.

17 (e) The Illinois Commerce Commission may adopt emergency
18 rules necessary to carry out the provisions of this Section.

19 (Source: P.A. 98-634, eff. 6-6-14.)

20 (50 ILCS 751/45)

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

22 Sec. 45. Continuation of current practices.

23 (a) Notwithstanding any other provision of this Act, a unit
24 of local government or emergency telephone system board
25 providing wireless 9-1-1 service and imposing and collecting a

1 wireless carrier surcharge prior to July 1, 1998 may continue
2 its practices of imposing and collecting its wireless carrier
3 surcharge, but, except as provided in subsection (b) of this
4 Section, in no event shall that monthly surcharge exceed \$2.50
5 per commercial mobile radio service (CMRS) connection or
6 in-service telephone number billed on a monthly basis. For
7 mobile telecommunications services provided on and after
8 August 1, 2002, any surcharge imposed shall be imposed based
9 upon the municipality or county that encompasses the customer's
10 place of primary use as defined in the Mobile
11 Telecommunications Sourcing Conformity Act.

12 (b) On or after the effective date of this amendatory Act
13 of the 98th General Assembly and until July 1, 2017 ~~2015~~, the
14 corporate authorities of a municipality with a population in
15 excess of 500,000 on the effective date of this amendatory Act
16 may by ordinance impose and collect a monthly surcharge per
17 commercial mobile radio service (CMRS) connection or
18 in-service telephone number billed on a monthly basis that does
19 not exceed the highest monthly surcharge imposed as of January
20 1, 2014 by any county or municipality under subsection (c) of
21 Section 15.3 of the Emergency Telephone System Act. On or after
22 July 1, 2017 ~~2015~~, the municipality may continue imposing and
23 collecting its wireless carrier surcharge as provided in and
24 subject to the limitations of subsection (a) of this Section.

25 (c) In addition to any other lawful purpose, a municipality
26 with a population over 500,000 may use the moneys collected

1 under this Section for any anti-terrorism or emergency
2 preparedness measures, including, but not limited to,
3 preparedness planning, providing local matching funds for
4 federal or State grants, personnel training, and specialized
5 equipment, including surveillance cameras as needed to deal
6 with natural and terrorist-inspired emergency situations or
7 events.

8 (Source: P.A. 98-634, eff. 6-6-14.)

9 (50 ILCS 751/70)

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

11 Sec. 70. Repealer. This Act is repealed on December 31 ~~July~~
12 ~~1~~, 2015.

13 (Source: P.A. 97-1163, eff. 2-4-13; 98-45, eff. 6-28-13;
14 98-634, eff. 6-6-14.)

15 Section 1-30. The Prepaid Wireless 9-1-1 Surcharge Act is
16 amended by changing Section 15 as follows:

17 (50 ILCS 753/15)

18 Sec. 15. Prepaid wireless 9-1-1 surcharge.

19 (a) Until September 30, 2015, there ~~There~~ is hereby imposed
20 on consumers a prepaid wireless 9-1-1 surcharge of 1.5% per
21 retail transaction. Beginning October 1, 2015, the prepaid
22 wireless 9-1-1 surcharge shall be 3% per retail transaction.

23 The surcharge authorized by this subsection (a) does not apply

1 in a home rule municipality having a population in excess of
2 500,000. ~~The amount of the surcharge may be reduced or~~
3 ~~increased pursuant to subsection (c).~~

4 (a-5) On or after the effective date of this amendatory Act
5 of the 98th General Assembly and until July 1, 2017 ~~2015~~, a
6 home rule municipality having a population in excess of 500,000
7 on the effective date of this amendatory Act may impose a
8 prepaid wireless 9-1-1 surcharge not to exceed 9% per retail
9 transaction sourced to that jurisdiction and collected and
10 remitted in accordance with the provisions of subsection (b-5)
11 of this Section. On or after July 1, 2017 ~~2015~~, a home rule
12 municipality having a population in excess of 500,000 on the
13 effective date of this Act may only impose a prepaid wireless
14 9-1-1 surcharge not to exceed 7% per retail transaction sourced
15 to that jurisdiction and collected and remitted in accordance
16 with the provisions of subsection (b-5).

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

1 as a distinct item to the consumer as provided in this Section,
2 then the seller shall maintain books and records as required by
3 this Act which clearly identify the amount of the 9-1-1
4 surcharge for retail transactions.

5 For purposes of this subsection (b), a retail transaction
6 occurs in this State if (i) the retail transaction is made in
7 person by a consumer at the seller's business location and the
8 business is located within the State; (ii) the seller is a
9 provider and sells prepaid wireless telecommunications service
10 to a consumer located in Illinois; (iii) the retail transaction
11 is treated as occurring in this State for purposes of the
12 Retailers' Occupation Tax Act; or (iv) a seller that is
13 included within the definition of a "retailer maintaining a
14 place of business in this State" under Section 2 of the Use Tax
15 Act makes a sale of prepaid wireless telecommunications service
16 to a consumer located in Illinois. In the case of a retail
17 transaction which does not occur in person at a seller's
18 business location, if a consumer uses a credit card to purchase
19 prepaid wireless telecommunications service on-line or over
20 the telephone, and no product is shipped to the consumer, the
21 transaction occurs in this State if the billing address for the
22 consumer's credit card is in this State.

23 (b-5) The prepaid wireless 9-1-1 surcharge imposed under
24 subsection (a-5) of this Section shall be collected by the
25 seller from the consumer with respect to each retail
26 transaction occurring in the municipality imposing the

1 surcharge. The amount of the prepaid wireless 9-1-1 surcharge
2 shall be separately stated on an invoice, receipt, or other
3 similar document that is provided to the consumer by the seller
4 or shall be otherwise disclosed to the consumer. If the seller
5 does not separately state the surcharge as a distinct item to
6 the consumer as provided in this Section, then the seller shall
7 maintain books and records as required by this Act which
8 clearly identify the amount of the 9-1-1 surcharge for retail
9 transactions.

10 For purposes of this subsection (b-5), a retail transaction
11 occurs in the municipality if (i) the retail transaction is
12 made in person by a consumer at the seller's business location
13 and the business is located within the municipality; (ii) the
14 seller is a provider and sells prepaid wireless
15 telecommunications service to a consumer located in the
16 municipality; (iii) the retail transaction is treated as
17 occurring in the municipality for purposes of the Retailers'
18 Occupation Tax Act; or (iv) a seller that is included within
19 the definition of a "retailer maintaining a place of business
20 in this State" under Section 2 of the Use Tax Act makes a sale
21 of prepaid wireless telecommunications service to a consumer
22 located in the municipality. In the case of a retail
23 transaction which does not occur in person at a seller's
24 business location, if a consumer uses a credit card to purchase
25 prepaid wireless telecommunications service on-line or over
26 the telephone, and no product is shipped to the consumer, the

1 transaction occurs in the municipality if the billing address
2 for the consumer's credit card is in the municipality.

3 (c) The prepaid wireless 9-1-1 surcharge is imposed on the
4 consumer and not on any provider. The seller shall be liable to
5 remit all prepaid wireless 9-1-1 surcharges that the seller
6 collects from consumers as provided in Section 20, including
7 all such surcharges that the seller is deemed to collect where
8 the amount of the surcharge has not been separately stated on
9 an invoice, receipt, or other similar document provided to the
10 consumer by the seller. The surcharge collected or deemed
11 collected by a seller shall constitute a debt owed by the
12 seller to this State, and any such surcharge actually collected
13 shall be held in trust for the benefit of the Department.

14 For purposes of this subsection (c), the surcharge shall
15 not be imposed or collected from entities that have an active
16 tax exemption identification number issued by the Department
17 under Section 1g of the Retailers' Occupation Tax Act.

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

25 (e) (Blank.) ~~The prepaid wireless 9-1-1 charge imposed~~
26 ~~under subsection (a) of this Section shall be proportionately~~

1 ~~increased or reduced, as applicable, upon any change to the~~
2 ~~surcharge imposed under Section 17 of the Wireless Emergency~~
3 ~~Telephone Safety Act. The adjusted rate shall be determined by~~
4 ~~dividing the amount of the surcharge imposed under Section 17~~
5 ~~of the Wireless Emergency Telephone Safety Act by \$50. Such~~
6 ~~increase or reduction shall be effective on the first day of~~
7 ~~the first calendar month to occur at least 60 days after the~~
8 ~~enactment of the change to the surcharge imposed under Section~~
9 ~~17 of the Wireless Emergency Telephone Safety Act. The~~
10 ~~Department shall provide not less than 30 days' notice of an~~
11 ~~increase or reduction in the amount of the surcharge on the~~
12 ~~Department's website.~~

13 (e-5) Any changes in the rate of the surcharge imposed by a
14 municipality under the authority granted in subsection (a-5) of
15 this Section shall be effective on the first day of the first
16 calendar month to occur at least 60 days after the enactment of
17 the change. The Department shall provide not less than 30 days'
18 notice of the increase or reduction in the rate of such
19 surcharge on the Department's website.

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

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

15 (g) The prepaid wireless 9-1-1 surcharge imposed under
16 subsections (a) and (a-5) of this Section is not imposed on the
17 provider or the consumer for wireless Lifeline service where
18 the consumer does not pay the provider for the service. Where
19 the consumer purchases from the provider optional minutes,
20 texts, or other services in addition to the federally-funded
21 Lifeline benefit, a consumer must pay the prepaid wireless
22 9-1-1 surcharge, and it must be collected by the seller
23 according to subsection (b-5).

24 (Source: P.A. 97-463, eff. 1-1-12; 97-748, eff. 7-6-12; 98-634,
25 eff. 6-6-14.)

1 Section 1-31. The Counties Code is amended by changing
2 Section 5-1095.1 as follows:

3 (55 ILCS 5/5-1095.1)

4 Sec. 5-1095.1. County franchise fee or service provider fee
5 review; requests for information.

6 (a) If pursuant to its franchise agreement with a community
7 antenna television system (CATV) operator, a county imposes a
8 franchise fee authorized by 47 U.S.C. 542 or if a community
9 antenna television system (CATV) operator providing cable or
10 video service in that county is required to pay the service
11 provider fees imposed by the Cable and Video Competition Law of
12 2007, then the county may conduct an audit of that CATV
13 operator's franchise fees or service provider fees derived from
14 the provision of cable and video services to subscribers within
15 the franchise area to determine whether the amount of franchise
16 fees or service provider fees paid by that CATV operator to the
17 county was accurate. Any audit conducted under this subsection
18 (a) shall determine, for a period of not more than 4 years
19 after the date the franchise fees or service provider fees were
20 due, any overpayment or underpayment to the county by the CATV
21 operator, and the amount due to the county or CATV operator is
22 limited to the net difference.

23 (b) Not more than once every 2 years, a county or its agent
24 that is authorized to perform an audit as set forth in
25 subsection (a) ~~that has imposed a franchise fee authorized by~~

1 ~~47 U.S.C. 542~~ may, subject to the limitations and protections
2 stated in the Local Government Taxpayers' Bill of Rights Act,
3 request information from the CATV operator in the format
4 maintained by the CATV operator in the ordinary course of its
5 business that the county reasonably requires in order to
6 perform an audit under subsection (a). The information that may
7 be requested by the county includes without limitation the
8 following:

9 (1) in an electronic format used by the CATV operator
10 in the ordinary course of its business, the database used
11 by the CATV operator to determine the amount of the
12 franchise fee or service provider fee due to the county;
13 and

14 (2) in a format used by the CATV operator in the
15 ordinary course of its business, summary data, as needed by
16 the county, to determine the CATV operator's franchise fees
17 or service provider fees derived from the provision of
18 cable and video services to subscribers within the CATV
19 operator's franchise area.

20 (c) The CATV operator must provide the information
21 requested under subsection (b) within:

22 (1) 60 days after the receipt of the request if the
23 population of the requesting county is 500,000 or less; or

24 (2) 90 days after the receipt of the request if the
25 population of the requesting county exceeds 500,000.

26 The time in which a CATV operator must provide the

1 information requested under subsection (b) may be extended by
2 written ~~an~~ agreement between the county or its agent and the
3 CATV operator.

4 (c-5) The county or its agent must provide an initial
5 report of its audit findings to the CATV operator no later than
6 90 days after the information set forth in subsection (b) of
7 this Section has been provided by the CATV operator. This
8 90-day timeline may be extended one time by written agreement
9 between the county or its agent and the CATV operator. However,
10 in no event shall an extension of time exceed 90 days. This
11 initial report of audit findings shall detail the basis of its
12 findings and provide, but not be limited to, the following
13 information: (i) any overpayments of franchise fees or service
14 provider fees, (ii) any underpayments of franchise fees or
15 service provider fees, (iii) all county addresses that should
16 be included in the CATV operator's database and attributable to
17 that county for determination of franchise fees or service
18 provider fees, and (iv) addresses that should not be included
19 in the CATV operator's database and addresses that are not
20 attributable to that county for determination of franchise fees
21 or service provider fees. Generally accepted auditing
22 standards shall be utilized by the county and its agents in its
23 review of information provided by the CATV operator.

24 (c-10) In the event that the county or its agent does not
25 provide the initial report of the audit findings to the CATV
26 operator with the timeframes set forth in subsection (c-5) of

1 this Section, then the audit shall be deemed completed and to
2 have conclusively found that there was no overpayment or
3 underpayment by the CATV operator during the 24 months prior to
4 the county or its agents requesting the information set forth
5 in subsection (b) of this Section.

6 (d) If an audit by the county or its agents finds an error
7 by the CATV operator in the amount of the franchise fees or
8 service provider fees paid by the CATV operator to the county,
9 then the county shall ~~may~~ notify the CATV operator of the
10 error. Any such notice must be given to the CATV operator by
11 the county or its agent within 90 days after the county or its
12 agent discovers the error, and no later than 4 years after the
13 date the franchise fee or service provider fee was due. Upon
14 such a notice, the CATV operator must submit a written response
15 within 60 days after receipt of the notice stating that the
16 CATV operator has corrected the error on a prospective basis or
17 stating the reason that the error is inapplicable or
18 inaccurate. The county or its agent then has 60 days after the
19 receipt of the CATV operator's response to review and contest
20 the conclusion of the CATV operator. No legal proceeding to
21 collect a deficiency or overpayment based upon an alleged error
22 shall be commenced unless within 180 days after the county's
23 notification of the error to the CATV operator the parties are
24 unable to agree on the disposition of the audit findings.

25 Any legal proceeding to collect a deficiency as set forth
26 in this subsection (d) shall be filed in the appropriate

1 circuit court.

2 (e) No CATV operator is liable for any error in past
3 franchise fee or service provider fee payments that was unknown
4 by the CATV operator prior to the audit process unless (i) the
5 error was due to negligence on the part of the CATV operator in
6 the collection or processing of required data and (ii) the
7 county had not failed to respond in writing in a timely manner
8 to any written request of the CATV operator to review and
9 correct information used by the CATV operator to calculate the
10 appropriate franchise fees or service provider fees if a
11 diligent review of such information by the county reasonably
12 could have been expected to discover such error.

13 (f) All account specific information provided by a CATV
14 operator under this Section may be used only for the purpose of
15 an audit conducted under this Section and the enforcement of
16 any franchise fee or service provider fee delinquent claim. All
17 such information must be held in strict confidence by the
18 county and its agents and may not be disclosed to the public
19 under the Freedom of Information Act or under any other similar
20 statutes allowing for or requiring public disclosure.

21 (f-5) All contracts by and between a county and a third
22 party for the purposes of conducting an audit as contemplated
23 in this Code shall be disclosed to the public under the Freedom
24 of Information Act or under similar statutes allowing for or
25 requiring public disclosure.

26 (g) For the purposes of this Section, "CATV operator" means

1 a person or entity that provides cable and video services under
2 a franchise agreement with a county pursuant to Section 5-1095
3 of the Counties Code and a holder authorized under Section
4 21-401 of the Cable and Video Competition Law of 2007 as
5 consistent with Section 21-901 of that Law.

6 (h) This Section does not apply to any action that was
7 commenced, to any complaint that was filed, or to any audit
8 that was commenced before the effective date of this amendatory
9 Act of the 96th General Assembly. This Section also does not
10 apply to any franchise agreement that was entered into before
11 the effective date of this amendatory Act of the 96th General
12 Assembly unless the franchise agreement contains audit
13 provisions but no specifics regarding audit procedures.

14 (i) The provisions of this Section shall not be construed
15 as diminishing or replacing any civil remedy available to a
16 county, taxpayer, or tax collector.

17 (j) If a contingent fee is paid to an auditor, then the
18 payment must be based upon the net difference of the complete
19 audit.

20 (k) Within 90 days after the effective date of this
21 amendatory Act of the 96th General Assembly, a county shall
22 provide to any CATV operator a complete list of addresses
23 within the corporate limits of the county and shall annually
24 update the list.

25 (l) This Section is a denial and limitation of home rule
26 powers and functions under subsection (h) of Section 6 of

1 Article VII of the Illinois Constitution.

2 (Source: P.A. 96-1422, eff. 8-3-10.)

3 Section 1-33. The Illinois Municipal Code is amended by
4 changing Section 11-42-11.05 as follows:

5 (65 ILCS 5/11-42-11.05)

6 Sec. 11-42-11.05. Municipal franchise fee or service
7 provider fee review; requests for information.

8 (a) If pursuant to its franchise agreement with a community
9 antenna television system (CATV) operator, a municipality
10 imposes a franchise fee authorized by 47 U.S.C. 542 or if a
11 community antenna television system (CATV) operator providing
12 cable or video service in that municipality is required to pay
13 the service provider fees imposed by the Cable and Video
14 Competition Law of 2007, then the municipality may conduct an
15 audit of that CATV operator's franchise fees or service
16 provider fees derived from the provision of cable and video
17 services to subscribers within the franchise area to determine
18 whether the amount of franchise fees or service provider fees
19 paid by that CATV operator to the municipality was accurate.
20 Any audit conducted under this subsection (a) shall determine,
21 for a period of not more than 4 years after the date the
22 franchise fees or service provider fees were due, any
23 overpayment or underpayment to the municipality by the CATV
24 operator, and the amount due to the municipality or CATV

1 operator is limited to the net difference.

2 (b) Not more than once every 2 years, a municipality or its
3 agent that is authorized to perform an audit as set forth in
4 subsection (a) of this Section ~~that has imposed a franchise fee~~
5 ~~authorized by 47 U.S.C. 542~~ may, subject to the limitations and
6 protections stated in the Local Government Taxpayers' Bill of
7 Rights Act, request information from the CATV operator in the
8 format maintained by the CATV operator in the ordinary course
9 of its business that the municipality reasonably requires in
10 order to perform an audit under subsection (a). The information
11 that may be requested by the municipality includes without
12 limitation the following:

13 (1) in an electronic format used by the CATV operator
14 in the ordinary course of its business, the database used
15 by the CATV operator to determine the amount of the
16 franchise fee or service provider fee due to the
17 municipality; and

18 (2) in a format used by the CATV operator in the
19 ordinary course of its business, summary data, as needed by
20 the municipality, to determine the CATV operator's
21 franchise fees or service provider fees derived from the
22 provision of cable and video services to subscribers within
23 the CATV operator's franchise area.

24 (c) The CATV operator must provide the information
25 requested under subsection (b) within:

26 (1) 60 days after the receipt of the request if the

1 population of the requesting municipality is 500,000 or
2 less; or

3 (2) 90 days after the receipt of the request if the
4 population of the requesting municipality exceeds 500,000.

5 The time in which a CATV operator must provide the
6 information requested under subsection (b) may be extended by
7 written an agreement between the municipality or its agent and
8 the CATV operator.

9 (c-5) The municipality or its agent must provide an initial
10 report of its audit findings to the CATV operator no later than
11 90 days after the information set forth in subsection (b) of
12 this Section has been provided by the CATV operator. This
13 90-day timeline may be extended one time by written agreement
14 between the municipality or its agents and the CATV operator.
15 However, in no event shall an extension of time exceed 90 days.
16 This initial report of audit findings shall detail the basis of
17 its findings and provide, but not be limited to, the following
18 information: (i) any overpayments of franchise fees or service
19 provider fees, (ii) any underpayments of franchise fees or
20 service provider fees, (iii) all municipal addresses that
21 should be included in the CATV operator's database and
22 attributable to that municipality for determination of
23 franchise fees or service provider fees, and (iv) addresses
24 that should not be included in the CATV operator's database and
25 addresses that are not attributable to that municipality for
26 determination of franchise fees or service provider fees.

1 Generally accepted auditing standards shall be utilized by the
2 municipality and its agents in its review of information
3 provided by the CATV operator.

4 (c-10) In the event that the municipality or its agent does
5 not provide the initial report of the audit findings to the
6 CATV operator with the timeframes set forth in subsection (c-5)
7 of this Section, then the audit shall be deemed completed and
8 to have conclusively found that there was no overpayment or
9 underpayment by the CATV operator during the 24 months prior to
10 the municipality or its agents requesting the information set
11 forth in subsection (b) of this Section.

12 (d) If an audit by the municipality or its agents finds an
13 error by the CATV operator in the amount of the franchise fees
14 or service provider fees paid by the CATV operator to the
15 municipality, then the municipality shall ~~may~~ notify the CATV
16 operator of the error. Any such notice must be given to the
17 CATV operator by the municipality or its agent within 90 days
18 after the municipality or its agent discovers the error, and no
19 later than 4 years after the date the franchise fee or service
20 provider fee was due. Upon such a notice, the CATV operator
21 must submit a written response within 60 days after receipt of
22 the notice stating that the CATV operator has corrected the
23 error on a prospective basis or stating the reason that the
24 error is inapplicable or inaccurate. The municipality or its
25 agent then has 60 days after the receipt of the CATV operator's
26 response to review and contest the conclusion of the CATV

1 operator. No legal proceeding to collect a deficiency or
2 overpayment based upon an alleged error shall be commenced
3 unless within 180 days after the municipality's notification of
4 the error to the CATV operator the parties are unable to agree
5 on the disposition of the audit findings.

6 Any legal proceeding to collect a deficiency as set forth
7 in this subsection (d) shall be filed in the appropriate
8 circuit court.

9 (e) No CATV operator is liable for any error in past
10 franchise fee or service provider fee payments that was unknown
11 by the CATV operator prior to the audit process unless (i) the
12 error was due to negligence on the part of the CATV operator in
13 the collection or processing of required data and (ii) the
14 municipality had not failed to respond in writing in a timely
15 manner to any written request of the CATV operator to review
16 and correct information used by the CATV operator to calculate
17 the appropriate franchise fees or service provider fees if a
18 diligent review of such information by the municipality
19 reasonably could have been expected to discover such error.

20 (f) All account specific information provided by a CATV
21 operator under this Section may be used only for the purpose of
22 an audit conducted under this Section and the enforcement of
23 any franchise fee or service provider fee delinquent claim. All
24 such information must be held in strict confidence by the
25 municipality and its agents and may not be disclosed to the
26 public under the Freedom of Information Act or under any other

1 similar statutes allowing for or requiring public disclosure.

2 (f-5) All contracts by and between a municipality and a
3 third party for the purposes of conducting an audit as
4 contemplated in this Article shall be disclosed to the public
5 under the Freedom of Information Act or under similar statutes
6 allowing for or requiring public disclosure.

7 (g) For the purposes of this Section, "CATV operator" means
8 a person or entity that provides cable and video services under
9 a franchise agreement with a municipality pursuant to Section
10 11-42-11 of the Municipal Code and a holder authorized under
11 Section 21-401 of the Cable and Video Competition Law of 2007
12 as consistent with Section 21-901 of that Law.

13 (h) This Section does not apply to any action that was
14 commenced, to any complaint that was filed, or to any audit
15 that was commenced before the effective date of this amendatory
16 Act of the 96th General Assembly. This Section also does not
17 apply to any franchise agreement that was entered into before
18 the effective date of this amendatory Act of the 96th General
19 Assembly unless the franchise agreement contains audit
20 provisions but no specifics regarding audit procedures.

21 (i) The provisions of this Section shall not be construed
22 as diminishing or replacing any civil remedy available to a
23 municipality, taxpayer, or tax collector.

24 (j) If a contingent fee is paid to an auditor, then the
25 payment must be based upon the net difference of the complete
26 audit.

1 (k) Within 90 days after the effective date of this
2 amendatory Act of the 96th General Assembly, a municipality
3 shall provide to any CATV operator a complete list of addresses
4 within the corporate limits of the municipality and shall
5 annually update the list.

6 (l) This Section is a denial and limitation of home rule
7 powers and functions under subsection (h) of Section 6 of
8 Article VII of the Illinois Constitution.

9 (m) This Section does not apply to any municipality having
10 a population of more than 1,000,000.

11 (Source: P.A. 96-1422, eff. 8-3-10.)

12 Section 1-35. The Public Utilities Act is amended by
13 changing Sections 13-506.2, 13-703, 13-1200, 21-401, 21-801,
14 21-901, 21-1001, and 21-1601 as follows:

15 (220 ILCS 5/13-506.2)

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

17 Sec. 13-506.2. Market regulation for competitive retail
18 services.

19 (a) Definitions. As used in this Section:

20 (1) "Electing Provider" means a telecommunications
21 carrier that is subject to either rate regulation pursuant
22 to Section 13-504 or Section 13-505 or alternative
23 regulation pursuant to Section 13-506.1 and that elects to
24 have the rates, terms, and conditions of its competitive

1 retail telecommunications services solely determined and
2 regulated pursuant to the terms of this Article.

3 (2) "Basic local exchange service" means either a
4 stand-alone residence network access line and per-call
5 usage or, for any geographic area in which such stand-alone
6 service is not offered, a stand-alone flat rate residence
7 network access line for which local calls are not charged
8 for frequency or duration. Extended Area Service shall be
9 included in basic local exchange service.

10 (3) "Existing customer" means a residential customer
11 who was subscribing to one of the optional packages
12 described in subsection (d) of this Section as of the
13 effective date of this amendatory Act of the 99th General
14 Assembly. A customer who was subscribing to one of the
15 optional packages on that date but stops subscribing
16 thereafter shall not be considered an "existing customer"
17 as of the date the customer stopped subscribing to the
18 optional package, unless the stoppage is temporary and
19 caused by the customer changing service address locations,
20 or unless the customer resumes subscribing and is eligible
21 to receive discounts on monthly telephone service under the
22 federal Lifeline program, 47 C.F.R. Part 54, Subpart E.

23 (4) "New customer" means a residential customer who was
24 not subscribing to one of the optional packages described
25 in subsection (d) of this Section as of the effective date
26 of this amendatory Act of the 99th General Assembly and who

1 is eligible to receive discounts on monthly telephone
2 service under the federal Lifeline program, 47 C.F.R. Part
3 54, Subpart E.

4 (b) Election for market regulation. Notwithstanding any
5 other provision of this Act, an Electing Provider may elect to
6 have the rates, terms, and conditions of its competitive retail
7 telecommunications services solely determined and regulated
8 pursuant to the terms of this Section by filing written notice
9 of its election for market regulation with the Commission. The
10 notice of election shall designate the geographic area of the
11 Electing Provider's service territory where the market
12 regulation shall apply, either on a state-wide basis or in one
13 or more specified Market Service Areas ("MSA") or Exchange
14 areas. An Electing Provider shall not make an election for
15 market regulation under this Section unless it commits in its
16 written notice of election for market regulation to fulfill the
17 conditions and requirements in this Section in each geographic
18 area in which market regulation is elected. Immediately upon
19 filing the notice of election for market regulation, the
20 Electing Provider shall be subject to the jurisdiction of the
21 Commission to the extent expressly provided in this Section.

22 (c) Competitive classification. Market regulation shall be
23 available for competitive retail telecommunications services
24 as provided in this subsection.

25 (1) For geographic areas in which telecommunications
26 services provided by the Electing Provider were classified

1 as competitive either through legislative action or a
2 tariff filing pursuant to Section 13-502 prior to January
3 1, 2010, and that are included in the Electing Provider's
4 notice of election pursuant to subsection (b) of this
5 Section, such services, and all recurring and nonrecurring
6 charges associated with, related to or used in connection
7 with such services, shall be classified as competitive
8 without further Commission review. For services classified
9 as competitive pursuant to this subsection, the
10 requirements or conditions in any order or decision
11 rendered by the Commission pursuant to Section 13-502 prior
12 to the effective date of this amendatory Act of the 96th
13 General Assembly, except for the commitments made by the
14 Electing Provider in such order or decision concerning the
15 optional packages required in subsection (d) of this
16 Section and basic local exchange service as defined in this
17 Section, shall no longer be in effect and no Commission
18 investigation, review, or proceeding under Section 13-502
19 shall be continued, conducted, or maintained with respect
20 to such services, charges, requirements, or conditions. If
21 an Electing Provider has ceased providing optional
22 packages to customers pursuant to subdivision (d)(8) of
23 this Section, the commitments made by the Electing Provider
24 in such order or decision concerning the optional packages
25 under subsection (d) of this Section shall no longer be in
26 effect and no Commission investigation, review, or

1 proceeding under Section 13-502 shall be continued,
2 conducted, or maintained with respect to such packages.

3 (2) For those geographic areas in which residential
4 local exchange telecommunications services have not been
5 classified as competitive as of the effective date of this
6 amendatory Act of the 96th General Assembly, all
7 telecommunications services provided to residential and
8 business end users by an Electing Provider in the
9 geographic area that is included in its notice of election
10 pursuant to subsection (b) shall be classified as
11 competitive for purposes of this Article without further
12 Commission review.

13 (3) If an Electing Provider was previously subject to
14 alternative regulation pursuant to Section 13-506.1 of
15 this Article, the alternative regulation plan shall
16 terminate in whole for all services subject to that plan
17 and be of no force or effect, without further Commission
18 review or action, when the Electing Provider's residential
19 local exchange telecommunications service in each MSA in
20 its telecommunications service area in the State has been
21 classified as competitive pursuant to either subdivision
22 (c) (1) or (c) (2) of this Section.

23 (4) The service packages described in Section 13-518
24 shall be classified as competitive for purposes of this
25 Section if offered by an Electing Provider in a geographic
26 area in which local exchange telecommunications service

1 has been classified as competitive pursuant to either
2 subdivision (c) (1) or (c) (2) of this Section.

3 (5) Where a service, or its functional equivalent, or a
4 substitute service offered by a carrier that is not an
5 Electing Provider or the incumbent local exchange carrier
6 for that area is also being offered by an Electing Provider
7 for some identifiable class or group of customers in an
8 exchange, group of exchanges, or some other clearly defined
9 geographical area, the service offered by a carrier that is
10 not an Electing Provider or the incumbent local exchange
11 carrier for that area shall be classified as competitive
12 without further Commission review.

13 (6) Notwithstanding any other provision of this Act,
14 retail telecommunications services classified as
15 competitive pursuant to Section 13-502 or subdivision
16 (c) (5) of this Section shall have their rates, terms, and
17 conditions solely determined and regulated pursuant to the
18 terms of this Section in the same manner and to the same
19 extent as the competitive retail telecommunications
20 services of an Electing Provider, except that subsections
21 (d), (g), and (j) of this Section shall not apply to a
22 carrier that is not an Electing Provider or to the
23 competitive telecommunications services of a carrier that
24 is not an Electing Provider. The access services of a
25 carrier that is not an Electing Provider shall remain
26 subject to Section 13-900.2. The requirements in

1 subdivision (e)(3) of this Section shall not apply to
2 retail telecommunications services classified as
3 competitive pursuant to Section 13-502 or subdivision
4 (c)(5) of this Section, except that, upon request from the
5 Commission, the telecommunications carrier providing
6 competitive retail telecommunications services shall
7 provide a report showing the number of credits and
8 exemptions for the requested time period.

9 (d) Consumer choice safe harbor options.

10 (1) Subject to subdivision (d)(8) of this Section, an
11 ~~An~~ Electing Provider in each of the MSA or Exchange areas
12 classified as competitive pursuant to subdivision (c)(1)
13 or (c)(2) of this Section shall offer to all residential
14 customers who choose to subscribe the following optional
15 packages of services priced at the same rate levels in
16 effect on January 1, 2010:

17 (A) A basic package, which shall consist of a
18 stand-alone residential network access line and 30
19 local calls. If the Electing Provider offers a
20 stand-alone residential access line and local usage on
21 a per call basis, the price for the basic package shall
22 be the Electing Provider's applicable price in effect
23 on January 1, 2010 for the sum of a residential access
24 line and 30 local calls, additional calls over 30 calls
25 shall be provided at the current per call rate.
26 However, this basic package is not required if

1 stand-alone residential network access lines or
2 per-call local usage are not offered by the Electing
3 Provider in the geographic area on January 1, 2010 or
4 if the Electing Provider has not increased its
5 stand-alone network access line and local usage rates,
6 including Extended Area Service rates, since January
7 1, 2010.

8 (B) An extra package, which shall consist of
9 residential basic local exchange network access line
10 and unlimited local calls. The price for the extra
11 package shall be the Electing Provider's applicable
12 price in effect on January 1, 2010 for a residential
13 access line with unlimited local calls.

14 (C) A plus package, which shall consist of
15 residential basic local exchange network access line,
16 unlimited local calls, and the customer's choice of 2
17 vertical services offered by the Electing Provider.
18 The term "vertical services" as used in this
19 subsection, includes, but is not limited to, call
20 waiting, call forwarding, 3-way calling, caller ID,
21 call tracing, automatic callback, repeat dialing, and
22 voicemail. The price for the plus package shall be the
23 Electing Provider's applicable price in effect on
24 January 1, 2010 for the sum of a residential access
25 line with unlimited local calls and 2 times the average
26 price for the vertical features included in the

1 package.

2 (2) Subject to subdivision (d) (8) of this Section, for
3 ~~For~~ those geographic areas in which local exchange
4 telecommunications services were classified as competitive
5 on the effective date of this amendatory Act of the 96th
6 General Assembly, an Electing Provider in each such MSA or
7 Exchange area shall be subject to the same terms and
8 conditions as provided in commitments made by the Electing
9 Provider in connection with such previous competitive
10 classifications, which shall apply with equal force under
11 this Section, except as follows: (i) the limits on price
12 increases on the optional packages required by this Section
13 shall be extended consistent with subsection (d) (1) of this
14 Section and (ii) the price for the extra package required
15 by subsection (d) (1) (B) shall be reduced by one dollar from
16 the price in effect on January 1, 2010. In addition, if an
17 Electing Provider obtains a competitive classification
18 pursuant to subsection (c) (1) and (c) (2), the price for the
19 optional packages shall be determined in such area in
20 compliance with subsection (d) (1), except the price for the
21 plus package required by subsection (d) (1) (C) shall be the
22 lower of the price for such area or the price of the plus
23 package in effect on January 1, 2010 for areas classified
24 as competitive pursuant to subsection (c) (1).

25 (3) To the extent that the requirements in Section
26 13-518 applied to a telecommunications carrier prior to the

1 effective date of this Section and that telecommunications
2 carrier becomes an Electing Provider in accordance with the
3 provisions of this Section, the requirements in Section
4 13-518 shall cease to apply to that Electing Provider in
5 those geographic areas included in the Electing Provider's
6 notice of election pursuant to subsection (b) of this
7 Section.

8 (4) Subject to subdivision (d)(8) of this Section, an
9 ~~An~~ Electing Provider shall make the optional packages
10 required by this subsection and stand-alone residential
11 network access lines and local usage, where offered,
12 readily available to the public by providing information,
13 in a clear manner, to residential customers. Information
14 shall be made available on a website, and an Electing
15 Provider shall provide notification to its customers every
16 6 months, provided that notification may consist of a bill
17 page message that provides an objective description of the
18 safe harbor options that includes a telephone number and
19 website address where the customer may obtain additional
20 information about the packages from the Electing Provider.
21 The optional packages shall be offered on a monthly basis
22 with no term of service requirement. An Electing Provider
23 shall allow online electronic ordering of the optional
24 packages and stand-alone residential network access lines
25 and local usage, where offered, on its website in a manner
26 similar to the online electronic ordering of its other

1 residential services.

2 (5) Subject to subdivision (d)(8) of this Section, an
3 ~~An~~ Electing Provider shall comply with the Commission's
4 existing rules, regulations, and notices in Title 83, Part
5 735 of the Illinois Administrative Code when offering or
6 providing the optional packages required by this
7 subsection (d) and stand-alone residential network access
8 lines.

9 (6) Subject to subdivision (d)(8) of this Section, an
10 ~~An~~ Electing Provider shall provide to the Commission
11 semi-annual subscribership reports as of June 30 and
12 December 31 that contain the number of its customers
13 subscribing to each of the consumer choice safe harbor
14 packages required by subsection (d)(1) of this Section and
15 the number of its customers subscribing to retail
16 residential basic local exchange service as defined in
17 subsection (a)(2) of this Section. The first semi-annual
18 reports shall be made on April 1, 2011 for December 31,
19 2010, and on September 1, 2011 for June 30, 2011, and
20 semi-annually on April 1 and September 1 thereafter. Such
21 subscribership information shall be accorded confidential
22 and proprietary treatment upon request by the Electing
23 Provider.

24 (7) The Commission shall have the power, after notice
25 and hearing as provided in this Article, upon complaint or
26 upon its own motion, to take corrective action if the

1 requirements of this Section are not complied with by an
2 Electing Provider.

3 (8) On and after the effective date of this amendatory
4 act of the 99th General Assembly, an Electing Provider
5 shall continue to offer and provide the optional packages
6 described in this subsection (d) to existing customers and
7 new customers. On and after July 1, 2017, an Electing
8 Provider may immediately stop offering the optional
9 packages described in this subsection (d) and, upon
10 providing two notices to affected customers and to the
11 Commission, may stop providing the optional packages
12 described in this subsection (d) to all customers who
13 subscribe to one of the optional packages. The first notice
14 shall be provided at least 90 days before the date upon
15 which the Electing Provider intends to stop providing the
16 optional packages, and the second notice must be provided
17 at least 30 days before that date. The first notice shall
18 not be provided prior to July 1, 2017. Each notice must
19 identify the date on which the Electing Provider intends to
20 stop providing the optional packages, at least one
21 alternative service available to the customer, and a
22 telephone number by which the customer may contact a
23 service representative of the Electing Provider. After
24 July 1, 2017 with respect to new customers, and upon the
25 expiration of the second notice period with respect to
26 customers who were subscribing to one of the optional

1 packages, subdivisions (d) (1), (d) (2), (d) (4), (d) (5),
2 (d) (6), and (d) (7) of this Section shall not apply to the
3 Electing Provider. Notwithstanding any other provision of
4 this Article, an Electing Provider that has ceased
5 providing the optional packages under this subdivision
6 (d) (8) is not subject to Section 13-301(1) (c) of this Act.
7 Notwithstanding any other provision of this Act, and
8 subject to subdivision (d) (7) of this of this Section, the
9 Commission's authority over the discontinuance of the
10 optional packages described in this subsection (d) by an
11 Electing Provider shall be governed solely by this
12 subsection (d) (8).

13 (e) Service quality and customer credits for basic local
14 exchange service.

15 (1) An Electing Provider shall meet the following
16 service quality standards in providing basic local
17 exchange service, which for purposes of this subsection
18 (e), includes both basic local exchange service and any the
19 consumer choice safe harbor options that may be required by
20 subsection (d) of this Section.

21 (A) Install basic local exchange service within 5
22 business days after receipt of an order from the
23 customer unless the customer requests an installation
24 date that is beyond 5 business days after placing the
25 order for basic service and to inform the customer of
26 the Electing Provider's duty to install service within

1 this timeframe. If installation of service is
2 requested on or by a date more than 5 business days in
3 the future, the Electing Provider shall install
4 service by the date requested.

5 (B) Restore basic local exchange service for the
6 customer within 30 hours after receiving notice that
7 the customer is out of service.

8 (C) Keep all repair and installation appointments
9 for basic local exchange service if a customer premises
10 visit requires a customer to be present. The
11 appointment window shall be either a specific time or,
12 at a maximum, a 4-hour time block during evening,
13 weekend, and normal business hours.

14 (D) Inform a customer when a repair or installation
15 appointment requires the customer to be present.

16 (2) Customers shall be credited by the Electing
17 Provider for violations of basic local exchange service
18 quality standards described in subdivision (e)(1) of this
19 Section. The credits shall be applied automatically on the
20 statement issued to the customer for the next monthly
21 billing cycle following the violation or following the
22 discovery of the violation. The next monthly billing cycle
23 following the violation or the discovery of the violation
24 means the billing cycle immediately following the billing
25 cycle in process at the time of the violation or discovery
26 of the violation, provided the total time between the

1 violation or discovery of the violation and the issuance of
2 the credit shall not exceed 60 calendar days. The Electing
3 Provider is responsible for providing the credits and the
4 customer is under no obligation to request such credits.
5 The following credits shall apply:

6 (A) If an Electing Provider fails to repair an
7 out-of-service condition for basic local exchange
8 service within 30 hours, the Electing Provider shall
9 provide a credit to the customer. If the service
10 disruption is for more than 30 hours, but not more than
11 48 hours, the credit must be equal to a pro-rata
12 portion of the monthly recurring charges for all basic
13 local exchange services disrupted. If the service
14 disruption is for more than 48 hours, but not more than
15 72 hours, the credit must be equal to at least 33% of
16 one month's recurring charges for all local services
17 disrupted. If the service disruption is for more than
18 72 hours, but not more than 96 hours, the credit must
19 be equal to at least 67% of one month's recurring
20 charges for all basic local exchange services
21 disrupted. If the service disruption is for more than
22 96 hours, but not more than 120 hours, the credit must
23 be equal to one month's recurring charges for all basic
24 local exchange services disrupted. For each day or
25 portion thereof that the service disruption continues
26 beyond the initial 120-hour period, the Electing

1 Provider shall also provide an additional credit of \$20
2 per calendar day.

3 (B) If an Electing Provider fails to install basic
4 local exchange service as required under subdivision
5 (e)(1) of this Section, the Electing Provider shall
6 waive 50% of any installation charges, or in the
7 absence of an installation charge or where
8 installation is pursuant to the Link Up program, the
9 Electing Provider shall provide a credit of \$25. If an
10 Electing Provider fails to install service within 10
11 business days after the service application is placed,
12 or fails to install service within 5 business days
13 after the customer's requested installation date, if
14 the requested date was more than 5 business days after
15 the date of the order, the Electing Provider shall
16 waive 100% of the installation charge, or in the
17 absence of an installation charge or where
18 installation is provided pursuant to the Link Up
19 program, the Electing Provider shall provide a credit
20 of \$50. For each day that the failure to install
21 service continues beyond the initial 10 business days,
22 or beyond 5 business days after the customer's
23 requested installation date, if the requested date was
24 more than 5 business days after the date of the order,
25 the Electing Provider shall also provide an additional
26 credit of \$20 per calendar day until the basic local

1 exchange service is installed.

2 (C) If an Electing Provider fails to keep a
3 scheduled repair or installation appointment when a
4 customer premises visit requires a customer to be
5 present as required under subdivision (e)(1) of this
6 Section, the Electing Provider shall credit the
7 customer \$25 per missed appointment. A credit required
8 by this subdivision does not apply when the Electing
9 Provider provides the customer notice of its inability
10 to keep the appointment no later than 8:00 pm of the
11 day prior to the scheduled date of the appointment.

12 (D) Credits required by this subsection do not
13 apply if the violation of a service quality standard:

14 (i) occurs as a result of a negligent or
15 willful act on the part of the customer;

16 (ii) occurs as a result of a malfunction of
17 customer-owned telephone equipment or inside
18 wiring;

19 (iii) occurs as a result of, or is extended by,
20 an emergency situation as defined in 83 Ill. Adm.
21 Code 732.10;

22 (iv) is extended by the Electing Provider's
23 inability to gain access to the customer's
24 premises due to the customer missing an
25 appointment, provided that the violation is not
26 further extended by the Electing Provider;

1 (v) occurs as a result of a customer request to
2 change the scheduled appointment, provided that
3 the violation is not further extended by the
4 Electing Provider;

5 (vi) occurs as a result of an Electing
6 Provider's right to refuse service to a customer as
7 provided in Commission rules; or

8 (vii) occurs as a result of a lack of
9 facilities where a customer requests service at a
10 geographically remote location, where a customer
11 requests service in a geographic area where the
12 Electing Provider is not currently offering
13 service, or where there are insufficient
14 facilities to meet the customer's request for
15 service, subject to an Electing Provider's
16 obligation for reasonable facilities planning.

17 (3) Each Electing Provider shall provide to the
18 Commission on a quarterly basis and in a form suitable for
19 posting on the Commission's website in conformance with the
20 rules adopted by the Commission and in effect on April 1,
21 2010, a public report that includes the following data for
22 basic local exchange service quality of service:

23 (A) With regard to credits due in accordance with
24 subdivision (e)(2)(A) as a result of out-of-service
25 conditions lasting more than 30 hours:

26 (i) the total dollar amount of any customer

1 credits paid;

2 (ii) the number of credits issued for repairs
3 between 30 and 48 hours;

4 (iii) the number of credits issued for repairs
5 between 49 and 72 hours;

6 (iv) the number of credits issued for repairs
7 between 73 and 96 hours;

8 (v) the number of credits used for repairs
9 between 97 and 120 hours;

10 (vi) the number of credits issued for repairs
11 greater than 120 hours; and

12 (vii) the number of exemptions claimed for
13 each of the categories identified in subdivision
14 (e) (2) (D).

15 (B) With regard to credits due in accordance with
16 subdivision (e) (2) (B) as a result of failure to install
17 basic local exchange service:

18 (i) the total dollar amount of any customer
19 credits paid;

20 (ii) the number of installations after 5
21 business days;

22 (iii) the number of installations after 10
23 business days;

24 (iv) the number of installations after 11
25 business days; and

26 (v) the number of exemptions claimed for each

1 of the categories identified in subdivision
2 (e) (2) (D).

3 (C) With regard to credits due in accordance with
4 subdivision (e) (2) (C) as a result of missed
5 appointments:

6 (i) the total dollar amount of any customer
7 credits paid;

8 (ii) the number of any customers receiving
9 credits; and

10 (iii) the number of exemptions claimed for
11 each of the categories identified in subdivision
12 (e) (2) (D).

13 (D) The Electing Provider's annual report required
14 by this subsection shall also include, for
15 informational reporting, the performance data
16 described in subdivisions (e) (2) (A), (e) (2) (B), and
17 (e) (2) (C), and trouble reports per 100 access lines
18 calculated using the Commission's existing applicable
19 rules and regulations for such measures, including the
20 requirements for service standards established in this
21 Section.

22 (4) It is the intent of the General Assembly that the
23 service quality rules and customer credits in this
24 subsection (e) of this Section and other enforcement
25 mechanisms, including fines and penalties authorized by
26 Section 13-305, shall apply on a nondiscriminatory basis to

1 all Electing Providers. Accordingly, notwithstanding any
2 provision of any service quality rules promulgated by the
3 Commission, any alternative regulation plan adopted by the
4 Commission, or any other order of the Commission, any
5 Electing Provider that is subject to any other order of the
6 Commission and that violates or fails to comply with the
7 service quality standards promulgated pursuant to this
8 subsection (e) or any other order of the Commission shall
9 not be subject to any fines, penalties, customer credits,
10 or enforcement mechanisms other than such fines or
11 penalties or customer credits as may be imposed by the
12 Commission in accordance with the provisions of this
13 subsection (e) and Section 13-305, which are to be
14 generally applicable to all Electing Providers. The amount
15 of any fines or penalties imposed by the Commission for
16 failure to comply with the requirements of this subsection
17 (e) shall be an appropriate amount, taking into account, at
18 a minimum, the Electing Provider's gross annual intrastate
19 revenue; the frequency, duration, and recurrence of the
20 violation; and the relative harm caused to the affected
21 customers or other users of the network. In imposing fines
22 and penalties, the Commission shall take into account
23 compensation or credits paid by the Electing Provider to
24 its customers pursuant to this subsection (e) in
25 compensation for any violation found pursuant to this
26 subsection (e), and in any event the fine or penalty shall

1 not exceed an amount equal to the maximum amount of a civil
2 penalty that may be imposed under Section 13-305.

3 (5) An Electing Provider in each of the MSA or Exchange
4 areas classified as competitive pursuant to subsection (c)
5 of this Section shall fulfill the requirements in
6 subdivision (e)(3) of this Section for 3 years after its
7 notice of election becomes effective. After such 3 years,
8 the requirements in subdivision (e)(3) of this Section
9 shall not apply to such Electing Provider, except that,
10 upon request from the Commission, the Electing Provider
11 shall provide a report showing the number of credits and
12 exemptions for the requested time period.

13 (f) Commission jurisdiction over competitive retail
14 telecommunications services. Except as otherwise expressly
15 stated in this Section, the Commission shall thereafter have no
16 jurisdiction or authority over any aspect of competitive retail
17 telecommunications service of an Electing Provider in those
18 geographic areas included in the Electing Provider's notice of
19 election pursuant to subsection (b) of this Section or of a
20 retail telecommunications service classified as competitive
21 pursuant to Section 13-502 or subdivision (c)(5) of this
22 Section, heretofore subject to the jurisdiction of the
23 Commission, including but not limited to, any requirements of
24 this Article related to the terms, conditions, rates, quality
25 of service, availability, classification or any other aspect of
26 any competitive retail telecommunications services. No

1 telecommunications carrier shall commit any unfair or
2 deceptive act or practice in connection with any aspect of the
3 offering or provision of any competitive retail
4 telecommunications service. Nothing in this Article shall
5 limit or affect any provisions in the Consumer Fraud and
6 Deceptive Business Practices Act with respect to any unfair or
7 deceptive act or practice by a telecommunications carrier.

8 (g) Commission authority over access services upon
9 election for market regulation.

10 (1) As part of its Notice of Election for Market
11 Regulation, the Electing Provider shall reduce its
12 intrastate switched access rates to rates no higher than
13 its interstate switched access rates in 4 installments. The
14 first reduction must be made 30 days after submission of
15 its complete application for Notice of Election for Market
16 Regulation, and the Electing Provider must reduce its
17 intrastate switched access rates by an amount equal to 33%
18 of the difference between its current intrastate switched
19 access rates and its current interstate switched access
20 rates. The second reduction must be made no later than one
21 year after the first reduction, and the Electing Provider
22 must reduce its then current intrastate switched access
23 rates by an amount equal to 41% of the difference between
24 its then current intrastate switched access rates and its
25 then current interstate switched access rates. The third
26 reduction must be made no later than one year after the

1 second reduction, and the Electing Provider must reduce its
2 then current intrastate switched access rates by an amount
3 equal to 50% of the difference between its then current
4 intrastate switched access rate and its then current
5 interstate switched access rates. The fourth reduction
6 must be made on or before June 30, 2013, and the Electing
7 Provider must reduce its intrastate switched access rate to
8 mirror its then current interstate switched access rates
9 and rate structure. Following the fourth reduction, each
10 Electing Provider must continue to set its intrastate
11 switched access rates to mirror its interstate switched
12 access rates and rate structure. For purposes of this
13 subsection, the rate for intrastate switched access
14 service means the composite, per-minute rate for that
15 service, including all applicable fixed and
16 traffic-sensitive charges, including, but not limited to,
17 carrier common line charges.

18 (2) Nothing in paragraph (1) of this subsection (g)
19 prohibits an Electing Provider from electing to offer
20 intrastate switched access service at rates lower than its
21 interstate switched access rates.

22 (3) The Commission shall have no authority to order an
23 Electing Provider to set its rates for intrastate switched
24 access at a level lower than its interstate switched access
25 rates.

26 (4) The Commission's authority under this subsection

1 (g) shall only apply to Electing Providers under Market
2 Regulation. The Commission's authority over switched
3 access services for all other carriers is retained under
4 Section 13-900.2 of this Act.

5 (h) Safety of service equipment and facilities.

6 (1) An Electing Provider shall furnish, provide, and
7 maintain such service instrumentalities, equipment, and
8 facilities as shall promote the safety, health, comfort,
9 and convenience of its patrons, employees, and public and
10 as shall be in all respects adequate, reliable, and
11 efficient without discrimination or delay. Every Electing
12 Provider shall provide service and facilities that are in
13 all respects environmentally safe.

14 (2) The Commission is authorized to conduct an
15 investigation of any Electing Provider or part thereof. The
16 investigation may examine the reasonableness, prudence, or
17 efficiency of any aspect of the Electing Provider's
18 operations or functions that may affect the adequacy,
19 safety, efficiency, or reliability of telecommunications
20 service. The Commission may conduct or order an
21 investigation only when it has reasonable grounds to
22 believe that the investigation is necessary to assure that
23 the Electing Provider is providing adequate, efficient,
24 reliable, and safe service. The Commission shall, before
25 initiating any such investigation, issue an order
26 describing the grounds for the investigation and the

1 appropriate scope and nature of the investigation, which
2 shall be reasonably related to the grounds relied upon by
3 the Commission in its order.

4 (i) (Blank).

5 (j) Application of Article VII. The provisions of Sections
6 7-101, 7-102, 7-104, 7-204, 7-205, and 7-206 of this Act are
7 applicable to an Electing Provider offering or providing retail
8 telecommunications service, and the Commission's regulation
9 thereof, except that (1) the approval of contracts and
10 arrangements with affiliated interests required by paragraph
11 (3) of Section 7-101 shall not apply to such telecommunications
12 carriers provided that, except as provided in item (2), those
13 contracts and arrangements shall be filed with the Commission;
14 (2) affiliated interest contracts or arrangements entered into
15 by such telecommunications carriers where the increased
16 obligation thereunder does not exceed the lesser of \$5,000,000
17 or 5% of such carrier's prior annual revenue from
18 noncompetitive services are not required to be filed with the
19 Commission; and (3) any consent and approval of the Commission
20 required by Section 7-102 is not required for the sale, lease,
21 assignment, or transfer by any Electing Provider of any
22 property that is not necessary or useful in the performance of
23 its duties to the public.

24 (k) Notwithstanding other provisions of this Section, the
25 Commission retains its existing authority to enforce the
26 provisions, conditions, and requirements of the following

1 Sections of this Article: 13-101, 13-103, 13-201, 13-301,
2 13-301.1, 13-301.2, 13-301.3, 13-303, 13-303.5, 13-304,
3 13-305, 13-401, 13-401.1, 13-402, 13-403, 13-404, 13-404.1,
4 13-404.2, 13-405, 13-406, 13-407, 13-501, 13-501.5, 13-503,
5 13-505, 13-509, 13-510, 13-512, 13-513, 13-514, 13-515,
6 13-516, 13-519, 13-702, 13-703, 13-704, 13-705, 13-706,
7 13-707, 13-709, 13-713, 13-801, 13-802.1, 13-804, 13-900,
8 13-900.1, 13-900.2, 13-901, 13-902, and 13-903, which are fully
9 and equally applicable to Electing Providers and to
10 telecommunications carriers providing retail
11 telecommunications service classified as competitive pursuant
12 to Section 13-502 or subdivision (c) (5) of this Section subject
13 to the provisions of this Section. On the effective date of
14 this amendatory Act of the 98th General Assembly, the following
15 Sections of this Article shall cease to apply to Electing
16 Providers and to telecommunications carriers providing retail
17 telecommunications service classified as competitive pursuant
18 to Section 13-502 or subdivision (c) (5) of this Section:
19 13-302, 13-405.1, 13-502, 13-502.5, 13-504, 13-505.2,
20 13-505.3, 13-505.4, 13-505.5, 13-505.6, 13-506.1, 13-507,
21 13-507.1, 13-508, 13-508.1, 13-517, 13-518, 13-601, 13-701,
22 and 13-712.

23 (Source: P.A. 98-45, eff. 6-28-13.)

24 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

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

1 Sec. 13-703. (a) The Commission shall design and implement
2 a program whereby each telecommunications carrier providing
3 local exchange service shall provide a telecommunications
4 device capable of servicing the needs of those persons with a
5 hearing or speech disability together with a single party line,
6 at no charge additional to the basic exchange rate, to any
7 subscriber who is certified as having a hearing or speech
8 disability by a licensed physician, speech-language
9 pathologist, audiologist or a qualified State agency and to any
10 subscriber which is an organization serving the needs of those
11 persons with a hearing or speech disability as determined and
12 specified by the Commission pursuant to subsection (d).

13 (b) The Commission shall design and implement a program,
14 whereby each telecommunications carrier providing local
15 exchange service shall provide a telecommunications relay
16 system, using third party intervention to connect those persons
17 having a hearing or speech disability with persons of normal
18 hearing by way of intercommunications devices and the telephone
19 system, making available reasonable access to all phases of
20 public telephone service to persons who have a hearing or
21 speech disability. In order to design a telecommunications
22 relay system which will meet the requirements of those persons
23 with a hearing or speech disability available at a reasonable
24 cost, the Commission shall initiate an investigation and
25 conduct public hearings to determine the most cost-effective
26 method of providing telecommunications relay service to those

1 persons who have a hearing or speech disability when using
2 telecommunications devices and therein solicit the advice,
3 counsel, and physical assistance of Statewide nonprofit
4 consumer organizations that serve persons with hearing or
5 speech disabilities in such hearings and during the development
6 and implementation of the system. The Commission shall phase in
7 this program, on a geographical basis, as soon as is
8 practicable, but no later than June 30, 1990.

9 (c) The Commission shall establish a competitively neutral
10 rate recovery mechanism that establishes ~~, authorizing~~ charges
11 in an amount to be determined by the Commission for each line
12 of a subscriber to allow telecommunications carriers providing
13 local exchange service to recover costs as they are incurred
14 under this Section. Beginning no later than April 1, 2016, and
15 on a yearly basis thereafter, the Commission shall initiate a
16 proceeding to establish the amount to be charged or assessed to
17 subscribers of telecommunications carriers and wireless
18 carriers, Interconnected VoIP service providers and purchasers
19 of prepaid wireless telecommunications service in a manner
20 consistent with this subsection (c) and subsection (f) of this
21 Section. The Commission shall issue its order establishing the
22 amount to be charged or assessed to subscribers of
23 telecommunications carriers and wireless carriers,
24 Interconnected VoIP service providers and purchasers of
25 prepaid wireless telecommunications service on or prior to June
26 1 of each year, and such amount shall take effect June 1 of

1 each year.

2 (d) The Commission shall determine and specify those
3 organizations serving the needs of those persons having a
4 hearing or speech disability that shall receive a
5 telecommunications device and in which offices the equipment
6 shall be installed in the case of an organization having more
7 than one office. For the purposes of this Section,
8 "organizations serving the needs of those persons with hearing
9 or speech disabilities" means centers for independent living as
10 described in Section 12a of the Disabled Persons Rehabilitation
11 Act and not-for-profit organizations whose primary purpose is
12 serving the needs of those persons with hearing or speech
13 disabilities. The Commission shall direct the
14 telecommunications carriers subject to its jurisdiction and
15 this Section to comply with its determinations and
16 specifications in this regard.

17 (e) As used in this Section:

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

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

23 "Telecommunications ~~, the phrase "telecommunications~~
24 ~~carrier providing local exchange service"~~ includes, without
25 otherwise limiting the meaning of the term, telecommunications
26 carriers which are purely mutual concerns, having no rates or

1 charges for services, but paying the operating expenses by
2 assessment upon the members of such a company and no other
3 person.

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

6 (f) Interconnected VoIP service providers, sellers of
7 prepaid wireless telecommunications service, and wireless
8 carriers in Illinois shall collect and remit assessments
9 determined in accordance with this Section in a competitively
10 neutral manner in the same manner as a telecommunications
11 carrier providing local exchange service. However, the
12 assessment imposed on consumers of prepaid wireless
13 telecommunications service shall be imposed per retail
14 transaction as a percentage of that retail transaction on all
15 retail transactions occurring in this State. The assessment on
16 subscribers of wireless carriers and consumers of prepaid
17 wireless telecommunications service providers shall not be
18 imposed or collected prior to June 1, 2016.

19 Sellers of prepaid wireless telecommunications service
20 shall remit the assessments to the Department of Revenue on the
21 same form and in the same manner which they remit the fee
22 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For
23 the purposes of display on the consumers' receipts, the rates
24 of the fee collected under the Prepaid Wireless 9-1-1 Surcharge
25 Act and the assessment under this Section may be combined. In
26 administration and enforcement of this Section, the provisions

1 of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge
2 Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of
3 Section 15 and subsections (c) and (e) of Section 20 of the
4 Prepaid Wireless 9-1-1 Surcharge Act and, from the effective
5 date of this amendatory Act of the 99th General Assembly, the
6 seller shall be permitted to deduct and retain 3% of the
7 assessments that are collected by the seller from consumers and
8 that are remitted and timely filed with the Department) that
9 are not inconsistent with this Section, shall apply, as far as
10 practicable, to the subject matter of this Section to the same
11 extent as if those provisions were included in this Section.
12 The Department shall deposit all assessments and penalties
13 collected under this Section into the Illinois
14 Telecommunications Access Corporation Fund, a special fund
15 created in the State treasury. On or before the 25th day of
16 each calendar month, the Department shall prepare and certify
17 to the Comptroller the amount available to the Commission for
18 distribution out of the Illinois Telecommunications Access
19 Corporation Fund. The amount certified shall be the amount (not
20 including credit memoranda) collected during the second
21 preceding calendar month by the Department, plus an amount the
22 Department determines is necessary to offset any amounts which
23 were erroneously paid to a different taxing body or fund. The
24 amount paid to the Illinois Telecommunications Access
25 Corporation Fund shall not include any amount equal to the
26 amount of refunds made during the second preceding calendar

1 month by the Department to retailers under this Section or any
2 amount that the Department determines is necessary to offset
3 any amounts which were payable to a different taxing body or
4 fund but were erroneously paid to the Illinois
5 Telecommunications Access Corporation Fund. The Commission
6 shall distribute all the funds to the Illinois
7 Telecommunications Access Corporation and the funds may only be
8 used in accordance with the provisions of this Section. The
9 Department shall deduct 2% of all amounts deposited in the
10 Illinois Telecommunications Access Corporation Fund during
11 every year of remitted assessments. Of the 2% deducted by the
12 Department, one-half shall be transferred into the Tax
13 Compliance and Administration Fund to reimburse the Department
14 for its direct costs of administering the collection and
15 remittance of the assessment. The remaining one-half shall be
16 transferred into the Public Utilities Fund to reimburse the
17 Commission for its costs of distributing to the Illinois
18 Telecommunications Access Corporation the amount certified by
19 the Department for distribution.

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

24 (g) The provisions of this Section are severable under
25 Section 1.31 of the Statute on Statutes.

26 (h) The Commission may adopt rules necessary to implement

1 this Section.

2 (Source: P.A. 96-927, eff. 6-15-10.)

3 (220 ILCS 5/13-1200)

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

5 Sec. 13-1200. Repealer. This Article is repealed July 1,
6 2017 ~~2015~~.

7 (Source: P.A. 98-45, eff. 6-28-13.)

8 (220 ILCS 5/21-401)

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

10 Sec. 21-401. Applications.

11 (a) (1) A person or entity seeking to provide cable service
12 or video service pursuant to this Article shall not use the
13 public rights-of-way for the installation or construction of
14 facilities for the provision of cable service or video service
15 or offer cable service or video service until it has obtained a
16 State-issued authorization to offer or provide cable or video
17 service under this Section, except as provided for in item (2)
18 of this subsection (a). All cable or video providers offering
19 or providing service in this State shall have authorization
20 pursuant to either (i) the Cable and Video Competition Law of
21 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the
22 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section
23 5-1095 of the Counties Code (55 ILCS 5/5-1095).

24 (2) Nothing in this Section shall prohibit a local unit of

1 government from granting a permit to a person or entity for the
2 use of the public rights-of-way to install or construct
3 facilities to provide cable service or video service, at its
4 sole discretion. No unit of local government shall be liable
5 for denial or delay of a permit prior to the issuance of a
6 State-issued authorization.

7 (b) The application to the Commission for State-issued
8 authorization shall contain a completed affidavit submitted by
9 the applicant and signed by an officer or general partner of
10 the applicant affirming all of the following:

11 (1) That the applicant has filed or will timely file
12 with the Federal Communications Commission all forms
13 required by that agency in advance of offering cable
14 service or video service in this State.

15 (2) That the applicant agrees to comply with all
16 applicable federal and State statutes and regulations.

17 (3) That the applicant agrees to comply with all
18 applicable local unit of government regulations.

19 (4) An exact description of the cable service or video
20 service area where the cable service or video service will
21 be offered during the term of the State-issued
22 authorization. The service area shall be identified in
23 terms of either (i) exchanges, as that term is defined in
24 Section 13-206 of this Act; (ii) a collection of United
25 States Census Bureau Block numbers (13 digit); (iii) if the
26 area is smaller than the areas identified in either (i) or

1 (ii), by geographic information system digital boundaries
2 meeting or exceeding national map accuracy standards; or
3 (iv) local unit of government. The description shall
4 include the number of low-income households within the
5 service area or footprint. If an applicant is an incumbent
6 cable operator, the incumbent cable operator and any
7 successor-in-interest shall be obligated to provide access
8 to cable services or video services within any local units
9 of government at the same levels required by the local
10 franchising authorities for the local unit of government on
11 June 30, 2007 (the effective date of Public Act 95-9), and
12 its application shall provide a description of an area no
13 smaller than the service areas contained in its franchise
14 or franchises within the jurisdiction of the local unit of
15 government in which it seeks to offer cable or video
16 service.

17 (5) The location and telephone number of the
18 applicant's principal place of business within this State
19 and the names of the applicant's principal executive
20 officers who are responsible for communications concerning
21 the application and the services to be offered pursuant to
22 the application, the applicant's legal name, and any name
23 or names under which the applicant does or will provide
24 cable services or video services in this State.

25 (6) A certification that the applicant has
26 concurrently delivered a copy of the application to all

1 local units of government that include all or any part of
2 the service area identified in item (4) of this subsection
3 (b) within such local unit of government's jurisdictional
4 boundaries.

5 (7) The expected date that cable service or video
6 service will be initially offered in the area identified in
7 item (4) of this subsection (b). In the event that a holder
8 does not offer cable services or video services within 3
9 months after the expected date, it shall amend its
10 application and update the expected date service will be
11 offered and explain the delay in offering cable services or
12 video services.

13 (8) For any entity that received State-issued
14 authorization prior to this amendatory Act of the 98th
15 General Assembly as a cable operator and that intends to
16 proceed as a cable operator under this Article, the entity
17 shall file a written affidavit with the Commission and
18 shall serve a copy of the affidavit with any local units of
19 government affected by the authorization within 30 days
20 after the effective date of this amendatory Act of the 98th
21 General Assembly stating that the holder will be providing
22 cable service under the State-issued authorization.

23 The application shall include adequate assurance that the
24 applicant possesses the financial, managerial, legal, and
25 technical qualifications necessary to construct and operate
26 the proposed system, to promptly repair any damage to the

1 public right-of-way caused by the applicant, and to pay the
2 cost of removal of its facilities. To accomplish these
3 requirements, the applicant may, at the time the applicant
4 seeks to use the public rights-of-way in that jurisdiction, be
5 required by the State of Illinois or later be required by the
6 local unit of government, or both, to post a bond, produce a
7 certificate of insurance, or otherwise demonstrate its
8 financial responsibility.

9 The application shall include the applicant's general
10 standards related to customer service required by Section
11 22-501 of this Act, which shall include, but not be limited to,
12 installation, disconnection, service and repair obligations;
13 appointment hours; employee ID requirements; customer service
14 telephone numbers and hours; procedures for billing, charges,
15 deposits, refunds, and credits; procedures for termination of
16 service; notice of deletion of programming service and changes
17 related to transmission of programming or changes or increases
18 in rates; use and availability of parental control or lock-out
19 devices; complaint procedures and procedures for bill dispute
20 resolution and a description of the rights and remedies
21 available to consumers if the holder does not materially meet
22 their customer service standards; and special services for
23 customers with visual, hearing, or mobility disabilities.

24 (c)(1) The applicant may designate information that it
25 submits in its application or subsequent reports as
26 confidential or proprietary, provided that the applicant

1 states the reasons the confidential designation is necessary.
2 The Commission shall provide adequate protection for such
3 information pursuant to Section 4-404 of this Act. If the
4 Commission, a local unit of government, or any other party
5 seeks public disclosure of information designated as
6 confidential, the Commission shall consider the confidential
7 designation in a proceeding under the Illinois Administrative
8 Procedure Act, and the burden of proof to demonstrate that the
9 designated information is confidential shall be upon the
10 applicant. Designated information shall remain confidential
11 pending the Commission's determination of whether the
12 information is entitled to confidential treatment. Information
13 designated as confidential shall be provided to local units of
14 government for purposes of assessing compliance with this
15 Article as permitted under a Protective Order issued by the
16 Commission pursuant to the Commission's rules and to the
17 Attorney General pursuant to Section 6.5 of the Attorney
18 General Act (15 ILCS 205/6.5). Information designated as
19 confidential under this Section or determined to be
20 confidential upon Commission review shall only be disclosed
21 pursuant to a valid and enforceable subpoena or court order or
22 as required by the Freedom of Information Act. Nothing herein
23 shall delay the application approval timeframes set forth in
24 this Article.

25 (2) Information regarding the location of video services
26 that have been or are being offered to the public and aggregate

1 information included in the reports required by this Article
2 shall not be designated or treated as confidential.

3 (d) (1) The Commission shall post all applications it
4 receives under this Article on its web site within 5 business
5 days.

6 (2) The Commission shall notify an applicant for a cable
7 service or video service authorization whether the applicant's
8 application and affidavit are complete on or before the 15th
9 business day after the applicant submits the application. If
10 the application and affidavit are not complete, the Commission
11 shall state in its notice all of the reasons the application or
12 affidavit are incomplete, and the applicant shall resubmit a
13 complete application. The Commission shall have 30 days after
14 submission by the applicant of a complete application and
15 affidavit to issue the service authorization. If the Commission
16 does not notify the applicant regarding the completeness of the
17 application and affidavit or issue the service authorization
18 within the time periods required under this subsection, the
19 application and affidavit shall be considered complete and the
20 service authorization issued upon the expiration of the 30th
21 day.

22 (e) Any authorization issued by the Commission will expire
23 on December 31, 2020 ~~2015~~ and shall contain or include all of
24 the following:

25 (1) A grant of authority, including an authorization
26 issued prior to this amendatory Act of the 98th General

1 Assembly, to provide cable service or video service in the
2 service area footprint as requested in the application,
3 subject to the provisions of this Article in existence on
4 the date the grant of authority was issued, and any
5 modifications to this Article enacted at any time prior to
6 the date in Section 21-1601 of this Act, and to the laws of
7 the State and the ordinances, rules, and regulations of the
8 local units of government.

9 (2) A grant of authority to use, occupy, and construct
10 facilities in the public rights-of-way for the delivery of
11 cable service or video service in the service area
12 footprint, subject to the laws, ordinances, rules, or
13 regulations of this State and local units of governments.

14 (3) A statement that the grant of authority is subject
15 to lawful operation of the cable service or video service
16 by the applicant, its affiliated entities, or its
17 successors-in-interest.

18 (e-5) ~~(4)~~ The Commission shall notify a local unit of
19 government within 3 business days of the grant of any
20 authorization within a service area footprint if that
21 authorization includes any part of the local unit of
22 government's jurisdictional boundaries and state whether the
23 holder will be providing video service or cable service under
24 the authorization.

25 (f) The authorization issued pursuant to this Section by
26 the Commission may be transferred to any successor-in-interest

1 to the applicant to which it is initially granted without
2 further Commission action if the successor-in-interest (i)
3 submits an application and the information required by
4 subsection (b) of this Section for the successor-in-interest
5 and (ii) is not in violation of this Article or of any federal,
6 State, or local law, ordinance, rule, or regulation. A
7 successor-in-interest shall file its application and notice of
8 transfer with the Commission and the relevant local units of
9 government no less than 15 business days prior to the
10 completion of the transfer. The Commission is not required or
11 authorized to act upon the notice of transfer; however, the
12 transfer is not effective until the Commission approves the
13 successor-in-interest's application. A local unit of
14 government or the Attorney General may seek to bar a transfer
15 of ownership by filing suit in a court of competent
16 jurisdiction predicated on the existence of a material and
17 continuing breach of this Article by the holder, a pattern of
18 noncompliance with customer service standards by the potential
19 successor-in-interest, or the insolvency of the potential
20 successor-in-interest. If a transfer is made when there are
21 violations of this Article or of any federal, State, or local
22 law, ordinance, rule, or regulation, the successor-in-interest
23 shall be subject to 3 times the penalties provided for in this
24 Article.

25 (g) The authorization issued pursuant to this Section
26 ~~21-401 of this Article~~ by the Commission may be terminated, or

1 its cable service or video service area footprint may be
2 modified, by the cable service provider or video service
3 provider by submitting notice to the Commission and to the
4 relevant local unit of government containing a description of
5 the change on the same terms as the initial description
6 pursuant to item (4) of subsection (b) of this Section. The
7 Commission is not required or authorized to act upon that
8 notice. It shall be a violation of this Article for a holder to
9 discriminate against potential residential subscribers because
10 of the race or income of the residents in the local area in
11 which the group resides by terminating or modifying its cable
12 service or video service area footprint. It shall be a
13 violation of this Article for a holder to terminate or modify
14 its cable service or video service area footprint if it leaves
15 an area with no cable service or video service from any
16 provider.

17 (h) The Commission's authority to administer this Article
18 is limited to the powers and duties explicitly provided under
19 this Article. Its authority under this Article does not include
20 or limit the powers and duties that the Commission has under
21 the other Articles of this Act, the Illinois Administrative
22 Procedure Act, or any other law or regulation to conduct
23 proceedings, other than as provided in subsection (c), or has
24 to promulgate rules or regulations. The Commission shall not
25 have the authority to limit or expand the obligations and
26 requirements provided in this Section or to regulate or control

1 a person or entity to the extent that person or entity is
2 providing cable service or video service, except as provided in
3 this Article.

4 (Source: P.A. 98-45, eff. 6-28-13; 98-756, eff. 7-16-14.)

5 (220 ILCS 5/21-801)

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

7 Sec. 21-801. Applicable fees payable to the local unit of
8 government.

9 (a) Prior to offering cable service or video service in a
10 local unit of government's jurisdiction, a holder shall notify
11 the local unit of government. The notice shall be given to the
12 local unit of government at least 10 days before the holder
13 begins to offer cable service or video service within the
14 boundaries of that local unit of government.

15 (b) In any local unit of government in which a holder
16 offers cable service or video service on a commercial basis,
17 the holder shall be liable for and pay the service provider fee
18 to the local unit of government. The local unit of government
19 shall adopt an ordinance imposing such a fee. The holder's
20 liability for the fee shall commence on the first day of the
21 calendar month that is at least 30 days after the adoption of
22 ~~holder receives~~ such ordinance. The ordinance shall be sent by
23 mail, postage prepaid, to the address listed on the holder's
24 application provided to the local unit of government pursuant
25 to item (6) of subsection (b) of Section 21-401 of this Act.

1 The fee authorized by this Section shall be 5% of gross
2 revenues or the same as the fee paid to the local unit of
3 government by any incumbent cable operator providing cable
4 service. The payment of the service provider fee shall be due
5 on a quarterly basis, 45 days after the close of the calendar
6 quarter. If mailed, the fee is considered paid on the date it
7 is postmarked. Except as provided in this Article, the local
8 unit of government may not demand any additional fees or
9 charges from the holder and may not demand the use of any other
10 calculation method other than allowed under this Article.

11 (c) For purposes of this Article, "gross revenues" means
12 all consideration of any kind or nature, including, without
13 limitation, cash, credits, property, and in-kind contributions
14 received by the holder for the operation of a cable or video
15 system to provide cable service or video service within the
16 holder's cable service or video service area within the local
17 unit of government's jurisdiction.

18 (1) Gross revenues shall include the following:

19 (i) Recurring charges for cable service or video
20 service.

21 (ii) Event-based charges for cable service or
22 video service, including, but not limited to,
23 pay-per-view and video-on-demand charges.

24 (iii) Rental of set-top boxes and other cable
25 service or video service equipment.

26 (iv) Service charges related to the provision of

1 cable service or video service, including, but not
2 limited to, activation, installation, and repair
3 charges.

4 (v) Administrative charges related to the
5 provision of cable service or video service, including
6 but not limited to service order and service
7 termination charges.

8 (vi) Late payment fees or charges, insufficient
9 funds check charges, and other charges assessed to
10 recover the costs of collecting delinquent payments.

11 (vii) A pro rata portion of all revenue derived by
12 the holder or its affiliates pursuant to compensation
13 arrangements for advertising or for promotion or
14 exhibition of any products or services derived from the
15 operation of the holder's network to provide cable
16 service or video service within the local unit of
17 government's jurisdiction. The allocation shall be
18 based on the number of subscribers in the local unit of
19 government divided by the total number of subscribers
20 in relation to the relevant regional or national
21 compensation arrangement.

22 (viii) Compensation received by the holder that is
23 derived from the operation of the holder's network to
24 provide cable service or video service with respect to
25 commissions that are received by the holder as
26 compensation for promotion or exhibition of any

1 products or services on the holder's network, such as a
2 "home shopping" or similar channel, subject to item
3 (ix) of this paragraph (1).

4 (ix) In the case of a cable service or video
5 service that is bundled or integrated functionally
6 with other services, capabilities, or applications,
7 the portion of the holder's revenue attributable to the
8 other services, capabilities, or applications shall be
9 included in gross revenue unless the holder can
10 reasonably identify the division or exclusion of the
11 revenue from its books and records that are kept in the
12 regular course of business.

13 (x) The service provider fee permitted by
14 subsection (b) of this Section.

15 (2) Gross revenues do not include any of the following:

16 (i) Revenues not actually received, even if
17 billed, such as bad debt, subject to item (vi) of
18 paragraph (1) of this subsection (c).

19 (ii) Refunds, discounts, or other price
20 adjustments that reduce the amount of gross revenues
21 received by the holder of the State-issued
22 authorization to the extent the refund, rebate,
23 credit, or discount is attributable to cable service or
24 video service.

25 (iii) Regardless of whether the services are
26 bundled, packaged, or functionally integrated with

1 cable service or video service, any revenues received
2 from services not classified as cable service or video
3 service, including, without limitation, revenue
4 received from telecommunications services, information
5 services, or the provision of directory or Internet
6 advertising, including yellow pages, white pages,
7 banner advertisement, and electronic publishing, or
8 any other revenues attributed by the holder to noncable
9 service or nonvideo service in accordance with the
10 holder's books and records and records kept in the
11 regular course of business and any applicable laws,
12 rules, regulations, standards, or orders.

13 (iv) The sale of cable services or video services
14 for resale in which the purchaser is required to
15 collect the service provider fee from the purchaser's
16 subscribers to the extent the purchaser certifies in
17 writing that it will resell the service within the
18 local unit of government's jurisdiction and pay the fee
19 permitted by subsection (b) of this Section with
20 respect to the service.

21 (v) Any tax or fee of general applicability imposed
22 upon the subscribers or the transaction by a city,
23 State, federal, or any other governmental entity and
24 collected by the holder of the State-issued
25 authorization and required to be remitted to the taxing
26 entity, including sales and use taxes.

1 (vi) Security deposits collected from subscribers.

2 (vii) Amounts paid by subscribers to "home
3 shopping" or similar vendors for merchandise sold
4 through any home shopping channel offered as part of
5 the cable service or video service.

6 (3) Revenue of an affiliate of a holder shall be
7 included in the calculation of gross revenues to the extent
8 the treatment of the revenue as revenue of the affiliate
9 rather than the holder has the effect of evading the
10 payment of the fee permitted by subsection (b) of this
11 Section which would otherwise be paid by the cable service
12 or video service.

13 (d) (1) Except for a holder providing cable service that is
14 subject to the fee in subsection (i) of this Section, the
15 holder shall pay to the local unit of government or the entity
16 designated by that local unit of government to manage public,
17 education, and government access, upon request as support for
18 public, education, and government access, a fee equal to no
19 less than (i) 1% of gross revenues or (ii) if greater, the
20 percentage of gross revenues that incumbent cable operators pay
21 to the local unit of government or its designee for public,
22 education, and government access support in the local unit of
23 government's jurisdiction. For purposes of item (ii) of
24 paragraph (1) of this subsection (d), the percentage of gross
25 revenues that all incumbent cable operators pay shall be equal
26 to the annual sum of the payments that incumbent cable

1 operators in the service area are obligated to pay by
2 franchises and agreements or by contracts with the local
3 government designee for public, education and government
4 access in effect on January 1, 2007, including the total of any
5 lump sum payments required to be made over the term of each
6 franchise or agreement divided by the number of years of the
7 applicable term, divided by the annual sum of such incumbent
8 cable operator's or operators' gross revenues during the
9 immediately prior calendar year. The sum of payments includes
10 any payments that an incumbent cable operator is required to
11 pay pursuant to item (3) of subsection (c) of Section 21-301.

12 (2) A local unit of government may require all holders of a
13 State-issued authorization and all cable operators franchised
14 by that local unit of government on June 30, 2007 (the
15 effective date of this Section) in the franchise area to
16 provide to the local unit of government, or to the entity
17 designated by that local unit of government to manage public,
18 education, and government access, information sufficient to
19 calculate the public, education, and government access
20 equivalent fee and any credits under paragraph (1) of this
21 subsection (d).

22 (3) The fee shall be due on a quarterly basis and paid 45
23 days after the close of the calendar quarter. Each payment
24 shall include a statement explaining the basis for the
25 calculation of the fee. If mailed, the fee is considered paid
26 on the date it is postmarked. The liability of the holder for

1 payment of the fee under this subsection shall commence on the
2 same date as the payment of the service provider fee pursuant
3 to subsection (b) of this Section.

4 (e) The holder may identify and collect the amount of the
5 service provider fee as a separate line item on the regular
6 bill of each subscriber.

7 (f) The holder may identify and collect the amount of the
8 public, education, and government programming support fee as a
9 separate line item on the regular bill of each subscriber.

10 (g) All determinations and computations under this Section
11 shall be made pursuant to the definition of gross revenues set
12 forth in this Section and shall be made pursuant to generally
13 accepted accounting principles.

14 (h) Nothing contained in this Article shall be construed to
15 exempt a holder from any tax that is or may later be imposed by
16 the local unit of government, including any tax that is or may
17 later be required to be paid by or through the holder with
18 respect to cable service or video service. A State-issued
19 authorization shall not affect any requirement of the holder
20 with respect to payment of the local unit of government's
21 simplified municipal telecommunications tax or any other tax as
22 it applies to any telephone service provided by the holder. A
23 State-issued authorization shall not affect any requirement of
24 the holder with respect to payment of the local unit of
25 government's 911 or E911 fees, taxes, or charges.

26 (i) Except for a municipality having a population of

1 2,000,000 or more, the fee imposed under paragraph (1) of
2 subsection (d) by a local unit of government against a holder
3 who is a cable operator shall be as follows:

4 (1) the fee shall be collected and paid only for
5 capital costs that are considered lawful under Subchapter
6 VI of the federal Communications Act of 1934, as amended,
7 and as implemented by the Federal Communications
8 Commission;

9 (2) the local unit of government shall impose any fee
10 by ordinance; and

11 (3) the fee may not exceed 1% of gross revenue; if,
12 however, on the date that an incumbent cable operator files
13 an application under Section 21-401, the incumbent cable
14 operator is operating under a franchise agreement that
15 imposes a fee for support for capital costs for public,
16 education, and government access facilities obligations in
17 excess of 1% of gross revenue, then the cable operator
18 shall continue to provide support for capital costs for
19 public, education, and government access facilities
20 obligations at the rate stated in such agreement.

21 (Source: P.A. 98-45, eff. 6-28-13.)

22 (220 ILCS 5/21-901)

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

24 Sec. 21-901. Audits.

25 (a) A holder that has received State-issued authorization

1 under this Article is subject to an audit of its service
2 provider fees derived from the provision of cable or video
3 services to subscribers within any part of the local unit of
4 government which is located in the holder's service territory.
5 Any such audit shall be conducted by the local unit of
6 government or its agent for the sole purpose of determining any
7 overpayment or underpayment of the holder's service provider
8 fee to the local unit of government. ~~Upon receiving notice~~
9 ~~under item (4) of subsection (c) of Section 21-401 of this Act~~
10 ~~that a holder has received State-issued authorization under~~
11 ~~this Article, a local unit of government shall notify the~~
12 ~~holder of the requirements it imposes on other cable service or~~
13 ~~video service providers in its jurisdiction to submit to an~~
14 ~~audit of its books and records. The holder shall comply with~~
15 ~~the same requirements the local unit of government imposes on~~
16 ~~other cable service or video service providers in its~~
17 ~~jurisdiction to audit the holder's books and records and to~~
18 ~~recompute any amounts determined to be payable under the~~
19 ~~requirements of the local unit of government. If all local~~
20 ~~franchises between the local unit of government and a cable~~
21 ~~operator terminate, the audit requirements shall be those~~
22 ~~adopted by the local government pursuant to the Local~~
23 ~~Government Taxpayers' Bill of Rights Act. No acceptance of~~
24 ~~amounts remitted should be construed as an accord that the~~
25 ~~amounts are correct.~~

26 (b) Beginning on or after the effective date of this

1 amendatory Act of the 99th General Assembly, any audit
2 conducted pursuant to this Section by a local government shall
3 be governed by Section 11-42-11.05 of the Illinois Municipal
4 Code or Section 5-1095.1 of the Counties Code. Any additional
5 amount due after an audit shall be paid within 30 days after
6 the local unit of government's submission of an invoice for the
7 sum.

8 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)

9 (220 ILCS 5/21-1001)

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

11 Sec. 21-1001. Local unit of government authority.

12 (a) The holder of a State-issued authorization shall comply
13 with all the applicable construction and technical standards
14 and right-of-way occupancy standards set forth in a local unit
15 of government's code of ordinances relating to the use of
16 public rights-of-way, pole attachments, permit obligations,
17 indemnification, performance bonds, penalties, or liquidated
18 damages. The applicable requirements for a holder that is using
19 its existing telecommunications network or constructing a
20 telecommunications network shall be the same requirements that
21 the local unit of government imposes on telecommunications
22 providers in its jurisdiction. The applicable requirements for
23 a holder that is using or constructing a cable system shall be
24 the same requirements the local unit of government imposes on
25 other cable operators in its jurisdiction.

1 (b) A local unit of government shall allow the holder to
2 install, construct, operate, maintain, and remove a cable
3 service, video service, or telecommunications network within a
4 public right-of-way and shall provide the holder with open,
5 comparable, nondiscriminatory, and competitively neutral
6 access to the public right-of-way on the same terms applicable
7 to other cable service or video service providers or cable
8 operators in its jurisdiction. Notwithstanding any other
9 provisions of law, if a local unit of government is permitted
10 by law to require the holder of a State authorization to seek a
11 permit to install, construct, operate, maintain, or remove its
12 cable service, video service, or telecommunications network
13 within a public right-of-way, those permits shall be deemed
14 granted within 45 days after being submitted, if not otherwise
15 acted upon by the local unit of government, provided the holder
16 complies with the requirements applicable to the holder in its
17 jurisdiction.

18 (c) A local unit of government may impose reasonable terms,
19 but it may not discriminate against the holder with respect to
20 any of the following:

21 (1) The authorization or placement of a cable service,
22 video service, or telecommunications network or equipment
23 in public rights-of-way.

24 (2) Access to a building.

25 (3) A local unit of government utility pole attachment.

26 (d) If a local unit of government imposes a permit fee on

1 incumbent cable operators, it may impose a permit fee on the
2 holder only to the extent it imposes such a fee on incumbent
3 cable operators. In all other cases, these fees may not exceed
4 the actual, direct costs incurred by the local unit of
5 government for issuing the relevant permit. In no event may a
6 fee under this Section be levied if the holder already has paid
7 a permit fee of any kind in connection with the same activity
8 that would otherwise be covered by the permit fee under this
9 Section provided no additional equipment, work, function, or
10 other burden is added to the existing activity for which the
11 permit was issued.

12 (e) Nothing in this Article shall affect the rights that
13 any holder has under Section 4 of the Telephone Line Right of
14 Way Act (220 ILCS 65/4).

15 (f) In addition to the other requirements in this Section,
16 if the holder installs, upgrades, constructs, operates,
17 maintains, and removes facilities or equipment within a public
18 right-of-way to provide cable service or video service, it
19 shall comply with the following:

20 (1) The holder must locate its equipment in the
21 right-of-way as to cause only minimum interference with the
22 use of streets, alleys, and other public ways and places,
23 and to cause only minimum impact upon and interference with
24 the rights and reasonable convenience of property owners
25 who adjoin any of the said streets, alleys, or other public
26 ways. No fixtures shall be placed in any public ways in

1 such a manner to interfere with the usual travel on such
2 public ways, nor shall such fixtures or equipment limit the
3 visibility of vehicular or pedestrian traffic, or both.

4 (2) The holder shall comply with a local unit of
5 government's reasonable requests to place equipment on
6 public property where possible and promptly comply with
7 local unit of government direction with respect to the
8 location and screening of equipment and facilities. In
9 constructing or upgrading its cable or video network in the
10 right-of-way, the holder shall use the smallest suitable
11 equipment enclosures and power pedestals and cabinets then
12 in use by the holder for the application.

13 (3) The holder's construction practices shall be in
14 accordance with all applicable Sections of the
15 Occupational Safety and Health Act of 1970, as amended, as
16 well as all applicable State laws, including the Civil
17 Administrative Code of Illinois, and local codes, where
18 applicable, as adopted by the local unit of government. All
19 installation of electronic equipment shall be of a
20 permanent nature, durable, and, where applicable,
21 installed in accordance with the provisions of the National
22 Electrical Safety Code of the National Bureau of Standards
23 and National Electrical Code of the National Board of Fire
24 Underwriters.

25 (4) The holder shall not interfere with the local unit
26 of government's performance of public works. Nothing in the

1 State-issued authorization shall be in preference or
2 hindrance to the right of the local unit of government to
3 perform or carry on any public works or public improvements
4 of any kind. The holder expressly agrees that it shall, at
5 its own expense, protect, support, temporarily disconnect,
6 relocate in the same street or other public place, or
7 remove from such street or other public place any of the
8 network, system, facilities, or equipment when required to
9 do so by the local unit of government because of necessary
10 public health, safety, and welfare improvements. In the
11 event a holder and other users of a public right-of-way,
12 including incumbent cable operators or utilities, are
13 required to relocate and compensation is paid to the users
14 of such public right-of-way, such parties shall be treated
15 equally with respect to such compensation.

16 (5) The holder shall comply with all local units of
17 government inspection requirements. The making of
18 post-construction, subsequent or periodic inspections, or
19 both, or the failure to do so shall not operate to relieve
20 the holder of any responsibility, obligation, or
21 liability.

22 (6) The holder shall maintain insurance or provide
23 evidence of self insurance as required by an applicable
24 ordinance of the local unit of government.

25 (7) The holder shall reimburse all reasonable
26 make-ready expenses, including aerial and underground

1 installation expenses requested by the holder to the local
2 unit of government within 30 days of billing to the holder,
3 provided that such charges shall be at the same rates as
4 charges to others for the same or similar services.

5 (8) The holder shall indemnify and hold harmless the
6 local unit of government and all boards, officers,
7 employees, and representatives thereof from all claims,
8 demands, causes of action, liability, judgments, costs and
9 expenses, or losses for injury or death to persons or
10 damage to property owned by, and Worker's Compensation
11 claims against any parties indemnified herein, arising out
12 of, caused by, or as a result of the holder's construction,
13 lines, cable, erection, maintenance, use or presence of, or
14 removal of any poles, wires, conduit, appurtenances
15 thereto, or equipment or attachments thereto. The holder,
16 however, shall not indemnify the local unit of government
17 for any liabilities, damages, cost, and expense resulting
18 from the willful misconduct, or negligence of the local
19 unit of government, its officers, employees, and agents.
20 The obligations imposed pursuant to this Section by a local
21 unit of government shall be competitively neutral.

22 (9) The holder, upon request, shall provide the local
23 unit of government with information describing the
24 location of the cable service or video service facilities
25 and equipment located in the unit of local government's
26 rights-of-way pursuant to its State-issued authorization.

1 If designated by the holder as confidential, such
2 information provided pursuant to this subsection shall be
3 exempt from inspection and copying under the ~~Illinois~~
4 Freedom of Information Act ~~pursuant to the exemption~~
5 ~~provided for under provision (mm) of item (1) of Section 7~~
6 ~~of the Freedom of Information Act and any other present or~~
7 ~~future exemptions applicable to such information~~ and shall
8 not be disclosed by the unit of local government to any
9 third party without the written consent of the holder.

10 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)

11 (220 ILCS 5/21-1601)

12 Sec. 21-1601. Repealer. Sections 21-101 through 21-1501 of
13 this Article are repealed July 1, 2017 ~~2015~~.

14 (Source: P.A. 98-45, eff. 6-28-13.)

15 ARTICLE II

16 Section 2-1. The Department of Central Management Services
17 Law of the Civil Administrative Code of Illinois is amended by
18 changing Section 405-270 as follows:

19 (20 ILCS 405/405-270) (was 20 ILCS 405/67.18)

20 Sec. 405-270. Communications services. To provide for and
21 co-ordinate communications services for State agencies and,
22 when requested and when in the best interests of the State, for

1 units of federal or local governments and public and
2 not-for-profit institutions of primary, secondary, and higher
3 education. The Department may make use of its satellite uplink
4 available to interested parties not associated with State
5 government provided that State government usage shall have
6 first priority. For this purpose the Department shall have the
7 power and duty to do all of the following:

8 (1) Provide for and control the procurement,
9 retention, installation, and maintenance of communications
10 equipment or services used by State agencies in the
11 interest of efficiency and economy.

12 (2) Establish standards by January 1, 1989 for
13 communications services for State agencies which shall
14 include a minimum of one telecommunication device for the
15 deaf installed and operational within each State agency, to
16 provide public access to agency information for those
17 persons who are hearing or speech impaired. The Department
18 shall consult the Department of Human Services to develop
19 standards and implementation for this equipment.

20 (3) Establish charges (i) for communication services
21 for State agencies and, when requested, for units of
22 federal or local government and public and not-for-profit
23 institutions of primary, secondary, or higher education
24 and (ii) for use of the Department's satellite uplink by
25 parties not associated with State government. Entities
26 charged for these services shall reimburse the Department.

1 (4) Instruct all State agencies to report their usage
2 of communication services regularly to the Department in
3 the manner the Director may prescribe.

4 (5) Analyze the present and future aims and needs of
5 all State agencies in the area of communications services
6 and plan to serve those aims and needs in the most
7 effective and efficient manner.

8 (6) Provide services, including, but not limited to,
9 telecommunications, video recording, satellite uplink,
10 public information, and other communications services.

11 (7) Establish the administrative organization within
12 the Department that is required to accomplish the purpose
13 of this Section.

14 The Department is authorized to conduct a study for the
15 purpose of determining technical, engineering, and management
16 specifications for the networking, compatible connection, or
17 shared use of existing and future public and private owned
18 television broadcast and reception facilities, including but
19 not limited to terrestrial microwave, fiber optic, and
20 satellite, for broadcast and reception of educational,
21 governmental, and business programs, and to implement those
22 specifications.

23 However, the Department may not control or interfere with
24 the input of content into the telecommunications systems by the
25 several State agencies or units of federal or local government,
26 or public or not-for-profit institutions of primary,

1 secondary, and higher education, or users of the Department's
2 satellite uplink.

3 As used in this Section, the term "State agencies" means
4 all departments, officers, commissions, boards, institutions,
5 and bodies politic and corporate of the State except (i) the
6 judicial branch, including, without limitation, the several
7 courts of the State, the offices of the clerk of the supreme
8 court and the clerks of the appellate court, and the
9 Administrative Office of the Illinois Courts and (ii) the
10 General Assembly, legislative service agencies, and all
11 officers of the General Assembly.

12 This Section does not apply to the procurement of Next
13 Generation 9-1-1 service as governed by Section 15.6b of the
14 Emergency Telephone System Act.

15 (Source: P.A. 94-91, eff. 7-1-05; 94-295, eff. 7-21-05; 95-331,
16 eff. 8-21-07.)

17 Section 2-3. The Illinois Administrative Procedure Act is
18 amended by changing Section 5-45 as follows:

19 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

20 Sec. 5-45. Emergency rulemaking.

21 (a) "Emergency" means the existence of any situation that
22 any agency finds reasonably constitutes a threat to the public
23 interest, safety, or welfare.

24 (b) If any agency finds that an emergency exists that

1 requires adoption of a rule upon fewer days than is required by
2 Section 5-40 and states in writing its reasons for that
3 finding, the agency may adopt an emergency rule without prior
4 notice or hearing upon filing a notice of emergency rulemaking
5 with the Secretary of State under Section 5-70. The notice
6 shall include the text of the emergency rule and shall be
7 published in the Illinois Register. Consent orders or other
8 court orders adopting settlements negotiated by an agency may
9 be adopted under this Section. Subject to applicable
10 constitutional or statutory provisions, an emergency rule
11 becomes effective immediately upon filing under Section 5-65 or
12 at a stated date less than 10 days thereafter. The agency's
13 finding and a statement of the specific reasons for the finding
14 shall be filed with the rule. The agency shall take reasonable
15 and appropriate measures to make emergency rules known to the
16 persons who may be affected by them.

17 (c) An emergency rule may be effective for a period of not
18 longer than 150 days, but the agency's authority to adopt an
19 identical rule under Section 5-40 is not precluded. No
20 emergency rule may be adopted more than once in any 24 month
21 period, except that this limitation on the number of emergency
22 rules that may be adopted in a 24 month period does not apply
23 to (i) emergency rules that make additions to and deletions
24 from the Drug Manual under Section 5-5.16 of the Illinois
25 Public Aid Code or the generic drug formulary under Section
26 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)

1 emergency rules adopted by the Pollution Control Board before
2 July 1, 1997 to implement portions of the Livestock Management
3 Facilities Act, (iii) emergency rules adopted by the Illinois
4 Department of Public Health under subsections (a) through (i)
5 of Section 2 of the Department of Public Health Act when
6 necessary to protect the public's health, (iv) emergency rules
7 adopted pursuant to subsection (n) of this Section, (v)
8 emergency rules adopted pursuant to subsection (o) of this
9 Section, or (vi) emergency rules adopted pursuant to subsection
10 (c-5) of this Section. Two or more emergency rules having
11 substantially the same purpose and effect shall be deemed to be
12 a single rule for purposes of this Section.

13 (c-5) To facilitate the maintenance of the program of group
14 health benefits provided to annuitants, survivors, and retired
15 employees under the State Employees Group Insurance Act of
16 1971, rules to alter the contributions to be paid by the State,
17 annuitants, survivors, retired employees, or any combination
18 of those entities, for that program of group health benefits,
19 shall be adopted as emergency rules. The adoption of those
20 rules shall be considered an emergency and necessary for the
21 public interest, safety, and welfare.

22 (d) In order to provide for the expeditious and timely
23 implementation of the State's fiscal year 1999 budget,
24 emergency rules to implement any provision of Public Act 90-587
25 or 90-588 or any other budget initiative for fiscal year 1999
26 may be adopted in accordance with this Section by the agency

1 charged with administering that provision or initiative,
2 except that the 24-month limitation on the adoption of
3 emergency rules and the provisions of Sections 5-115 and 5-125
4 do not apply to rules adopted under this subsection (d). The
5 adoption of emergency rules authorized by this subsection (d)
6 shall be deemed to be necessary for the public interest,
7 safety, and welfare.

8 (e) In order to provide for the expeditious and timely
9 implementation of the State's fiscal year 2000 budget,
10 emergency rules to implement any provision of this amendatory
11 Act of the 91st General Assembly or any other budget initiative
12 for fiscal year 2000 may be adopted in accordance with this
13 Section by the agency charged with administering that provision
14 or initiative, except that the 24-month limitation on the
15 adoption of emergency rules and the provisions of Sections
16 5-115 and 5-125 do not apply to rules adopted under this
17 subsection (e). The adoption of emergency rules authorized by
18 this subsection (e) shall be deemed to be necessary for the
19 public interest, safety, and welfare.

20 (f) In order to provide for the expeditious and timely
21 implementation of the State's fiscal year 2001 budget,
22 emergency rules to implement any provision of this amendatory
23 Act of the 91st General Assembly or any other budget initiative
24 for fiscal year 2001 may be adopted in accordance with this
25 Section by the agency charged with administering that provision
26 or initiative, except that the 24-month limitation on the

1 adoption of emergency rules and the provisions of Sections
2 5-115 and 5-125 do not apply to rules adopted under this
3 subsection (f). The adoption of emergency rules authorized by
4 this subsection (f) shall be deemed to be necessary for the
5 public interest, safety, and welfare.

6 (g) In order to provide for the expeditious and timely
7 implementation of the State's fiscal year 2002 budget,
8 emergency rules to implement any provision of this amendatory
9 Act of the 92nd General Assembly or any other budget initiative
10 for fiscal year 2002 may be adopted in accordance with this
11 Section by the agency charged with administering that provision
12 or initiative, except that the 24-month limitation on the
13 adoption of emergency rules and the provisions of Sections
14 5-115 and 5-125 do not apply to rules adopted under this
15 subsection (g). The adoption of emergency rules authorized by
16 this subsection (g) shall be deemed to be necessary for the
17 public interest, safety, and welfare.

18 (h) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 2003 budget,
20 emergency rules to implement any provision of this amendatory
21 Act of the 92nd General Assembly or any other budget initiative
22 for fiscal year 2003 may be adopted in accordance with this
23 Section by the agency charged with administering that provision
24 or initiative, except that the 24-month limitation on the
25 adoption of emergency rules and the provisions of Sections
26 5-115 and 5-125 do not apply to rules adopted under this

1 subsection (h). The adoption of emergency rules authorized by
2 this subsection (h) shall be deemed to be necessary for the
3 public interest, safety, and welfare.

4 (i) In order to provide for the expeditious and timely
5 implementation of the State's fiscal year 2004 budget,
6 emergency rules to implement any provision of this amendatory
7 Act of the 93rd General Assembly or any other budget initiative
8 for fiscal year 2004 may be adopted in accordance with this
9 Section by the agency charged with administering that provision
10 or initiative, except that the 24-month limitation on the
11 adoption of emergency rules and the provisions of Sections
12 5-115 and 5-125 do not apply to rules adopted under this
13 subsection (i). The adoption of emergency rules authorized by
14 this subsection (i) shall be deemed to be necessary for the
15 public interest, safety, and welfare.

16 (j) In order to provide for the expeditious and timely
17 implementation of the provisions of the State's fiscal year
18 2005 budget as provided under the Fiscal Year 2005 Budget
19 Implementation (Human Services) Act, emergency rules to
20 implement any provision of the Fiscal Year 2005 Budget
21 Implementation (Human Services) Act may be adopted in
22 accordance with this Section by the agency charged with
23 administering that provision, except that the 24-month
24 limitation on the adoption of emergency rules and the
25 provisions of Sections 5-115 and 5-125 do not apply to rules
26 adopted under this subsection (j). The Department of Public Aid

1 may also adopt rules under this subsection (j) necessary to
2 administer the Illinois Public Aid Code and the Children's
3 Health Insurance Program Act. The adoption of emergency rules
4 authorized by this subsection (j) shall be deemed to be
5 necessary for the public interest, safety, and welfare.

6 (k) In order to provide for the expeditious and timely
7 implementation of the provisions of the State's fiscal year
8 2006 budget, emergency rules to implement any provision of this
9 amendatory Act of the 94th General Assembly or any other budget
10 initiative for fiscal year 2006 may be adopted in accordance
11 with this Section by the agency charged with administering that
12 provision or initiative, except that the 24-month limitation on
13 the adoption of emergency rules and the provisions of Sections
14 5-115 and 5-125 do not apply to rules adopted under this
15 subsection (k). The Department of Healthcare and Family
16 Services may also adopt rules under this subsection (k)
17 necessary to administer the Illinois Public Aid Code, the
18 Senior Citizens and Disabled Persons Property Tax Relief Act,
19 the Senior Citizens and Disabled Persons Prescription Drug
20 Discount Program Act (now the Illinois Prescription Drug
21 Discount Program Act), and the Children's Health Insurance
22 Program Act. The adoption of emergency rules authorized by this
23 subsection (k) shall be deemed to be necessary for the public
24 interest, safety, and welfare.

25 (l) In order to provide for the expeditious and timely
26 implementation of the provisions of the State's fiscal year

1 2007 budget, the Department of Healthcare and Family Services
2 may adopt emergency rules during fiscal year 2007, including
3 rules effective July 1, 2007, in accordance with this
4 subsection to the extent necessary to administer the
5 Department's responsibilities with respect to amendments to
6 the State plans and Illinois waivers approved by the federal
7 Centers for Medicare and Medicaid Services necessitated by the
8 requirements of Title XIX and Title XXI of the federal Social
9 Security Act. The adoption of emergency rules authorized by
10 this subsection (l) shall be deemed to be necessary for the
11 public interest, safety, and welfare.

12 (m) In order to provide for the expeditious and timely
13 implementation of the provisions of the State's fiscal year
14 2008 budget, the Department of Healthcare and Family Services
15 may adopt emergency rules during fiscal year 2008, including
16 rules effective July 1, 2008, in accordance with this
17 subsection to the extent necessary to administer the
18 Department's responsibilities with respect to amendments to
19 the State plans and Illinois waivers approved by the federal
20 Centers for Medicare and Medicaid Services necessitated by the
21 requirements of Title XIX and Title XXI of the federal Social
22 Security Act. The adoption of emergency rules authorized by
23 this subsection (m) shall be deemed to be necessary for the
24 public interest, safety, and welfare.

25 (n) In order to provide for the expeditious and timely
26 implementation of the provisions of the State's fiscal year

1 2010 budget, emergency rules to implement any provision of this
2 amendatory Act of the 96th General Assembly or any other budget
3 initiative authorized by the 96th General Assembly for fiscal
4 year 2010 may be adopted in accordance with this Section by the
5 agency charged with administering that provision or
6 initiative. The adoption of emergency rules authorized by this
7 subsection (n) shall be deemed to be necessary for the public
8 interest, safety, and welfare. The rulemaking authority
9 granted in this subsection (n) shall apply only to rules
10 promulgated during Fiscal Year 2010.

11 (o) In order to provide for the expeditious and timely
12 implementation of the provisions of the State's fiscal year
13 2011 budget, emergency rules to implement any provision of this
14 amendatory Act of the 96th General Assembly or any other budget
15 initiative authorized by the 96th General Assembly for fiscal
16 year 2011 may be adopted in accordance with this Section by the
17 agency charged with administering that provision or
18 initiative. The adoption of emergency rules authorized by this
19 subsection (o) is deemed to be necessary for the public
20 interest, safety, and welfare. The rulemaking authority
21 granted in this subsection (o) applies only to rules
22 promulgated on or after the effective date of this amendatory
23 Act of the 96th General Assembly through June 30, 2011.

24 (p) In order to provide for the expeditious and timely
25 implementation of the provisions of Public Act 97-689,
26 emergency rules to implement any provision of Public Act 97-689

1 may be adopted in accordance with this subsection (p) by the
2 agency charged with administering that provision or
3 initiative. The 150-day limitation of the effective period of
4 emergency rules does not apply to rules adopted under this
5 subsection (p), and the effective period may continue through
6 June 30, 2013. The 24-month limitation on the adoption of
7 emergency rules does not apply to rules adopted under this
8 subsection (p). The adoption of emergency rules authorized by
9 this subsection (p) is deemed to be necessary for the public
10 interest, safety, and welfare.

11 (q) In order to provide for the expeditious and timely
12 implementation of the provisions of Articles 7, 8, 9, 11, and
13 12 of this amendatory Act of the 98th General Assembly,
14 emergency rules to implement any provision of Articles 7, 8, 9,
15 11, and 12 of this amendatory Act of the 98th General Assembly
16 may be adopted in accordance with this subsection (q) by the
17 agency charged with administering that provision or
18 initiative. The 24-month limitation on the adoption of
19 emergency rules does not apply to rules adopted under this
20 subsection (q). The adoption of emergency rules authorized by
21 this subsection (q) is deemed to be necessary for the public
22 interest, safety, and welfare.

23 (r) In order to provide for the expeditious and timely
24 implementation of the provisions of this amendatory Act of the
25 98th General Assembly, emergency rules to implement this
26 amendatory Act of the 98th General Assembly may be adopted in

1 accordance with this subsection (r) by the Department of
2 Healthcare and Family Services. The 24-month limitation on the
3 adoption of emergency rules does not apply to rules adopted
4 under this subsection (r). The adoption of emergency rules
5 authorized by this subsection (r) is deemed to be necessary for
6 the public interest, safety, and welfare.

7 (s) In order to provide for the expeditious and timely
8 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
9 the Illinois Public Aid Code, emergency rules to implement any
10 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
11 Public Aid Code may be adopted in accordance with this
12 subsection (s) by the Department of Healthcare and Family
13 Services. The rulemaking authority granted in this subsection
14 (s) shall apply only to those rules adopted prior to July 1,
15 2015. Notwithstanding any other provision of this Section, any
16 emergency rule adopted under this subsection (s) shall only
17 apply to payments made for State fiscal year 2015. The adoption
18 of emergency rules authorized by this subsection (s) is deemed
19 to be necessary for the public interest, safety, and welfare.

20 (t) In order to provide for the expeditious and timely
21 implementation of the provisions of Article II of this
22 amendatory Act of the 99th General Assembly, emergency rules to
23 implement the changes made by Article II of this amendatory Act
24 of the 99th General Assembly to the Emergency Telephone System
25 Act may be adopted in accordance with this subsection (t) by
26 the Department of State Police. The rulemaking authority

1 granted in this subsection (t) shall apply only to those rules
2 adopted prior to July 1, 2016. The 24-month limitation on the
3 adoption of emergency rules does not apply to rules adopted
4 under this subsection (t). The adoption of emergency rules
5 authorized by this subsection (t) is deemed to be necessary for
6 the public interest, safety, and welfare.

7 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;
8 98-651, eff. 6-16-14; 99-2, eff. 3-26-15.)

9 Section 2-5. The State Finance Act is amended by changing
10 Section 5.529 as follows:

11 (30 ILCS 105/5.529)

12 Sec. 5.529. The Statewide 9-1-1 Wireless Service Emergency
13 Fund.

14 (Source: P.A. 91-660, eff. 12-22-99; 92-16, eff. 6-28-01.)

15 Section 2-10. The Emergency Telephone System Act is amended
16 by changing Sections 2, 3, 4, 6, 6.1, 7, 8, 10, 10.2, 11, 12,
17 15, 15.1, 15.4, 15.5, 15.6, 15.7, and 15.8 and by adding
18 Sections 15.2c, 15.3a, 15.4a, 15.4b, 15.6a, 15.6b, 20, 30, 35,
19 40, 45, 50, 55, and 60 as follows:

20 (50 ILCS 750/2) (from Ch. 134, par. 32)

21 Sec. 2. Definitions. As used in this Act, unless the
22 context otherwise requires:

1 "9-1-1 system" means the geographic area that has been
2 granted an order of authority by the Commission or the
3 Statewide 9-1-1 Administrator to use "9-1-1" as the primary
4 emergency telephone number.

5 "9-1-1 Authority" includes an Emergency Telephone System
6 Board, Joint Emergency Telephone System Board, and a qualified
7 governmental entity. "9-1-1 Authority" includes the Department
8 of State Police only to the extent it provides 9-1-1 services
9 under this Act.

10 "Administrator" means the Statewide 9-1-1 Administrator.

11 "Advanced service" means any telecommunications service
12 with dynamic bandwidth allocation, including, but not limited
13 to, ISDN Primary Rate Interface (PRI), that, through the use of
14 a DS-1, T-1, or similar un-channelized or multi-channel
15 transmission facility, is capable of transporting either the
16 subscriber's inter-premises voice telecommunications services
17 to the public switched network or the subscriber's 9-1-1 calls
18 to the public agency.

19 "ALI" or "automatic location identification" means, in an
20 E9-1-1 system, the automatic display at the public safety
21 answering point of the caller's telephone number, the address
22 or location of the telephone, and supplementary emergency
23 services information.

24 "ANI" or "automatic number identification" means the
25 automatic display of the 9-1-1 calling party's number on the
26 PSAP monitor.

1 "Automatic alarm" and "automatic alerting device" mean any
2 device that will access the 9-1-1 system for emergency services
3 upon activation.

4 "Board" means an Emergency Telephone System Board or a
5 Joint Emergency Telephone System Board created pursuant to
6 Section 15.4.

7 "Carrier" includes a telecommunications carrier and a
8 wireless carrier.

9 "Commission" means the Illinois Commerce Commission.

10 "Computer aided dispatch" or "CAD" means a database
11 maintained by the public safety agency or public safety
12 answering point used in conjunction with 9-1-1 caller data.

13 "Direct dispatch method" means a 9-1-1 service that
14 provides for the direct dispatch by a PSAP telecommunicator of
15 the appropriate unit upon receipt of an emergency call and the
16 decision as to the proper action to be taken.

17 "Department" means the Department of State Police.

18 "DS-1, T-1, or similar un-channelized or multi-channel
19 transmission facility" means a facility that can transmit and
20 receive a bit rate of at least 1.544 megabits per second
21 (Mbps).

22 "Dynamic bandwidth allocation" means the ability of the
23 facility or customer to drop and add channels, or adjust
24 bandwidth, when needed in real time for voice or data purposes.

25 "Enhanced 9-1-1" or "E9-1-1" means an emergency telephone
26 system that includes dedicated network, selective routing,

1 database, ALI, ANI, selective transfer, fixed transfer, and a
2 call back number.

3 "ETSB" means an emergency telephone system board appointed
4 by the corporate authorities of any county or municipality that
5 provides for the management and operation of a 9-1-1 system.

6 "Hearing-impaired individual" means a person with a
7 permanent hearing loss who can regularly and routinely
8 communicate by telephone only through the aid of devices which
9 can send and receive written messages over the telephone
10 network.

11 "Hosted supplemental 9-1-1 service" means a database
12 service that:

13 (1) electronically provides information to 9-1-1 call
14 takers when a call is placed to 9-1-1;

15 (2) allows telephone subscribers to provide
16 information to 9-1-1 to be used in emergency scenarios;

17 (3) collects a variety of formatted data relevant to
18 9-1-1 and first responder needs, which may include, but is
19 not limited to, photographs of the telephone subscribers,
20 physical descriptions, medical information, household
21 data, and emergency contacts;

22 (4) allows for information to be entered by telephone
23 subscribers through a secure website where they can elect
24 to provide as little or as much information as they choose;

25 (5) automatically displays data provided by telephone
26 subscribers to 9-1-1 call takers for all types of

1 telephones when a call is placed to 9-1-1 from a registered
2 and confirmed phone number;

3 (6) supports the delivery of telephone subscriber
4 information through a secure internet connection to all
5 emergency telephone system boards;

6 (7) works across all 9-1-1 call taking equipment and
7 allow for the easy transfer of information into a computer
8 aided dispatch system; and

9 (8) may be used to collect information pursuant to an
10 Illinois Premise Alert Program as defined in the Illinois
11 Premise Alert Program (PAP) Act.

12 "Interconnected voice over Internet protocol provider" or
13 "Interconnected VoIP provider," has the meaning given to that
14 term under Section 13-235 of the Public Utilities Act.

15 "Joint ETSB" means a Joint Emergency Telephone System Board
16 established by intergovernmental agreement of two or more
17 municipalities or counties, or a combination thereof, to
18 provide for the management and operation of a 9-1-1 system.

19 "Local public agency" means any unit of local government or
20 special purpose district located in whole or in part within
21 this State that provides or has authority to provide
22 firefighting, police, ambulance, medical, or other emergency
23 services.

24 "Mechanical dialer" means any device that either manually
25 or remotely triggers a dialing device to access the 9-1-1
26 system.

1 "Master Street Address Guide" means the computerized
2 geographical database that consists of all street and address
3 data within a 9-1-1 system.

4 "Mobile telephone number" or "MTN" means the telephone
5 number assigned to a wireless telephone at the time of initial
6 activation.

7 "Network connections" means the number of voice grade
8 communications channels directly between a subscriber and a
9 telecommunications carrier's public switched network, without
10 the intervention of any other telecommunications carrier's
11 switched network, which would be required to carry the
12 subscriber's inter-premises traffic and which connection
13 either (1) is capable of providing access through the public
14 switched network to a 9-1-1 Emergency Telephone System, if one
15 exists, or (2) if no system exists at the time a surcharge is
16 imposed under Section 15.3, that would be capable of providing
17 access through the public switched network to the local 9-1-1
18 Emergency Telephone System if one existed. Where multiple voice
19 grade communication channels are connected to a
20 telecommunications carrier's public switched network through a
21 private branch exchange (PBX) service, there shall be
22 determined to be one network connection for each trunk line
23 capable of transporting either the subscriber's inter-premises
24 traffic to the public switched network or the subscriber's
25 9-1-1 calls to the public agency. Where multiple voice grade
26 communication channels are connected to a telecommunications

1 carrier's public switched network through centrex type
2 service, the number of network connections shall be equal to
3 the number of PBX trunk equivalents for the subscriber's
4 service, as determined by reference to any generally applicable
5 exchange access service tariff filed by the subscriber's
6 telecommunications carrier with the Commission.

7 "Network costs" means those recurring costs that that
8 directly relate to the operation of the 9-1-1 network as
9 determined by the Statewide 9-1-1 Advisory Board, including,
10 but not limited to, costs for interoffice trunks, selective
11 routing charges, transfer lines and toll charges for 9-1-1
12 services, Automatic Location Information (ALI) database
13 charges, call box trunk circuit (including central office only
14 and not including extensions to fire stations), independent
15 local exchange carrier charges and non-system provider
16 charges, carrier charge for third party database for on-site
17 customer premises equipment, back-up PSAP trunks for
18 non-system providers, periodic database updates as provided by
19 carrier (also known as "ALI data dump"), regional ALI storage
20 charges, circuits for call delivery (fiber or circuit
21 connection), NG9-1-1 costs, and all associated fees, taxes, and
22 surcharges on each invoice. "Network costs" shall not include
23 radio circuits, or toll charges that are other than for 9-1-1
24 services.

25 "Next generation 9-1-1" or "NG9-1-1" means an Internet
26 Protocol-based (IP-based) system comprised of managed ESInets,

1 functional elements and applications, and databases that
2 replicate traditional E9-1-1 features and functions and
3 provide additional capabilities. "NG9-1-1" systems are
4 designed to provide access to emergency services from all
5 connected communications sources, and provide multimedia data
6 capabilities for PSAPs and other emergency services
7 organizations.

8 "NG9-1-1 costs" means those recurring costs that that
9 directly relate to the Next Generation 9-1-1 service as
10 determined by the Statewide 9-1-1 Advisory Board, including,
11 but not limited to, costs for Emergency System Routing Proxy
12 (ESRP), Emergency Call Routing Function/Location Validation
13 Function (ECRF/LVF), Spatial Information Function (SIF), the
14 Border Control Function (BCF), and the Emergency Services
15 Internet Protocol networks (ESInets), legacy network gateways,
16 and all associated fees, taxes, and surcharges on each invoice.

17 "Private branch exchange" or "PBX" means a private
18 telephone system and associated equipment located on the user's
19 property that provides communications between internal
20 stations and external networks.

21 "Private business switch service" means a
22 telecommunications service including centrex type service and
23 PBX service, even though key telephone systems or equivalent
24 telephone systems registered with the Federal Communications
25 Commission under 47 C.F.R. Part 68 are directly connected to
26 centrex type and PBX systems providing 9-1-1 services equipped

1 for switched local network connections or 9-1-1 system access
2 to business end users through a private telephone switch.

3 "Private business switch service" does not include key
4 telephone systems or equivalent telephone systems registered
5 with the Federal Communications Commission under 47 C.F.R. Part
6 68 when not used in conjunction with centrex type and PBX
7 systems. "Private business switch service" typically includes,
8 but is not limited to, private businesses, corporations, and
9 industries where the telecommunications service is primarily
10 for conducting business.

11 "Private residential switch service" means a
12 telecommunications service including centrex type service and
13 PBX service, even though key telephone systems or equivalent
14 telephone systems registered with the Federal Communications
15 Commission under 47 C.F.R. Part 68 are directly connected to
16 centrex type and PBX systems providing 9-1-1 services equipped
17 for switched local network connections or 9-1-1 system access
18 to residential end users through a private telephone switch.

19 "Private residential switch service" does not include key
20 telephone systems or equivalent telephone systems registered
21 with the Federal Communications Commission under 47 C.F.R. Part
22 68 when not used in conjunction with centrex type and PBX
23 systems. "Private residential switch service" typically
24 includes, but is not limited to, apartment complexes,
25 condominiums, and campus or university environments where
26 shared tenant service is provided and where the usage of the

1 telecommunications service is primarily residential.

2 "Public agency" means the State, and any unit of local
3 government or special purpose district located in whole or in
4 part within this State, that provides or has authority to
5 provide firefighting, police, ambulance, medical, or other
6 emergency services.

7 "Public safety agency" means a functional division of a
8 public agency that provides firefighting, police, medical, or
9 other emergency services. For the purpose of providing wireless
10 service to users of 9-1-1 emergency services, as expressly
11 provided for in this Act, the Department of State Police may be
12 considered a public safety agency.

13 "Public safety answering point" or "PSAP" means the initial
14 answering location of an emergency call.

15 "Qualified governmental entity" means a unit of local
16 government authorized to provide 9-1-1 services pursuant to
17 this Act where no emergency telephone system board exists.

18 "Referral method" means a 9-1-1 service in which the PSAP
19 telecommunicator provides the calling party with the telephone
20 number of the appropriate public safety agency or other
21 provider of emergency services.

22 "Regular service" means any telecommunications service,
23 other than advanced service, that is capable of transporting
24 either the subscriber's inter-premises voice
25 telecommunications services to the public switched network or
26 the subscriber's 9-1-1 calls to the public agency.

1 "Relay method" means a 9-1-1 service in which the PSAP
2 telecommunicator takes the pertinent information from a caller
3 and relays that information to the appropriate public safety
4 agency or other provider of emergency services.

5 "Remit period" means the billing period, one month in
6 duration, for which a wireless carrier remits a surcharge and
7 provides subscriber information by zip code to the Department,
8 in accordance with Section 20 of this Act.

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

17 "System" means the communications equipment and related
18 software applications required to produce a response by the
19 appropriate emergency public safety agency or other provider of
20 emergency services as a result of an emergency call being
21 placed to 9-1-1.

22 "System provider" means the contracted entity providing
23 9-1-1 network and database services.

24 "Telecommunications carrier" means those entities included
25 within the definition specified in Section 13-202 of the Public
26 Utilities Act, and includes those carriers acting as resellers

1 of telecommunications services. "Telecommunications carrier"
2 includes telephone systems operating as mutual concerns.
3 "Telecommunications carrier" does not include a wireless
4 carrier.

5 "Telecommunications technology" means equipment that can
6 send and receive written messages over the telephone network.

7 "Transfer method" means a 9-1-1 service in which the PSAP
8 telecommunicator receiving a call transfers that call to the
9 appropriate public safety agency or other provider of emergency
10 services.

11 "Transmitting messages" shall have the meaning given to
12 that term under Section 8-11-2 of the Illinois Municipal Code.

13 "Trunk line" means a transmission path, or group of
14 transmission paths, connecting a subscriber's PBX to a
15 telecommunications carrier's public switched network. In the
16 case of regular service, each voice grade communications
17 channel or equivalent amount of bandwidth capable of
18 transporting either the subscriber's inter-premises voice
19 telecommunications services to the public switched network or
20 the subscriber's 9-1-1 calls to the public agency shall be
21 considered a trunk line, even if it is bundled with other
22 channels or additional bandwidth. In the case of advanced
23 service, each DS-1, T-1, or similar un-channelized or
24 multi-channel transmission facility that is capable of
25 transporting either the subscriber's inter-premises voice
26 telecommunications services to the public switched network or

1 the subscriber's 9-1-1 calls to the public agency shall be
2 considered a single trunk line, even if it contains multiple
3 voice grade communications channels or otherwise supports 2 or
4 more voice grade calls at a time; provided, however, that each
5 additional 1.544 Mbps of transmission capacity that is capable
6 of transporting either the subscriber's inter-premises voice
7 telecommunications services to the public switched network or
8 the subscriber's 9-1-1 calls to the public agency shall be
9 considered an additional trunk line.

10 "Voice-impaired individual" means a person with a
11 permanent speech disability which precludes oral
12 communication, who can regularly and routinely communicate by
13 telephone only through the aid of devices which can send and
14 receive written messages over the telephone network.

15 "Wireless carrier" means a provider of two-way cellular,
16 broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial
17 Mobile Radio Service (CMRS), Wireless Communications Service
18 (WCS), or other Commercial Mobile Radio Service (CMRS), as
19 defined by the Federal Communications Commission, offering
20 radio communications that may provide fixed, mobile, radio
21 location, or satellite communication services to individuals
22 or businesses within its assigned spectrum block and
23 geographical area or that offers real-time, two-way voice
24 service that is interconnected with the public switched
25 network, including a reseller of such service.

26 "Wireless enhanced 9-1-1" means the ability to relay the

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

8 "Wireless public safety answering point" means the
9 functional division of a 9-1-1 authority accepting wireless
10 9-1-1 calls.

11 "Wireless subscriber" means an individual or entity to whom
12 a wireless service account or number has been assigned by a
13 wireless carrier, other than an account or number associated
14 with prepaid wireless telecommunication service.

15 ~~As used in this Act, the terms defined in Sections following~~
16 ~~this Section and preceding Section 3 have the meanings ascribed~~
17 ~~to them in those Sections.~~

18 (Source: P.A. 88-497.)

19 (50 ILCS 750/3) (from Ch. 134, par. 33)

20 Sec. 3. (a) By July 1, 2017, every local public agency
21 shall be within the jurisdiction of a 9-1-1 system. Every local
22 public agency in a county having 100,000 or more inhabitants,
23 within its respective jurisdiction, shall establish and have in
24 operation within 3 years after the implementation date or by
25 December 31, 1985, whichever is later, a basic or sophisticated

1 ~~system as specified in this Act. Other public agencies may~~
2 ~~establish such a system, and shall be entitled to participate~~
3 ~~in any program of grants or other State funding of such~~
4 ~~systems.~~

5 (b) By July 1, 2020, every 9-1-1 system in Illinois shall
6 provide Next Generation 9-1-1 service. ~~The establishment of~~
7 ~~such systems shall be centralized to the extent feasible.~~

8 (c) Nothing in this Act shall be construed to prohibit or
9 discourage in any way the formation of multijurisdictional or
10 regional systems, and any system established pursuant to this
11 Act may include the territory of more than one public agency or
12 may include a segment of the territory of a public agency.

13 (Source: P.A. 81-1509.)

14 (50 ILCS 750/4) (from Ch. 134, par. 34)

15 Sec. 4. Every system shall include police, firefighting,
16 and emergency medical and ambulance services, and may include
17 other emergency services, ~~in the discretion of the affected~~
18 ~~local public agency, such as poison control services, suicide~~
19 ~~prevention services, and civil defense services.~~ The system may
20 incorporate private ambulance service. In those areas in which
21 a public safety agency of the state provides such emergency
22 services, the system shall include such public safety agencies.

23 (Source: P.A. 79-1092.)

24 (50 ILCS 750/6) (from Ch. 134, par. 36)

1 Sec. 6. Capabilities of system; pay telephones. All systems
2 shall be designed to meet the specific requirements of each
3 community and public agency served by the system. Every system,
4 ~~whether basic or sophisticated,~~ shall be designed to have the
5 capability of utilizing the direct dispatch method, relay
6 method, transfer method, or referral method ~~at least 1 of the~~
7 ~~methods specified in Sections 2.03 through 2.06,~~ in response to
8 emergency calls. The General Assembly finds and declares that
9 the most critical aspect of the design of any system is the
10 procedure established for handling a telephone request for
11 emergency services.

12 In addition, to maximize efficiency and utilization of the
13 system, all pay telephones within each system shall, ~~within 3~~
14 ~~years after the implementation date or by December 31, 1985,~~
15 ~~whichever is later,~~ enable a caller to dial "9-1-1" for
16 emergency services without the necessity of inserting a coin.
17 This paragraph does not apply to pay telephones located in
18 penal institutions, as defined in Section 2-14 of the Criminal
19 Code of 2012, that have been designated for the exclusive use
20 of committed persons.

21 (Source: P.A. 97-1150, eff. 1-25-13.)

22 (50 ILCS 750/6.1) (from Ch. 134, par. 36.1)

23 Sec. 6.1. Every ~~The Commission shall require that every~~
24 9-1-1 system shall be readily accessible to hearing-impaired
25 and voice-impaired individuals through the use of

1 telecommunications technology for hearing-impaired and
2 speech-impaired individuals.

3 ~~As used in this Section:~~

4 ~~"Hearing impaired individual" means a person with a~~
5 ~~permanent hearing loss who can regularly and routinely~~
6 ~~communicate by telephone only through the aid of devices~~
7 ~~which can send and receive written messages over the~~
8 ~~telephone network.~~

9 ~~"Voice impaired individual" means a person with a~~
10 ~~permanent speech disability which precludes oral~~
11 ~~communication, who can regularly and routinely communicate~~
12 ~~by telephone only through the aid of devices which can send~~
13 ~~and receive written messages over the telephone network.~~

14 ~~"Telecommunications technology" means equipment that~~
15 ~~can send and receive written messages over the telephone~~
16 ~~network.~~

17 (Source: P.A. 87-146.)

18 (50 ILCS 750/7) (from Ch. 134, par. 37)

19 Sec. 7. The General Assembly finds that, because of
20 overlapping jurisdiction of public agencies, public safety
21 agencies and telephone service areas, the Administrator, with
22 the advice and recommendation of the Statewide 9-1-1 Advisory
23 Board, Commission shall establish a general overview or plan to
24 effectuate the purposes of this Act within the time frame
25 provided in this Act. In order to insure that proper

1 preparation and implementation of emergency telephone systems
2 are accomplished by all public agencies as required under this
3 Act ~~in a county having 100,000 or more inhabitants within 3~~
4 ~~years after the implementation date or by December 31, 1985,~~
5 ~~whichever is later,~~ the Department Commission, with the advice
6 and assistance of the Attorney General, shall secure compliance
7 by public agencies as provided in this Act.

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

9 (50 ILCS 750/8) (from Ch. 134, par. 38)

10 Sec. 8. The Administrator Commission, with the advice and
11 recommendation ~~assistance~~ of the Statewide 9-1-1 Advisory
12 Board ~~Attorney General~~, shall coordinate the implementation of
13 systems established under this Act. ~~The Commission, with the~~
14 ~~advice and assistance of the Attorney General, shall assist~~
15 ~~local public agencies and local public safety agencies in~~
16 ~~obtaining financial help to establish emergency telephone~~
17 ~~service, and shall aid such agencies in the formulation of~~
18 ~~concepts, methods, and procedures which will improve the~~
19 ~~operation of systems required by this Act and which will~~
20 ~~increase cooperation between public safety agencies.~~

21 (Source: P.A. 79-1092.)

22 (50 ILCS 750/10) (from Ch. 134, par. 40)

23 Sec. 10. The Administrator, with the advice and
24 recommendation of the Statewide 9-1-1 Advisory Board, shall

1 establish uniform technical and operational standards for all
2 9-1-1 systems in Illinois. All findings, orders, decisions,
3 rules, and regulations issued or promulgated by the Commission
4 under this Act or any other Act establishing or conferring
5 power on the Commission with respect to emergency
6 telecommunications services, shall continue in force.
7 Notwithstanding the provisions of this Section, where
8 applicable, the Administrator shall, with the advice and
9 recommendation of the Statewide 9-1-1 Advisory Board, amend the
10 Commission's findings, orders, decisions, rules, and
11 regulations to conform to the specific provisions of this Act
12 as soon as practicable after the effective date of this
13 amendatory Act of the 99th General Assembly. The Department may
14 adopt emergency rules necessary to implement the provisions of
15 this amendatory Act of the 99th General Assembly under
16 subsection (t) of Section 5-45 of the Illinois Administrative
17 Procedure Act. ~~Technical and operational standards for the~~
18 ~~development of the local agency systems shall be established~~
19 ~~and reviewed by the Commission on or before December 31, 1979,~~
20 ~~after consultation with all agencies specified in Section 9.~~

21 ~~For the limited purpose of permitting a board, a qualified~~
22 ~~governmental entity, a group of boards, or a group of~~
23 ~~governmental entities to participate in a Regional Pilot~~
24 ~~Project to implement next generation 9-1-1, as defined in this~~
25 ~~Act, the Commission may forbear from applying any rule adopted~~
26 ~~under the Emergency Telephone Systems Act as it applies to~~

1 ~~conducting of the Regional Pilot Project to implement next~~
2 ~~generation 9-1-1, if the Commission determines, after notice~~
3 ~~and hearing, that:~~

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

10 ~~(2) enforcement of the rule or provision is not~~
11 ~~necessary for the protection of consumers; and~~

12 ~~(3) forbearance from applying the provisions or rules~~
13 ~~is consistent with the public interest.~~

14 ~~The Commission may exercise such forbearance with respect~~
15 ~~to one, and only one, Regional Pilot Project to implement next~~
16 ~~generation 9-1-1.~~

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

24 (Source: P.A. 96-1443, eff. 8-20-10.)

1 Sec. 10.2. The Emergency Telephone System Board ~~in any~~
2 ~~county passing a referendum under Section 15.3,~~ and the
3 Chairman of the County Board in any county implementing a 9-1-1
4 system shall ensure that all areas of the county are included
5 in the system.

6 (Source: P.A. 87-146.)

7 (50 ILCS 750/11) (from Ch. 134, par. 41)

8 Sec. 11. ~~Within one year after the implementation date or~~
9 ~~by January 31, 1980, whichever is later, all public agencies in~~
10 ~~a county having 100,000 or more inhabitants shall submit~~
11 ~~tentative plans of the establishment of a system required by~~
12 ~~this Act to the public utility or utilities providing public~~
13 ~~telephone service within the respective jurisdiction of each~~
14 ~~public agency. A copy of each such plan shall be filed with the~~
15 ~~Commission.~~

16 ~~Within 2 years after the implementation date or by January~~
17 ~~31, 1982, whichever is later, all public agencies in a county~~
18 ~~having 100,000 or more inhabitants shall submit final plans for~~
19 ~~the establishment of the system to such utilities, and shall~~
20 ~~make arrangements with such utilities for the implementation of~~
21 ~~the planned emergency telephone system no later than 3 years~~
22 ~~after the implementation date or by December 31, 1985,~~
23 ~~whichever is later. A copy of the plan required by this~~
24 ~~subdivision shall be filed with the Commission. In order to~~
25 ~~secure compliance with the standards promulgated under Section~~

1 ~~10, the Commission shall have the power to approve or~~
2 ~~disapprove such plan, unless such plan was announced before the~~
3 ~~effective date of this Act.~~

4 ~~If any public agency has implemented or is a part of a~~
5 ~~system required by this Act on a deadline specified in this~~
6 ~~Section, such public agency shall submit in lieu of the~~
7 ~~tentative or final plan a report describing the system and~~
8 ~~stating its operational date.~~

9 ~~A board, a qualified governmental entity, a group of~~
10 ~~boards, or a group of qualified governmental entities involved~~
11 ~~in a Regional Pilot Project to implement next generation 9-1-1,~~
12 ~~as defined in this Act, shall submit a plan to the Commission~~
13 ~~describing in detail the Regional Pilot Project no fewer than~~
14 ~~180 days prior to the implementation of the plan. The~~
15 ~~Commission may approve the plan after notice and hearing to~~
16 ~~authorize such Regional Pilot Project. Such shall not exceed~~
17 ~~one year duration or other time period approved by the~~
18 ~~Commission. No entity may proceed with the Regional Pilot~~
19 ~~Project until it receives Commission approval. In approving any~~
20 ~~plan for a Regional Pilot Project under this Section, the~~
21 ~~Commission may impose such terms, conditions, or requirements~~
22 ~~as, in its judgment, are necessary to protect the interests of~~
23 ~~the public.~~

24 ~~The Commission shall have authority to approve one, and~~
25 ~~only one, Regional Pilot Project to implement next generation~~
26 ~~9-1-1.~~

1 All local public agencies operating a 9-1-1 system shall
2 operate under a plan that has been filed with and approved by
3 the Commission prior to January 1, 2016, or the Administrator.

4 Plans filed under this Section shall conform to minimum
5 standards established pursuant to Section 10.

6 (Source: P.A. 96-1443, eff. 8-20-10.)

7 (50 ILCS 750/12) (from Ch. 134, par. 42)

8 Sec. 12. The Attorney General may, in behalf of the
9 Department ~~Commission~~ or on his own initiative, commence
10 judicial proceedings to enforce compliance by any public agency
11 or public utility providing telephone service with this Act.

12 (Source: P.A. 79-1092.)

13 (50 ILCS 750/15) (from Ch. 134, par. 45)

14 Sec. 15. Copies of the annual certified notification of
15 continuing agreement required by Section 14 shall be filed with
16 the Attorney General and the Administrator ~~Commission~~. All
17 ~~Commencing with the year 1987, all~~ such agreements shall be so
18 filed prior to the 31st day of January. The Attorney General
19 shall commence judicial proceedings to enforce compliance with
20 this Section and Section 14, where a public agency or public
21 safety agency has failed to timely enter into such agreement or
22 file copies thereof.

23 (Source: P.A. 86-101.)

1 (50 ILCS 750/15.1) (from Ch. 134, par. 45.1)

2 Sec. 15.1. Public body; exemption from civil liability for
3 developing or operating emergency telephone system.

4 (a) In no event shall a ~~no~~ public agency, the Commission,
5 the Statewide 9-1-1 Advisory Board, the Administrator, the
6 Department of State Police, public safety agency, public safety
7 answering point, emergency telephone system board, or unit of
8 local government assuming the duties of an emergency telephone
9 system board, or carrier, or its officers, employees, assigns,
10 or agents nor any officer, agent or employee of any public
11 agency, public safety agency, emergency telephone system
12 board, or unit of local government assuming the duties of an
13 emergency telephone system board, shall be liable for any civil
14 damages or criminal liability that directly or indirectly
15 results from, or is caused by, any act or omission in the
16 development, design, installation, operation, maintenance,
17 performance, or provision of 9-1-1 service required by this
18 Act, unless the act or omission constitutes gross negligence,
19 recklessness, or intentional misconduct as a result of any act
20 or omission, except willful or wanton misconduct, in connection
21 with developing, adopting, operating or implementing any plan
22 or system required by this Act.

23 A unit of local government, the Commission, the Statewide
24 9-1-1 Advisory Board, the Administrator, the Department of
25 State Police, public safety agency, public safety answering
26 point, emergency telephone system board, or carrier, or its

1 officers, employees, assigns, or agents, shall not be liable
2 for any form of civil damages or criminal liability that
3 directly or indirectly results from, or is caused by, the
4 release of subscriber information to any governmental entity as
5 required under the provisions of this Act, unless the release
6 constitutes gross negligence, recklessness, or intentional
7 misconduct.

8 (b) Exemption from civil liability for emergency
9 instructions is as provided in the Good Samaritan Act.

10 (c) This Section may not be offered as a defense in any
11 judicial proceeding brought by the Attorney General under
12 Section 12 to compel compliance with this Act.

13 (Source: P.A. 89-403, eff. 1-1-96; 89-607, eff. 1-1-97.)

14 (50 ILCS 750/15.2c new)

15 Sec. 15.2c. Call boxes. No carrier shall be required to
16 provide a call box. For purposes of this Section, the term
17 "call box" means device that is normally mounted to an outside
18 wall of the serving telecommunications carrier central office
19 and designed to provide emergency on-site answering by
20 authorized personnel at the central office location in the
21 event a central office is isolated from the 9-1-1 network.

22 (50 ILCS 750/15.3a new)

23 Sec. 15.3a. Local wireless surcharge.

24 (a) Notwithstanding any other provision of this Act, a unit

1 of local government or emergency telephone system board
2 providing wireless 9-1-1 service and imposing and collecting a
3 wireless carrier surcharge prior to July 1, 1998 may continue
4 its practices of imposing and collecting its wireless carrier
5 surcharge, but, except as provided in subsection (b) of this
6 Section, in no event shall that monthly surcharge exceed \$2.50
7 per commercial mobile radio service (CMRS) connection or
8 in-service telephone number billed on a monthly basis. For
9 mobile telecommunications services provided on and after
10 August 1, 2002, any surcharge imposed shall be imposed based
11 upon the municipality or county that encompasses the customer's
12 place of primary use as defined in the Mobile
13 Telecommunications Sourcing Conformity Act.

14 (b) Until July 1, 2017, the corporate authorities of a
15 municipality with a population in excess of 500,000 on the
16 effective date of this amendatory Act of the 99th General
17 Assembly may by ordinance continue to impose and collect a
18 monthly surcharge per commercial mobile radio service (CMRS)
19 connection or in-service telephone number billed on a monthly
20 basis that does not exceed the highest monthly surcharge
21 imposed as of January 1, 2014 by any county or municipality
22 under subsection (c) of Section 15.3 of this Act. On or after
23 July 1, 2017, the municipality may continue imposing and
24 collecting its wireless carrier surcharge as provided in and
25 subject to the limitations of subsection (a) of this Section.

26 (c) In addition to any other lawful purpose, a municipality

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

9 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

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

11 (a) Except as provided in subsection (e) of this Section,
12 the ~~The~~ corporate authorities of any county or municipality may
13 ~~that imposes a surcharge under Section 15.3 shall~~ establish an
14 Emergency Telephone System Board. The corporate authorities
15 shall provide for the manner of appointment and the number of
16 members of the Board, provided that the board shall consist of
17 not fewer than 5 members, one of whom must be a public member
18 who is a resident of the local exchange service territory
19 included in the 9-1-1 coverage area, one of whom (in counties
20 with a population less than 100,000) may ~~must~~ be a member of
21 the county board, and at least 3 of whom shall be
22 representative of the 9-1-1 public safety agencies, including
23 but not limited to police departments, fire departments,
24 emergency medical services providers, and emergency services
25 and disaster agencies, and appointed on the basis of their

1 ability or experience. In counties with a population of more
2 than 100,000 but less than 2,000,000, a member of the county
3 board may serve on the Emergency Telephone System Board.
4 Elected officials, including members of a county board, are
5 also eligible to serve on the board. Members of the board shall
6 serve without compensation but shall be reimbursed for their
7 actual and necessary expenses. Any 2 or more municipalities,
8 counties, or combination thereof, ~~that impose a surcharge under~~
9 ~~Section 15.3~~ may, instead of establishing individual boards,
10 establish by intergovernmental agreement a Joint Emergency
11 Telephone System Board pursuant to this Section. The manner of
12 appointment of such a joint board shall be prescribed in the
13 agreement.

14 Upon the effective date of this amendatory Act of the 98th
15 General Assembly, appointed members of the Emergency Telephone
16 System Board shall serve staggered 3-year terms if: (1) the
17 Board serves a county with a population of 100,000 or less; and
18 (2) appointments, on the effective date of this amendatory Act
19 of the 98th General Assembly, are not for a stated term. The
20 corporate authorities of the county or municipality shall
21 assign terms to the board members serving on the effective date
22 of this amendatory Act of the 98th General Assembly in the
23 following manner: (1) one-third of board members' terms shall
24 expire on January 1, 2015; (2) one-third of board members'
25 terms shall expire on January 1, 2016; and (3) remaining board
26 members' terms shall expire on January 1, 2017. Board members

1 may be re-appointed upon the expiration of their terms by the
2 corporate authorities of the county or municipality.

3 The corporate authorities of a county or municipality may,
4 by a vote of the majority of the members elected, remove an
5 Emergency Telephone System Board member for misconduct,
6 official misconduct, or neglect of office.

7 (b) The powers and duties of the board shall be defined by
8 ordinance of the municipality or county, or by
9 intergovernmental agreement in the case of a joint board. The
10 powers and duties shall include, but need not be limited to the
11 following:

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

13 (2) Coordinating and supervising the implementation,
14 upgrading, or maintenance of the system, including the
15 establishment of equipment specifications and coding
16 systems.

17 (3) Receiving moneys from the surcharge imposed under
18 Section 15.3, or disbursed to it under Section 30, and from
19 any other source, for deposit into the Emergency Telephone
20 System Fund.

21 (4) Authorizing all disbursements from the fund.

22 (5) Hiring any staff necessary for the implementation
23 or upgrade of the system.

24 (6) (Blank). ~~Participating in a Regional Pilot Project~~
25 ~~to implement next generation 9 1 1, as defined in this Act,~~
26 ~~subject to the conditions set forth in this Act.~~

1 (c) All moneys received by a board pursuant to a surcharge
2 imposed under Section 15.3, or disbursed to it under Section
3 30, shall be deposited into a separate interest-bearing
4 Emergency Telephone System Fund account. The treasurer of the
5 municipality or county that has established the board or, in
6 the case of a joint board, any municipal or county treasurer
7 designated in the intergovernmental agreement, shall be
8 custodian of the fund. All interest accruing on the fund shall
9 remain in the fund. No expenditures may be made from such fund
10 except upon the direction of the board by resolution passed by
11 a majority of all members of the board. ~~Expenditures may be~~
12 ~~made only to pay for the costs associated with the following:~~

13 ~~(1) The design of the Emergency Telephone System.~~

14 ~~(2) The coding of an initial Master Street Address~~
15 ~~Guide data base, and update and maintenance thereof.~~

16 ~~(3) The repayment of any moneys advanced for the~~
17 ~~implementation of the system.~~

18 ~~(4) The charges for Automatic Number Identification~~
19 ~~and Automatic Location Identification equipment, a~~
20 ~~computer aided dispatch system that records, maintains,~~
21 ~~and integrates information, mobile data transmitters~~
22 ~~equipped with automatic vehicle locators, and maintenance,~~
23 ~~replacement and update thereof to increase operational~~
24 ~~efficiency and improve the provision of emergency~~
25 ~~services.~~

26 ~~(5) The non-recurring charges related to installation~~

1 ~~of the Emergency Telephone System and the ongoing network~~
2 ~~charges.~~

3 ~~(6) The acquisition and installation, or the~~
4 ~~reimbursement of costs therefor to other governmental~~
5 ~~bodies that have incurred those costs, of road or street~~
6 ~~signs that are essential to the implementation of the~~
7 ~~emergency telephone system and that are not duplicative of~~
8 ~~signs that are the responsibility of the jurisdiction~~
9 ~~charged with maintaining road and street signs.~~

10 ~~(7) Other products and services necessary for the~~
11 ~~implementation, upgrade, and maintenance of the system and~~
12 ~~any other purpose related to the operation of the system,~~
13 ~~including costs attributable directly to the construction,~~
14 ~~leasing, or maintenance of any buildings or facilities or~~
15 ~~costs of personnel attributable directly to the operation~~
16 ~~of the system. Costs attributable directly to the operation~~
17 ~~of an emergency telephone system do not include the costs~~
18 ~~of public safety agency personnel who are and equipment~~
19 ~~that is dispatched in response to an emergency call.~~

20 ~~(7.5) The purchase of real property if the purchase is~~
21 ~~made before March 16, 2006.~~

22 ~~(8) In the case of a municipality that imposes a~~
23 ~~surcharge under subsection (h) of Section 15.3, moneys may~~
24 ~~also be used for any anti-terrorism or emergency~~
25 ~~preparedness measures, including, but not limited to,~~
26 ~~preparedness planning, providing local matching funds for~~

1 ~~federal or State grants, personnel training, and~~
2 ~~specialized equipment, including surveillance cameras as~~
3 ~~needed to deal with natural and terrorist-inspired~~
4 ~~emergency situations or events.~~

5 ~~(9) The defraying of expenses incurred in~~
6 ~~participation in a Regional Pilot Project to implement next~~
7 ~~generation 9-1-1, subject to the conditions set forth in~~
8 ~~this Act.~~

9 ~~(10) The implementation of a computer aided dispatch~~
10 ~~system or hosted supplemental 9-1-1 services.~~

11 ~~Moneys in the fund may also be transferred to a~~
12 ~~participating fire protection district to reimburse volunteer~~
13 ~~firefighters who man remote telephone switching facilities~~
14 ~~when dedicated 9-1-1 lines are down.~~

15 (d) The board shall complete a Master Street Address Guide
16 database ~~the data base~~ before implementation of the 9-1-1
17 system. The error ratio of the database ~~data base~~ shall not at
18 any time exceed 1% of the total database ~~data base~~.

19 (e) On and after January 1, 2016, no municipality or county
20 may create an Emergency Telephone System Board unless the board
21 is a Joint Emergency Telephone System Board. The corporate
22 authorities of any county or municipality entering into an
23 intergovernmental agreement to create or join a Joint Emergency
24 Telephone System Board shall rescind the ordinance or
25 ordinances creating the original Emergency Telephone System
26 Board and shall eliminate the Emergency Telephone System Board,

1 effective upon the creation, with regulatory approval by the
2 Administrator, or joining of the Joint Emergency Telephone
3 System Board.

4 (Source: P.A. 97-517, eff. 8-23-11; 97-1018, eff. 8-17-12;
5 98-481, eff. 8-16-13.)

6 (50 ILCS 750/15.4a new)

7 Sec. 15.4a. Consolidation.

8 (a) By July 1, 2017, and except as otherwise provided in
9 this Section, Emergency Telephone System Boards, Joint
10 Emergency Telephone System Boards, qualified governmental
11 entities, and PSAPs shall be consolidated as follows, subject
12 to subsections (b) and (c) of this Section:

13 (1) In any county with a population of at least 250,000
14 that has a single Emergency Telephone System Board, or
15 qualified governmental entity and more than 2 PSAPs, shall
16 reduce the number of PSAPs by at least 50% or to 2 PSAPs,
17 whichever is greater. Nothing in this paragraph shall
18 preclude consolidation resulting in one PSAP in the county.

19 (2) In any county with a population of at least 250,000
20 that has more than one Emergency Telephone System Board,
21 Joint Emergency Telephone System Board, or qualified
22 governmental entity, any 9-1-1 Authority serving a
23 population of less than 25,000 shall be consolidated such
24 that no 9-1-1 Authority in the county serves a population
25 of less than 25,000.

1 (3) In any county with a population of at least 250,000
2 but less than 1,000,000 that has more than one Emergency
3 Telephone System Board, Joint Emergency Telephone System
4 Board, or qualified governmental entity, each 9-1-1
5 Authority shall reduce the number of PSAPs by at least 50%
6 or to 2 PSAPs, whichever is greater. Nothing in this
7 paragraph shall preclude consolidation of a 9-1-1
8 Authority into a Joint Emergency Telephone System Board,
9 and nothing in this paragraph shall preclude consolidation
10 resulting in one PSAP in the county.

11 (4) In any county with a population of less than
12 250,000 that has a single Emergency Telephone System Board
13 or qualified governmental entity and more than 2 PSAPs, the
14 9-1-1 Authority shall reduce the number of PSAPs by at
15 least 50% or to 2 PSAPs, whichever is greater. Nothing in
16 this paragraph shall preclude consolidation resulting in
17 one PSAP in the county.

18 (5) In any county with a population of less than
19 250,000 that has more than one Emergency Telephone System
20 Board, Joint Emergency Telephone System Board, or
21 qualified governmental entity and more than 2 PSAPS, the
22 9-1-1 Authorities shall be consolidated into a single joint
23 board, and the number of PSAPs shall be reduced by at least
24 50% or to 2 PSAPs, whichever is greater. Nothing in this
25 paragraph shall preclude consolidation resulting in one
26 PSAP in the county.

1 (6) Any 9-1-1 Authority that does not have a PSAP
2 within its jurisdiction shall be consolidated through an
3 intergovernmental agreement with an existing 9-1-1
4 Authority that has a PSAP to create a Joint Emergency
5 Telephone Board.

6 (7) The corporate authorities of each county that has
7 no 9-1-1 service as of January 1, 2016 shall provide
8 enhanced 9-1-1 wireline and wireless enhanced 9-1-1
9 service for that county by either (i) entering into an
10 intergovernmental agreement with an existing Emergency
11 Telephone System Board to create a new Joint Emergency
12 Telephone System Board, or (ii) entering into an
13 intergovernmental agreement with the corporate authorities
14 that have created an existing Joint Emergency Telephone
15 System Board.

16 (b) By July 1, 2016, each county required to consolidate
17 pursuant to paragraph (7) of subsection (a) of this Section and
18 each 9-1-1 Authority required to consolidate pursuant to
19 paragraphs (1) through (6) of subsection (a) of this Section
20 shall file a plan for consolidation or a request for a waiver
21 pursuant to subsection (c) of this Section with the Division of
22 9-1-1. Within 60 calendar days of receiving a consolidation
23 plan, the Statewide 9-1-1 Advisory Board shall hold at least
24 one public hearing on the plan and provide a recommendation to
25 the Administrator. Notice of the hearing shall be provided to
26 the respective entity to which the plan applies. Within 90

1 calendar days of receiving a consolidation plan, the
2 Administrator shall approve the plan, approve the plan as
3 modified, or grant a waiver pursuant to subsection (c) of this
4 Section. In making his or her decision, the Administrator shall
5 consider any recommendation from the Statewide 9-1-1 Advisory
6 Board regarding the plan. If the Administrator does not follow
7 the recommendation of the Board, the Administrator shall
8 provide a written explanation for the deviation in his or her
9 decision. The deadlines provided in this subsection may be
10 extended upon agreement between the Administrator and entity
11 which submitted the plan.

12 (c) A waiver from a consolidation required under subsection
13 (a) of this Section may be granted if the Administrator finds
14 that the consolidation will result in a substantial threat to
15 public safety, is economically unreasonable, or is technically
16 infeasible.

17 (d) Any decision of the Administrator under this Section
18 shall be deemed a final administrative decision and shall be
19 subject to judicial review under the Administrative Review Law.

20 (50 ILCS 750/15.4b new)

21 Sec. 15.4b. Consolidation grants.

22 (a) The Administrator, with the advice and recommendation
23 of the Statewide 9-1-1 Advisory Board, shall administer a 9-1-1
24 System Consolidation Grant Program to defray costs associated
25 with 9-1-1 system consolidation of systems outside of a

1 municipality with a population in excess of 500,000. The
2 awarded grants will be used to offset non-recurring costs
3 associated with the consolidation of 9-1-1 system and shall not
4 be used for ongoing operating costs associated with the
5 consolidated system. The Department, in consultation with the
6 Administrator and the Statewide 9-1-1 Advisory Board, shall
7 adopt rules defining the grant process and criteria for issuing
8 the grants. The grants should be awarded based on criteria that
9 include, but are not limited to:

10 (1) reducing the number of transfers of a 9-1-1 call;

11 (2) reducing the infrastructure required to adequately
12 provide 9-1-1 network services;

13 (3) promoting cost savings from resource sharing among
14 9-1-1 systems;

15 (4) facilitating interoperability and resiliency for
16 the receipt of 9-1-1 calls;

17 (5) reducing the number of 9-1-1 systems or reducing
18 the number of PSAPS within a 9-1-1 System;

19 (6) cost saving resulting from 9-1-1 system
20 consolidation; and

21 (7) expanding E9-1-1 service coverage as a result of
22 9-1-1 system consolidation including to areas without
23 E9-1-1 service.

24 Priority shall be given first to counties not providing
25 9-1-1 service as of January 1, 2016, and next to other entities
26 consolidating as required under Section 15.4a of this Act.

1 (b) The 9-1-1 System Consolidation Grant application, as
2 defined by Department rules, shall be submitted electronically
3 to the Administrator starting January 2, 2016, and every
4 January 2 thereafter. The application shall include a modified
5 9-1-1 system plan as required by this Act in support of the
6 consolidation plan. The Administrator shall have until June 30,
7 2016 and every June 30 thereafter to approve 9-1-1 System
8 Consolidation grants and modified 9-1-1 system plans. Payment
9 under the approved 9-1-1 System Consolidation grants shall be
10 contingent upon the final approval of a modified 9-1-1 system
11 plan.

12 (c) Existing and previously completed consolidation
13 projects shall be eligible to apply for reimbursement of costs
14 related to the consolidation incurred between 2010 and the
15 State fiscal year of the application.

16 (d) The 9-1-1 systems that receive grants under this
17 section shall provide a report detailing grant fund usage to
18 the Administrator pursuant to Section 40 of this Act.

19 (50 ILCS 750/15.5)

20 Sec. 15.5. Private residential switch service 9-1-1
21 service.

22 (a) After June 30, 1995, an entity that provides or
23 operates private residential switch service and provides
24 telecommunications facilities or services to residents shall
25 provide to those residential end users the same level of 9-1-1

1 service as the public agency and the telecommunications carrier
2 are providing to other residential end users of the local 9-1-1
3 system. This service shall include, but not be limited to, the
4 capability to identify the telephone number, extension number,
5 and the physical location that is the source of the call to the
6 number designated as the emergency telephone number.

7 (b) The private residential switch operator is responsible
8 for forwarding end user automatic location identification
9 record information to the 9-1-1 system provider according to
10 the format, frequency, and procedures established by that
11 system provider.

12 (c) This Act does not apply to any PBX telephone extension
13 that uses radio transmissions to convey electrical signals
14 directly between the telephone extension and the serving PBX.

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

18 (e) Nothing in this Section shall be construed to preclude
19 the Attorney General on behalf of the Department ~~Commission~~ or
20 on his or her own initiative, or any other interested person,
21 from seeking judicial relief, by mandamus, injunction, or
22 otherwise, to compel compliance with this Section.

23 (Source: P.A. 88-604, eff. 9-1-94; 89-222, eff. 1-1-96; 89-497,
24 eff. 6-27-96.)

1 Sec. 15.6. Enhanced 9-1-1 service; business service.

2 (a) After June 30, 2000, or within 18 months after enhanced
3 9-1-1 service becomes available, any entity that installs or
4 operates a private business switch service and provides
5 telecommunications facilities or services to businesses shall
6 assure that the system is connected to the public switched
7 network in a manner that calls to 9-1-1 result in automatic
8 number and location identification. For buildings having their
9 own street address and containing workspace of 40,000 square
10 feet or less, location identification shall include the
11 building's street address. For buildings having their own
12 street address and containing workspace of more than 40,000
13 square feet, location identification shall include the
14 building's street address and one distinct location
15 identification per 40,000 square feet of workspace. Separate
16 buildings containing workspace of 40,000 square feet or less
17 having a common public street address shall have a distinct
18 location identification for each building in addition to the
19 street address.

20 (b) Exemptions. Buildings containing workspace of more
21 than 40,000 square feet are exempt from the multiple location
22 identification requirements of subsection (a) if the building
23 maintains, at all times, alternative and adequate means of
24 signaling and responding to emergencies. Those means shall
25 include, but not be limited to, a telephone system that
26 provides the physical location of 9-1-1 calls coming from

1 within the building. Health care facilities are presumed to
2 meet the requirements of this paragraph if the facilities are
3 staffed with medical or nursing personnel 24 hours per day and
4 if an alternative means of providing information about the
5 source of an emergency call exists. Buildings under this
6 exemption must provide 9-1-1 service that provides the
7 building's street address.

8 Buildings containing workspace of more than 40,000 square
9 feet are exempt from subsection (a) if the building maintains,
10 at all times, alternative and adequate means of signaling and
11 responding to emergencies, including a telephone system that
12 provides the location of a 9-1-1 call coming from within the
13 building, and the building is serviced by its own medical, fire
14 and security personnel. Buildings under this exemption are
15 subject to emergency phone system certification by the
16 Administrator ~~Illinois Commerce Commission~~.

17 Buildings in communities not serviced by enhanced 9-1-1
18 service are exempt from subsection (a).

19 Correctional institutions and facilities, as defined in
20 subsection (d) of Section 3-1-2 of the Unified Code of
21 Corrections, are exempt from subsection (a).

22 (c) This Act does not apply to any PBX telephone extension
23 that uses radio transmissions to convey electrical signals
24 directly between the telephone extension and the serving PBX.

25 (d) An entity that violates this Section is guilty of a
26 business offense and shall be fined not less than \$1,000 and

1 not more than \$5,000.

2 (e) Nothing in this Section shall be construed to preclude
3 the Attorney General on behalf of the Department ~~Commission~~ or
4 on his or her own initiative, or any other interested person,
5 from seeking judicial relief, by mandamus, injunction, or
6 otherwise, to compel compliance with this Section.

7 (f) The Department ~~may Commission shall~~ promulgate rules
8 for the administration of this Section ~~no later than January 1,~~
9 ~~2000.~~

10 (Source: P.A. 91-518, eff. 8-13-99; 92-16, eff. 6-28-01;
11 92-188, eff. 8-1-01.)

12 (50 ILCS 750/15.6a new)

13 Sec. 15.6a. Wireless emergency 9-1-1 service.

14 (a) The digits "9-1-1" shall be the designated emergency
15 telephone number within the wireless system.

16 (b) The Department may set non-discriminatory and uniform
17 technical and operational standards consistent with the rules
18 of the Federal Communications Commission for directing calls to
19 authorized public safety answering points. These standards
20 shall not in any way prescribe the technology or manner a
21 wireless carrier shall use to deliver wireless 9-1-1 or
22 wireless E9-1-1 calls, and these standards shall not exceed the
23 requirements set by the Federal Communications Commission;
24 however, standards for directing calls to the authorized public
25 safety answering point shall be included. The authority given

1 to the Department in this Section is limited to setting
2 standards as set forth herein and does not constitute authority
3 to regulate wireless carriers.

4 (c) For the purpose of providing wireless 9-1-1 emergency
5 services, an emergency telephone system board or, in the
6 absence of an emergency telephone system board, a qualified
7 governmental entity, may declare its intention for one or more
8 of its public safety answering points to serve as a primary
9 wireless 9-1-1 public safety answering point for its
10 jurisdiction by notifying the Administrator in writing within 6
11 months after receiving its authority to operate a 9-1-1 system
12 under this Act. In addition, 2 or more Emergency Telephone
13 System Boards or qualified governmental entities may, by virtue
14 of an intergovernmental agreement, provide wireless 9-1-1
15 service. The Department of State Police shall be the primary
16 wireless 9-1-1 public safety answering point for any
17 jurisdiction that did not provide notice to the Illinois
18 Commerce Commission and the Department prior to January 1,
19 2016.

20 (d) The Administrator, upon a request from a qualified
21 governmental entity or an emergency telephone system board and
22 with the advice and recommendation of the Statewide 9-1-1
23 Advisory Board, may grant authority to the emergency telephone
24 system board or a qualified governmental entity to provide
25 wireless 9-1-1 service in areas for which the Department has
26 accepted wireless 9-1-1 responsibility. The Administrator

1 shall maintain a current list of all 9-1-1 systems and
2 qualified governmental entities providing wireless 9-1-1
3 service under this Act.

4 (50 ILCS 750/15.6b new)

5 Sec. 15.6b. Next Generation 9-1-1 service.

6 (a) The Administrator, with the advice and recommendation
7 of the Statewide 9-1-1 Advisory Board, shall develop and
8 implement a plan for a statewide Next Generation 9-1-1 network.
9 The Next Generation 9-1-1 network must be an Internet
10 protocol-based platform that at a minimum provides:

11 (1) improved 9-1-1 call delivery;

12 (2) enhanced interoperability;

13 (3) increased ease of communication between 9-1-1
14 service providers, allowing immediate transfer of 9-1-1
15 calls, caller information, photos, and other data
16 statewide;

17 (4) a hosted solution with redundancy built in; and

18 (5) compliance with NENA Standards i3 Solution 08-003.

19 (b) By July 1, 2016, the Administrator, with the advice and
20 recommendation of the Statewide 9-1-1 Advisory Board, shall
21 design and issue a competitive request for a proposal to secure
22 the services of a consultant to complete a feasibility study on
23 the implementation of a statewide Next Generation 9-1-1 network
24 in Illinois. By July 1, 2017, the consultant shall complete the
25 feasibility study and make recommendations as to the

1 appropriate procurement approach for developing a statewide
2 Next Generation 9-1-1 network.

3 (c) Within 12 months of the final report from the
4 consultant under subsection (b) of this Section, the Department
5 shall procure and finalize a contract with a vendor certified
6 under Section 13-900 of the Public Utilities Act to establish a
7 statewide Next Generation 9-1-1 network. By July 1, 2020, the
8 vendor shall implement a Next Generation 9-1-1 network that
9 allows 9-1-1 systems providing 9-1-1 service to Illinois
10 residents to access the system utilizing their current
11 infrastructure if it meets the standards adopted by the
12 Department.

13 (50 ILCS 750/15.7)

14 Sec. 15.7. Compliance with certification of 9-1-1 system
15 providers by the Illinois Commerce Commission. In addition to
16 the requirements of this Act Section, all 9-1-1 system
17 providers must comply with the requirements of Section 13-900
18 of the Public Utilities Act.

19 (Source: P.A. 96-25, eff. 6-30-09.)

20 (50 ILCS 750/15.8)

21 Sec. 15.8. 9-1-1 dialing from a business.

22 (a) Any entity that installs or operates a private business
23 switch service and provides telecommunications facilities or
24 services to businesses shall ensure that all systems installed

1 on or after July 1, 2015 (the effective date of Public Act
2 98-875) ~~the effective date of this amendatory Act of the 98th~~
3 ~~General Assembly~~ are connected to the public switched network
4 in a manner such that when a user dials "9-1-1", the emergency
5 call connects to the 9-1-1 system without first dialing any
6 number or set of numbers.

7 (b) The requirements of this Section do not apply to:

8 (1) any entity certified by the Illinois Commerce
9 Commission to operate a Private Emergency Answering Point
10 as defined in 83 Ill. Adm. Code 726.105; or

11 (2) correctional institutions and facilities as
12 defined in subsection (d) of Section 3-1-2 of the Unified
13 Code of Corrections.

14 (c) An entity that violates this Section is guilty of a
15 business offense and shall be fined not less than \$1,000 and
16 not more than \$5,000.

17 (Source: P.A. 98-875, eff. 7-1-15.)

18 (50 ILCS 750/20 new)

19 Sec. 20. Statewide surcharge.

20 (a) On and after January 1, 2016, and except with respect
21 to those customers who are subject to surcharges as provided in
22 Sections 15.3 and 15.3a of this Act, a monthly surcharge shall
23 be imposed on all customers of telecommunications carriers and
24 wireless carriers as follows:

25 (1) Each telecommunications carrier shall impose a

1 monthly surcharge of \$0.87 per network connection;
2 provided, however, the monthly surcharge shall not apply to
3 a network connection provided for use with pay telephone
4 services. Where multiple voice grade communications
5 channels are connected between the subscriber's premises
6 and a public switched network through private branch
7 exchange (PBX) or centrex type service there shall be
8 imposed 5 such surcharges per network connection for both
9 regular service and advanced service provisioned trunk
10 lines.

11 (2) Each wireless carrier shall impose and collect a
12 monthly surcharge of \$0.87 per CMRS connection that either
13 has a telephone number within an area code assigned to
14 Illinois by the North American Numbering Plan
15 Administrator or has a billing address in this State.

16 (b) State and local taxes shall not apply to the surcharges
17 imposed under this Section.

18 (c) The surcharges imposed by this Section shall be stated
19 as a separately stated item on subscriber bills.

20 (d) The telecommunications carrier collecting the
21 surcharge shall also be entitled to deduct 3% of the gross
22 amount of surcharge collected to reimburse the
23 telecommunications carrier for the expense of accounting and
24 collecting the surcharge. On and after July 1, 2022, the
25 wireless carrier collecting a surcharge under this Section
26 shall be entitled to deduct up to 3% of the gross amount of the

1 surcharge collected to reimburse the wireless carrier for the
2 expense of accounting and collecting the surcharge.

3 (e) Surcharges imposed under this Section shall be
4 collected by the carriers and, within 30 days of collection,
5 remitted, either by check or electronic funds transfer, to the
6 Department for deposit into the Statewide 9-1-1 Fund. Carriers
7 are not required to remit surcharge moneys that are billed to
8 subscribers but not yet collected.

9 The first remittance by wireless carriers shall include the
10 number of subscribers by zip code, and the 9-digit zip code if
11 currently being used or later implemented by the carrier, that
12 shall be the means by which the Department shall determine
13 distributions from the Statewide 9-1-1 Fund. This information
14 shall be updated at least once each year. Any carrier that
15 fails to provide the zip code information required under this
16 subsection (e) shall be subject to the penalty set forth in
17 subsection (g) of this Section.

18 (f) If, within 5 business days it is due under subsection
19 (e) of this Section, a carrier does not remit the surcharge or
20 any portion thereof required under this Section, then the
21 surcharge or portion thereof shall be deemed delinquent until
22 paid in full, and the Department may impose a penalty against
23 the carrier in an amount equal to the greater of:

24 (1) \$25 for each month or portion of a month from the
25 time an amount becomes delinquent until the amount is paid
26 in full; or

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

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. Any
8 penalty imposed under this subsection (f) is in addition to any
9 other penalty imposed under this Section.

10 (g) If, within 5 business days after it is due, a wireless
11 carrier does not provide the number of subscribers by zip code
12 as required under subsection (e) of this Section, then the
13 report is deemed delinquent and the Department may impose a
14 penalty against the carrier in an amount equal to the greater
15 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 \$0.01 and the
19 number of subscribers served by the carrier.

20 A penalty imposed in accordance with this subsection (g)
21 for a portion of a month during which the carrier provides the
22 number of subscribers by zip code as required under subsection
23 (e) of this Section shall be prorated for each day of that
24 month during which the carrier had not provided the number of
25 subscribers by zip code as required under subsection (e) of
26 this Section. Any penalty imposed under this subsection (g) is

1 in addition to the amount of the delinquency and is in addition
2 to any other penalty imposed under this Section.

3 (h) A penalty imposed and collected in accordance with
4 subsection (f) or (g) of this Section shall be deposited into
5 the Statewide 9-1-1 Fund for distribution according to Section
6 30 of this Act.

7 (i) The Department may enforce the collection of any
8 delinquent amount and any penalty due and unpaid under this
9 Section by legal action or in any other manner by which the
10 collection of debts due the State of Illinois may be enforced
11 under the laws of this State. The Department may excuse the
12 payment of any penalty imposed under this Section if the
13 Administrator determines that the enforcement of this penalty
14 is unjust.

15 (j) Notwithstanding any provision of law to the contrary,
16 nothing shall impair the right of wireless carriers to recover
17 compliance costs for all emergency communications services
18 that are not reimbursed out of the Wireless Carrier
19 Reimbursement Fund directly from their wireless subscribers by
20 line-item charges on the wireless subscriber's bill. Those
21 compliance costs include all costs incurred by wireless
22 carriers in complying with local, State, and federal regulatory
23 or legislative mandates that require the transmission and
24 receipt of emergency communications to and from the general
25 public, including, but not limited to, E9-1-1.

1 (50 ILCS 750/30 new)

2 Sec. 30. Statewide 9-1-1 Fund; surcharge disbursement.

3 (a) A special fund in the State treasury known as the
4 Wireless Service Emergency Fund shall be renamed the Statewide
5 9-1-1 Fund. Any appropriations made from the Wireless Service
6 Emergency Fund shall be payable from the Statewide 9-1-1 Fund.
7 The Fund shall consist of the following:

8 (1) 9-1-1 wireless surcharges assessed under the
9 Wireless Emergency Telephone Safety Act.

10 (2) 9-1-1 surcharges assessed under Section 20 of this
11 Act.

12 (3) Prepaid wireless 9-1-1 surcharges assessed under
13 Section 15 of the Prepaid Wireless 9-1-1 Surcharge Act.

14 (4) Any appropriations, grants, or gifts made to the
15 Fund.

16 (5) Any income from interest, premiums, gains, or other
17 earnings on moneys in the Fund.

18 (6) Money from any other source that is deposited in or
19 transferred to the Fund.

20 (b) Subject to appropriation, the Department shall
21 distribute the 9-1-1 surcharges monthly as follows:

22 (1) From each surcharge collected and remitted under
23 Section 20 of this Act:

24 (A) \$0.013 shall be distributed monthly in equal
25 amounts to each County Emergency Telephone System
26 Board or qualified governmental entity in counties

1 with a population under 100,000 according to the most
2 recent census data which is authorized to serve as a
3 primary wireless 9-1-1 public safety answering point
4 for the county and to provide wireless 9-1-1 service as
5 prescribed by subsection (b) of Section 15.6a of this
6 Act, and which does provide such service.

7 (B) \$0.033 shall be transferred by the Comptroller
8 at the direction of the Department to the Wireless
9 Carrier Reimbursement Fund until June 30, 2017; from
10 July 1, 2017 through June 30, 2018, \$0.026 shall be
11 transferred; from July 1, 2018 through June 30, 2019,
12 \$0.020 shall be transferred; from July 1, 2019, through
13 June 30, 2020, \$0.013 shall be transferred; from July
14 1, 2020 through June 30, 2021, \$0.007 will be
15 transferred; and after June 30, 2021, no transfer shall
16 be made to the Wireless Carrier Reimbursement Fund.

17 (C) \$0.007 shall be used to cover the Department's
18 administrative costs.

19 (2) After disbursements under paragraph (1) of this
20 subsection (b), all remaining funds in the Statewide 9-1-1
21 Fund shall be disbursed in the following priority order:

22 (A) The Fund will pay monthly to:

23 (i) the 9-1-1 Authorities that imposed
24 surcharges under Section 15.3 of this Act and were
25 required to report to the Illinois Commerce
26 Commission under Section 27 of the Wireless

1 Emergency Telephone Safety Act on October 1, 2014,
2 except a 9-1-1 Authority in a municipality with a
3 population in excess of 500,000, an amount equal to
4 the average monthly wireline and VoIP surcharge
5 revenue attributable to the most recent 12-month
6 period reported to the Department under that
7 Section for the October 1, 2014 filing, subject to
8 the power of the Department to investigate the
9 amount reported and adjust the number by order
10 under Article X of the Public Utilities Act, so
11 that the monthly amount paid under this item
12 accurately reflects one-twelfth of the aggregate
13 wireline and VoIP surcharge revenue properly
14 attributable to the most recent 12-month period
15 reported to the Commission; or

16 (ii) county qualified governmental entities
17 that did not impose a surcharge under Section 15.3
18 as of December 31, 2015, and counties that did not
19 impose a surcharge as of June 30, 2015, an amount
20 equivalent to their population multiplied by .37
21 multiplied by the rate of \$0.69; counties that are
22 not county qualified governmental entities and
23 that did not impose a surcharge as of December 31,
24 2015, shall not begin to receive the payment
25 provided for in this subsection until E9-1-1 and
26 Wireless E9-1-1 services are provided within their

1 counties; or

2 (iii) counties without 9-1-1 service that had
3 a surcharge in place by December 31, 2015, an
4 amount equivalent to their population multiplied
5 by .37 multiplied by their surcharge rate as
6 established by the referendum.

7 (B) All 9-1-1 network costs for systems outside of
8 municipalities with a population of at least 500,000
9 shall be paid by the Department directly to the
10 vendors.

11 (C) All expenses incurred by the Administrator and
12 the Statewide 9-1-1 Advisory Board and costs
13 associated with procurement under Section 15.6b
14 including requests for information and requests for
15 proposals.

16 (D) Funds may be held in reserve by the Statewide
17 9-1-1 Advisory Board and disbursed by the Department
18 for grants under Sections 15.4a, 15.4b, and for NG9-1-1
19 expenses up to \$12.5 million per year in State fiscal
20 years 2016 and 2017; up to \$13.5 million in State
21 fiscal year 2018; up to \$14.4 million in State fiscal
22 year 2019; up to \$15.3 million in State fiscal year
23 2020; up to \$16.2 million in State fiscal year 2021; up
24 to \$23.1 million in State fiscal year 2022; and up to
25 \$17.0 million per year for State fiscal year 2023 and
26 each year thereafter.

1 (E) All remaining funds per remit month shall be
2 used to make monthly proportional grants to the
3 appropriate 9-1-1 Authority currently taking wireless
4 9-1-1 based upon the United States Postal Zip Code of
5 the billing addresses of subscribers of wireless
6 carriers.

7 (c) The moneys deposited into the Statewide 9-1-1 Fund
8 under this Section shall not be subject to administrative
9 charges or chargebacks unless otherwise authorized by this Act.

10 (d) Whenever two or more 9-1-1 Authorities consolidate, the
11 resulting Joint Emergency Telephone System Board shall be
12 entitled to the monthly payments that had theretofore been made
13 to each consolidating 9-1-1 Authority. Any reserves held by any
14 consolidating 9-1-1 Authority shall be transferred to the
15 resulting Joint Emergency Telephone System Board. Whenever a
16 county that has no 9-1-1 service as of January 1, 2016 enters
17 into an agreement to consolidate to create or join a Joint
18 Emergency Telephone System Board, the Joint Emergency
19 Telephone System Board shall be entitled to the monthly
20 payments that would have otherwise been paid to the county if
21 it had provided 9-1-1 service.

22 (50 ILCS 750/35 new)

23 Sec. 35. 9-1-1 surcharge; allowable expenditures. Except
24 as otherwise provided in this Act, expenditures from surcharge
25 revenues received under this Act may be made by municipalities,

1 counties, and 9-1-1 Authorities only to pay for the costs
2 associated with the following:

3 (1) The design of the Emergency Telephone System.

4 (2) The coding of an initial Master Street Address
5 Guide database, and update and maintenance thereof.

6 (3) The repayment of any moneys advanced for the
7 implementation of the system.

8 (4) The charges for Automatic Number Identification
9 and Automatic Location Identification equipment, a
10 computer aided dispatch system that records, maintains,
11 and integrates information, mobile data transmitters
12 equipped with automatic vehicle locators, and maintenance,
13 replacement, and update thereof to increase operational
14 efficiency and improve the provision of emergency
15 services.

16 (5) The non-recurring charges related to installation
17 of the Emergency Telephone System.

18 (6) The acquisition and installation, or the
19 reimbursement of costs therefor to other governmental
20 bodies that have incurred those costs, of road or street
21 signs that are essential to the implementation of the
22 Emergency Telephone System and that are not duplicative of
23 signs that are the responsibility of the jurisdiction
24 charged with maintaining road and street signs.

25 (7) Other products and services necessary for the
26 implementation, upgrade, and maintenance of the system and

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

9 (8) The defraying of expenses incurred to implement
10 Next Generation 9-1-1, subject to the conditions set forth
11 in this Act.

12 (9) The implementation of a computer aided dispatch
13 system or hosted supplemental 9-1-1 services.

14 (10) The design, implementation, operation,
15 maintenance, or upgrade of wireless 9-1-1 or E9-1-1
16 emergency services and public safety answering points.

17 Moneys in the Statewide 9-1-1 Fund may also be transferred
18 to a participating fire protection district to reimburse
19 volunteer firefighters who man remote telephone switching
20 facilities when dedicated 9-1-1 lines are down.

21 In the case of a municipality with a population over
22 500,000, moneys may also be used for any anti-terrorism or
23 emergency preparedness measures, including, but not limited
24 to, preparedness planning, providing local matching funds for
25 federal or State grants, personnel training, and specialized
26 equipment, including surveillance cameras, as needed to deal

1 with natural and terrorist-inspired emergency situations or
2 events.

3 (50 ILCS 750/40 new)

4 Sec. 40. Financial reports.

5 (a) The Department shall create uniform accounting
6 procedures, with such modification as may be required to give
7 effect to statutory provisions applicable only to
8 municipalities with a population in excess of 500,000, that any
9 emergency telephone system board, qualified governmental
10 entity, or unit of local government receiving surcharge money
11 pursuant to Section 15.3, 15.3a, or 30 of this Act must follow.

12 (b) By October 1, 2016, and every October 1 thereafter,
13 each emergency telephone system board, qualified governmental
14 entity, or unit of local government receiving surcharge money
15 pursuant to Section 15.3, 15.3a, or 30 shall report to the
16 Department audited financial statements showing total revenue
17 and expenditures for previous fiscal year in a form and manner
18 as prescribed by the Department. Such financial information
19 shall include:

20 (1) a detailed summary of revenue from all sources
21 including, but not limited to, local, State, federal, and
22 private revenues, and any other funds received;

23 (2) operating expenses, capital expenditures, and cash
24 balances; and

25 (3) such other financial information that is relevant

1 to the provision of 9-1-1 services as determined by the
2 Department.

3 The emergency telephone system board, qualified
4 governmental entity, or unit of local government is responsible
5 for any costs associated with auditing such financial
6 statements. The Department shall post the audited financial
7 statements on the Department's website.

8 (c) Along with its audited financial statement, each
9 emergency telephone system board, qualified governmental
10 entity, or unit of local government receiving a grant under
11 Section 15.4b of this Act shall include a report of the amount
12 of grant moneys received and how the grant moneys were used. In
13 case of a conflict between this requirement and the Grant
14 Accountability and Transparency Act, or with the rules of the
15 Governor's Office of Management and Budget adopted thereunder,
16 that Act and those rules shall control.

17 (d) If an emergency telephone system board or qualified
18 governmental entity that receives funds from the Statewide
19 9-1-1 Fund fails to file the 9-1-1 system financial reports as
20 required under this Section, the Department shall suspend and
21 withhold monthly disbursements otherwise due to the emergency
22 telephone system board or qualified governmental entity under
23 Section 30 of this Act until the report is filed.

24 Any monthly disbursements that have been withheld for 12
25 months or more shall be forfeited by the emergency telephone
26 system board or qualified governmental entity and shall be

1 distributed proportionally by the Department to compliant
2 emergency telephone system boards and qualified governmental
3 entities that receive funds from the Statewide 9-1-1 Fund.

4 Any emergency telephone system board or qualified
5 governmental entity not in compliance with this Section shall
6 be ineligible to receive any consolidation grant or
7 infrastructure grant issued under this Act.

8 (e) The Department may adopt emergency rules necessary to
9 implement the provisions of this Section.

10 (50 ILCS 750/45 new)

11 Sec. 45. Wireless Carrier Reimbursement Fund.

12 (a) A special fund in the State treasury known as the
13 Wireless Carrier Reimbursement Fund, which was created
14 previously under Section 30 of the Wireless Emergency Telephone
15 Safety Act, shall continue in existence without interruption
16 notwithstanding the repeal of that Act. Moneys in the Wireless
17 Carrier Reimbursement Fund may be used, subject to
18 appropriation, only (i) to reimburse wireless carriers for all
19 of their costs incurred in complying with the applicable
20 provisions of Federal Communications Commission wireless
21 enhanced 9-1-1 service mandates, and (ii) to pay the reasonable
22 and necessary costs of the Illinois Commerce Commission in
23 exercising its rights, duties, powers, and functions under this
24 Act. This reimbursement to wireless carriers may include, but
25 need not be limited to, the cost of designing, upgrading,

1 purchasing, leasing, programming, installing, testing, and
2 maintaining necessary data, hardware, and software and
3 associated operating and administrative costs and overhead.

4 (b) To recover costs from the Wireless Carrier
5 Reimbursement Fund, the wireless carrier shall submit sworn
6 invoices to the Illinois Commerce Commission. In no event may
7 any invoice for payment be approved for (i) costs that are not
8 related to compliance with the requirements established by the
9 wireless enhanced 9-1-1 mandates of the Federal Communications
10 Commission, or (ii) costs with respect to any wireless enhanced
11 9-1-1 service that is not operable at the time the invoice is
12 submitted.

13 (c) If in any month the total amount of invoices submitted
14 to the Illinois Commerce Commission and approved for payment
15 exceeds the amount available in the Wireless Carrier
16 Reimbursement Fund, wireless carriers that have invoices
17 approved for payment shall receive a pro-rata share of the
18 amount available in the Wireless Carrier Reimbursement Fund
19 based on the relative amount of their approved invoices
20 available that month, and the balance of the payments shall be
21 carried into the following months until all of the approved
22 payments are made.

23 (d) A wireless carrier may not receive payment from the
24 Wireless Carrier Reimbursement Fund for its costs of providing
25 wireless enhanced 9-1-1 services in an area when a unit of
26 local government or emergency telephone system board provides

1 wireless 9-1-1 services in that area and was imposing and
2 collecting a wireless carrier surcharge prior to July 1, 1998.

3 (e) The Illinois Commerce Commission shall maintain
4 detailed records of all receipts and disbursements and shall
5 provide an annual accounting of all receipts and disbursements
6 to the Auditor General.

7 (f) The Illinois Commerce Commission must annually review
8 the balance in the Wireless Carrier Reimbursement Fund as of
9 June 30 of each year and shall direct the Comptroller to
10 transfer into the Statewide 9-1-1 Fund for distribution in
11 accordance with subsection (b) of Section 30 of this Act any
12 amount in excess of outstanding invoices as of June 30 of each
13 year.

14 (g) The Illinois Commerce Commission shall adopt rules to
15 govern the reimbursement process.

16 (50 ILCS 750/50 new)

17 Sec. 50. Fund audits. The Auditor General shall conduct as
18 a part of its bi-annual audit, an audit of the Statewide 9-1-1
19 Fund and the Wireless Carrier Reimbursement Fund for compliance
20 with the requirements of this Act. The audit shall include, but
21 not be limited to, the following determinations:

22 (1) Whether detailed records of all receipts and
23 disbursements from the Statewide 9-1-1 Fund and the
24 Wireless Carrier Reimbursement Fund are being maintained.

25 (2) Whether administrative costs charged to the funds

1 are adequately documented and are reasonable.

2 (3) Whether the procedures for making disbursements
3 and grants and providing reimbursements in accordance with
4 the Act are adequate.

5 (4) The status of the implementation of statewide 9-1-1
6 service and Next Generation 9-1-1 service in Illinois.

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

15 (50 ILCS 750/55 new)

16 Sec. 55. Public disclosure. Because of the highly
17 competitive nature of the wireless telephone industry, public
18 disclosure of information about surcharge moneys paid by
19 wireless carriers could have the effect of stifling competition
20 to the detriment of the public and the delivery of wireless
21 9-1-1 services. Therefore, the Illinois Commerce Commission,
22 the Department of State Police, governmental agencies, and
23 individuals with access to that information shall take
24 appropriate steps to prevent public disclosure of this
25 information. Information and data supporting the amount and

1 distribution of surcharge moneys collected and remitted by an
2 individual wireless carrier shall be deemed exempt information
3 for purposes of the Freedom of Information Act and shall not be
4 publicly disclosed. The gross amount paid by all carriers shall
5 not be deemed exempt and may be publicly disclosed.

6 (50 ILCS 750/60 new)

7 Sec. 60. Interconnected VoIP providers. Interconnected
8 VoIP providers in Illinois shall be subject in a competitively
9 neutral manner to the same provisions of this Act as are
10 provided for telecommunications carriers. Interconnected VoIP
11 services shall not be considered an intrastate
12 telecommunications service for the purposes of this Act in a
13 manner inconsistent with federal law or Federal Communications
14 Commission regulation.

15 (50 ILCS 750/2.01 rep.)

16 (50 ILCS 750/2.02 rep.)

17 (50 ILCS 750/2.03 rep.)

18 (50 ILCS 750/2.04 rep.)

19 (50 ILCS 750/2.05 rep.)

20 (50 ILCS 750/2.06 rep.)

21 (50 ILCS 750/2.06a rep.)

22 (50 ILCS 750/2.07 rep.)

23 (50 ILCS 750/2.08 rep.)

24 (50 ILCS 750/2.09 rep.)

1 (50 ILCS 750/2.10 rep.)
2 (50 ILCS 750/2.11 rep.)
3 (50 ILCS 750/2.12 rep.)
4 (50 ILCS 750/2.13 rep.)
5 (50 ILCS 750/2.14 rep.)
6 (50 ILCS 750/2.15 rep.)
7 (50 ILCS 750/2.16 rep.)
8 (50 ILCS 750/2.17 rep.)
9 (50 ILCS 750/2.18 rep.)
10 (50 ILCS 750/2.19 rep.)
11 (50 ILCS 750/2.20 rep.)
12 (50 ILCS 750/2.21 rep.)
13 (50 ILCS 750/2.22 rep.)
14 (50 ILCS 750/2.23 rep.)
15 (50 ILCS 750/2.24 rep.)
16 (50 ILCS 750/2.25 rep.)
17 (50 ILCS 750/2.26 rep.)
18 (50 ILCS 750/2.27 rep.)
19 (50 ILCS 750/2.28 rep.)
20 (50 ILCS 750/9 rep.)

21 Section 2-15. The Emergency Telephone System Act is amended
22 by repealing Sections 2.01, 2.02, 2.03, 2.04, 2.05, 2.06,
23 2.06a, 2.07, 2.08, 2.09, 2.10, 2.11, 2.12, 2.13, 2.14, 2.15,
24 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, 2.22, 2.23, 2.24, 2.25,
25 2.26, 2.27, 2.28, and 9.

1 Section 2-25. The Prepaid Wireless 9-1-1 Surcharge Act is
2 amended by changing Section 20 as follows:

3 (50 ILCS 753/20)

4 Sec. 20. Administration of prepaid wireless 9-1-1
5 surcharge.

6 (a) In the administration and enforcement of this Act, the
7 provisions of Sections 2a, 2b, 2c, 3, 4, 5, 5a, 5b, 5c, 5d, 5e,
8 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, and 12 of the
9 Retailers' Occupation Tax Act that are not inconsistent with
10 this Act, and Section 3-7 of the Uniform Penalty and Interest
11 Act shall apply, as far as practicable, to the subject matter
12 of this Act to the same extent as if those provisions were
13 included in this Act. References to "taxes" in these
14 incorporated Sections shall be construed to apply to the
15 administration, payment, and remittance of all surcharges
16 under this Act. The Department shall establish registration and
17 payment procedures that substantially coincide with the
18 registration and payment procedures that apply to the
19 Retailers' Occupation Tax Act.

20 (b) ~~A For the first 12 months after the effective date of~~
21 ~~this Act, a seller shall be permitted to deduct and retain 5%~~
22 ~~of prepaid wireless 9-1-1 surcharges that are collected by the~~
23 ~~seller from consumers and that are remitted and timely filed~~
24 ~~with the Department. After the first 12 months, a seller shall~~
25 be permitted to deduct and retain 3% of prepaid wireless 9-1-1

1 surcharges that are collected by the seller from consumers and
2 that are remitted and timely filed with the Department.

3 (c) Other than the amounts for deposit into the Municipal
4 Wireless Service Emergency Fund, the Department shall pay to
5 the State Treasurer all prepaid wireless E911 charges, ~~and~~
6 penalties, and interest collected under this Act for deposit
7 into the Statewide 9-1-1 Fund ~~Wireless Service Emergency Fund~~.

8 On or before the 25th day of each calendar month, the
9 Department shall prepare and certify to the Comptroller the
10 amount available to the Department of State Police ~~Illinois~~

11 ~~Commerce Commission~~ for distribution out of the Statewide 9-1-1
12 Fund ~~Wireless Service Emergency Fund~~. The amount certified

13 shall be the amount (not including credit memoranda) collected
14 during the second preceding calendar month by the Department
15 plus an amount the Department determines is necessary to offset
16 any amounts which were erroneously paid to a different taxing
17 body. The amount paid to the Statewide 9-1-1 Fund ~~Wireless~~

18 ~~Service Emergency Fund~~ shall not include any amount equal to
19 the amount of refunds made during the second preceding calendar
20 month by the Department of Revenue to retailers under this Act

21 or any amount that the Department determines is necessary to
22 offset any amounts which were payable to a different taxing
23 body but were erroneously paid to the Statewide 9-1-1 Fund

24 ~~Wireless Service Emergency Fund~~. The Department of State Police

25 ~~Illinois Commerce Commission~~ shall distribute the funds ~~in the~~
26 ~~same proportion as they are distributed under the Wireless~~

1 ~~Emergency Telephone Safety Act and the funds may only be used~~
2 in accordance with Section 30 ~~the provisions~~ of the ~~Wireless~~
3 Emergency Telephone Safety Act. The Department may deduct an
4 amount, ~~not to exceed 3% during the first year following the~~
5 ~~effective date of this Act and not to exceed 2% during every~~
6 ~~year thereafter~~ of remitted charges, to be transferred into the
7 Tax Compliance and Administration Fund to reimburse the
8 Department for its direct costs of administering the collection
9 and remittance of prepaid wireless 9-1-1 surcharges.

10 (d) The Department shall administer the collection of all
11 9-1-1 surcharges and may adopt and enforce reasonable rules
12 relating to the administration and enforcement of the
13 provisions of this Act as may be deemed expedient. The
14 Department shall require all surcharges collected under this
15 Act to be reported on existing forms or combined forms,
16 including, but not limited to, Form ST-1. Any overpayments
17 received by the Department for liabilities reported on existing
18 or combined returns shall be applied as an overpayment of
19 retailers' occupation tax, use tax, service occupation tax, or
20 service use tax liability.

21 (e) If a home rule municipality having a population in
22 excess of 500,000 as of the effective date of this amendatory
23 Act of the 97th General Assembly imposes an E911 surcharge
24 under subsection (a-5) of Section 15 of this Act, then the
25 Department shall pay to the State Treasurer all prepaid
26 wireless E911 charges, penalties, and interest collected for

1 deposit into the Municipal Wireless Service Emergency Fund. All
2 deposits into the Municipal Wireless Service Emergency Fund
3 shall be held by the State Treasurer as ex officio custodian
4 apart from all public moneys or funds of this State. Any
5 interest attributable to moneys in the Fund must be deposited
6 into the Fund. Moneys in the Municipal Wireless Service
7 Emergency Fund are not subject to appropriation. On or before
8 the 25th day of each calendar month, the Department shall
9 prepare and certify to the Comptroller the amount available for
10 disbursement to the home rule municipality out of the Municipal
11 Wireless Service Emergency Fund. The amount to be paid to the
12 Municipal Wireless Service Emergency Fund shall be the amount
13 (not including credit memoranda) collected during the second
14 preceding calendar month by the Department plus an amount the
15 Department determines is necessary to offset any amounts which
16 were erroneously paid to a different taxing body. The amount
17 paid to the Municipal Wireless Service Emergency Fund shall not
18 include any amount equal to the amount of refunds made during
19 the second preceding calendar month by the Department to
20 retailers under this Act or any amount that the Department
21 determines is necessary to offset any amounts which were
22 payable to a different taxing body but were erroneously paid to
23 the Municipal Wireless Service Emergency Fund. Within 10 days
24 after receipt by the Comptroller of the certification provided
25 for in this subsection, the Comptroller shall cause the orders
26 to be drawn for the respective amounts in accordance with the

1 directions in the certification. The Department may deduct an
2 amount, ~~not to exceed 3% during the first year following the~~
3 ~~effective date of this amendatory Act of the 97th General~~
4 ~~Assembly and~~ not to exceed 2% ~~during every year thereafter~~ of
5 remitted charges, to be transferred into the Tax Compliance and
6 Administration Fund to reimburse the Department for its direct
7 costs of administering the collection and remittance of prepaid
8 wireless 9-1-1 surcharges.

9 (Source: P.A. 97-463, eff. 1-1-12; 97-748, eff. 7-6-12.)

10 ARTICLE III

11 Section 3-99. Effective date. This Act takes effect upon
12 becoming law, except that Article II of this Act takes effect
13 on January 1, 2016.".