AN ACT concerning regulation.

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

Section 5. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-53 as follows:

(20 ILCS 2605/2605-53)

Sec. 2605-53. 9-1-1 system; sexual assault and sexual abuse.

(a) The Office of the Statewide 9-1-1 Administrator, in consultation with the Office of the Attorney General and the Illinois Law Enforcement Training Standards Board, shall:

(1) develop comprehensive guidelines for evidence-based, trauma-informed, victim-centered handling of sexual assault or sexual abuse calls by Public Safety Answering Point telecommunicators ~~tele-communicators~~; and

(2) adopt rules and minimum standards for an evidence-based, trauma-informed, victim-centered training curriculum for handling of sexual assault or sexual abuse calls for Public Safety Answering Point telecommunicators ~~tele-communicators~~ ("PSAP").

(a-5) Within one year after the effective date of this amendatory Act of the 102nd General Assembly, the Office of

the Statewide 9-1-1 Administrator, in consultation with the Statewide 9-1-1 Advisory Board, shall:

(1) develop comprehensive guidelines for training on emergency dispatch procedures, including but not limited to emergency medical dispatch, and the delivery of 9-1-1 services and professionalism for public safety telecommunicators and public safety telecommunicator supervisors; and

(2) adopt rules and minimum standards for continuing education on emergency dispatch procedures, including but not limited to emergency medical dispatch, and the delivery of 9-1-1 services and professionalism for public safety telecommunicators and public safety telecommunicator Supervisors; and

(a-10) The Office of the Statewide 9-1-1 Administrator may as necessary establish by rule appropriate testing and certification processes consistent with the training required by this Section.

(b) Training requirements:

(1) Newly hired PSAP telecommunicators ~~tele-communicators~~ must complete the sexual assault and sexual abuse training curriculum established in subsection (a) of this Section prior to handling emergency calls.

(2) All existing PSAP telecommunicators ~~tele-communicators~~ shall complete the sexual assault and sexual abuse training curriculum established in subsection

(a) of this Section within 2 years of the effective date of this amendatory Act of the 99th General Assembly.

(3) Newly hired public safety telecommunicators shall complete the emergency dispatch procedures training curriculum established in subsection (a-5) of this Section prior to independently handling emergency calls within one year of the Statewide 9-1-1 Administrator establishing the required guidelines, rules, and standards.

(4) All public safety telecommunicators and public safety telecommunicator supervisors who were not required to complete new hire training prior to handling emergency calls, must either demonstrate proficiency or complete the training established in subsection (a-5) of this Section within one year of the Statewide 9-1-1 Administrator establishing the required guidelines, rules, and standards.

(5) Upon completion of the training required in either paragraph (3) or (4) of subsection (b) whichever is applicable, all public safety telecommunicators and public safety telecommunicator supervisors shall complete the continuing education training regarding the delivery of 9-1-1 services and professionalism biennially.

(c) The Illinois State Police may adopt rules for the administration of this Section.

(Source: P.A. 99-801, eff. 1-1-17.)

Section 10. The Emergency Telephone System Act is amended by changing Sections 2, 3, 5, 6, 7, 8, 10, 10.3, 14, 15.2, 15.2a, 15.3, 15.3a, 15.4, 15.4a, 15.6, 15.6a, 15.6b, 17.5, 19, 20, 30, 40, and 99 and by adding Sections 6.2, 7.1, 11.5, and 45 as follows:

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

(Section scheduled to be repealed on December 31, 2021)

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

"9-1-1 network" means the network used for the delivery of 9-1-1 calls and messages over dedicated and redundant facilities to a primary or backup 9-1-1 PSAP that meets the appropriate grade of service ~~P.01 grade of service standards for basic 9-1-1 and enhanced 9-1-1 services or meets national I3 industry call delivery standards for Next Generation 9-1-1 services~~.

"9-1-1 system" means the geographic area that has been granted an order of authority by the Commission or the Statewide 9-1-1 Administrator to use "9-1-1" as the primary emergency telephone number, including but not limited to the network, software applications, databases, CPE components and operational and management procedures required to provide 9-1-1 service.

"9-1-1 Authority" means ~~includes~~ an Emergency Telephone System Board, Joint Emergency Telephone System Board that

provides for the management and operation of a 9-1-1 system~~, and a qualified governmental entity~~. "9-1-1 Authority" includes the Department of State Police only to the extent it provides 9-1-1 services under this Act.

"9-1-1 System Manager" means the manager, director, administrator, or coordinator who at the direction of his or her Emergency Telephone System Board is responsible for the implementation and execution of the order of authority issued by the Commission or the Statewide 9-1-1 Administrator through the programs, policies, procedures, and daily operations of the 9-1-1 system consistent with the provisions of this Act.

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

"Advanced service" means any telecommunications service with or without dynamic bandwidth allocation, including, but not limited to, ISDN Primary Rate Interface (PRI), that, through the use of a DS-1, T-1, or other un-channelized or multi-channel transmission facility, is capable of transporting either the subscriber's inter-premises voice telecommunications services to the public switched network or the subscriber's 9-1-1 calls to the public agency.

"Aggregator" means an entity that ingresses 9-1-1 calls of multiple traffic types or 9-1-1 calls from multiple originating service providers and combines them on a trunk group or groups (or equivalent egress connection arrangement to a 9-1-1 system provider's E9-1-1/NG9-1-1 network or system), and that uses the routing information provided in the

received call setup signaling to select the appropriate trunk group and proceeds to signal call setup toward the 9-1-1 system provider. "Aggregator" includes an originating service provider that provides aggregation functions for its own 9-1-1 calls. "Aggregator" also includes an aggregation network or an aggregation entity that provides aggregator services for other types of system providers, such as cloud-based services or enterprise networks as its client.

"ALI" or "automatic location identification" means~~, in an E9-1-1 system,~~ the automatic display at the public safety answering point of the ~~caller's telephone number, the~~ address or location of the caller's telephone~~,~~ and supplementary emergency services information of the location from which a call originates.

"ANI" or "automatic number identification" means the automatic display of the 10 digit telephone number associated with the caller's telephone number ~~9-1-1 calling party's number on the PSAP monitor~~.

"Automatic alarm" and "automatic alerting device" mean any device that will access the 9-1-1 system for emergency services upon activation and does not provide for two-way communication.

"Answering point" means a PSAP, SAP, Backup PSAP, Unmanned Backup Answering Point, or VAP.

"Authorized entity" means an answering point or participating agency other than a decommissioned PSAP.

"Backup PSAP" means an ~~a public safety~~ answering point that meets the appropriate standards of service and serves as an alternate to the PSAP operating independently from the PSAP ~~for enhanced systems and is~~ at a different location, that has the capability to direct dispatch for the PSAP or otherwise transfer emergency calls directly to an authorized entity. ~~and operates independently from the PSAP.~~ A backup PSAP may accept overflow calls from the PSAP or be activated if the primary PSAP is disabled.

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

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

"Commission" means the Illinois Commerce Commission.

"Computer aided dispatch" or "CAD" means a computer-based system that aids public safety telecommunicators ~~PSAP telecommunicators~~ by automating selected dispatching and recordkeeping activities.

"Direct dispatch ~~dispatch method~~" means a 9-1-1 service wherein upon receipt of an emergency call, ~~that provides for the direct dispatch by~~ a public safety telecommunicator transmits - without delay, transfer, relay, or referral - all relevant available information to ~~PSAP telecommunicator of~~ the appropriate public safety personnel or emergency responders ~~unit upon receipt of an emergency call and the decision as to~~

~~the proper action to be taken~~.

"Decommissioned" means the revocation of a PSAPs authority to handle 9-1-1 calls as an answering point within the 9-1-1 network.

"Department" means the Department of State Police.

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

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

"Emergency call" means any type of request for emergency assistance through a 9-1-1 network either to the digits 9-1-1 or the emergency 24/7 10-digit telephone number for all answering points. An emergency call is not limited to a voice telephone call. It could be a two-way video call, an interactive text, Teletypewriter (TTY), an SMS, an Instant Message, or any new mechanism for communications available in the future. An emergency call occurs when the request for emergency assistance is received by a public safety telecommunicator.

"Enhanced 9-1-1" or "E9-1-1" means a telephone system that includes network switching, database and PSAP premise elements capable of providing automatic location identification data,

selective routing, selective transfer, fixed transfer, and a call back number, including any enhanced 9-1-1 service so designated by the Federal Communications Commission in its report and order in WC Dockets Nos. 04-36 and 05-196, or any successor proceeding.

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

"Grade of service" means P.01 for enhanced 9-1-1 services or the NENA i3 Solution adopted standard for NG9-1-1.

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

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

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

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

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

data, and emergency contacts;

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

(5) automatically displays data provided by telephone subscribers to 9-1-1 call takers for all types of telephones when a call is placed to 9-1-1 from a registered and confirmed phone number;

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

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

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

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

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

"Local public agency" means any unit of local government

or special purpose district located in whole or in part within this State that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services.

"Mechanical dialer" means any device that accesses ~~either manually or remotely triggers a dialing device to access~~ the 9-1-1 system without human intervention and does not provide for two-way communication.

"Master Street Address Guide" or "MSAG" is a database of street names and house ranges within their associated communities defining emergency service zones (ESZs) and their associated emergency service numbers (ESNs) to enable proper routing of 9-1-1 calls.

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

"Network connections" means the number of voice grade communications channels directly between a subscriber and a telecommunications carrier's public switched network, without the intervention of any other telecommunications carrier's switched network, which would be required to carry the subscriber's inter-premises traffic and which connection either (1) is capable of providing access through the public switched network to a 9-1-1 Emergency Telephone System, if one exists, or (2) if no system exists at the time a surcharge is imposed under Section 15.3, that would be capable of providing

access through the public switched network to the local 9-1-1 Emergency Telephone System if one existed. Where multiple voice grade communications channels are connected to a telecommunications carrier's public switched network through a private branch exchange (PBX) service, there shall be determined to be one network connection for each trunk line capable of transporting either the subscriber's inter-premises traffic to the public switched network or the subscriber's 9-1-1 calls to the public agency. Where multiple voice grade communications channels are connected to a telecommunications carrier's public switched network through Centrex ~~centrex~~ type service, the number of network connections shall be equal to the number of PBX trunk equivalents for the subscriber's service or other multiple voice grade communication channels facility, as determined by reference to any generally applicable exchange access service tariff filed by the subscriber's telecommunications carrier with the Commission.

"Network costs" means those recurring costs that directly relate to the operation of the 9-1-1 network as determined by the Statewide 9-1-1 Administrator with the advice of the Statewide 9-1-1 Advisory Board, which may include, but need not be limited to, some or all of the following: costs for interoffice trunks, selective routing charges, transfer lines and toll charges for 9-1-1 services, Automatic Location Information (ALI) database charges, independent local exchange carrier charges and non-system provider charges, carrier

charges for third party database for on-site customer premises equipment, back-up PSAP trunks for non-system providers, periodic database updates as provided by carrier (also known as "ALI data dump"), regional ALI storage charges, circuits for call delivery (fiber or circuit connection), NG9-1-1 costs, and all associated fees, taxes, and surcharges on each invoice. "Network costs" shall not include radio circuits or toll charges that are other than for 9-1-1 services.

"Next generation 9-1-1" or "NG9-1-1" means a secure ~~an~~ Internet Protocol-based (IP-based) open-standards system comprised of hardware, software, data, and operational policies and procedures that: ~~managed ESInets, functional elements and applications, and databases that replicate traditional E9-1-1 features and functions and provide additional capabilities. "NG9-1-1" systems are designed to provide access to emergency services from all connected communications sources, and provide multimedia data capabilities for PSAPs and other emergency services organizations.~~

(A) provides standardized interfaces from emergency call and message services to support emergency communications;

(B) processes all types of emergency calls, including voice, text, data, and multimedia information;

(C) acquires and integrates additional emergency

call data useful to call routing and handling;

(D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities based on the location of the caller;

(E) supports data, video, and other communications needs for coordinated incident response and management; and

(F) interoperates with services and networks used by first responders to facilitate emergency response.

"NG9-1-1 costs" means those recurring costs that directly relate to the Next Generation 9-1-1 service as determined by the Statewide 9-1-1 Administrator with the advice of the Statewide 9-1-1 Advisory Board, which may include ~~including~~, but need not be limited to, costs for NENA i3 Core Components (Border Control Function (BCF), Emergency Call Routing Function (ECRF), Location Validation Function (LVF), Emergency Services Routing Proxy (ESRP), Policy Store/Policy Routing Functions (PSPRF) and Location Information Servers (LIS)), Statewide ESInet, software external to the PSAP (data collection, identity management, aggregation and GIS functionality), and gateways (legacy 9-1-1 tandems or gateways or both). ~~Emergency System Routing Proxy (ESRP), Emergency Call Routing Function/Location Validation Function (ECRF/LVF), Spatial Information Function (SIF), the Border Control Function (BCF), and the Emergency Services Internet Protocol~~

~~networks (ESInets), legacy network gateways, and all associated fees, taxes, and surcharges on each invoice.~~

"Originating service provider" or "OSP" means the entity that provides services to end users that may be used to originate voice or nonvoice 9-1-1 requests for assistance and who would interconnect, in any of various fashions, to the 9-1-1 system provider for purposes of delivering 9-1-1 traffic to the public safety answering points.

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

"Private business switch service" means network and premises based systems including a VoIP, Centrex type service, or PBX service, even though key telephone systems or equivalent telephone systems registered with the Federal Communications Commission under 47 CFR ~~C.F.R.~~ Part 68 are directly connected to Centrex type and PBX systems. "Private business switch service" does not include key telephone systems or equivalent telephone systems registered with the Federal Communications Commission under 47 CFR ~~C.F.R.~~ Part 68 when not used in conjunction with a VoIP, Centrex type, or PBX systems. "Private business switch service" typically includes, but is not limited to, private businesses, corporations, and industries where the telecommunications service is primarily for conducting business.

"Private residential switch service" means network and premise based systems including a VoIP, Centrex type service, or PBX service or key telephone systems or equivalent telephone systems registered with the Federal Communications Commission under 47 C.F.R. Part 68 that are directly connected to a VoIP, Centrex type service, or PBX systems equipped for switched local network connections or 9-1-1 system access to residential end users through a private telephone switch. "Private residential switch service" does not include key telephone systems or equivalent telephone systems registered with the Federal Communications Commission under 47 C.F.R. Part 68 when not used in conjunction with a VoIP, Centrex type, or PBX systems. "Private residential switch service" typically includes, but is not limited to, apartment complexes, condominiums, and campus or university environments where shared tenant service is provided and where the usage of the telecommunications service is primarily residential.

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

"Public safety agency" means a functional division of a public agency that provides firefighting, police, medical, or other emergency services to respond to and manage emergency incidents. For the purpose of providing wireless service to

users of 9-1-1 emergency services, as expressly provided for in this Act, the Department of State Police may be considered a public safety agency.

"Public safety answering point" or "PSAP" means the primary answering location of an emergency call that meets the appropriate standards of service and is responsible for receiving and processing ~~is a set of call takers authorized by a governing body and operating under common management that receive 9-1-1 calls and asynchronous event notifications for a defined geographic area and processes~~ those calls and events according to a specified operational policy.

"PSAP representative" means the manager or supervisor of a Public Safety Answering Point (PSAP) who oversees the daily operational functions and is responsible for the overall management and administration of the PSAP.

"Public safety telecommunicator" means any person employed in a full-time or part-time capacity at an answering point whose duties or responsibilities include answering, receiving, or transferring an emergency call for dispatch to the appropriate emergency responder.

"Public safety telecommunicator supervisor" means any person employed in a full-time or part-time capacity at an answering point or by a 9-1-1 Authority, whose primary duties or responsibilities are to direct, administer, or manage any public safety telecommunicator and whose responsibilities include answering, receiving, or transferring an emergency

call for dispatch to the appropriate responders.

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

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

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

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

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

"Secondary Answering Point" or "SAP" means a location, other than a PSAP, that is able to receive the voice, data, and call back number of E9-1-1 or NG9-1-1 emergency calls transferred from a PSAP and completes the call taking process

by dispatching police, medical, fire, or other emergency responders.

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

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

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

"Telecommunications carrier" means those entities included within the definition specified in Section 13-202 of the Public Utilities Act, and includes those carriers acting as resellers of telecommunications services. "Telecommunications carrier" includes telephone systems operating as mutual concerns. "Telecommunications carrier" does not include a wireless carrier.

"Telecommunications technology" means equipment that can

send and receive written messages over the telephone network.

"Transfer ~~method~~" means a 9-1-1 service in which the public safety telecommunicator, who receives an emergency ~~PSAP telecommunicator receiving a~~ call, transmits, redirects, or conferences ~~transfers~~ that call to the appropriate public safety agency or other provider of emergency services. Transfer shall not include a relay or referral of the information without transferring the caller.

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

"Trunk line" means a transmission path, or group of transmission paths, connecting a subscriber's PBX to a telecommunications carrier's public switched network. In the case of regular service, each voice grade communications channel or equivalent amount of bandwidth capable of transporting either the subscriber's inter-premises voice telecommunications services to the public switched network or the subscriber's 9-1-1 calls to the public agency shall be considered a trunk line, even if it is bundled with other channels or additional bandwidth. In the case of advanced service, each DS-1, T-1, or other un-channelized or multi-channel transmission facility that is capable of transporting either the subscriber's inter-premises voice telecommunications services to the public switched network or the subscriber's 9-1-1 calls to the public agency shall be considered a single trunk line, even if it contains multiple

voice grade communications channels or otherwise supports 2 or more voice grade calls at a time; provided, however, that each additional increment of up to 24 voice grade channels of transmission capacity that is capable of transporting either the subscriber's inter-premises voice telecommunications services to the public switched network or the subscriber's 9-1-1 calls to the public agency shall be considered an additional trunk line.

"Unmanned backup answering point ~~PSAP~~" means an ~~a public safety~~ answering point that serves as an alternate to the PSAP at an alternate location and is typically unmanned but can be activated if the primary PSAP is disabled.

"Virtual answering point" or "VAP" means a temporary or nonpermanent location that is capable of receiving an emergency call, contains a fully functional worksite that is not bound to a specific location, but rather is portable and scalable, connecting public safety telecommunicators ~~emergency call takers or dispatchers~~ to the work process, and is capable of completing the call dispatching process.

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

"Wireless carrier" means a provider of two-way cellular, broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial

Mobile Radio Service (CMRS), Wireless Communications Service (WCS), or other Commercial Mobile Radio Service (CMRS), as defined by the Federal Communications Commission, offering radio communications that may provide fixed, mobile, radio location, or satellite communication services to individuals or businesses within its assigned spectrum block and geographical area or that offers real-time, two-way voice service that is interconnected with the public switched network, including a reseller of such service.

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

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

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

(Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

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

(Section scheduled to be repealed on December 31, 2021)

Sec. 3. (a) By July 1, 2017, every local public agency shall be within the jurisdiction of a 9-1-1 system.

(b) Within 18 months of the awarding of a contract to a vendor certified under Section 13-900 of the Public Utilities Act to provide Next Generation 9-1-1 service ~~By December 31, 2021~~, every 9-1-1 system in Illinois, except in a municipality with a population over 500,000, shall provide Next Generation 9-1-1 service. A municipality with a population over 500,000 shall provide Next Generation 9-1-1 service by December 31, 2023.

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

(Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

(50 ILCS 750/5) (from Ch. 134, par. 35)

(Section scheduled to be repealed on December 31, 2021)

Sec. 5. The digits "9-1-1" shall be the primary emergency telephone number within the system, but a public agency or public safety agency shall maintain a separate secondary 10-digit ~~seven digit~~ emergency backup number for at least 6 ~~six~~ months after the "9-1-1" system is established and in

operation, and shall maintain a separate number for nonemergency telephone calls.

(Source: P.A. 100-20, eff. 7-1-17.)

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

(Section scheduled to be repealed on December 31, 2021)

Sec. 6. Capabilities of system; pay telephones. All systems shall be designed to meet the specific requirements of each community and public agency served by the system. Every system shall be designed to have the capability to ~~of utilizing the~~ direct dispatch or to ~~method, relay method,~~ transfer ~~method, or referral method~~ in response to emergency calls. The General Assembly finds and declares that the most critical aspect of the design of any system is the procedure established for handling a telephone request for emergency services.

In addition, to maximize efficiency and utilization of the system, all pay telephones within each system shall enable a caller to dial "9-1-1" for emergency services without the necessity of inserting a coin. This paragraph does not apply to pay telephones located in penal institutions, as defined in Section 2-14 of the Criminal Code of 2012, that have been designated for the exclusive use of committed persons.

(Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

(50 ILCS 750/6.2 new)

Sec. 6.2. Every 9-1-1 system shall be able to accept text to 9-1-1 no later than January 1, 2023. The Illinois State Police shall adopt rules for the implementation of this Section.

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

(Section scheduled to be repealed on December 31, 2021)

Sec. 7. The General Assembly finds that, because of overlapping jurisdiction of public agencies, public safety agencies and telephone service areas, the Administrator, with the advice and recommendation of the Statewide 9-1-1 Advisory Board, shall establish a general overview or plan to effectuate the purposes of this Act within the time frame provided in this Act. The General Assembly further finds and declares that direct dispatch should be used if possible to shorten the time required for the public to request and receive emergency aid. The Administrator shall minimize the use of transfer, relay, and referral of an emergency call if possible and encourage Backup PSAPs to be able to direct dispatch. Transfer, relay, and referral of an emergency call to an entity other than an answering point or the Illinois State Police shall not be used in response to emergency calls unless exigent circumstances exist. In order to insure that proper preparation and implementation of emergency telephone systems are accomplished by all public agencies as required under this Act, the Department, with the advice and assistance

of the Attorney General, shall secure compliance by public agencies as provided in this Act.

(Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

(50 ILCS 750/7.1 new)

Sec. 7.1. Training.

(a) Each 9-1-1 Authority, as well as its answering points, shall ensure its public safety telecommunicators and public safety telecommunicator Supervisors comply with the training, testing, and certification requirements established pursuant to Section 2605-53 of the Department of State Police Law.

(b) Each 9-1-1 Authority, as well as its answering points, shall maintain a record regarding its public safety telecommunicators and public safety telecommunicator Supervisors compliance with this Section for at least 7 years and shall make the training records available for inspection by the Administrator upon request.

(c) Costs incurred for the development of standards, training, testing and certification shall be expenses paid by the Department from the funds available to the Administrator and the Statewide 9-1-1 Advisory Board under Section 30 of this Act. Nothing in this subsection shall prohibit the use of grants or other nonsurcharge funding sources available for this purpose.

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

(Section scheduled to be repealed on December 31, 2021)

Sec. 8. The Administrator, with the advice and recommendation of the Statewide 9-1-1 Advisory Board, shall coordinate the implementation of systems established under this Act. To assist with this coordination, all systems authorized to operate under this Act shall register with the Administrator information regarding its composition and organization, including, but not limited to, identification of the 9-1-1 System Manager and all answering points. Decommissioned PSAPs shall not be registered and are not part of the 9-1-1 system in Illinois ~~PSAPs, SAPs, VAPs, Backup PSAPs, and Unmanned Backup PSAPs~~. The Department may adopt rules for the administration of this Section.

(Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

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

(Section scheduled to be repealed on December 31, 2021)

Sec. 10. (a) The Administrator, with the advice and recommendation of the Statewide 9-1-1 Advisory Board, shall establish uniform technical and operational standards for all 9-1-1 systems in Illinois. All findings, orders, decisions, rules, and regulations issued or promulgated by the Commission under this Act or any other Act establishing or conferring power on the Commission with respect to emergency telecommunications services, shall continue in force. Notwithstanding the provisions of this Section, where

applicable, the Administrator shall, with the advice and recommendation of the Statewide 9-1-1 Advisory Board, amend the Commission's findings, orders, decisions, rules, and regulations to conform to the specific provisions of this Act as soon as practicable after the effective date of this amendatory Act of the 99th General Assembly.

(a-5) All 9-1-1 systems are responsible for complying with the uniform technical and operational standards adopted by the Administrator and the Illinois State Police with the advice and recommendation of the Statewide 9-1-1 Advisory Board.

(b) The Department may adopt emergency rules necessary to implement the provisions of this amendatory Act of the 99th General Assembly under subsection (t) of Section 5-45 of the Illinois Administrative Procedure Act.

(c) Nothing in this Act shall deprive the Commission of any authority to regulate the provision by telecommunication carriers or 9-1-1 system service providers of telecommunication or other services under the Public Utilities Act.

(d) For rules that implicate both the regulation of 9-1-1 authorities under this Act and the regulation of telecommunication carriers and 9-1-1 system service providers under the Public Utilities Act, the Department and the Commission may adopt joint rules necessary for implementation.

(e) Any findings, orders, or decisions of the Administrator under this Section shall be deemed a final

administrative decision and shall be subject to judicial review under the Administrative Review Law.

(Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

(50 ILCS 750/10.3)

(Section scheduled to be repealed on December 31, 2021)

Sec. 10.3. Notice of address change. The Emergency Telephone System Board ~~or qualified governmental entity~~ in any county implementing a 9-1-1 system that changes any person's address (when the person whose address has changed has not moved to a new residence) shall notify the person (i) of the person's new address and (ii) that the person should contact the local election authority to determine if the person should re-register to vote.

(Source: P.A. 100-20, eff. 7-1-17.)

(50 ILCS 750/11.5 new)

Sec. 11.5. Aggregator and originating service provider responsibilities.

(a) Each aggregator, and the originating service providers whose 9-1-1 calls are being aggregated by the aggregator, shall comply with their respective requirements in 83 Ill. Adm. Code Part 725.410.

(b) Beginning July 1, 2021, each aggregator that is operating within the State must email the Office of the Statewide 9-1-1 Administrator to provide the following

information that supports the implementation of and the migration to the Statewide NG9-1-1 system:

(1) A company 9-1-1 contact, address, email, and phone number.

(2) A list of originating service providers that the aggregator transports 9-1-1 calls for and then to the appropriate 9-1-1 system provider. New or current aggregators must update the required information within 30 days of implementing any changes in information required by this subsection.

(c) Each aggregator shall establish procedures for receiving No Record Found errors from the 9-1-1 System Provider, identifying the originating service provider who delivered the call to the aggregator, and referring the No Record Found errors to that originating service provider.

(d) Each originating service provider shall establish procedures with the 9-1-1 system provider for preventing and resolving No Record Found errors in the 9-1-1 database and make every effort to ensure 9-1-1 calls are sent to the appropriate public safety answering point.

(e) If a 9-1-1 system is being transitioned to NG9-1-1 service or to a new provider, each aggregator shall be responsible for coordinating any modifications that are needed to ensure that the originating service provider provides the required level of service to its customers. Each aggregator shall coordinate those network changes or additions for those

migrations in a timely manner with the appropriate 9-1-1 system provider who shall be managing its respective implementation schedule and cut over. Each aggregator shall send notice to its originating service provider customers of the aggregator's successful turn up of the network changes or additions supporting the migration and include the necessary information for the originating service provider's migration (such as public safety answering point name, Federal Communications Commission Identification, and Emergency Services Routing Number). The notice shall be provided to the originating service providers within 2 weeks of acceptance testing and conversion activities between the aggregator and the 9-1-1 system provider.

(f) The 9-1-1 system provider shall coordinate directly with the originating service providers (unless the aggregator separately agrees to coordinate with the originating service providers) for migration, but in no case shall that migration exceed 30 days after receipt of notice from the aggregator, unless agreed to by the originating service provider and 9-1-1 system provider.

(g) Each aggregator shall coordinate test calls with the 9-1-1 system provider and the 9-1-1 Authority when turning up new circuits or making network changes. Each originating service provider shall perform testing of its network and provisioning upon notification from the aggregator that the network has been tested and accepted with the 9-1-1 system

provider.

(h) Each aggregator and originating service provider customer shall deliver all 9-1-1 calls, audio, data, and location to the 9-1-1 system at a location determined by the State.

(50 ILCS 750/14) (from Ch. 134, par. 44)

(Section scheduled to be repealed on December 31, 2021)

Sec. 14. The General Assembly declares that a major purpose of this Act is to ensure that 9-1-1 systems have redundant methods of dispatch for: (1) each public safety agency within its jurisdiction, herein known as participating agencies; and (2) 9-1-1 systems whose jurisdictional boundaries are contiguous, herein known as adjacent 9-1-1 systems, when an emergency request for service is received for a public safety agency that needs to be dispatched by the adjacent 9-1-1 system. Another primary purpose of this Section is to eliminate instances in which a public safety agency refuses, once dispatched, to render aid outside of the jurisdictional boundaries of the public safety agency. Therefore, in implementing a 9-1-1 system under this Act, all 9-1-1 authorities shall enter into call handling and aid outside jurisdictional boundaries agreements with each participating agency and adjacent 9-1-1 system. The agreements shall provide a primary and secondary means of dispatch. It must also provide that, once an emergency unit is dispatched

in response to a request through the system, such unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries. Certified notification of the continuation of call handling and aid outside jurisdictional boundaries agreements shall be made among the involved parties on an annual basis. The Illinois State Police may adopt rules for the administration of this Section.

(Source: P.A. 100-20, eff. 7-1-17.)

(50 ILCS 750/15.2) (from Ch. 134, par. 45.2)

(Section scheduled to be repealed on December 31, 2021)

Sec. 15.2. Any person placing an "emergency call" to ~~calling~~ the number "911" for the purpose of making an ~~a false~~ alarm or complaint and reporting false information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency, is subject to the provisions of Section 26-1 of the Criminal Code of 2012.

(Source: P.A. 100-20, eff. 7-1-17.)

(50 ILCS 750/15.2a) (from Ch. 134, par. 45.2a)

(Section scheduled to be repealed on December 31, 2021)

Sec. 15.2a. The installation of or connection to a

telephone company's network of any automatic alarm, automatic alerting device, or mechanical dialer that causes the number 9-1-1 to be dialed in order to directly access emergency services and does not provide for 2-way communication is prohibited in a 9-1-1 system.

This Section does not apply to a person who connects to a 9-1-1 network using automatic crash notification technology subject to an established protocol.

This Section does not apply to devices used to enable access to the 9-1-1 system for cognitively-impaired or special needs persons or for persons with disabilities in an emergency situation reported by a caregiver after initiating a missing person's report. The device must have the capability to be activated and controlled remotely by trained personnel at a service center to prevent falsely activated or repeated calls to the 9-1-1 system in a single incident. The device must have the technical capability to generate location information to the 9-1-1 system. Under no circumstances shall a device be sold for use in a geographical jurisdiction where the 9-1-1 system has not deployed wireless phase II location technology. The alerting device shall also provide for either 2-way communication or send a pre-recorded message to a 9-1-1 provider explaining the nature of the emergency so that the 9-1-1 provider will be able to dispatch the appropriate emergency responder.

Violation of this Section is a Class A misdemeanor. A

second or subsequent violation of this Section is a Class 4 felony.

(Source: P.A. 99-143, eff. 7-27-15; 100-20, eff. 7-1-17.)

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

(Section scheduled to be repealed on December 31, 2021)

Sec. 15.3. Local non-wireless surcharge.

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

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

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

(iii) in a municipality with a population, as of March 1, 2010, of 500,000 or more, 5 surcharges per network connection, as defined under Section 2 of this Act, for regular service provisioned trunk lines, and 12 surcharges per network connection, as defined under Section 2 of this Act, for advanced service provisioned trunk lines, except where an advanced service provisioned trunk line supports at least 2 but fewer than 23 simultaneous voice grade calls ("VGC's"), a telecommunication carrier may elect to impose fewer than 12 surcharges per trunk line as provided in subsection (iv) of this Section; or

(iv) for an advanced service provisioned trunk line connected between the subscriber's premises and the public switched network through a P.B.X., where the advanced service provisioned trunk line is capable of transporting at least 2 but fewer than 23 simultaneous VGC's per trunk

line, the telecommunications carrier collecting the surcharge may elect to impose surcharges in accordance with the table provided in this Section, without limiting any telecommunications carrier's obligations to otherwise keep and maintain records. Any telecommunications carrier electing to impose fewer than 12 surcharges per an advanced service provisioned trunk line shall keep and maintain records adequately to demonstrate the VGC capability of each advanced service provisioned trunk line with fewer than 12 surcharges imposed, provided that 12 surcharges shall be imposed on an advanced service provisioned trunk line regardless of the VGC capability where a telecommunications carrier cannot demonstrate the VGC capability of the advanced service provisioned trunk line.

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

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

Assembly.

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

(b) For purposes of computing the surcharge imposed by subsection (a), the network connections to which the surcharge shall apply shall be those in-service network connections, other than those network connections assigned to the municipality or county, where the service address for each such network connection or connections is located within the corporate limits of the municipality or county levying the surcharge. Except for mobile telecommunication services, the "service address" shall mean the location of the primary use of the network connection or connections. For mobile

telecommunication services, "service address" means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act.

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

Shall the county (or city, village or incorporated town) of ..... impose a surcharge of up to ...¢ per month per network connection, which surcharge will be added to the monthly bill you receive for telephone or telecommunications charges, for the purpose of installing (or improving) a 9-1-1 Emergency Telephone System?

YES

NO

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

However, if a Joint Emergency Telephone System Board is to

be created pursuant to an intergovernmental agreement under Section 15.4, the ordinance to impose the surcharge shall be subject to the approval of a majority of the total number of votes cast upon the public question by the electors of all of the municipalities or counties, or combination thereof, that are parties to the intergovernmental agreement.

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

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

(e) A municipality or county may at any time by ordinance change the rate of the surcharge imposed under this Section if the new rate does not exceed the rate specified in the

referendum held pursuant to subsection (c).

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

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

(h) Except as expressly provided in subsection (a) of this Section, on or after the effective date of this amendatory Act of the 98th General Assembly and until December 31, 2017, a municipality with a population of 500,000 or more shall not impose a monthly surcharge per network connection in excess of the highest monthly surcharge imposed as of January 1, 2014 by any county or municipality under subsection (c) of this Section. Beginning January 1, 2018 and until December 31, 2023 ~~2021~~, a municipality with a population over 500,000 may not impose a monthly surcharge in excess of $5.00 per network

connection. On or after January 1, 2024 ~~2022~~, a municipality with a population over 500,000 may not impose a monthly surcharge in excess of $2.50 per network connection.

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

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

part with the proceeds of the surcharge described in this Section.

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

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

(Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

(50 ILCS 750/15.3a)

(Section scheduled to be repealed on December 31, 2021)

Sec. 15.3a. Local wireless surcharge.

(a) Notwithstanding any other provision of this Act, a unit of local government or emergency telephone system board providing wireless 9-1-1 service and imposing and collecting a wireless carrier surcharge prior to July 1, 1998 may continue its practices of imposing and collecting its wireless carrier surcharge, but, except as provided in subsection (b) of this Section, in no event shall that monthly surcharge exceed $2.50 per commercial mobile radio service (CMRS) connection or

in-service telephone number billed on a monthly basis. For mobile telecommunications services provided on and after August 1, 2002, any surcharge imposed shall be imposed based upon the municipality or county that encompasses the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act.

(b) Until December 31, 2017, the corporate authorities of a municipality with a population in excess of 500,000 on the effective date of this amendatory Act of the 99th General Assembly may by ordinance continue to impose and collect a monthly surcharge per commercial mobile radio service (CMRS) connection or in-service telephone number billed on a monthly basis that does not exceed the highest monthly surcharge imposed as of January 1, 2014 by any county or municipality under subsection (c) of Section 15.3 of this Act. Beginning January 1, 2018, and until December 31, 2023 ~~2021~~, a municipality with a population in excess of 500,000 may by ordinance continue to impose and collect a monthly surcharge per commercial mobile radio service (CMRS) connection or in-service telephone number billed on a monthly basis that does not exceed $5.00. On or after January 1, 2024 ~~2022~~, the municipality may continue imposing and collecting its wireless carrier surcharge as provided in and subject to the limitations of subsection (a) of this Section.

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

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

(Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

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

(Section scheduled to be repealed on December 31, 2021)

Sec. 15.4. Emergency Telephone System Board; powers.

(a) Except as provided in subsection (e) of this Section, the corporate authorities of any county or municipality may establish an Emergency Telephone System Board.

The corporate authorities shall provide for the manner of appointment and the number of members of the Board, provided that the board shall consist of not fewer than 5 members, one of whom must be a public member who is a resident of the local exchange service territory included in the 9-1-1 coverage area, one of whom (in counties with a population less than 100,000) may be a member of the county board, and at least 3 of whom shall be representative of the 9-1-1 public safety agencies, including but not limited to police departments, fire departments, emergency medical services providers, and emergency services and disaster agencies, and appointed on the

basis of their ability or experience. In counties with a population of more than 100,000 but less than 2,000,000, a member of the county board may serve on the Emergency Telephone System Board. Elected officials, including members of a county board, are also eligible to serve on the board. Members of the board shall serve without compensation but shall be reimbursed for their actual and necessary expenses. Any 2 or more municipalities, counties, or combination thereof, may, instead of establishing individual boards, establish by intergovernmental agreement a Joint Emergency Telephone System Board pursuant to this Section. The manner of appointment of such a joint board shall be prescribed in the agreement. On or after the effective date of this amendatory Act of the 100th General Assembly, any new intergovernmental agreement entered into to establish or join a Joint Emergency Telephone System Board shall provide for the appointment of a PSAP representative to the board.

Upon the effective date of this amendatory Act of the 98th General Assembly, appointed members of the Emergency Telephone System Board shall serve staggered 3-year terms if: (1) the Board serves a county with a population of 100,000 or less; and (2) appointments, on the effective date of this amendatory Act of the 98th General Assembly, are not for a stated term. The corporate authorities of the county or municipality shall assign terms to the board members serving on the effective date of this amendatory Act of the 98th General Assembly in the

following manner: (1) one-third of board members' terms shall expire on January 1, 2015; (2) one-third of board members' terms shall expire on January 1, 2016; and (3) remaining board members' terms shall expire on January 1, 2017. Board members may be re-appointed upon the expiration of their terms by the corporate authorities of the county or municipality.

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

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

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

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

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

(4) Authorizing all disbursements from the fund.

(5) Hiring any staff necessary for the implementation

or upgrade of the system.

(6) (Blank).

(7) Designating a 9-1-1 System Manager, whose duties and responsibilities shall be set forth by the Emergency Telephone System Board in writing.

(c) All moneys received by a board pursuant to a surcharge imposed under Section 15.3, or disbursed to it under Section 30, shall be deposited into a separate interest-bearing Emergency Telephone System Fund account. The treasurer of the municipality or county that has established the board or, in the case of a joint board, any municipal or county treasurer designated in the intergovernmental agreement, shall be custodian of the fund. All interest accruing on the fund shall remain in the fund. No expenditures may be made from such fund except upon the direction of the board by resolution passed by a majority of all members of the board.

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

(e) On and after January 1, 2016, no municipality or county may create an Emergency Telephone System Board unless the board is a Joint Emergency Telephone System Board. The corporate authorities of any county or municipality entering into an intergovernmental agreement to create or join a Joint Emergency Telephone System Board shall rescind an ordinance or

ordinances creating a single Emergency Telephone System Board and shall eliminate the single Emergency Telephone System Board, effective upon the creation of the Joint Emergency Telephone System Board, with regulatory approval by the Administrator, or joining of the Joint Emergency Telephone System Board. Nothing in this Section shall be construed to require the dissolution of an Emergency Telephone System Board that is not succeeded by a Joint Emergency Telephone System Board or is not required to consolidate under Section 15.4a of this Act.

(f) Within one year after the effective date of this amendatory Act of the 100th General Assembly, any corporate authorities of a county or municipality, other than a municipality with a population of more than 500,000, operating a 9-1-1 system without an Emergency Telephone System Board or Joint Emergency Telephone System Board shall create or join a Joint Emergency Telephone System Board.

(Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

(50 ILCS 750/15.4a)

(Section scheduled to be repealed on December 31, 2021)

Sec. 15.4a. Consolidation.

(a) By July 1, 2017, and except as otherwise provided in this Section, Emergency Telephone System Boards, Joint Emergency Telephone System Boards, ~~qualified governmental entities,~~ and PSAPs shall be consolidated as follows, subject

to subsections (b) and (c) of this Section:

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

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

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

(4) In any county with a population of less than

250,000 that has a single Emergency Telephone System Board ~~or qualified governmental entity~~ and more than 2 PSAPs, the 9-1-1 Authority shall reduce the number of PSAPs by at least 50% or to 2 PSAPs, whichever is greater. Nothing in this paragraph shall preclude consolidation resulting in one PSAP in the county.

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

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

(7) The corporate authorities of each county that has no 9-1-1 service as of January 1, 2016 shall provide ~~enhanced~~ 9-1-1 wireline and wireless ~~enhanced~~ 9-1-1 service for that county by either (i) entering into an intergovernmental agreement with an existing Emergency Telephone System Board to create a new Joint Emergency

Telephone System Board, or (ii) entering into an intergovernmental agreement with the corporate authorities that have created an existing Joint Emergency Telephone System Board.

(b) By July 1, 2016, each county required to consolidate pursuant to paragraph (7) of subsection (a) of this Section and each 9-1-1 Authority required to consolidate pursuant to paragraphs (1) through (6) of subsection (a) of this Section shall file a plan for consolidation or a request for a waiver pursuant to subsection (c) of this Section with the Office of the Statewide 9-1-1 Administrator.

(1) No county or 9-1-1 Authority may avoid the requirements of this Section by converting primary PSAPs to secondary or virtual answering points; however a PSAP may be decommissioned. Staff from decommissioned PSAPs may remain to perform nonemergency police, fire, or EMS responsibilities. Any county or 9-1-1 Authority not in compliance with this Section shall be ineligible to receive consolidation grant funds issued under Section 15.4b of this Act or monthly disbursements otherwise due under Section 30 of this Act, until the county or 9-1-1 Authority is in compliance.

(2) Within 60 calendar days of receiving a consolidation plan or waiver, the Statewide 9-1-1 Advisory Board shall hold at least one public hearing on the plan and provide a recommendation to the Administrator. Notice

of the hearing shall be provided to the respective entity to which the plan applies.

(3) Within 90 calendar days of receiving a consolidation plan, the Administrator shall approve the plan or waiver, approve the plan as modified, or grant a waiver pursuant to subsection (c) of this Section. In making his or her decision, the Administrator shall consider any recommendation from the Statewide 9-1-1 Advisory Board regarding the plan. If the Administrator does not follow the recommendation of the Board, the Administrator shall provide a written explanation for the deviation in his or her decision.

(4) The deadlines provided in this subsection may be extended upon agreement between the Administrator and entity which submitted the plan.

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

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

(Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

(50 ILCS 750/15.6)

(Section scheduled to be repealed on December 31, 2021)

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

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

(b) Exemptions. Buildings containing workspace of more than 40,000 square feet are exempt from the multiple location identification requirements of subsection (a) if the building maintains, at all times, alternative and adequate means of signaling and responding to emergencies. Those means shall

include, but not be limited to, a telephone system that provides the physical location of 9-1-1 calls coming from within the building. Health care facilities are presumed to meet the requirements of this paragraph if the facilities are staffed with medical or nursing personnel 24 hours per day and if an alternative means of providing information about the source of an emergency call exists. Buildings under this exemption must provide 9-1-1 service that provides the building's street address.

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

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

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

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

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

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

(f) The Department may promulgate rules for the administration of this Section.

(Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

(50 ILCS 750/15.6a)

(Section scheduled to be repealed on December 31, 2021)

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

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

(b) The Department may set non-discriminatory and uniform technical and operational standards consistent with the rules of the Federal Communications Commission for directing calls to authorized public safety answering points. These standards shall not in any way prescribe the technology or manner a wireless carrier shall use to deliver wireless 9-1-1 or wireless E9-1-1 calls, and these standards shall not exceed the requirements set by the Federal Communications Commission; however, standards for directing calls to the authorized

public safety answering point shall be included. The authority given to the Department in this Section is limited to setting standards as set forth herein and does not constitute authority to regulate wireless carriers.

(c) For the purpose of providing wireless 9-1-1 emergency services, an emergency telephone system board ~~or, in the absence of an emergency telephone system board, a qualified governmental entity,~~ may declare its intention for one or more of its public safety answering points to serve as a primary wireless 9-1-1 public safety answering point for its jurisdiction by notifying the Administrator in writing within 6 months after receiving its authority to operate a 9-1-1 system under this Act. In addition, 2 or more emergency telephone system boards ~~or qualified governmental entities~~ may, by virtue of an intergovernmental agreement, provide wireless 9-1-1 service. Until the jurisdiction comes into compliance with Section 15.4a of this Act, the Department of State Police shall be the primary wireless 9-1-1 public safety answering point for any jurisdiction that did not provide notice to the Illinois Commerce Commission and the Department prior to January 1, 2016.

(d) The Administrator, upon a request from ~~a qualified governmental entity or~~ an emergency telephone system board and with the advice and recommendation of the Statewide 9-1-1 Advisory Board, may grant authority to the emergency telephone system board ~~or a qualified governmental entity~~ to provide

wireless 9-1-1 service in areas for which the Department has accepted wireless 9-1-1 responsibility. The Administrator shall maintain a current list of all 9-1-1 systems ~~and qualified governmental entities~~ providing wireless 9-1-1 service under this Act.

(Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

(50 ILCS 750/15.6b)

(Section scheduled to be repealed on December 31, 2021)

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

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

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

(2) enhanced interoperability;

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

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

(5) compliance with the most current NENA Standards ~~i3 Solution 08-003~~.

(b) By July 1, 2016, the Administrator, with the advice and recommendation of the Statewide 9-1-1 Advisory Board,

shall design and issue a competitive request for a proposal to secure the services of a consultant to complete a feasibility study on the implementation of a statewide Next Generation 9-1-1 network in Illinois. By July 1, 2017, the consultant shall complete the feasibility study and make recommendations as to the appropriate procurement approach for developing a statewide Next Generation 9-1-1 network.

(c) Within 12 months of the final report from the consultant under subsection (b) of this Section, the Department shall procure and finalize a contract with a vendor certified under Section 13-900 of the Public Utilities Act to establish a statewide Next Generation 9-1-1 network. The Illinois State Police, in consultation with and subject to the approval of the Chief Procurement Officer, may procure a single contract or multiple contracts to implement the provisions of this Section. A contract or contracts under this subsection are not subject to the provisions of the Illinois Procurement Code, except for Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of that Code, provided that the Chief Procurement Officer may, in writing with justification, waive any certification required under Article 50 of the Illinois Procurement Code. This exemption is inoperative 2 years from the effective date of this Amendatory Act of the 102nd General Assembly. Within 18 months of securing the contract ~~By July 1, 2021~~, the vendor shall implement a Next Generation 9-1-1 network that allows 9-1-1 systems providing 9-1-1 service to

Illinois residents to access the system utilizing their current infrastructure if it meets the standards adopted by the Department.

(Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

(50 ILCS 750/17.5)

(Section scheduled to be repealed on December 31, 2021)

Sec. 17.5. Statewide 9-1-1 Call Directory ~~call transfer, forward, or relay~~.

(a) The General Assembly finds the following:

(1) Some 9-1-1 systems throughout this State do not have a procedure in place to manually transfer~~, forward, or relay~~ 9-1-1 calls originating within one 9-1-1 system's jurisdiction, but which should properly be answered and dispatched by another 9-1-1 system, to the appropriate 9-1-1 system for answering and dispatch of first responders.

(2) On January 1, 2016, the General Assembly gave oversight authority of 9-1-1 systems to the Department of State Police.

(3) Since that date, the Department of State Police has authorized individual 9-1-1 systems in counties and municipalities to implement and upgrade ~~enhanced~~ 9-1-1 systems throughout the State.

(b) The Department shall prepare a directory of all authorized 9-1-1 systems in the State. The directory shall

include an emergency 24/7 10-digit telephone number for all primary public safety answering points located in each 9-1-1 system to which 9-1-1 calls from another jurisdiction can be transferred. This directory shall be made available to each 9-1-1 authority for its use in establishing standard operating procedures regarding calls outside its 9-1-1 jurisdiction.

(c) Each 9-1-1 system shall provide the Department with the following information:

(1) The name of the PSAP, a list of every participating agency, and the county the PSAP is in, including college and university public safety entities.

(2) The 24/7 10-digit emergency telephone number ~~and email address~~ for the dispatch agency to which 9-1-1 calls originating in another 9-1-1 jurisdiction can be transferred ~~or by which the PSAP can be contacted via email~~ to exchange information. The emergency telephone number must be a direct line that is not answered by an automated system but rather is answered by a person. Each 9-1-1 system shall provide the Department with any changes to the participating agencies and this number ~~and email address~~ immediately upon the change occurring. Each 9-1-1 system shall provide the PSAP information and ~~,~~ the 24/7 10-digit emergency telephone number ~~and email address to the Manager of the Department's 9-1-1 Program~~ within 30 days of the effective date of this amendatory Act of the 102nd ~~100th~~ General Assembly.

(3) The standard operating procedure describing the manner in which the 9-1-1 system will transfer~~, forward, or relay~~ 9-1-1 calls originating within its jurisdiction, but which should properly be answered and dispatched by another 9-1-1 system, to the appropriate 9-1-1 system. Each 9-1-1 system shall provide the standard operating procedures to the Manager of the Department's 9-1-1 Program within 180 days after the effective date of this amendatory Act of the 100th General Assembly.

(d) Unless exigent circumstances dictate otherwise, each 9-1-1 system's public safety telecommunicators shall be responsible for remaining on the line with the caller when a 9-1-1 call originates within its jurisdiction to ensure the 9-1-1 call is transferred to the appropriate authorized entity for answer and dispatch until a public safety telecommunicator is on the line and confirms jurisdiction for the call.

(Source: P.A. 100-20, eff. 7-1-17.)

(50 ILCS 750/19)

(Section scheduled to be repealed on December 31, 2021)

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

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

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

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

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

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

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

(C) one member representing a county 9-1-1 system from a county with a population of less than 37,000 ~~50,000~~;

(C-5) one member representing a county 9-1-1 system from a county with a population between 37,000 and 100,000;

(D) one member representing a county 9-1-1 system from a county with a population between 100,001 ~~50,000~~ and 250,000;

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

(F) one member representing a municipal or intergovernmental cooperative 9-1-1 system, excluding any single municipality over 500,000 ~~municipality with a population of less than 500,000 in a county with a population in excess of 2,000,000~~;

(G) one member representing the Illinois

Association of Chiefs of Police;

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

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

The Governor shall appoint the following non-voting members: (i) one member representing an incumbent local exchange 9-1-1 system provider; (ii) one member representing a non-incumbent local exchange 9-1-1 system provider; (iii) one member representing a large wireless carrier; (iv) one member representing an incumbent local exchange carrier; (v) one member representing the Illinois Broadband and Telecommunications Association; (vi) one member representing the Illinois Broadband and Cable ~~Television and Communication~~ Association ~~of Illinois~~; and (vii) one member representing the Illinois State Ambulance Association. The Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate may each appoint a member of the General Assembly to temporarily serve as a non-voting member of the Board during the 12 months prior to the repeal date of this Act to discuss legislative initiatives of the Board.

(b) The Governor shall make initial appointments to the Statewide 9-1-1 Advisory Board by August 31, 2015. Six of the voting members appointed by the Governor shall serve an initial term of 2 years, and the remaining voting members

appointed by the Governor shall serve an initial term of 3 years. Thereafter, each appointment by the Governor shall be for a term of 3 years. Non-voting members shall serve for a term of 3 years. Vacancies shall be filled in the same manner as the original appointment. Persons appointed to fill a vacancy shall serve for the balance of the unexpired term.

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

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

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

(1) advise the Department of State Police and the Statewide 9-1-1 Administrator on the oversight of 9-1-1 systems and the development and implementation of a uniform statewide 9-1-1 system;

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

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

(e) The Statewide 9-1-1 Advisory Board shall submit to the General Assembly a report by March 1 of each year providing an update on the transition to a statewide 9-1-1 system and

recommending any legislative action.

(f) The Department of State Police shall provide administrative support to the Statewide 9-1-1 Advisory Board. (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17.)

(50 ILCS 750/20)

(Section scheduled to be repealed on December 31, 2021)

Sec. 20. Statewide surcharge.

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

(1) Each telecommunications carrier shall impose a monthly surcharge per network connection; provided, however, the monthly surcharge shall not apply to a network connection provided for use with pay telephone services. Where multiple voice grade communications channels are connected between the subscriber's premises and a public switched network through private branch exchange (PBX), Centrex ~~centrex~~ type service, or other multiple voice grade communication channels facility, there shall be imposed 5 such surcharges per network connection for both regular service and advanced service provisioned trunk lines. Until December 31, 2017, the surcharge shall be $0.87 per network connection and on and

after January 1, 2018, the surcharge shall be $1.50 per network connection.

(2) Each wireless carrier shall impose and collect a monthly surcharge per CMRS connection that either has a telephone number within an area code assigned to Illinois by the North American Numbering Plan Administrator or has a billing address in this State. Until December 31, 2017, the surcharge shall be $0.87 per connection and on and after January 1, 2018, the surcharge shall be $1.50 per connection.

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

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

(d) The telecommunications carrier collecting the surcharge may deduct and retain 1.74% ~~an amount not to exceed 3%~~ of the gross amount of surcharge collected to reimburse the telecommunications carrier for the expense of accounting and collecting the surcharge. On and after July 1, 2022, the wireless carrier collecting a surcharge under this Section may deduct and retain 1.74% ~~an amount not to exceed 3%~~ of the gross amount of the surcharge collected to reimburse the wireless carrier for the expense of accounting and collecting the surcharge.

(d-5) Notwithstanding the provisions of subsection (d) of this Section, an amount not greater than 2.5% may be deducted

and retained if the telecommunications or wireless carrier can support through documentation, expenses that exceed the 1.74% allowed. The documentation shall be submitted to the Illinois State Police and input obtained from the Statewide 9-1-1 Advisory Board prior to approval of the deduction.

(e) Surcharges imposed under this Section shall be collected by the carriers and shall be remitted to the Department, either by check or electronic funds transfer, by the end of the next calendar month after the calendar month in which it was collected for deposit into the Statewide 9-1-1 Fund. Carriers are not required to remit surcharge moneys that are billed to subscribers but not yet collected.

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

(f) If, within 8 calendar days after it is due under subsection (e) of this Section, a carrier does not remit the surcharge or any portion thereof required under this Section, then the surcharge or portion thereof shall be deemed delinquent until paid in full, and the Department may impose a

penalty against the carrier in an amount equal to the greater of:

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

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

A penalty imposed in accordance with this subsection (f) for a portion of a month during which the carrier pays the delinquent amount in full shall be prorated for each day of that month that the delinquent amount was paid in full. Any penalty imposed under this subsection (f) is in addition to the amount of the delinquency and is in addition to any other penalty imposed under this Section.

(g) If, within 8 calendar days after it is due, a wireless carrier does not provide the number of subscribers by zip code as required under subsection (e) of this Section, then the report is deemed delinquent and the Department may impose a penalty against the carrier in an amount equal to the greater of:

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

(2) an amount equal to the product of $0.01 and the number of subscribers served by the carrier for each month or portion of a month that the delinquent report is not

provided.

A penalty imposed in accordance with this subsection (g) for a portion of a month during which the carrier provides the number of subscribers by zip code as required under subsection (e) of this Section shall be prorated for each day of that month during which the carrier had not provided the number of subscribers by zip code as required under subsection (e) of this Section. Any penalty imposed under this subsection (g) is in addition to any other penalty imposed under this Section.

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

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

(j) Notwithstanding any provision of law to the contrary, nothing shall impair the right of wireless carriers to recover compliance costs for all emergency communications services that are not reimbursed out of the Wireless Carrier Reimbursement Fund directly from their wireless subscribers by

line-item charges on the wireless subscriber's bill. Those compliance costs include all costs incurred by wireless carriers in complying with local, State, and federal regulatory or legislative mandates that require the transmission and receipt of emergency communications to and from the general public, including, but not limited to, E9-1-1.

(Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

(50 ILCS 750/30)

(Section scheduled to be repealed on December 31, 2021)

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

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

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

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

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

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

(5) Any income from interest, premiums, gains, or

other earnings on moneys in the Fund.

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

(b) Subject to appropriation and availability of funds, the Department shall distribute the 9-1-1 surcharges monthly as follows:

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

(A) $0.013 shall be distributed monthly in equal amounts to each County Emergency Telephone System Board ~~or qualified governmental entity~~ in counties with a population under 100,000 according to the most recent census data which is authorized to serve as a primary wireless 9-1-1 public safety answering point for the county and to provide wireless 9-1-1 service as prescribed by subsection (b) of Section 15.6a of this Act, and which does provide such service.

(B) $0.033 shall be transferred by the Comptroller at the direction of the Department to the Wireless Carrier Reimbursement Fund until June 30, 2017; from July 1, 2017 through June 30, 2018, $0.026 shall be transferred; from July 1, 2018 through June 30, 2019, $0.020 shall be transferred; from July 1, 2019, through June 30, 2020, $0.013 shall be transferred; from July 1, 2020 through June 30, 2021, $0.007 will be transferred; and after June 30, 2021, no transfer

shall be made to the Wireless Carrier Reimbursement Fund.

(C) Until December 31, 2017, $0.007 and on and after January 1, 2018, $0.017 shall be used to cover the Department's administrative costs.

(D) Beginning January 1, 2018, until June 30, 2020, $0.12, and on and after July 1, 2020, $0.04 shall be used to make monthly proportional grants to the appropriate 9-1-1 Authority currently taking wireless 9-1-1 based upon the United States Postal Zip Code of the billing addresses of subscribers wireless carriers.

(E) Until June 30, 2023 ~~2021~~, $0.05 shall be used by the Department for grants for NG9-1-1 expenses, with priority given to 9-1-1 Authorities that provide 9-1-1 service within the territory of a Large Electing Provider as defined in Section 13-406.1 of the Public Utilities Act.

(F) On and after July 1, 2020, $0.13 shall be used for the implementation of and continuing expenses for the Statewide NG9-1-1 system.

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

(A) The Fund shall pay monthly to:

(i) the 9-1-1 Authorities that imposed

surcharges under Section 15.3 of this Act and were required to report to the Illinois Commerce Commission under Section 27 of the Wireless Emergency Telephone Safety Act on October 1, 2014, except a 9-1-1 Authority in a municipality with a population in excess of 500,000, an amount equal to the average monthly wireline and VoIP surcharge revenue attributable to the most recent 12-month period reported to the Department under that Section for the October 1, 2014 filing, subject to the power of the Department to investigate the amount reported and adjust the number by order under Article X of the Public Utilities Act, so that the monthly amount paid under this item accurately reflects one-twelfth of the aggregate wireline and VoIP surcharge revenue properly attributable to the most recent 12-month period reported to the Commission; or

(ii) county qualified governmental entities that did not impose a surcharge under Section 15.3 as of December 31, 2015, and counties that did not impose a surcharge as of June 30, 2015, an amount equivalent to their population multiplied by .37 multiplied by the rate of $0.69; counties that are not county qualified governmental entities and that did not impose a surcharge as of December 31,

2015, shall not begin to receive the payment provided for in this subsection until E9-1-1 and wireless E9-1-1 services are provided within their counties; or

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

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

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

(D) Funds may be held in reserve by the Statewide 9-1-1 Advisory Board and disbursed by the Department for grants under Section 15.4b of this Act and for NG9-1-1 expenses up to $12.5 million per year in State fiscal years 2016 and 2017; up to $20 million in State fiscal year 2018; up to $20.9 million in State fiscal year 2019; up to $15.3 million in State fiscal year 2020; up to $16.2 million in State fiscal year 2021; up

to $23.1 million in State fiscal year 2022; and up to $17.0 million per year for State fiscal year 2023 and each year thereafter. The amount held in reserve in State fiscal years 2021, 2022, and 2023 ~~2018 and 2019~~ shall not be less than $6.5 million. Disbursements under this subparagraph (D) shall be prioritized as follows: (i) consolidation grants prioritized under subsection (a) of Section 15.4b of this Act; (ii) NG9-1-1 expenses; and (iii) consolidation grants under Section 15.4b of this Act for consolidation expenses incurred between January 1, 2010, and January 1, 2016.

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

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

(d) Whenever two or more 9-1-1 Authorities consolidate, the resulting Joint Emergency Telephone System Board shall be entitled to the monthly payments that had theretofore been made to each consolidating 9-1-1 Authority. Any reserves held by any consolidating 9-1-1 Authority shall be transferred to

the resulting Joint Emergency Telephone System Board. Whenever a county that has no 9-1-1 service as of January 1, 2016 enters into an agreement to consolidate to create or join a Joint Emergency Telephone System Board, the Joint Emergency Telephone System Board shall be entitled to the monthly payments that would have otherwise been paid to the county if it had provided 9-1-1 service.

(Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

(50 ILCS 750/40)

(Section scheduled to be repealed on December 31, 2021)

Sec. 40. Financial reports.

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

(b) By January 31, 2018, and every January 31 thereafter, each emergency telephone system board~~, qualified governmental entity,~~ or unit of local government receiving surcharge money pursuant to Section 15.3, 15.3a, or 30 shall report to the Department audited financial statements showing total revenue and expenditures for the period beginning with the end of the period covered by the last submitted report through the end of

the previous calendar year in a form and manner as prescribed by the Department. Such financial information shall include:

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

(2) all expenditures made during the reporting period from distributions under this Act;

(3) call data and statistics, when available, from the reporting period, as specified by the Department and collected in accordance with any reporting method established or required by the Department;

(4) all costs associated with dispatching appropriate public safety agencies to respond to 9-1-1 calls received by the PSAP; and

(5) all funding sources and amounts of funding used for costs described in paragraph (4) of this subsection (b).

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

(c) Along with its audited financial statement, each emergency telephone system board~~, qualified governmental entity,~~ or unit of local government receiving a grant under Section 15.4b of this Act shall include a report of the amount

of grant moneys received and how the grant moneys were used. In case of a conflict between this requirement and the Grant Accountability and Transparency Act, or with the rules of the Governor's Office of Management and Budget adopted thereunder, that Act and those rules shall control.

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

Any monthly disbursements that have been withheld for 12 months or more shall be forfeited by the emergency telephone system board ~~or qualified governmental entity~~ and shall be distributed proportionally by the Department to compliant emergency telephone system boards ~~and qualified governmental entities~~ that receive funds from the Statewide 9-1-1 Fund.

Any emergency telephone system board ~~or qualified governmental entity~~ not in compliance with this Section shall be ineligible to receive any consolidation grant or infrastructure grant issued under this Act.

(e) The Department may adopt emergency rules necessary to implement the provisions of this Section.

(f) Any findings or decisions of the Department under this Section shall be deemed a final administrative decision and

shall be subject to judicial review under the Administrative Review Law.

(g) Beginning October 1, 2017, the Department shall provide a quarterly report to the Statewide 9-1-1 Advisory Board of its expenditures from the Statewide 9-1-1 Fund for the prior fiscal quarter.

(Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

(50 ILCS 750/99)

(Section scheduled to be repealed on December 31, 2021)

Sec. 99. Repealer. This Act is repealed on December 31, 2023 ~~2021~~.

(Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

(50 ILCS 750/9 rep.)

(50 ILCS 750/13 rep.)

(50 ILCS 750/17 rep.)

Section 15. The Emergency Telephone System Act is amended by repealing Sections 9, 13, and 17.

Section 20. The Prepaid Wireless 9-1-1 Surcharge Act is amended by changing Section 15 as follows:

(50 ILCS 753/15)

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

(a) Until September 30, 2015, there is hereby imposed on

consumers a prepaid wireless 9-1-1 surcharge of 1.5% per retail transaction. Beginning October 1, 2015, the prepaid wireless 9-1-1 surcharge shall be 3% per retail transaction. The surcharge authorized by this subsection (a) does not apply in a home rule municipality having a population in excess of 500,000.

(a-5) On or after the effective date of this amendatory Act of the 98th General Assembly and until December 31, 2023 ~~2020~~, a home rule municipality having a population in excess of 500,000 on the effective date of this amendatory Act may impose a prepaid wireless 9-1-1 surcharge not to exceed 9% per retail transaction sourced to that jurisdiction and collected and remitted in accordance with the provisions of subsection (b-5) of this Section. ~~On or after January 1, 2021, a home rule municipality having a population in excess of 500,000 on the effective date of this Act may only impose a prepaid wireless 9-1-1 surcharge not to exceed 7% per retail transaction sourced to that jurisdiction and collected and remitted in accordance with the provisions of subsection (b-5).~~

(b) The prepaid wireless 9-1-1 surcharge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this State and shall be remitted to the Department by the seller as provided in this Act. The amount of the prepaid wireless 9-1-1 surcharge shall be separately stated as a distinct item apart from the charge for the prepaid wireless telecommunications service on an

invoice, receipt, or other similar document that is provided to the consumer by the seller or shall be otherwise disclosed to the consumer. If the seller does not separately state the surcharge as a distinct item to the consumer as provided in this Section, then the seller shall maintain books and records as required by this Act which clearly identify the amount of the 9-1-1 surcharge for retail transactions.

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

(b-5) The prepaid wireless 9-1-1 surcharge imposed under

subsection (a-5) of this Section shall be collected by the seller from the consumer with respect to each retail transaction occurring in the municipality imposing the surcharge. The amount of the prepaid wireless 9-1-1 surcharge shall be separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller or shall be otherwise disclosed to the consumer. If the seller does not separately state the surcharge as a distinct item to the consumer as provided in this Section, then the seller shall maintain books and records as required by this Act which clearly identify the amount of the 9-1-1 surcharge for retail transactions.

For purposes of this subsection (b-5), a retail transaction occurs in the municipality if (i) the retail transaction is made in person by a consumer at the seller's business location and the business is located within the municipality; (ii) the seller is a provider and sells prepaid wireless telecommunications service to a consumer located in the municipality; (iii) the retail transaction is treated as occurring in the municipality for purposes of the Retailers' Occupation Tax Act; or (iv) a seller that is included within the definition of a "retailer maintaining a place of business in this State" under Section 2 of the Use Tax Act makes a sale of prepaid wireless telecommunications service to a consumer located in the municipality. In the case of a retail transaction which does not occur in person at a seller's

business location, if a consumer uses a credit card to purchase prepaid wireless telecommunications service on-line or over the telephone, and no product is shipped to the consumer, the transaction occurs in the municipality if the billing address for the consumer's credit card is in the municipality.

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

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

(d) The amount of the prepaid wireless 9-1-1 surcharge that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be

included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this State, any political subdivision of this State, or any intergovernmental agency.

(e) (Blank).

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

(f) When prepaid wireless telecommunications service is sold with one or more other products or services for a single, non-itemized price, then the percentage specified in subsection (a) or (a-5) of this Section 15 shall be applied to the entire non-itemized price unless the seller elects to apply the percentage to (i) the dollar amount of the prepaid wireless telecommunications service if that dollar amount is disclosed to the consumer or (ii) the portion of the price that is attributable to the prepaid wireless telecommunications service if the retailer can identify that portion by reasonable and verifiable standards from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, books and records that are kept for non-tax purposes. However, if a minimal amount of prepaid wireless telecommunications service is sold

with a prepaid wireless device for a single, non-itemized price, then the seller may elect not to apply the percentage specified in subsection (a) or (a-5) of this Section 15 to such transaction. For purposes of this subsection, an amount of service denominated as 10 minutes or less or $5 or less is considered minimal.

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

(Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17.)

Section 25. The Small Wireless Facilities Deployment Act is amended by changing Sections 15 and 90 and by adding Section 45 as follows:

(50 ILCS 840/15) (was 50 ILCS 835/15)

(Section scheduled to be repealed on June 1, 2021)

Sec. 15. Regulation of small wireless facilities.

(a) This Section applies to activities of a wireless provider within or outside rights-of-way.

(b) Except as provided in this Section, an authority may not prohibit, regulate, or charge for the collocation of small wireless facilities.

(c) Small wireless facilities shall be classified as permitted uses and subject to administrative review in conformance with this Act, except as provided in paragraph (5) of subsection (d) of this Section regarding height exceptions or variances, but not subject to zoning review or approval if they are collocated (i) in rights-of-way in any zone, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.

(d) An authority may require an applicant to obtain one or more permits to collocate a small wireless facility. An authority shall receive applications for, process, and issue permits subject to the following requirements:

(1) An authority may not directly or indirectly require an applicant to perform services unrelated to the collocation for which approval is sought, such as in-kind contributions to the authority, including reserving fiber, conduit, or utility pole space for the authority on the wireless provider's utility pole. An authority may reserve space on authority utility poles for future public safety uses or for the authority's electric utility uses, but a reservation of space may not preclude the collocation of a small wireless facility unless the authority reasonably determines that the authority utility pole cannot

accommodate both uses.

(2) An applicant shall not be required to provide more information to obtain a permit than the authority requires of a communications service provider that is not a wireless provider that requests to attach facilities to a structure; however, a wireless provider may be required to provide the following information when seeking a permit to collocate small wireless facilities on a utility pole or wireless support structure:

(A) site specific structural integrity and, for an authority utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;

(B) the location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed;

(C) specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be

installed;

(D) the equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;

(E) a proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; ~~and~~

(F) certification that the collocation complies with paragraph (6) to the best of the applicant's knowledge; and ~~.~~

(G) the wireless provider's certification from a radio engineer that it operates the small wireless facility within all applicable FCC standards.

(3) Subject to paragraph (6), an authority may not require the placement of small wireless facilities on any specific utility pole, or category of utility poles, or require multiple antenna systems on a single utility pole; however, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, an authority may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 200 ~~100~~ feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions and the alternate location and structure does not impose technical

limits or additional material costs as determined by the applicant. The authority may require the applicant to provide a written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this paragraph (3).

(4) Subject to paragraph (6), an authority may not limit the placement of small wireless facilities mounted on a utility pole or a wireless support structure by minimum horizontal separation distances.

(5) An authority may limit the maximum height of a small wireless facility to 10 feet above the utility pole or wireless support structure on which the small wireless facility is collocated. Subject to any applicable waiver, zoning, or other process that addresses wireless provider requests for an exception or variance and does not prohibit granting of such exceptions or variances, the authority may limit the height of new or replacement utility poles or wireless support structures on which small wireless facilities are collocated to the higher of: (i) 10 feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the authority, that is located within 300 feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way

within the jurisdictional boundary of the authority, provided the authority may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or (ii) 45 feet above ground level.

(6) An authority may require that:

(A) the wireless provider's operation of the small wireless facilities does not interfere with the frequencies used by a public safety agency for public safety communications; a wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment; unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency; if a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall take all reasonable steps necessary to correct and eliminate the interference, including, but not limited to, powering down the small wireless

facility and later powering up the small wireless facility for intermittent testing, if necessary; the authority may terminate a permit for a small wireless facility based on such interference if the wireless provider is not making a good faith effort to remedy the problem in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675;

(B) the wireless provider comply with requirements that are imposed by a contract between an authority and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way;

(C) the wireless provider comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning, or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances;

(D) the wireless provider comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or

the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning, or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles;

(E) the wireless provider comply with generally applicable standards that are consistent with this Act and adopted by an authority for construction and public safety in the rights-of-way, including, but not limited to, reasonable and nondiscriminatory wiring and cabling requirements, grounding requirements, utility pole extension requirements, acoustic regulations, and signage limitations; and shall comply with reasonable and nondiscriminatory requirements that are consistent with this Act and adopted by an authority regulating the location, size, surface area and height of small wireless facilities, or the abandonment and removal of small wireless facilities;

(F) the wireless provider not collocate small wireless facilities on authority utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole; however, the antenna and support equipment of the small wireless facility may be located in the

communications space on the authority utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole; for purposes of this subparagraph (F), the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers;

(G) the wireless provider comply with the applicable codes and local code provisions or regulations that concern public safety;

(H) the wireless provider comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment, and aesthetic requirements that are identified by the authority in an ordinance, written policy adopted by the governing board of the authority, a comprehensive plan, or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district; ~~and~~

(I) subject to subsection (c) of this Section, and except for facilities excluded from evaluation for effects on historic properties under 47 CFR

1.1307(a)(4), reasonable, technically feasible and non-discriminatory design or concealment measures in a historic district or historic landmark; any such design or concealment measures, including restrictions on a specific category of poles, may not have the effect of prohibiting any provider's technology; such design and concealment measures shall not be considered a part of the small wireless facility for purposes of the size restrictions of a small wireless facility; this paragraph may not be construed to limit an authority's enforcement of historic preservation in conformance with the requirements adopted pursuant to the Illinois State Agency Historic Resources Preservation Act or the National Historic Preservation Act of 1966, 54 U.S.C. Section 300101 et seq., and the regulations adopted to implement those laws; and ~~.~~

(J) When a wireless provider replaces or adds a new radio transceiver or antennas to an existing small wireless facility, certification by the wireless provider from a radio engineer that the continuing operation of the small wireless facility complies with all applicable FCC standards.

(7) Within 30 days after receiving an application, an authority must determine whether the application is complete and notify the applicant. If an application is incomplete, an authority must specifically identify the

missing information. An application shall be deemed complete if the authority fails to provide notification to the applicant within 30 days after when all documents, information, and fees specifically enumerated in the authority's permit application form are submitted by the applicant to the authority. Processing deadlines are tolled from the time the authority sends the notice of incompleteness to the time the applicant provides the missing information.

(8) An authority shall process applications as follows:

(A) an application to collocate a small wireless facility on an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and deemed approved if the authority fails to approve or deny the application within 90 days; however, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant must notify the authority in writing of its intention to invoke the deemed approved remedy no sooner than 75 days after the submission of a completed application; the permit shall be deemed approved on the latter of the 90th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the authority; the receipt of the deemed

approved notice shall not preclude the authority's denial of the permit request within the time limits as provided under this Act; and

(B) an application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the authority fails to approve or deny the application within 120 days; however, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant must notify the authority in writing of its intention to invoke the deemed approved remedy no sooner than 105 days after the submission of a completed application; the permit shall be deemed approved on the latter of the 120th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the authority; the receipt of the deemed approved notice shall not preclude the authority's denial of the permit request within the time limits as provided under this Act.

(9) An authority shall approve an application unless the application does not meet the requirements of this Act. If an authority determines that applicable codes, local code provisions or regulations that concern public safety, or the requirements of paragraph (6) require that

the utility pole or wireless support structure be replaced before the requested collocation, approval may be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider. The authority must document the basis for a denial, including the specific code provisions or application conditions on which the denial was based, and send the documentation to the applicant on or before the day the authority denies an application. The applicant may cure the deficiencies identified by the authority and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee. The authority shall approve or deny the revised application within 30 days after the applicant resubmits the application or it is deemed approved; however, the applicant must notify the authority in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the resubmitted application. Any subsequent review shall be limited to the deficiencies cited in the denial. However, this revised application cure does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

(10) The time period for applications may be further

tolled by:

(A) the express agreement in writing by both the applicant and the authority; or

(B) a local, State, or federal disaster declaration or similar emergency that causes the delay.

(11) An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to 25 small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure. If an application includes multiple small wireless facilities, the authority may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The authority may issue separate permits for each collocation that is approved in a consolidated application.

(12) Collocation for which a permit is granted shall be completed within 180 days after issuance of the permit, unless the authority and the wireless provider agree to extend this period or a delay is caused by make-ready work

for an authority utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within 60 days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed 360 days after issuance of the permit. Otherwise, the permit shall be void unless the authority grants an extension in writing to the applicant.

(13) The duration of a permit shall be for a period of not less than 5 years, and the permit shall be renewed for equivalent durations unless the authority makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable codes or local code provisions or regulations in paragraphs (6) and (9). If this Act is repealed as provided in Section 90, renewals of permits shall be subject to the applicable authority code provisions or regulations in effect at the time of renewal.

(14) An authority may not prohibit, either expressly or de facto, the (i) filing, receiving, or processing applications, or (ii) issuing of permits or other approvals, if any, for the collocation of small wireless facilities unless there has been a local, State, or federal disaster declaration or similar emergency that causes the delay.

(15) Applicants shall submit applications, supporting

information, and notices by personal delivery or as otherwise required by the authority. An authority may require that permits, supporting information, and notices be submitted by personal delivery at the authority's designated place of business, by regular mail postmarked on the date due, or by any other commonly used means, including electronic mail, as required by the authority.

(e) Application fees are subject to the following requirements:

(1) An authority may charge an application fee of up to $650 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure and up to $350 for each small wireless facility addressed in an application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

(2) An authority may charge an application fee of $1,000 for each small wireless facility addressed in an application that includes the installation of a new utility for such collocation.

(3) Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section must be accompanied by the required application fee.

(4) Within 2 months after the effective date of this Act, an authority shall make available application fees

consistent with this subsection, through ordinance, or in a written schedule of permit fees adopted by the authority.

(f) An authority shall not require an application, approval, or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for: (i) routine maintenance; (ii) the replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the authority at least 10 days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with the requirements of subparagraph (D) of paragraph (2) of subsection (d) of this Section; or (iii) the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables that are strung between existing utility poles in compliance with applicable safety codes. However, an authority may require a permit to work within rights-of-way for activities that affect traffic patterns or require lane closures.

(g) Nothing in this Act authorizes a person to collocate small wireless facilities on: (1) property owned by a private party or property owned or controlled by a unit of local government that is not located within rights-of-way, subject to subsection (j) of this Section, or a privately owned utility pole or wireless support structure without the consent

of the property owner; (2) property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation, or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or (3) property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Act do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed, and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Act shall be construed to relieve any person from any requirement (1) to obtain a franchise or a State-issued authorization to offer cable service or video service or (2) to obtain any required permission to install, place, maintain, or operate

communications facilities, other than small wireless facilities subject to this Act.

(h) Agreements between authorities and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on authority utility poles, that are in effect on the effective date of this Act remain in effect for all small wireless facilities collocated on the authority's utility poles pursuant to applications submitted to the authority before the effective date of this Act, subject to applicable termination provisions. Such agreements entered into after the effective date of the Act shall comply with the Act.

(i) An authority shall allow the collocation of small wireless facilities on authority utility poles subject to the following:

(1) An authority may not enter into an exclusive arrangement with any person for the right to attach small wireless facilities to authority utility poles.

(2) The rates and fees for collocations on authority utility poles shall be nondiscriminatory regardless of the services provided by the collocating person.

(3) An authority may charge an annual recurring rate to collocate a small wireless facility on an authority utility pole located in a right-of-way that equals (i) $200 per year or (ii) the actual, direct, and reasonable costs related to the wireless provider's use of space on

the authority utility pole. Rates for collocation on authority utility poles located outside of a right-of-way are not subject to these limitations. In any controversy concerning the appropriateness of a cost-based rate for an authority utility pole located within a right-of-way, the authority shall have the burden of proving that the rate does not exceed the actual, direct, and reasonable costs for the applicant's proposed use of the authority utility pole. Nothing in this paragraph (3) prohibits a wireless provider and an authority from mutually agreeing to an annual recurring rate of less than $200 to collocate a small wireless facility on an authority utility pole.

(4) Authorities or other persons owning or controlling authority utility poles within the right-of-way shall offer rates, fees, and other terms that comply with subparagraphs (A) through (E) of this paragraph (4). Within 2 months after the effective date of this Act, an authority or a person owning or controlling authority utility poles shall make available, through ordinance or an authority utility pole attachment agreement, license or other agreement that makes available to wireless providers, the rates, fees, and terms for the collocation of small wireless facilities on authority utility poles that comply with this Act and with subparagraphs (A) through (E) of this paragraph (4). In the absence of such an ordinance or agreement that complies with this Act, and

until such a compliant ordinance or agreement is adopted, wireless providers may collocate small wireless facilities and install utility poles under the requirements of this Act.

(A) The rates, fees, and terms must be nondiscriminatory, competitively neutral, and commercially reasonable, and may address, among other requirements, the requirements in subparagraphs (A) through (I) of paragraph (6) of subsection (d) of this Section; subsections (e), (i), and (k) of this Section; Section 30; and Section 35, and must comply with this Act.

(B) For authority utility poles that support aerial facilities used to provide communications services or electric service, wireless providers shall comply with the process for make-ready work under 47 U.S.C. 224 and its implementing regulations, and the authority shall follow a substantially similar process for make-ready work except to the extent that the timing requirements are otherwise addressed in this Act. The good-faith estimate of the person owning or controlling the authority utility pole for any make-ready work necessary to enable the pole to support the requested collocation shall include authority utility pole replacement, if necessary.

(C) For authority utility poles that do not

support aerial facilities used to provide communications services or electric service, the authority shall provide a good-faith estimate for any make-ready work necessary to enable the authority utility pole to support the requested collocation, including pole replacement, if necessary, within 90 days after receipt of a complete application. Make-ready work, including any authority utility pole replacement, shall be completed within 60 days of written acceptance of the good-faith estimate by the applicant at the wireless provider's sole cost and expense. Alternatively, if the authority determines that applicable codes or public safety regulations require the authority utility pole to be replaced to support the requested collocation, the authority may require the wireless provider to replace the authority utility pole at the wireless provider's sole cost and expense.

(D) The authority shall not require more make-ready work than required to meet applicable codes or industry standards. Make-ready work may include work needed to accommodate additional public safety communications needs that are identified in a documented and approved plan for the deployment of public safety equipment as specified in paragraph (1) of subsection (d) of this Section and included in an

existing or preliminary authority or public service agency budget for attachment within one year of the application. Fees for make-ready work, including any authority utility pole replacement, shall not exceed actual costs or the amount charged to communications service providers for similar work and shall not include any consultants' fees or expenses for authority utility poles that do not support aerial facilities used to provide communications services or electric service. Make-ready work, including any pole replacement, shall be completed within 60 days of written acceptance of the good-faith estimate by the wireless provider, at its sole cost and expense.

(E) A wireless provider that has an existing agreement with the authority on the effective date of the Act may accept the rates, fees, and terms that an authority makes available under this Act for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted 2 or more years after the effective date of the Act as provided in this paragraph (4) by notifying the authority that it opts to accept such rates, fees, and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless

facilities the wireless provider has collocated on the authority's utility poles pursuant to applications submitted to the authority before the wireless provider provides such notice and exercises its option under this subparagraph.

(j) An authority shall authorize the collocation of small wireless facilities on utility poles owned or controlled by the authority that are not located within rights-of-way to the same extent the authority currently permits access to utility poles for other commercial projects or uses. The collocations shall be subject to reasonable and nondiscriminatory rates, fees, and terms as provided in an agreement between the authority and the wireless provider.

(k) Nothing in this Section precludes an authority from adopting reasonable rules with respect to the removal of abandoned small wireless facilities. A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of the facility must remove the small wireless facility within 90 days after receipt of written notice from the authority notifying the owner of the abandonment. The notice shall be sent by certified or registered mail, return receipt requested, by the authority to the owner at the last known address of the owner. If the small wireless facility is not removed within 90 days of such notice, the authority may remove or cause the removal of the ~~such~~ facility pursuant to the terms of its pole attachment

agreement for authority utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery. An authority may require a wireless provider to provide written notice to the authority if it sells or transfers small wireless facilities subject to this Act within the jurisdictional boundary of the authority. Such notice shall include the name and contact information of the new wireless provider.

(l) Nothing in this Section requires an authority to install or maintain any specific utility pole or to continue to install or maintain utility poles in any location if the authority makes a non-discriminatory decision to eliminate above-ground utility poles of a particular type generally, such as electric utility poles, in all or a significant portion of its geographic jurisdiction. For authority utility poles with collocated small wireless facilities in place when an authority makes a decision to eliminate above-ground utility poles of a particular type generally, the authority shall either (i) continue to maintain the authority utility pole or install and maintain a reasonable alternative utility pole or wireless support structure for the collocation of the small wireless facility, or (ii) offer to sell the utility pole to the wireless provider at a reasonable cost or allow the wireless provider to install its own utility pole so it can maintain service from that location.

(Source: P.A. 100-585, eff. 6-1-18.)

(50 ILCS 840/45 new)

Sec. 45. Continuation of Act; validation.

(a) The General Assembly finds and declares that this amendatory Act of the 102nd General Assembly manifests the intention of the General Assembly to extend the repeal of this Act and have this Act continue in effect until December 31, 2024.

(b) This Section shall be deemed to have been in continuous effect since June 1, 2021 and it shall continue to be in effect henceforward until it is otherwise lawfully repealed. All previously enacted amendments to this Act taking effect on or after June 1, 2021, are hereby validated. All actions taken in reliance on or under this Act by any person or entity are hereby validated.

(c) In order to ensure the continuing effectiveness of this Act, it is set forth in full and reenacted by this amendatory Act of the 102nd General Assembly. Striking and underscoring are used only to show changes being made to the base text. This reenactment is intended as a continuation of this Act. It is not intended to supersede any amendment to this Act that is enacted by the 102nd General Assembly.

(50 ILCS 840/90) (was 50 ILCS 835/90)

(Section scheduled to be repealed on June 1, 2021)

Sec. 90. Repeal. This Act is repealed on December 31, 2024

~~June 1, 2021~~.

(Source: P.A. 100-585, eff. 6-1-18.)

Section 30. The Illinois Municipal Code is amended by adding Section 11-80-24 as follows:

(65 ILCS 5/11-80-24 new)

Sec. 11-80-24. Collocation of small wireless facilities.

(a) A municipality may propose that a small wireless facility be collocated on an existing utility pole within 200 feet of the wireless providers proposed location within its public rights-of-way under paragraph (3) of subsection (d) of Section 15 of the Small Wireless Facilities Deployment Act and the entity owning the utility pole shall provide access for that purpose.

(b) Any fee charged for the use of a utility pole under this Section shall be at the lowest rate charged by the entity owning the utility pole for other wireless providers and shall not exceed the entity's actual costs.

(c) Nothing in this Section alters anything in Section 15 of the Small Wireless Facilities Deployment Act.

Section 35. The Public Utilities Act is amended by changing Sections 13-406, 13-1200, 21-401, and 21-1601 as follows:

(220 ILCS 5/13-406) (from Ch. 111 2/3, par. 13-406)

(Section scheduled to be repealed on December 31, 2021)

Sec. 13-406. Abandonment of service.

(a) No telecommunications carrier offering or providing noncompetitive telecommunications service pursuant to a valid Certificate of Service Authority or certificate of public convenience and necessity shall discontinue or abandon such service once initiated until and unless it shall demonstrate, and the Commission finds, after notice and hearing, that such discontinuance or abandonment will not deprive customers of any necessary or essential telecommunications service or access thereto and is not otherwise contrary to the public interest. No telecommunications carrier offering or providing competitive telecommunications service shall completely discontinue or abandon such service to an identifiable class or group of customers once initiated except upon 60 days' ~~days~~ notice to the Commission and affected customers. The Commission may, upon its own motion or upon complaint, investigate the proposed discontinuance or abandonment of a competitive telecommunications service and may, after notice and hearing, prohibit such proposed discontinuance or abandonment if the Commission finds that it would be contrary to the public interest. If the Commission does not provide notice of a hearing within 60 calendar days after the notification or holds a hearing and fails to find that the proposed discontinuation or abandonment would be contrary to

the public interest, the provider may discontinue or abandon such service after providing at least 30 days' ~~days~~ notice to affected customers. This Section does not apply to a Large Electing Provider proceeding under Section 13-406.1.

(b) A Small Electing Provider may choose to cease offering or providing a telecommunications service pursuant to either this Section or Section 13-406.1 of this Act in the same manner as a Large Electing Provider. A Small Electing Provider that elects to cease offering or providing a telecommunications service pursuant to Section 13-406.1 shall be subject to all of the provisions that apply to a Large Electing Provider under Section 13-406.1. In this subsection (b), "Small Electing Provider" means an incumbent local exchange carrier, as defined in Section 13-202.5 of this Act, that is an Electing Provider, as defined in Section 13-506.2 of this Act, and that, together with all of its incumbent local exchange carrier affiliates offering telecommunications services within the State of Illinois, has fewer than 40,000 subscriber access lines as of January 1, 2020.

(Source: P.A. 100-20, eff. 7-1-17.)

(220 ILCS 5/13-1200)

(Section scheduled to be repealed on December 31, 2021)

Sec. 13-1200. Repealer. This Article is repealed December 31, 2026 ~~2021~~.

(Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

(220 ILCS 5/21-401)

(Section scheduled to be repealed on December 31, 2021)

Sec. 21-401. Applications.

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

(2) Nothing in this Section shall prohibit a local unit of government from granting a permit to a person or entity for the use of the public rights-of-way to install or construct facilities to provide cable service or video service, at its sole discretion. No unit of local government shall be liable for denial or delay of a permit prior to the issuance of a State-issued authorization.

(b) The application to the Commission for State-issued authorization shall contain a completed affidavit submitted by

the applicant and signed by an officer or general partner of the applicant affirming all of the following:

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

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

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

(4) An exact description of the cable service or video service area where the cable service or video service will be offered during the term of the State-issued authorization. The service area shall be identified in terms of either (i) exchanges, as that term is defined in Section 13-206 of this Act; (ii) a collection of United States Census Bureau Block numbers (13 digit); (iii) if the area is smaller than the areas identified in either (i) or (ii), by geographic information system digital boundaries meeting or exceeding national map accuracy standards; or (iv) local unit of government. The description shall include the number of low-income households within the service area or footprint. If an applicant is an incumbent cable operator, the incumbent cable operator and any successor-in-interest shall be obligated to provide access to cable services or video

services within any local units of government at the same levels required by the local franchising authorities for the local unit of government on June 30, 2007 (the effective date of Public Act 95-9), and its application shall provide a description of an area no smaller than the service areas contained in its franchise or franchises within the jurisdiction of the local unit of government in which it seeks to offer cable or video service.

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

(6) A certification that the applicant has concurrently delivered a copy of the application to all local units of government that include all or any part of the service area identified in item (4) of this subsection (b) within such local unit of government's jurisdictional boundaries.

(7) The expected date that cable service or video service will be initially offered in the area identified in item (4) of this subsection (b). In the event that a holder does not offer cable services or video services

within 3 months after the expected date, it shall amend its application and update the expected date service will be offered and explain the delay in offering cable services or video services.

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

The application shall include adequate assurance that the applicant possesses the financial, managerial, legal, and technical qualifications necessary to construct and operate the proposed system, to promptly repair any damage to the public right-of-way caused by the applicant, and to pay the cost of removal of its facilities. To accomplish these requirements, the applicant may, at the time the applicant seeks to use the public rights-of-way in that jurisdiction, be required by the State of Illinois or later be required by the local unit of government, or both, to post a bond, produce a certificate of insurance, or otherwise demonstrate its

financial responsibility.

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

(c)(1) The applicant may designate information that it submits in its application or subsequent reports as confidential or proprietary, provided that the applicant states the reasons the confidential designation is necessary. The Commission shall provide adequate protection for such information pursuant to Section 4-404 of this Act. If the Commission, a local unit of government, or any other party seeks public disclosure of information designated as confidential, the Commission shall consider the confidential designation in a proceeding under the Illinois Administrative

Procedure Act, and the burden of proof to demonstrate that the designated information is confidential shall be upon the applicant. Designated information shall remain confidential pending the Commission's determination of whether the information is entitled to confidential treatment. Information designated as confidential shall be provided to local units of government for purposes of assessing compliance with this Article as permitted under a Protective Order issued by the Commission pursuant to the Commission's rules and to the Attorney General pursuant to Section 6.5 of the Attorney General Act (15 ILCS 205/6.5). Information designated as confidential under this Section or determined to be confidential upon Commission review shall only be disclosed pursuant to a valid and enforceable subpoena or court order or as required by the Freedom of Information Act. Nothing herein shall delay the application approval timeframes set forth in this Article.

(2) Information regarding the location of video services that have been or are being offered to the public and aggregate information included in the reports required by this Article shall not be designated or treated as confidential.

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

(2) The Commission shall notify an applicant for a cable service or video service authorization whether the applicant's

application and affidavit are complete on or before the 15th business day after the applicant submits the application. If the application and affidavit are not complete, the Commission shall state in its notice all of the reasons the application or affidavit are incomplete, and the applicant shall resubmit a complete application. The Commission shall have 30 days after submission by the applicant of a complete application and affidavit to issue the service authorization. If the Commission does not notify the applicant regarding the completeness of the application and affidavit or issue the service authorization within the time periods required under this subsection, the application and affidavit shall be considered complete and the service authorization issued upon the expiration of the 30th day.

(e) Any authorization issued by the Commission will expire on December 31, 2029 ~~2024~~ and shall contain or include all of the following:

(1) A grant of authority, including an authorization issued prior to this amendatory Act of the 98th General Assembly, to provide cable service or video service in the service area footprint as requested in the application, subject to the provisions of this Article in existence on the date the grant of authority was issued, and any modifications to this Article enacted at any time prior to the date in Section 21-1601 of this Act, and to the laws of the State and the ordinances, rules, and regulations of

the local units of government.

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

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

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

(f) The authorization issued pursuant to this Section by the Commission may be transferred to any successor-in-interest to the applicant to which it is initially granted without further Commission action if the successor-in-interest (i) submits an application and the information required by subsection (b) of this Section for the successor-in-interest and (ii) is not in violation of this Article or of any federal, State, or local law, ordinance, rule, or regulation. A successor-in-interest shall file its application and notice of

transfer with the Commission and the relevant local units of government no less than 15 business days prior to the completion of the transfer. The Commission is not required or authorized to act upon the notice of transfer; however, the transfer is not effective until the Commission approves the successor-in-interest's application. A local unit of government or the Attorney General may seek to bar a transfer of ownership by filing suit in a court of competent jurisdiction predicated on the existence of a material and continuing breach of this Article by the holder, a pattern of noncompliance with customer service standards by the potential successor-in-interest, or the insolvency of the potential successor-in-interest. If a transfer is made when there are violations of this Article or of any federal, State, or local law, ordinance, rule, or regulation, the successor-in-interest shall be subject to 3 times the penalties provided for in this Article.

(g) The authorization issued pursuant to this Section by the Commission may be terminated, or its cable service or video service area footprint may be modified, by the cable service provider or video service provider by submitting notice to the Commission and to the relevant local unit of government containing a description of the change on the same terms as the initial description pursuant to item (4) of subsection (b) of this Section. The Commission is not required or authorized to act upon that notice. It shall be a violation

of this Article for a holder to discriminate against potential residential subscribers because of the race or income of the residents in the local area in which the group resides by terminating or modifying its cable service or video service area footprint. It shall be a violation of this Article for a holder to terminate or modify its cable service or video service area footprint if it leaves an area with no cable service or video service from any provider.

(h) The Commission's authority to administer this Article is limited to the powers and duties explicitly provided under this Article. Its authority under this Article does not include or limit the powers and duties that the Commission has under the other Articles of this Act, the Illinois Administrative Procedure Act, or any other law or regulation to conduct proceedings, other than as provided in subsection (c), or has to promulgate rules or regulations. The Commission shall not have the authority to limit or expand the obligations and requirements provided in this Section or to regulate or control a person or entity to the extent that person or entity is providing cable service or video service, except as provided in this Article.

(Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

(220 ILCS 5/21-1601)

Sec. 21-1601. Repealer. Sections 21-101 through 21-1501 of this Article are repealed December 31, 2026 ~~2021~~.

(Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

Section 40. The Prevailing Wage Act is amended by changing Section 2 and by adding Section 2.1 as follows:

(820 ILCS 130/2) (from Ch. 48, par. 39s-2)

Sec. 2. This Act applies to the wages of laborers, mechanics and other workers employed in any public works, as hereinafter defined, by any public body and to anyone under contracts for public works. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

As used in this Act, unless the context indicates otherwise:

"Public works" means all fixed works constructed or demolished by any public body, or paid for wholly or in part out of public funds. "Public works" as defined herein includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through the State or any of its political subdivisions, including but not limited to: bonds issued under the Industrial Project Revenue Bond Act (Article 11, Division 74 of the Illinois Municipal Code), the Industrial Building Revenue Bond Act, the Illinois Finance Authority Act, the Illinois Sports Facilities Authority Act, or the Build Illinois Bond Act; loans or other funds made available pursuant to the Build Illinois Act; loans or other

funds made available pursuant to the Riverfront Development Fund under Section 10-15 of the River Edge Redevelopment Zone Act; or funds from the Fund for Illinois' Future under Section 6z-47 of the State Finance Act, funds for school construction under Section 5 of the General Obligation Bond Act, funds authorized under Section 3 of the School Construction Bond Act, funds for school infrastructure under Section 6z-45 of the State Finance Act, and funds for transportation purposes under Section 4 of the General Obligation Bond Act. "Public works" also includes (i) all projects financed in whole or in part with funds from the Department of Commerce and Economic Opportunity under the Illinois Renewable Fuels Development Program Act for which there is no project labor agreement; (ii) all work performed pursuant to a public private agreement under the Public Private Agreements for the Illiana Expressway Act or the Public-Private Agreements for the South Suburban Airport Act; and (iii) all projects undertaken under a public-private agreement under the Public-Private Partnerships for Transportation Act. "Public works" also includes all projects at leased facility property used for airport purposes under Section 35 of the Local Government Facility Lease Act. "Public works" also includes the construction of a new wind power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act. "Public works" does not include work done directly by any public utility company, whether or not done under

public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes construction projects performed by a third party contracted by any public utility, as described in subsection (a) of Section 2.1, in public rights-of-way, as defined in Section 21-201 of the Public Utilities Act, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes construction projects that exceed 15 aggregate miles of new fiber optic cable, performed by a third party contracted by any public utility, as described in subsection (b) of Section 2.1, in public rights-of-way, as defined in Section 21-201 of the Public Utilities Act, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes any corrective action performed pursuant to Title XVI of the Environmental Protection Act for which payment from the Underground Storage Tank Fund is requested. "Public works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multi-family residence. "Public works" does not include work performed for soil and water conservation purposes on agricultural lands, whether or not done under public supervision or paid for wholly or in part out of public funds, done directly by an owner or person who has legal control of those lands.

"Construction" means all work on public works involving laborers, workers or mechanics. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

"Locality" means the county where the physical work upon public works is performed, except (1) that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work and (2) that, with respect to contracts for highway work with the Department of Transportation of this State, "locality" may at the discretion of the Secretary of the Department of Transportation be construed to include two or more adjacent counties from which workers may be accessible for work on such construction.

"Public body" means the State or any officer, board or commission of the State or any political subdivision or department thereof, or any institution supported in whole or in part by public funds, and includes every county, city, town, village, township, school district, irrigation, utility, reclamation improvement or other district and every other political subdivision, district or municipality of the state whether such political subdivision, municipality or district operates under a special charter or not.

"Labor organization" means an organization that is the exclusive representative of an employer's employees recognized or certified pursuant to the National Labor Relations Act.

The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus annualized fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works.

(Source: P.A. 100-1177, eff. 6-1-19.)

(820 ILCS 130/2.1 new)

Sec. 2.1. Public utilities.

(a) For purposes of this Act, to the extent permitted by and consistent with federal law, "public utility" has the meaning given that term in Section 3-105 of the Public Utilities Act.

(b) For purposes of this Act, "public utility" also includes:

(1) telecommunications carriers, as defined in Section 13-202 of the Public Utilities Act, but not including incumbent local exchange carriers that serve fewer than 20,000 access lines;

(2) providers of cable service or video service, as defined in Section 21-201 of the Public Utilities Act;

(3) providers of wireless services, including, but not limited to, private radio service, public mobile service, or commercial mobile service within the meaning of Section 332 of the federal Communications Act of 1934 (47 U.S.C. 332);

(4) interconnected voice over Internet protocol providers as defined in Section 13-235 of the Public Utilities Act;

(5) providers of broadband service, as defined in Section 21-201 of the Public Utilities Act; and

(6) persons or entities engaged in the installation, repair, or maintenance of fiber optic cable that is or will be used by persons described in paragraphs (1) through (5) of this subsection.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect upon becoming law, except that Section 40 takes effect on January 1, 2022.