

## ITA End of Session Legislative Report

### June 3, 2021

The 102<sup>nd</sup> Illinois General Assembly Spring Legislative Session began with members of the Illinois House of Representatives at odds whether to continue under the leadership of the longest serving House Speaker in the county, Michael J. Madigan. Ultimately, a coalition of Democrat State Representative refused to support Madigan and he stepped aside for the caucus to choose a new Speaker. State Rep. Chris Welch was elected Speaker of the House after four decades of control under Madigan. Jim Durkin retained his position as House Republican Leader.

In the Senate, Don Harmon retained his position as Senate President with a hefty supermajority of Senators in his Democratic Caucus. Senator Dan McConchie was chosen by his caucus members to replace outgoing Senate Republican Leader Bill Brady.

Most of the legislative work continued remotely for much of the session, especially House and Senate Committee Hearings, due to COVID. The Legislature was scheduled to adjourn May 31<sup>st</sup>, but both Chambers went a bit beyond the scheduled adjournment date and expect to return to Springfield within weeks to address unfished business including the clean energy legislation that did not pass.

Prior to gaveling out and heading home, members approved a \$42 Billion state budget, new boundaries for House and Senate Districts, legislation to move the 2022 Illinois primary election date to June 28<sup>th</sup> and to make it easier for voters to permanently receive a mail-in ballot, ethics reform legislation, a bill allowing college athletes to sign endorsement deals, and a measure to put a constitutional amendment on the ballot in 2022 that if approved by voters would enshrine the “fundamental right” for collective bargaining and unionization.

Matters directly related to telecommunications and broadband included the passage of an omnibus telecommunications bill that also included changes to the Prevailing Wage Act impacting telecommunications, cable, and broadband providers. A bill establishing a Broadband Adoption Program and Broadband Adoption Fund passed both chambers and the state budget also included substantial funding for broadband access and affordability.

At approximately 1:30 am, June 1<sup>st</sup>, the Senate filed [Senate Amendment 2](#) to HB 3743 that replaced the language in the original bill with the omnibus telecom legislation extending four communications laws in Illinois and changes to the prevailing wage act impacting telecommunications and broadband providers. The Senate passed the bill shortly after filing the amendment and the House of Representatives approved the legislation at 3:00 am. It was the very last bill representatives voted on before leaving town.

## **Broadband/Telecom Legislation that Passed both Chambers**

### **HB 3743 – Omnibus Telecommunications Legislation (Passed both Chambers)**

[House Bill 3743](#) incorporates language from several bills updating and extending four communications laws in Illinois: The Telecommunications Act, Cable and Video Competition Law, Small Wireless Facilities Deployment Act, and the Emergency Telephone System Act (9-1-1). The measure also included changes to the Prevailing Wage Act impacting telecommunications carriers.

#### Telecommunications Act:

- Telecommunications Act extended to Dec. 31, 2026.
- Provides Carrier of Last resort relief for a small electing provider that has 40,000 or fewer subscriber access lines as of Jan. 1, 202 under the same process and requirements established for a large electing provider in 2017.

#### Cable and Video Competition Law:

- Cable and Video Competition Law extended to Dec. 31, 2026.
- Cable and Video State Authorizations extended to Dec. 31, 2029.

#### Small Wireless Facilities Deployment Act:

- Small Wireless Facilities Deployment Act extended to Dec. 31, 2024.
- Adds to information required when seeking a permit, certification from a radio engineer the wireless provider operates the small wireless facility within all applicable FCC standards.
- Allows a local authority to propose the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 200 feet of the proposed collocation (rather than 100 feet).
- Adds “acoustic regulations” to the generally accepted standards a local authority may require a wireless provider to comply.
- Requires certification from a radio engineer that the continuing operation of a small wireless facility complies with all applicable FCC standards when a wireless provider replaces or adds a new radio transceiver or antennas to an existing small wireless facility.

#### Emergency Telephone System Act:

- Emergency Telephone System Act extended to December 31, 2023.
- No change in 9-1-1 surcharge
- Changes the amount a carrier may deduct and retain for the expense of collecting and remitting the surcharge from 3% to 1.74%
- Provides for training and certification of public safety telecommunicators and supervisors.
- Updates law, terminology, and definitions for NG911
- Requires every 9-1-1 system in Illinois, except in the City of Chicago, to provide NG911 Services with 18 months of the execution of the contract with the statewide NG911 System Provider. Chicago is required to implement NG911 by Dec. 31, 2023.
- Every 911 system in Illinois must be able to accept text to 911 by Jan. 1, 2023.
- Carriers aggregating 9-1-1 traffic must provide the 911 Administrator a list of Originating Service Providers for whom the aggregator transports 911 calls.
- Aggregators and OSPs are required to establish procedures with the 911 system provider to prevent and resolve No Record Found errors
- Establishes timeframes for Aggregators and deadlines for OSPs whose 911 traffic is carried by an aggregator for 911 transitions and migrations.

#### Prevailing Wage Act:

- a. Applies the prevailing wage to construction projects performed by a third party contracted by any public utility as defined in Section 13-105 of the Public Utilities Act (electric, natural gas, and water utilities) in the public rights-of-way, whether or not done under public supervision or direction or paid for wholly or in part out of public funds.
- b. Also applies the prevailing wage to construction projects that exceed 15 aggregate miles of new fiber optic cable, performed by a third party contracted by any public utility as described below in the public rights-of-way, whether or not done under public supervision or direction or paid for wholly or in part out of public funds.
  1. telecommunications carriers as defined in Section 13-202 of the PUA, 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 21-202 of the PUA.
  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 VoIP providers as defined in Section 13-235 of the PUA.
  5. providers of broadband service, as defined in 21-201 of the PUA; 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 1-5

#### **Broadband Adoption Program (Passed both Chambers)**

[SB 2290](#) creates the Illinois Broadband Adoption Program for the purpose of expanding availability of broadband Internet connectivity throughout the State. The bill provides for the creation of the Illinois Broadband Adoption Fund for the purpose of providing financial assistance under the Act. The Department of Human Services may determine qualifications for broadband Internet provider participation and enter into an agreement with each provider and sets eligibility requirements for financial assistance. DHS may provide financial assistance to the individual or to the broadband Internet provider designated by the individual in the form of one or more vouchers up to \$50 to pay for specified expenses including fees charged by an internet service provider for installation costs, equipment charges, monthly subscription fees and past due amounts owed to the provider. The fund may consist of money received through the federal American rescue Plan and other vehicles designed to address and relieve economic hardship, money appropriated by the General assembly, money transferred to the fund by the State Treasurer, and any donation and gifts.

#### **Early Cancellation Fees – Death (Passed both Chambers)**

[HB 122](#) prohibits providers of telephone, cellular telephone, television, Internet, energy, medical alert system, or water services from imposing a fee for termination or early cancellation of a service contract in the event the customer has deceased before the end of the contract.

#### **IEMA – Cyber Attack (Passed both Chambers)**

[HB 3523](#) amends the Illinois Emergency management Agency Act to include “Cyber Attack” to the list of events and disasters to which the Governor, to the greatest extent practicable, may delegate or assign command authority to the Director of IEMA by orders issued at the time of a disaster.

### **Wireless Service – Call Location (Passed both Chambers)**

[SB 2530](#) provides that upon request of a law enforcement agency or a public safety answering point on behalf of a law enforcement agency, a wireless service provider shall provide call location information concerning the telecommunications device of a user to the requesting law enforcement agency or public safety answering point. A law enforcement agency or public safety answering point may not request information under this provision unless for the purposes of responding to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm. A wireless service provider may establish protocols by which the carrier voluntarily discloses call location information. A claim for relief may not be brought in a court against a wireless service provider or any other person for providing call location information if acting in good faith.

### **Broadband Funding Included in State Budget (Passed Both Chambers)**

#### **\$716 Million in State Broadband Funding Overall through State Budget & Capital Budget**

- \$300 Million ARPA funding to DECO's Broadband Grant Program
- \$351 Million reauthorization of the Re-Build Illinois Act
- \$25 Million ARPA funding to DECO Broadband Office
- \$20 Million as a direct capital appropriation to Alton Works
- \$20 Million to Illinois Century Network
- *Does not include E-Rate funding - no clear broadband investment amount*

#### **The ITA opposed the following bills that did not pass:**

**HB 841 (Mah) / SB 513 (Castro) – Modem/Router Equipment Rental**

**HB 2561 (Mazzochi) – Small Wireless Facilities – Public Hearings**

**HB 2562 (Mazzochi) – Small Wireless Facility Regulation**

**HB 2563 (Mazzochi) – Small Wireless Facilities – Public Hearings**

**HB 2564 (Mazzochi) – Small Wireless Facility Regulation**

**HB 2565 (Mazzochi) – Small Wireless Facilities – RF Emissions**

**HB 3061 (Mussman) – Digital Fair Repair Act**

**HB 3412 (Yang-Rohr) – Personal Info-Notice of Breach**

**HB 3653 (Elik) - Cable or Video Provider – Contract Dispute**

**HB 3910 (Mussman) – Consumer Privacy Act**

**SB 41 (Glowiak Hilton) – Small Wireless Facilities Act**

**SB 222 (Castro) – Small Wireless Facilities Act**

**SB 513 (Castro) – Modem/Router Equipment Rental**

**SB 1564 (Villanueva) – State Authorized Video Providers – No Broadband Data Caps**

**SB 1899 (Curran) – Highway Code-Utility Projects**

**SB 2353 (Hastings) – Personal Info-Notice of Breach**

#### **Summary of Bills Not Approved:**

##### **Broadband Legislation**

**Bill:** [HB 2384](#)

**Description:** Universal Broadband Service Assistance Program (same as SB 1557)

**Sponsor:** Rep. Kambium Buckner

House Bill 2384 replaces provisions relating to the Universal Telephone Service Assistance Program with provisions that require the Illinois Commerce Commission to establish a Universal Broadband Service Assistance Program for low-income residential customers. The legislation provides that the Program shall provide for a reduction of monthly charges, a reduction of installation charges, devices used in connection to the Internet, or any other alternative assistance or program to increase accessibility to broadband service and broadband Internet access service that the Commission deems advisable subject to the availability of funds for the program. The legislation requires the ICC to establish by rule or regulation that each telecommunications carrier, wireless carrier, and Interconnected VoIP service provider solicit its customers to participate in the program by voluntarily contributing a fixed amount to the program monthly. The legislation creates a similar program for low-income residential customers of cable and video service providers. The legislation establishes an administrative entity that includes telecommunications carriers, wireless carriers, Interconnected VoIP providers, cable and video providers, the Attorney General, and consumers groups, such that the entity is balanced between service providers and consumer groups. The bill also extends the repeal of the Telecommunications and Cable and Video Competition Acts from December 31, 2021 to December 31, 2022.

**Bill:** [SB 1557](#)

**Description:** **Universal Broadband Service Assistance Program** (same as HB 2384)

**Sponsor:** Sen. Celina Villanueva

Senate Bill 1557 replaces provisions relating to the Universal Telephone Service Assistance Program with provisions that require the Illinois Commerce Commission to establish a Universal Broadband Service Assistance Program for low-income residential customers. The legislation provides that the Program shall provide for a reduction of monthly charges, a reduction of installation charges, devices used in connection to the Internet, or any other alternative assistance or program to increase accessibility to broadband service and broadband Internet access service that the Commission deems advisable subject to the availability of funds for the program. The legislation requires the ICC to establish by rule or regulation that each telecommunications carrier, wireless carrier, and Interconnected VoIP service provider solicit its customers to participate in the program by voluntarily contributing a fixed amount to the program monthly. The legislation creates a similar program for low-income residential customers of cable and video service providers. The legislation establishes an administrative entity that includes telecommunications carriers, wireless carriers, Interconnected VoIP providers, cable and video providers, the Attorney General, and consumers groups, such that the entity is balanced between service providers and consumer groups. The bill also extends the repeal of the Telecommunications and Cable and Video Competition Acts from December 31, 2021 to December 31, 2022.

**Bill:** [SB 1564](#)

**Description:** **State Authorized Video Providers – No Broadband Data Caps**

**Sponsor:** Sen. Celina Villanueva

Senate Bill 1564 prohibits a holder of a state-issued video authorization from imposing data caps on broadband service provided to households.

**Bill:** [HB 3275](#)

**Description:** **Low Income Broadband Assistance Program**

**Sponsor:** Rep. Aaron Ortiz

House Bill 3275 creates the Illinois Low Income Broadband Assistance Program. It requires the Department of Commerce and Economic Opportunity to establish an Illinois Low Income Broadband Assistance Program in coordination with Local Administrative Agencies to determine eligibility for the Program, provided that eligible income shall be no more than 150% of the federal poverty level.

- Provides that families whose annual household income is at or below 135% of the federal poverty level shall be eligible for free broadband service.
- Provides that a credit of at least \$9.95 a month for broadband services shall be payable monthly to: (i) families whose annual household income is above 135% of the federal poverty level but no greater than 150% of the federal poverty level; and (ii) families that include at least one adult person or dependent child who qualifies for or participates in the Supplemental Nutrition Assistance Program, the Supplemental Security Income program, Veterans Pension and Survivors Benefits Programs, and other specified assistance programs.
- Provides that the \$9.95 broadband service credit may be adjusted according to family size.
- Provides that families who participate in the federal Lifeline program or any other State Internet service subsidy program shall not be eligible to participate in the Illinois Low Income Broadband Assistance Program.

**Bill:** [HB 2913](#)

**Description:** **Broadband Investment Tax Credit** (same as SB 2247)

**Sponsor:** Rep. Michael Halpin

House Bill 2913 creates a tax credit for the cost of equipment and materials used in the business of providing broadband services in a county in the State with a population of fewer than 40,000 people or a township in the State with a population density of less than 50 households per square mile in a county with a population of less than 300,000 people. The credit applies to equipment and materials used to provide wireline or wireless broadband service of at least 25 megabits per second download and 3 megabits per second upload speed. The credit does not apply to equipment and materials placed in service after December 31, 2026. The legislation also amends the state procurement code to provide that the Code does not apply to the leasing of State-owned facilities by a wireless carrier.

**Bill:** [SB 2247](#)

**Description:** **Broadband Investment Tax Credit** (same as HB 2913)

**Sponsor:** Assistant Majority Leader Dave Koehler

Senate Bill 2247 creates a tax credit for the cost of equipment and materials used in the business of providing broadband services in a county in the State with a population of fewer than 40,000 people or a township in the State with a population density of less than 50 households per square mile in a county with a population of less than 300,000 people. The credit applies to equipment and materials used to provide wireline or wireless broadband service of at least 25 megabits per second download and 3 megabits per second upload speed. The credit does not apply to equipment and materials placed in service after December 31, 2026. The legislation also amends the state procurement code to provide that the Code does not apply to the leasing of State-owned facilities by a wireless carrier.

**Bill:** [SB 2229](#)

**Description:** **Broadband Investment Tax Credit** (same as HB 2913)

**Sponsor:** Sen. Doris Turner

Senate Bill 2229 creates a tax credit for the cost of equipment and materials used in the business of providing broadband services in Illinois. The credit applies to equipment and materials used to provide wireline or wireless broadband service of at least 10 megabits per second download and 1 megabit per second upload speed. The credit does not apply to equipment and materials placed in service after December 31, 2024. The legislation also amends the state procurement code to provide that the Code does not apply to the leasing of State-owned facilities by a wireless carrier.

## **Telecom Legislation**

**Bill:** [SB 2280](#)

**Description:** **Telecommunications Act and Video Competition Law Sunset Extension/Small Electing Provider COLR Relief**

**Sponsor:** Deputy Majority Leader Emil Jones, III

Senate Bill 2280 extends the sunset date of the Telecommunications Act and the Cable and Video Competition Law from December 31, 2021 to December 31, 2026. It further provides that any cable service or video service authorization issued by the Illinois Commerce Commission will expire on December 31, 2029 (rather than December 31, 2024). The legislation amends the Telecommunications Act to provide for a process for a Small Electing Provider to cease offering or providing a telecommunications service. The bill defines a Small Electing provider as an incumbent local exchange carrier that is an electing provider, 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.

**Bill:** [HB 2380](#)

**Description:** **Telecommunications Act and Video Competition Law Sunset Extension**

**Sponsor:** Rep. Larry Walsh, Jr.

House Bill extends the sunset date of the Telecommunications Act and the Cable and Video Competition Law from December 31, 2021 to December 31, 2026. It further provides that any cable service or video service authorization issued by the Illinois Commerce Commission will expire on December 31, 2029 (rather than December 31, 2024). The legislation makes no further changes to the Acts.

**Bill:** [SB 486](#)

**Description:** **Telecommunications Act and Video Competition Law Sunset Extension**

**Sponsor:** Assistant Majority Leader/President Pro Tempore Bill Cunningham

Senate Bill 486 extends the sunset date of the Telecommunications Act and the Cable and Video Competition Law from December 31, 2021 to December 31, 2026. It further provides that any cable service or video service authorization issued by the Illinois Commerce Commission will expire on December 31, 2029 (rather than December 31, 2024).

**Bill:** [SB 2350](#)

**Description:** **Prevailing Wage-Public Utility**

**Sponsor:** Senator Michael Hastings, Majority Caucus Whip



Senate Bill 2350 amends the Prevailing Wage Act. The bill provides that the term "public works" includes fixed works constructed or demolished by third parties contracted by any public utility (rather than does not include work done directly by any public utility company). Defines "public utility" to apply to telecommunications carriers.

**Bill:** [HB 1759](#)

**Description:** Criminal Code – Critical Infrastructure

**Sponsor:** Assistant Majority Leader Jay Hoffman

House Bill 1759 creates the offense of criminal damage to property for a person who intentionally damages, destroys or tampers with equipment in a critical infrastructure facility. The definition of critical infrastructure includes: a telecommunications central switching office; and a wireless telecommunications infrastructure, including cell towers, telephone poles and lines, including fiber-optic lines. The legislation provides that a violation is: (1) a Class 4 felony when the damage to property does not exceed \$500; (2) a Class 3 felony when the damage to property exceeds \$500 but does not exceed \$10,000; and (3) a Class 2 felony when the damage to property exceeds \$10,000. The legislation also establishes civil and criminal penalties for criminal trespass to a critical infrastructure facility and aggravated criminal trespass to a critical infrastructure facility.

**Bill:** [HB 98](#)

**Description:** Consumer Fraud – Fake Caller ID

**Sponsor:** Rep. Jonathan Carroll

House Bill 98 makes it unlawful to knowingly cause any caller identification service to transmit misleading or inaccurate caller identification information with the intent to deceive, defraud, mislead, harass, cause emotional distress, or wrongfully obtain anything of value.

**Bill:** [HB 3271](#)

**Description:** No Telephonic Solicitation of Senior Citizens

**Sponsor:** Assistant Majority Leader Natalie Manley

House Bill 3271 makes it a crime to engage in telephonic solicitation of a person who is 65 years of age or older.

**Bill:** [SB 2225](#)

**Description:** Phone Solicitation Spoofing

**Sponsor:** Se. Suzy Glowiak Hilton

Senate Bill 2225 provides that a person, business, or organization may not spoof a caller's information or otherwise misrepresent the origin of a telemarketing call unless the person, business, or organization has the right to use the name and phone number displayed. Requires telephone solicitations placed in a manner other than by a live operator to immediately disclose their identity and the purpose of the call and prompt the recipient of the call to consent to the solicitation.

## Wireless Legislation

**Bill:** [HB 2379](#)

**Description:** Small Wireless Facilities Deployment Act Sunset Extension



**Sponsor:** Rep. Larry Walsh, Jr.

House Bill 2379 extends the sunset date of the Small Wireless Facilities Deployment Act from June 1, 2021 to Dec. 31, 2026. The legislation makes no further changes to the Act.

**Bill:** [SB 1731](#)

**Description:** **Small Wireless Facilities Deployment Act Sunset Extension**

**Sponsor:** Deputy Majority Leader Emil Jones, III

House Bill 2379 extends the sunset date of the Small Wireless Facilities Deployment Act from June 1, 2021 to Dec. 31, 2026. The legislation makes no further changes to the Act.

**Bill:** [HB 2439](#)

**Description:** **Small Wireless Facilities Regulation** (same as SB 222)

**Sponsor:** Rep. Larry Walsh, Jr.

House Bill 2439 amends the Small Wireless Facilities Deployment Act. The legislation provides:

- that an authority may require a wireless provider to include documentation and certification that the small wireless facility and location meets all FCC standards and regulations at the wireless provider's sole cost and expense.
- that an authority may require (currently, propose) that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 200 (currently, 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 significant costs (currently, additional material costs as determined by the applicant).
- that an authority may require a wireless provider to comply with generally applicable standards, including acoustic regulations.
- that a municipality may require that a small wireless facility be collocated on any existing utility pole within its public rights-of-way and the entity owning the utility pole shall provide access for that purpose. Provides that any fee charged for the use of a utility pole under the Section shall be at the lowest rate charged by the entity owning the utility pole and shall not exceed the entity's actual costs.

**Bill:** [SB 222](#)

**Description:** **Small Wireless Facilities Regulation** (same as HB 2439)

**Sponsor:** Sen. Cristina Castro

**Status:** Senate Assignments Committee

**Position:** **Neutral**

Senate Bill 222 amends the Small Wireless Facilities Deployment Act. The legislation provides:

- that an authority may require a wireless provider to include documentation and certification that the small wireless facility and location meets all FCC standards and regulations at the wireless provider's sole cost and expense.
- that an authority may require (currently, propose) that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 200 (currently, 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 significant costs (currently, additional material costs as determined by the applicant).

- that an authority may require a wireless provider to comply with generally applicable standards, including acoustic regulations.
- that a municipality may require that a small wireless facility be collocated on any existing utility pole within its public rights-of-way and the entity owning the utility pole shall provide access for that purpose. Provides that any fee charged for the use of a utility pole under the Section shall be at the lowest rate charged by the entity owning the utility pole and shall not exceed the entity's actual costs.

**Bill:** [SB 41](#)

**Description:** **Small Wireless Facility Regulation** (Same as HB 2562)

**Sponsor:** Sen. Suzy Glowiak Hilton

Senate Bill 41 Amends the Small Wireless Facilities Deployment Act. The bill provides that a wireless provider may be required to provide the following additional information when seeking a permit to collocate small wireless facilities: (i) a written affidavit signed by a radio frequency engineer with specified certifications; (ii) a written report that analyzes acoustic levels for the small wireless facility and all associated equipment; (iii) information showing the small wireless facility has received any required review by the FCC under the National Environmental Policy Act; and (iv) a certified copy of the original easement documents and other supporting documentation demonstrating that the applicant has the right to install, mount, maintain, and remove a small wireless facility and associated equipment in specified circumstances. Provides that an authority may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 200 feet (rather than 100 feet) of the proposed collocation. In provisions prohibiting an authority from requiring an application, approval, or permit or requiring any fees or other charges from a communications service provider authorized to occupy the rights-of-way for the replacement of wireless facilities with wireless facilities that are substantially similar, clarifies when changes are not "substantially similar". Provides that an authority may adopt reasonable rules requiring providers to place above-ground small wireless facilities and associated equipment and to replace larger, more visually intrusive small wireless facilities with smaller, less visually intrusive facilities. Adds provisions concerning radio frequency compliance. Allowing a local government or authority to require providers to place above-ground small wireless facilities and associated equipment underground, and to replace larger, more visually intrusive small wireless facilities with smaller, less visually intrusive facilities.

**Bill:** [HB 2561](#)

**Description:** **Small Wireless Facilities – Public Hearings**

**Sponsor:** Assistant Republican Leader Deanne Mazzochi

House Bill 2563 amends the Small Wireless Facilities Deployment Act to allow an authority to require an applicant or site developer to provide probative evidence in the form of hard data recorded during a drive test performed by an independent radio-frequency engineer selected by the authority to support gap-in-coverage claims to establish (i) the existence of a real gap in the specific carrier's wireless coverage, (ii) the location of the gap, and (iii) the geographical boundaries of the gap.

**Bill:** [HB 2562](#)

**Description: Small Wireless Facility Regulation** (Same as HB 2564, SB 41)

**Sponsor:** Assistant Republican Leader Deanne Mazzochi

House Bill 2562 attempts to add additional local regulations to the permitting and installation of facilities that are critical to 5G networks. The legislation provides that a wireless carrier may be required to provide the following additional information when seeking a permit to collocate small wireless facilities:

- A written affidavit signed by a radio frequency engineer with specified certifications
- A written report that analyzes acoustic levels for the small wireless facility and all associated equipment
- Information showing the small wireless facility has received any required review by the FCC under the National Environmental Policy Act
- A certified copy of the original easement documents and other supporting documentation demonstrating that the applicant has the right to install, mount, maintain, and remove a small wireless facility and associated equipment in specified circumstances

The legislation further adds regulatory burdens on providers of 5G networks by:

- Allowing a local government or authority to propose the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 200 feet (rather than 100 feet) of the proposed collocation.
- Allowing a local government or authority to require an application, approval, permit and fees or other charges from a communications service provider already authorized to occupy the rights-of-way for the replacement of wireless facilities with wireless facilities that are substantially similar.
- Allowing a local government or authority to require providers to place above-ground small wireless facilities and associated equipment underground, and to replace larger, more visually intrusive small wireless facilities with smaller, less visually intrusive facilities.
- Requiring wireless providers to perform ongoing monitoring and reporting of small wireless facilities for compliance with FCC radio frequency emission limits.

**Bill:** [HB 2563](#)

**Description: Small Wireless Facilities – Public Hearings**

**Sponsor:** Assistant Republican Leader Deanne Mazzochi

House Bill 2563 creates the Local Control, Protection, and Empowering Law in the Small Wireless Facilities Deployment Act. The legislation provides that property owners may, by petition, require a hearing prior to an authority's approval or denial of the installation of a small wireless facility in an area zoned exclusively for residential purposes. It requires the petition to include 250 signatures of the property owners or 40% of the property owners, whichever is less, within 1,000 feet of where the small wireless facility would be installed. All findings and written comments of the authority as a result of the hearing must be forwarded to the Office of the Secretary of the Federal Communications Commission. The bill establishes a hearing shall not interfere with the requirement that an authority approve or deny an application within specified timeframes.

**Bill:** [HB 2564](#)

**Description: Small Wireless Facility Regulation** (Same as HB 2562, SB 41)

**Sponsor:** Assistant Republican Leader Deanne Mazzochi

House Bill 2564 attempts to add additional local regulations to the permitting and installation of facilities that are critical to 5G networks. The legislation provides that a wireless carrier may be required to provide the following additional information when seeking a permit to collocate small wireless facilities:

- A written affidavit signed by a radio frequency engineer with specified certifications
- A written report that analyzes acoustic levels for the small wireless facility and all associated equipment
- Information showing the small wireless facility has received any required review by the FCC under the National Environmental Policy Act
- A certified copy of the original easement documents and other supporting documentation demonstrating that the applicant has the right to install, mount, maintain, and remove a small wireless facility and associated equipment in specified circumstances

The legislation further adds regulatory burdens on providers of 5G networks by:

- Allowing a local government or authority to propose the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 200 feet (rather than 100 feet) of the proposed collocation.
- Allowing a local government or authority to require an application, approval, permit and fees or other charges from a communications service provider already authorized to occupy the rights-of-way for the replacement of wireless facilities with wireless facilities that are substantially similar.
- Allowing a local government or authority to require providers to place above-ground small wireless facilities and associated equipment underground, and to replace larger, more visually intrusive small wireless facilities with smaller, less visually intrusive facilities.
- Requiring wireless providers to perform ongoing monitoring and reporting of small wireless facilities for compliance with FCC radio frequency emission limits.

**Bill:** [HB 2565](#)

**Description: Small Wireless Facilities – RF Emissions**

**Sponsor:** Assistant Republican Leader Deanne Mazzochi

House Bill 2565 amends the Small Wireless Facilities Deployment Act. It adds a definition for "source of radio frequency emissions" The bill allows the IEPA or local authority to deny a permit for a small wireless facility if a provider has failed to provide sufficient evidence that an increase in radio frequency emissions is needed.

**Video**

**Bill:** [HB 841](#)

**Description: Modem/Router Equipment Rental**

**Sponsor:** Rep. Theresa Mah

House Bill 841 provides that cable or video providers shall cease charging customers for modems and routers, whether rented together or separately, when the customer has paid to the provider the wholesale cost of the modem or router, or modem and router if rented together, plus a reasonable mark-up not to exceed 5% of the modem, router, or modem and router wholesale cost to the provider.

**Bill:** [SB 513](#)

**Description:** **Modem/Router Equipment Rental**

**Sponsor:** Sen. Cristina Castro

Senate Bill 513 provides that cable or video providers shall cease charging customers for modems and routers, whether rented together or separately, when the customer has paid to the provider the wholesale cost of the modem or router, or modem and router if rented together, plus a reasonable mark-up not to exceed 5% of the modem, router, or modem and router wholesale cost to the provider.

**Bill:** [HB 3653](#)

**Description:** **Cable or Video Provider – Contract Dispute**

**Sponsor:** Rep. Amy Elik

House Bill 3653 provides that if, due to a contract dispute, a cable or video provider will not be providing a customer or subscriber with a channel for which the customer or subscriber has been or will be billed, the cable or video provider shall, within 10 days after the cable or video provider knows that the contract dispute will result in the loss of the channel, provide each affected customer or subscriber with notice that the channel will not be provided due to a contract dispute.

- Provides that if a cable or video provider does not provide a customer or subscriber with a channel for which the customer or subscriber has been billed, then the cable or video provider shall credit the customer or subscriber \$5 per channel for each month that the customer or subscriber does not receive the channel due to the contract dispute.
- Provides that responsibility for payment of the credit shall be split evenly between all parties to the contract dispute, with reimbursement from the broadcaster to be made promptly to the cable or video provider.

**9-1-1**

**Bill:** [HB 3702](#)

**Description:** **Emergency Telephone System Act Update**

**Sponsor:** Rep. Kathleen Willis

House Bill 3702 is a rewrite of the Emergency Telephone System Act governing 9-1-1 services. The bill extends the repeal of the Act from December 31, 2021 to December 31, 2023. It updates a number of definitions in preparation of Next Generation 9-1-1 services and based on the implementation of the consolidation requirements in the current Act. The legislation requires that within 18 months of the awarding of a contract under the Public Utilities Act to establish a statewide next generation 9-1-1 network (rather than by December 31, 2021), every 9-1-1 system in Illinois shall provide next generation 9-1-1 service. The bill also makes minor changes to the composition of the 9-1-1 Advisory Board and establishes training, certification, and continuing education for emergency dispatchers.

**Bill:** [HB 42](#)

**Description:** Continuing Appropriation for 9-1-1

**Sponsor:** Rep. Debbie Meyers-Martin

House Bill 42 establishes that in the absence of an appropriation for any State fiscal year, moneys that are required to be distributed to the Statewide 9-1-1 Fund are subject to a continuing appropriation.

**Bill:** [HB 1970](#)

**Description:** Stark County 9-1-1 Consolidation Exemption

**Sponsor:** Assistant Republican Leader Ryan Spain

House Bill 1970 would exempt Stark County from the PSAP consolidation requirements in statute. Stark County is the only county in Illinois that does not currently have enhanced 9-1-1 service. Efforts continue to find a neighboring county or authority for Stark County to partner with to consolidate 9-1-1 services.

**Bill:** [HB 2873](#)

**Description:** Local CURE Funds for 9-1-1 or Public Safety Entities

**Sponsor:** Rep. Mark Luft

House Bill 2873 would modify the definition of “local government” to include a Public Safety Answering Point, 9-1-1 network, 9-1-1 system, or 9-1-1 authority, or any other type of local public safety entity for the purposes of receiving funds under the Local CURE program for COVID-19 relief.

**Bill:** [HB 3198](#)

**Description:** Suicide Treatment – Standards and Training for 9-1-1 PSAPs

**Sponsor:** Rep. Deb Conroy

House Bill requires the Office of the Statewide 9-1-1 Administrator to develop comprehensive guidelines and adopt rules and standards for the handling of suicide calls by Public Safety Answering Point telecommunicators.

## **Data Privacy/Data Breach**

**Bill:** [HB 3412](#)

**Description:** Personal Info – Notice of Breach

**Sponsor:** Rep. Janet Yang-Rohr

House Bill 3412 requires a data collector to notify the Attorney General, in addition to the Illinois resident within 5 days of a security breach of system data.

**Bill:** [SB 2353](#)

**Description:** Personal Info – Notice of Breach

**Sponsor:** Sen. Michael Hasting (Majority Caucus Whip)

Senate Bill 2353 provides that data collectors that maintain or store, but do not own or license, computerized data that includes personal information and that are required to issue notice pursuant to this Section to the owner or licensee of the information that there has been a breach of the security of the data shall also notify the Attorney General regarding the breach.

**Bill:** [HB 2404](#)

**Description: Right to Know Act****Sponsor:** Rep. Kambium Buckner

House Bill 2404 creates the Right to Know Act. The legislation requires an operator of a commercial website or online service that collects personally identifiable information through the Internet about individual customers residing in Illinois who use or visit its commercial website or online service to disclose all categories of personal information collected and the names of the third parties that received the personal information within 30 days of a request. Nothing in this Act shall be deemed to apply to the activities of an individual or entity to the extent that those activities are subject to Section 222 or 631 of the federal Communications Act of 1934.

**Bill:** [HB 3453](#)**Description: Geolocation Privacy Protection Act****Sponsor:** Rep. Ann Williams

House Bill 3453 creates the Geolocation Privacy Protection Act. The legislation provides that a private entity that owns, operates, or controls a location-based application on a user's device may not disclose geolocation information from a location-based application to a third party unless the private entity first receives the user's affirmative express consent after providing clear and accurate notice that informs the user:

- the geolocation information will be disclosed
- the purpose for which the geolocation information will be disclosed
- identifies the names and categories of private entities to which geolocation information may be disclosed.

The bill provides enforcement authority to the Attorney under the Consumer Fraud and Deceptive Business Practices Act. There shall be no private right of action to enforce a violation under the Act. The bill provides that the Act does not modify, limit, or supersede the operation of any other Illinois law or prevent a party from otherwise seeking relief under the Code of Civil Procedure.

**Bill:** [HB 3536](#)**Description: Security of Connected Devices Act****Sponsor:** Rep. Lamont Robinson, Jr.

House Bill 3536 creates the Security of Connected Devices Act. The legislation requires manufacturers of connected devices to equip the device with security features that are designed to protect the device and any information the device contains from unauthorized access, destruction, use, modification, or disclosure.

**Bill:** [HB 3910](#)**Description: Consumer Privacy Act****Sponsor:** Rep. Michelle Mussman

House Bill 3910 creates the Consumer Privacy Act:

- Provides that a consumer has the right to request that a business disclose to that consumer the categories and specific pieces of personal information the business has collected.
- Requires a business to, at or before the point of collection, inform a consumer as to the categories of personal information to be collected and the purposes for which the categories of personal information shall be used. Also, requires the business to provide notice when collecting



additional categories of personal information or when using a consumer's personal information for additional purposes.

- Provides that a consumer has the right to request that a business delete any personal information about the consumer that the business has collected from the consumer and direct any service providers to delete the consumer's personal information from their records, with some exceptions if necessary to maintain the information.
- Requires a business that collects or sells a consumer's personal information to disclose to the consumer upon request:
  - The categories of personal information collected
  - The categories of sources from which personal information is collected
  - The business purpose for collecting or selling personal information
  - The categories of third parties with whom the business shares personal information
  - The specific pieces of personal information collected
- Provides that a consumer has the right, at any time, to opt out of the sale of personal information to third parties.
- Prohibits a business from discriminating against a consumer who exercises any of the rights established under the Act by denying goods or services or charging the consumer different prices or rates for goods or services. Permits a business to provide financial incentives to a consumer that authorizes the sale of his or her personal information.
- Provides for enforcement by the Attorney General and for civil actions brought by consumers.

**Bill:** [SB 2080](#)

**Description:** Automatic Listening Act

**Sponsor:** Sen. Cristina Castro

Senate Bill 2081 provides that it is unlawful for a person who provides any smart service through a proprietary smart speaker to: (i) store or make a recording or transcript of any speech or sound captured by a smart speaker or to use any storage or recording or transcript of any voice interaction by a user with the voice-user interface, or (ii) transmit such a recording or transcript to a third party, for any purpose, without obtaining express informed consent and permitting the user to require the deletion of any recording, transcript, or sound recorded by the speaker at any time. The bill provides that it is unlawful for a person who provides any security monitoring or other service through a proprietary video doorbell to: (i) store or make a recording of any video, image, or audio captured by the video doorbell's camera, or (ii) use any storage recording of any video, image, or audio captured by the video doorbell's camera, or transmit such a recording to a third party. Provides exemptions. Provides that, if the Attorney General or a State's Attorney has reason to believe that any person has violated or is violating the Act, he or she may, in addition to any authority he or she may have to bring an action in State court under consumer protection law, bring a civil action in any court of competent jurisdiction to enjoin further violation by the defendant, enforce compliance with the Act, or obtain civil penalties not to exceed \$40,000 per violation.

**Bill:** [SB 2081](#)

**Description:** Keep Internet Devices Safe Act

**Sponsor:** Sen. Cristina Castro

Senate Bill 2081 creates the Keep the Internet Devices Safe Act. The bill defines a "digital device" as an Internet-connected device that contains a microphone. The legislation provides that no private entity may turn on or enable a digital device's microphone unless the registered owner or person (instead of user of the device) configuring the device is provided certain notices in a consumer agreement (instead of a written policy). It further provides that a manufacturer of a digital device that does not cause to be turned on or otherwise use a digital device's microphone is not subject to the restrictions on the use of a digital device's microphone. The exclusive authority to enforce the Act is vested in the Attorney General.

**Bill:** [SB 2082](#)

**Description:** **Keep Internet Devices Safe Act**

**Sponsor:** Sen. Cristina Castro

Senate Bill 2082 creates the Keep the Internet Devices Safe Act. The bill provides that a private entity may turn on or enable, cause to be turned on or enabled, or otherwise use a digital device's microphone to listen for or collect information, including spoken words or other audible or inaudible sounds, if the private entity makes specified disclosures in its customer agreement or other incorporated addendum. Provides that a private entity that collects, stores, or transmits any information collected through a digital device's microphone concerning an Illinois resident shall implement and maintain reasonable security measures to protect that information from unauthorized access, acquisition, destruction, use, modification, and disclosure. Adds provisions governing waiver, applicability, and exceptions. Provides that a violation of the Keep Internet Devices Safe Act constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act.

**Bill:** [HB 559](#)

**Description:** **Biometric Information Privacy Act Reform – Limit Damages**

**Sponsor:** House Republican Leader Jim Durkin

House Bill 559 requires private entities in possession of biometric identifiers to make their policy available to the person from whom biometric information is to be collected or was collected. If within the 30 days the private entity actually cures the noticed violation and provides the aggrieved person an express written statement that the violation has been cured and that no further violations shall occur, no action for individual statutory damages or class-wide statutory damages may be initiated against the private entity. The legislation provides that if a private entity continues to violate the Act, the aggrieved person may initiate an action against the private entity and may pursue statutory damages for each breach. A prevailing party may recover against a private entity that negligently violates the Act, actual damages (rather than liquidated damages of \$1,000 or actual damages, whichever is greater); or against a private entity that willfully violates the Act, actual damages plus liquidated damages up to the amount of actual damages.

**Bill:** [HB 560](#)

**Description:** **Biometric Information Privacy Act – Violation**

**Sponsor:** House Republican Leader Jim Durkin

House Bill 560 deletes a provision regarding a right of action under the Biometric Information Privacy Act. It instead provides that any violation that results from the collection of biometric information by an employer for employment, human resources, fraud prevention, or security purposes is subject to the enforcement authority of the Department of Labor. The legislation further provides that an employee

may file with the Department a violation by submitting a complaint within one year from the date of the violation. Any other violation of the Act constitutes a violation of the Consumer Fraud and Deceptive Business Practices Act, with enforcement by the Attorney General or appropriate State's Attorney.

**Bill:** [HB 3112](#)

**Description:** **Biometric Information Privacy Act – Actual Harm & Right of Action**

**Sponsor:** Rep. Eva Dina Delgado

House Bill 3112 amends the Biometric Information Privacy Act. It defines "actual harm" as a realized or actual identity theft, realized or actual loss, or a realized or actual injury. The legislation provides:

- an alleged violation of the Act that has not resulted in actual harm is a violation of the Consumer Fraud and Deceptive Business Practices Act and solely subject to investigation and enforcement by the Attorney General.
- a person who has suffered actual harm (instead of aggrieved) by a violation of the Act shall have a right of action against an offending party.
- a prevailing party in an action brought as a result of actual harm may only recover for the initial (rather than each) violation of the Act.
- recovery against a private entity that negligently violates a provision of the Act may result in liquidated damages of \$250 (rather than \$1,000) or actual damages, whichever is greater.
- recovery against a private entity that intentionally or recklessly violates the Act may result in liquidated damages of \$500 (rather than \$5,000) or actual damages, whichever is greater.
- an action may not be brought later than one year from the violation date, if no actual harm occurred; or 3 years from the violation date, if actual harm has occurred.
- the changes made to the Act apply retroactively to October 3, 2008.

**Bill:** [HB 1764](#)

**Description:** **Biometric Information Privacy Act – Limit on Actions**

**Sponsor:** Assistant Republican Leader Keith Wheeler

House Bill 1764 amends the Biometric Information Privacy Act. The bill changes the definition of "written release" to include electronic consents and releases and provides that the Attorney General has the sole authority to enforce this Act. Under the legislation, an action may be brought to enforce this Act only if a violation of this Act causes actual harm. The bill exempts an employer from the Act if the employer is using biometric identifiers and biometric information for specified purposes.

**Bill:** [HB 3304](#)

**Description:** **Biometric Information Privacy Act – Repeal** (same as SB 2039)

**Sponsor:** Rep. Mike Murphy

House Bill 3304 repeals the Biometric Information Privacy Act.

**Bill:** [HB 3414](#)

**Description:** **Biometric Information Privacy Act – Remedies – Construction**

**Sponsor:** Rep. Thaddeus Jones

House Bill 3414 amends the Biometric Information Privacy Act. It deletes language allowing a prevailing party in an action to recover for each violation of the Act and provides that nothing in the Act shall be

construed to apply to a licensed operator of a facility collecting, storing, or transmitting biometric information. The bill provides that all claims filed under the Act shall be filed within one year of the initial violation and provides that continuing violations of the Act, or violations of separate provisions of the Act, shall be considered the same occurrence and are subject to the one-year statute of limitations calculated from the date of the initial violation. Provides that an employee may waive any violation under the Act after an explanation of rights.

**Bill:** [SB 56](#)

**Description:** **Biometric Information Privacy Act – Right of Action**

**Sponsor:** Sen. Terri Bryant

Senate Bill 56 requires private entities in possession of biometric identifiers to make their policy available to the person from whom biometric information is to be collected or was collected. If within the 30 days the private entity actually cures the noticed violation and provides the aggrieved person an express written statement that the violation has been cured and that no further violations shall occur, no action for individual statutory damages or class-wide statutory damages may be initiated against the private entity. The legislation provides that if a private entity continues to violate the Act, the aggrieved person may initiate an action against the private entity and may pursue statutory damages for each breach. A prevailing party may recover against a private entity that negligently violates the Act, actual damages (rather than liquidated damages of \$1,000 or actual damages, whichever is greater); or against a private entity that willfully violates the Act, actual damages plus liquidated damages up to the amount of actual damages.

**Bill:** [SB 602](#)

**Description:** **Biometric Information Privacy Act – Security Purposes**

**Sponsor:** Assistant Majority Leader/President Pro Tempore Bill Cunningham

Senate Bill 602 amends the Biometric Information Privacy Act. The bill provides that if the biometric identifier or biometric information is collected or captured for the same repeated process, the private entity is only required to inform the subject or receive consent during the initial collection. It waives certain requirements for collecting, capturing, or otherwise obtaining a person's or a customer's biometric identifier or biometric information under certain circumstances relating to security purposes. The bill states nothing in the Act shall be construed to: conflict with information captured by an alarm system installed by a licensed person; and apply to information captured by a biometric time clock or biometric lock that converts a person's biometric identifier to a mathematical representation.

**Bill:** [SB 300](#)

**Description:** **Biometric Information Privacy Act – Right of Action**

**Sponsor:** Senate Minority Caucus Chair Jason Barickman

Senate Bill 300 amends the Biometric Information Privacy Act:

- Provides that a right of action shall be commenced within one year after the cause of action accrued, if, prior to initiating any action against a private entity, the aggrieved person provides a private entity 30 days' written notice identifying the specific provisions of the Act the aggrieved person alleges have been or are being violated.
- Provides that if within the 30 days the private entity cures the noticed violation as to the person providing notice and provides the person providing notice an express written statement that the

violations have been cured and that no further violations shall occur, no action for damages of any kind may be initiated by the person providing notice against the private entity.

- Provides that if a private entity continues to violate the Act in breach of the express written statement, the aggrieved person may initiate an action against the private entity to enforce the written statement and may pursue statutory damages for each breach of the express written statement, as well as any other violation of the Act that postdates the written statement.
- Provides that a prevailing party may recover: against a private entity that negligently violates the Act, actual damages (rather than liquidated damages of \$1,000 or actual damages); or against a private entity that willfully (rather than intentionally or recklessly) violates the Act, actual damages plus liquidated damages up to the amount of actual damages (rather than liquidated damages of \$5,000 or actual damages).

**Bill:** [SB 1607](#)

**Description:** **Biometric Information Privacy Act – Right of Action**

**Sponsor:** Assistant Majority Leader/President Pro-Tempore Bill Cunningham

Senate Bill 1607 amends the Biometric Information Privacy Act. It changes the definition of "written release" to include electronic consent and electronic release. The bill provides that the Attorney General and State's Attorneys have the sole authority to enforce the Act. It provides that an action may be brought to enforce the Act only if a violation of the Act causes actual harm. Provides that an employer is exempt under the Act if the employer collects, captures, obtains, or otherwise uses biometric identifiers and biometric information for: (1) keeping record of an employee's work hours; (2) a security purpose; (3) facility access; or (4) use by the human resource department or human resource employees of the employer. Provides that an employer is exempt under the Act if the employer retains the biometric identifier or information no longer than is reasonably necessary to satisfy a security purpose.

**Bill:** [SB 2039](#)

**Description:** **Biometric Information Privacy Act – Repeal** (same as HB 3304)

**Sponsor:** Sen. Craig Wilcox

Senate Bill 2039 repeals the Biometric Information Privacy Act.

**Bill:** [HB 604](#)

**Description:** **Automatic Renew – 6 Month Contract**

**Sponsor:** Rep. Hernandez

House Bill 604 amends the Automatic Contract Renewal Act. The legislation provides that the Act applies to contracts with a term of 6 months or more (rather than a term of 12 months or more).

**Bill:** [HB 3785](#)

**Description:** **Consumer Info-Written Notice**

**Sponsor:** Rep. Gonzales, Jr.

House Bill 3785 amends the Consumer Fraud and Deceptive Business Practices Act. It provides that a business that sells or shares a consumer's contact information to or with another must send written notice through the U.S. mail to the consumer whose information is being sold or shared and give the consumer the opportunity to opt out of the sale or sharing of the information after receiving the notice.

Provides that a business that fails to comply with those requirements commits an unlawful practice within the meaning of the Act.