

Chapter 301

(House Bill 397)

AN ACT concerning

**Public Safety – 9–1–1 Emergency Telephone System
(Carl Henn’s Law)**

FOR the purpose of ~~requiring a certain custodian of records to deny inspection of the part of a 9–1–1 communications record that depicts certain information, subject to a certain exception; authorizing a custodian to redact certain information under certain circumstances; requiring a certain custodian to allow inspection of a certain public record by the person in interest; providing that this Act may not be construed to affect the discovery or evidentiary rights of certain parties;~~ altering certain references from “calls” to “requests for emergency services” for purposes of provisions of law concerning 9–1–1 service; requiring the Emergency Number Systems Board to establish certain minimum standards for records retention guidelines for 9–1–1 audio, video, text messages, and data; requiring the Board to establish certain training standards for public safety answering point personnel; requiring the Board to establish certain minimum standards for cybersecurity, oversight, and accountability; requiring certain planning guidelines established by the Board for certain 9–1–1 system plans to require Next Generation 9–1–1 services systems to be interconnected and interoperable, as determined by the Board; requiring the Board to establish certain minimum standards for certain 9–1–1 systems that ensure certain access for individuals with disabilities and individuals who use assistive technologies and to update those standards in a certain manner; altering the purposes of the 9–1–1 Trust Fund beginning on a certain date; authorizing the use of money collected from a certain 9–1–1 fee to pay costs associated with maintenance, operations, and programs approved by the Board in accordance with certain provisions of this Act; requiring, rather than authorizing, the use of money from a certain prepaid wireless E 9–1–1 fee for certain purposes; requiring the Board, in consultation with the Maryland Cybersecurity Council, to establish certain cybersecurity standards for public safety answering points; requiring the director of each public safety answering point to examine the cybersecurity of the public safety answering point under certain circumstances and to submit to the Board a certain report; prohibiting the Comptroller from paying any money from the 9–1–1 Trust Fund to a county under certain circumstances; altering the amount of and method for calculating the 9–1–1 fee; altering the amount of and method for calculating a certain additional charge; authorizing a county to impose an additional charge not exceeding a certain increased amount under certain circumstances; providing an emergency services Internet Protocol network provider and a core service provider of Next Generation 9–1–1 services certain immunity from liability; requiring the Governor to provide a certain plan; ~~providing for the application of certain provisions of this Act;~~ defining ~~and~~ a certain term; altering certain terms; making certain conforming changes; making certain stylistic changes; and generally relating to 9–1–1 service.

~~BY repealing and reenacting, without amendments,
 Article — General Provisions
 Section 4-328
 Annotated Code of Maryland
 (2014 Volume and 2018 Supplement)~~

~~BY adding to
 Article — General Provisions
 Section 4-342
 Annotated Code of Maryland
 (2014 Volume and 2018 Supplement)~~

BY repealing and reenacting, with amendments,
 Article – Public Safety
 Section 1-301, 1-304(f), 1-306, ~~and 1-308 through, 1-309, 1-310, and~~ 1-311
 Annotated Code of Maryland
 (2018 Replacement Volume)

BY repealing and reenacting, without amendments,
 Article – Public Safety
 Section 1-303, 1-307, and 1-312
 Annotated Code of Maryland
 (2018 Replacement Volume)

BY adding to
 Article – Public Safety
 Section 1-309.1 and 1-315
 Annotated Code of Maryland
 (2018 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

~~**Article — General Provisions**~~

~~4-328.~~

~~Unless otherwise provided by law, a custodian shall deny inspection of a part of a public record, as provided in this part.~~

~~4-342.~~

~~(A) IN THIS SECTION, “GORY OR GRUESOME” MEANS SCENES SHOWING SEVERE BODILY INJURY, INCLUDING PROFUSE BLEEDING, SEVERE LACERATIONS, DISFIGUREMENT, OR TRAUMATIC INJURIES.~~

~~(B) (1) THIS SECTION DOES NOT APPLY TO A PUBLIC RECORD THAT HAS BEEN ENTERED INTO EVIDENCE IN A COURT PROCEEDING.~~

~~(2) THIS SECTION MAY NOT BE CONSTRUED TO AFFECT THE DISCOVERY OR EVIDENTIARY RIGHTS OF A PARTY TO A CIVIL SUIT OR CRIMINAL PROSECUTION.~~

~~(C) SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A 9-1-1 COMMUNICATIONS RECORD THAT DEPICTS:~~

~~(1) A VICTIM OR INFORMATION THAT COULD IDENTIFY A VICTIM OF DOMESTIC VIOLENCE, AS DEFINED IN § 4-701 OF THE FAMILY LAW ARTICLE;~~

~~(2) A VICTIM OR INFORMATION THAT COULD IDENTIFY A VICTIM OF A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;~~

~~(3) EXCEPT FOR A VIOLATION OF § 3-607 OF THE CRIMINAL LAW ARTICLE WHERE THE VICTIM IS AN ADULT, A VICTIM OR INFORMATION THAT COULD IDENTIFY A VICTIM OF A VIOLATION OF TITLE 3, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE;~~

~~(4) PERSONALLY RELEVANT INFORMATION THAT MAY IDENTIFY THE INDIVIDUAL'S MEDICAL HISTORY;~~

~~(5) IF THE CUSTODIAN IS AWARE THAT INFORMATION WAS PROVIDED VOLUNTARILY TO THE FILE BY A THIRD PARTY, THE THIRD PARTY'S INFORMATION; OR~~

~~(6) IMAGES THAT MAY BE CONSIDERED GORY OR GRUESOME OR CONVEY SCENES OF MURDER OR SUICIDE.~~

~~(D) A CUSTODIAN MAY REDACT THE INFORMATION DESCRIBED UNDER SUBSECTION (C) OF THIS SECTION IF A FAILURE TO DO SO WOULD RESULT IN A CONSTRUCTIVE DENIAL OF THE ENTIRE PUBLIC RECORD.~~

~~(E) A CUSTODIAN SHALL ALLOW INSPECTION BY THE PERSON IN INTEREST.~~

Article - Public Safety

1-301.

(a) In this subtitle the following words have the meanings indicated.

(b) “Additional charge” means the charge imposed by a county in accordance with § 1–311 of this subtitle.

(c) “Board” means the Emergency Number Systems Board.

(d) “Commercial mobile radio service” or “CMRS” means mobile telecommunications service that is:

- (1) provided for profit with the intent of receiving compensation or monetary gain;
- (2) an interconnected, two-way voice service; and
- (3) available to the public.

(e) “Commercial mobile radio service provider” or “CMRS provider” means a person authorized by the Federal Communications Commission to provide CMRS in the State.

(f) “County plan” means a plan for a 9–1–1 system or enhanced 9–1–1 system, or an amendment to the plan, developed by a county or several counties together under this subtitle.

(g) (1) “Customer” means:

(i) the person that contracts with a home service provider for CMRS;
or

(ii) the end user of the CMRS if the end user of the CMRS is not the contracting party.

(2) “Customer” does not include:

(i) a reseller of CMRS; or

(ii) a serving carrier under an arrangement to serve the customer outside the home service provider’s licensed service area.

(h) “Enhanced 9–1–1 system” means a 9–1–1 system that provides:

- (1) automatic number identification;
- (2) automatic location identification; and
- (3) any other technological advancements that the Board requires.

(i) “FCC order” means an order issued by the Federal Communications Commission under proceedings regarding the compatibility of enhanced 9–1–1 systems and delivery of wireless enhanced 9–1–1 service.

(j) “Home service provider” means the facilities–based carrier or reseller that contracts with a customer to provide CMRS.

(k) “Next [generation] **GENERATION 9–1–1 services**” means an Internet Protocol (IP)–based system, comprised of hardware, software, data, and operational policies and procedures, that:

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

(2) processes all types of [emergency calls] **REQUESTS FOR EMERGENCY SERVICES**, including voice, text, data, and multimedia information;

(3) acquires and integrates additional emergency call data useful to [call] routing and handling **OF REQUESTS FOR EMERGENCY SERVICES**;

(4) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

(5) supports data or video communications needs for coordinated incident response and management; and

(6) provides broadband service to public safety answering points or other first responder entities.

(l) “9–1–1–accessible service” means telephone service or another communications service that connects an individual dialing the digits 9–1–1 to an established public safety answering point.

(m) “9–1–1 fee” means the fee imposed in accordance with § 1–310 of this subtitle.

(n) (1) “9–1–1 service carrier” means a provider of CMRS or other 9–1–1–accessible service.

(2) “9–1–1 service carrier” does not include a telephone company.

(O) “9–1–1 SPECIALIST” MEANS AN EMPLOYEE OF A COUNTY PUBLIC SAFETY ANSWERING POINT, OR AN EMPLOYEE WORKING IN A COUNTY PUBLIC SAFETY ANSWERING POINT, WHOSE DUTIES AND RESPONSIBILITIES INCLUDE:

(1) RECEIVING AND PROCESSING 9-1-1 REQUESTS FOR EMERGENCY SERVICES;

(2) OTHER SUPPORT FUNCTIONS DIRECTLY RELATED TO 9-1-1 REQUESTS FOR EMERGENCY SERVICES; OR

(3) DISPATCHING LAW ENFORCEMENT OFFICERS, FIRE RESCUE SERVICES, EMERGENCY MEDICAL SERVICES, AND OTHER PUBLIC SAFETY SERVICES TO THE SCENE OF AN EMERGENCY.

[(o)] (P) (1) “9-1-1 system” means telephone service that:

(i) meets the planning guidelines established under this subtitle;
and

(ii) automatically connects an individual dialing the digits 9-1-1 to an established public safety answering point.

(2) “9-1-1 system” includes:

(i) equipment for connecting and outswitching 9-1-1 calls within a telephone central office;

(ii) trunking facilities from a telephone central office to a public safety answering point; and

(iii) equipment to connect 9-1-1 calls to the appropriate public safety agency.

[(p)] (Q) “9-1-1 Trust Fund” means the fund established under § 1-308 of this subtitle.

[(q)] (R) “Prepaid wireless E 9-1-1 fee” means the fee that is required to be collected by a seller from a consumer in the amount established under § 1-313 of this subtitle.

[(r)] (S) “Prepaid wireless telecommunications service” means a commercial mobile radio service that:

(1) allows a consumer to dial 9-1-1 to access the 9-1-1 system;

(2) must be paid for in advance; and

(3) is sold in predetermined units that decline with use in a known amount.

[(s)] (T) “Public safety agency” means:

(1) a functional division of a public agency that provides fire fighting, police, medical, or other emergency services; or

(2) a private entity that provides fire fighting, police, medical, or other emergency services on a voluntary basis.

[(t)] (U) “Public safety answering point” means a communications facility that:

(1) is operated on a 24-hour basis;

(2) first receives 9-1-1 **[calls] REQUESTS FOR EMERGENCY SERVICES** in a 9-1-1 service area; and

(3) as appropriate, dispatches public safety services directly, or transfers 9-1-1 **[calls] REQUESTS FOR EMERGENCY SERVICES** to appropriate public safety agencies.

[(u)] (V) “Secretary” means the Secretary of Public Safety and Correctional Services.

[(v)] (W) “Seller” means a person that sells prepaid wireless telecommunications service to another person.

[(w)] (X) “Wireless enhanced 9-1-1 service” means enhanced 9-1-1 service under an FCC order.

1-303.

(a) (1) This subtitle does not require a public service company to provide any equipment or service other than in accordance with tariffs approved by the Public Service Commission.

(2) The provision of services, the rates, and the extent of liability of a public service company are governed by the tariffs approved by the Public Service Commission.

(b) (1) This subtitle does not require a 9-1-1 service carrier to provide any equipment or service other than the equivalent of the equipment and service required of a telephone company under subsection (a) of this section.

(2) This subtitle does not extend any liability to a 9-1-1 service carrier or seller of prepaid wireless telecommunications service.

1-304.

(f) (1) Each public safety answering point shall notify the public safety agencies in a county 9–1–1 system of [calls for assistance] **REQUESTS FOR EMERGENCY SERVICES** in the county.

(2) Written guidelines shall be developed to govern the referral of [calls for assistance] **REQUESTS FOR EMERGENCY SERVICES** to the appropriate public safety agency.

(3) State, county, and local public safety agencies with concurrent jurisdiction shall have written agreements to ensure a clear understanding of which specific [calls for assistance] **REQUESTS FOR EMERGENCY SERVICES** will be referred to which public safety agency.

1–306.

(a) The Board shall coordinate the enhancement of county 9–1–1 systems.

(b) The Board's responsibilities include:

(1) establishing planning guidelines for enhanced 9–1–1 system plans and deployment of wireless enhanced 9–1–1 service in accordance with this subtitle;

(2) establishing procedures to review and approve or disapprove county plans and to evaluate requests for variations from the planning guidelines established by the Board;

(3) establishing procedures for the request for reimbursement of the costs of enhancing a 9–1–1 system by a county or counties in which a 9–1–1 system is in operation, and procedures to review and approve or disapprove the request;

(4) transmitting the planning guidelines and procedures established under this section, and any amendments to them, to the governing body of each county;

(5) submitting to the Secretary each year a schedule for implementing the enhancement of county or multicounty 9–1–1 systems, and an estimate of funding requirements based on the approved county plans;

(6) developing, with input from counties, and publishing on or before July 1, 2004, an implementation schedule for deployment of wireless enhanced 9–1–1 service;

(7) reviewing and approving or disapproving requests for reimbursement of the costs of enhancing 9–1–1 systems, and submitting to the Secretary each year a schedule for reimbursement and an estimate of funding requirements;

(8) reviewing the enhancement of 9–1–1 systems;

(9) providing for an audit of county expenditures for the operation and maintenance of 9-1-1 systems;

(10) ensuring inspections of public safety answering points;

(11) reviewing and approving or disapproving requests from counties with operational enhanced 9-1-1 systems to be exempted from the expenditure limitations under § 1-312 of this subtitle;

(12) authorizing expenditures from the 9-1-1 Trust Fund that:

(i) are for enhancements of 9-1-1 systems that:

- 1. are required by the Board;
- 2. will be provided to a county by a third party contractor;

and

3. will incur costs that the Board has approved before the formation of a contract between the county and the contractor; and

(ii) are approved by the Board for payment:

- 1. from money collected under § 1-310 of this subtitle; and
- 2. directly to a third party contractor on behalf of a county;

[and]

(13) establishing planning guidelines for [next generation] **NEXT GENERATION** 9-1-1 services system plans and deployment of [next generation] **NEXT GENERATION** 9-1-1 services in accordance with this subtitle;

(14) ESTABLISHING MINIMUM STANDARDS FOR RECORDS RETENTION GUIDELINES FOR 9-1-1 AUDIO, PICTURES, VIDEO, TEXT MESSAGES, AND DATA;

(15) ESTABLISHING TRAINING STANDARDS FOR PUBLIC SAFETY ANSWERING POINT PERSONNEL BASED ON NATIONAL BEST PRACTICES; AND

(16) ESTABLISHING MINIMUM STANDARDS FOR CYBERSECURITY, OVERSIGHT, AND ACCOUNTABILITY OF SERVICE LEVEL AGREEMENTS BETWEEN COUNTIES AND CORE SERVICE PROVIDERS OF NEXT GENERATION 9-1-1 SERVICES.

(c) The guidelines established by the Board under subsection (b)(1) and (13) of this section:

(1) shall be based on available technology and equipment; [and]

(2) SHALL REQUIRE NEXT GENERATION 9-1-1 SERVICES SYSTEMS TO BE INTERCONNECTED AND INTEROPERABLE, AS DETERMINED BY THE BOARD; AND

~~[(2)]~~ **(3)** may be based on any other factor that the Board determines is appropriate, including population and area served by 9-1-1 systems.

(D) THE STANDARDS ESTABLISHED BY THE BOARD UNDER SUBSECTION (B)(14) OF THIS SECTION SHALL INCLUDE PROCEDURES FOR:

(1) THE SECURITY OF THE RECORDS;

(2) THE ESTABLISHMENT AND REVISION, IN ACCORDANCE WITH THE REGULATIONS, OF RECORD RETENTION AND DISPOSAL SCHEDULES TO ENSURE THE PROMPT AND ORDERLY DISPOSITION OF RECORDS, INCLUDING ELECTRONIC RECORDS, THAT ARE NO LONGER NEEDED FOR OPERATION; AND

(3) THE MAINTENANCE OF INVENTORIES OF RECORDS SERIES THAT ARE ACCURATE AND COMPLETE.

(E) THE BOARD SHALL:

(1) ESTABLISH MINIMUM STANDARDS FOR 9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES THAT ENSURE IMPROVED ACCESS FOR INDIVIDUALS WITH DISABILITIES AND INDIVIDUALS WHO USE ASSISTIVE TECHNOLOGIES, INCLUDING MANDATORY CONNECTIVITY REQUIREMENTS FOR CORE SERVICE PROVIDERS FOR NEXT GENERATION 9-1-1 SERVICES TO DEVICE-BASED AND CLOUD-BASED DATA REPOSITORIES; AND

(2) UPDATE THE STANDARDS ADOPTED IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION BASED ON AVAILABLE TECHNOLOGY AND EQUIPMENT.

1-307.

(a) The Board shall submit an annual report to the Governor, the Secretary, and, subject to § 2-1246 of the State Government Article, the Legislative Policy Committee.

(b) The report shall provide the following information for each county:

(1) the type of 9-1-1 system currently operating in the county;

(2) the total 9-1-1 fee and additional charge charged;

- (3) the funding formula in effect;
- (4) any statutory or regulatory violation by the county and the response of the Board;
- (5) any efforts to establish an enhanced 9-1-1 system in the county; and
- (6) any suggested changes to this subtitle.

1-308.

(a) There is a 9-1-1 Trust Fund.

(b) **(1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO § 1-309.1 OF THIS SUBTITLE, THE purposes of the 9-1-1 Trust Fund are to:**

[(1)] (I) reimburse counties for the cost of enhancing a 9-1-1 system;

[(2)] (II) pay contractors in accordance with § 1-306(b)(12) of this subtitle;

and

[(3)] (III) fund the coordinator position and staff to handle the increased duties related to wireless enhanced 9-1-1 service under § 1-305 of this subtitle, as an administrative cost.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION AND BEGINNING JANUARY 1, 2020, IN ADDITION TO THE PURPOSES DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE PURPOSES OF THE 9-1-1 TRUST FUND INCLUDE:

(I) FUNDING THE OPERATION AND MAINTENANCE OF 9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES, INCLUDING:

1. EQUIPMENT AND SOFTWARE UTILIZED DIRECTLY FOR PROVIDING 9-1-1 SERVICES BY A PUBLIC SAFETY ANSWERING POINT;

2. PROTOCOL SYSTEMS AND SOFTWARE UTILIZED DIRECTLY FOR PROVIDING 9-1-1 SERVICES BY A PUBLIC SAFETY ANSWERING POINT;

3. INTERPRETATION SERVICES PROVIDED FOR A PUBLIC SAFETY ANSWERING POINT;

4. SERVICES PROVIDED FOR A PUBLIC SAFETY ANSWERING POINT TO ENSURE IMPROVED ACCESS TO INDIVIDUALS WITH DISABILITIES AND OTHER INDIVIDUALS WHO USE ASSISTIVE TECHNOLOGY; AND

5. VOICE, DATA, AND CALL LOG RECORDERS UTILIZED TO CAPTURE INFORMATION FROM 9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES;

(II) FUNDING THE OPERATION AND MAINTENANCE OF 9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES CONNECTIVITY AND INFRASTRUCTURE EQUIPMENT, INCLUDING:

1. AUTOMATIC NUMBER AND LOCATION IDENTIFICATION; AND

2. PRIMARY RATE INTERFACE AND SESSION INITIATION PROTOCOL TRUNKING FOR 10-DIGIT EMERGENCY AND NONEMERGENCY LINES;

(III) FUNDING GEOGRAPHICAL INFORMATION SYSTEMS HARDWARE, SOFTWARE, DATA DEVELOPMENT, AND DATA MANAGEMENT COSTS INCURRED FOR THE EFFECTIVE OPERATION OF 9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES, INCLUDING:

1. MAPPING EQUIPMENT;

2. INTERFACES TO COMPUTER-AIDED DISPATCH; AND

3. GEOGRAPHICAL INFORMATION SYSTEMS BASE LAYER DEVELOPMENT AND MANAGEMENT;

(IV) FUNDING PUBLIC SAFETY ANSWERING POINT FACILITIES COSTS, INCLUDING ACCESS CONTROL, SECURITY SYSTEMS, AND STANDBY POWER;

(V) FUNDING COSTS FOR PUBLIC EDUCATION MATERIALS;

(VI) FUNDING THE TRAINING OF COUNTY PERSONNEL WORKING IN OR DIRECTLY SUPPORTING A PUBLIC SAFETY ANSWERING POINT;

(VII) FUNDING THE PROVISION OF TUITION REIMBURSEMENT FOR 9-1-1 SPECIALISTS FOR EDUCATIONAL PROGRAMS RELATED TO THE 9-1-1 SPECIALIST CAREER FIELD; AND

(VIII) FUNDING COSTS TO MAINTAIN THE CYBERSECURITY OF 9-1-1 SYSTEMS, ENHANCED 9-1-1 SYSTEMS, AND NEXT GENERATION 9-1-1 SERVICES.

(3) FUNDING ALLOCATED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION MAY NOT BE UTILIZED FOR THE PAYMENT OF THE SALARY OF PUBLIC SAFETY ANSWERING POINT PERSONNEL OR COUNTY PERSONNEL.

(c) The 9-1-1 Trust Fund consists of:

(1) money from the 9-1-1 fee collected and remitted to the Comptroller under § 1-310 of this subtitle;

(2) money from the additional charge collected and remitted to the Comptroller under § 1-311 of this subtitle;

(3) money from the prepaid wireless E 9-1-1 fee collected and remitted to the Comptroller under § 1-313 of this subtitle; and

(4) investment earnings of the 9-1-1 Trust Fund.

(d) Money in the 9-1-1 Trust Fund shall be held in the State Treasury.

(e) The Secretary shall administer the 9-1-1 Trust Fund, subject to the guidelines for financial management and budgeting established by the Department of Budget and Management.

(f) The Secretary shall direct the Comptroller to establish separate accounts in the 9-1-1 Trust Fund for the payment of administrative expenses and for each county.

(g) (1) Any investment earnings shall be credited to the 9-1-1 Trust Fund.

(2) The Comptroller shall allocate the investment income among the accounts in the 9-1-1 Trust Fund, prorated on the basis of the total fees collected in each county.

1-309.

(a) On recommendation of the Board, each year the Secretary shall request an appropriation from the 9-1-1 Trust Fund in an amount sufficient to:

(1) carry out the purposes of this subtitle;

(2) pay the administrative costs chargeable to the 9-1-1 Trust Fund; and

(3) reimburse counties for the cost of enhancing a 9-1-1 system.

(b) (1) Subject to the limitations under subsection (e) of this section, the Comptroller shall disburse the money in the 9–1–1 Trust Fund as provided in this subsection.

(2) Each July 1, the Comptroller shall allocate sufficient money from the 9–1–1 fee to pay the costs of administering the 9–1–1 Trust Fund.

(3) As directed by the Secretary and in accordance with the State budget, the Comptroller, from the appropriate account, shall:

(i) reimburse counties for the cost of enhancing a 9–1–1 system;
[and]

(ii) pay contractors in accordance with § 1–306(b)(12) of this subtitle;
AND

(III) PAY THE COSTS ASSOCIATED WITH MAINTENANCE, OPERATIONS, AND PROGRAMS APPROVED BY THE BOARD IN ACCORDANCE WITH § 1–308(B) OF THIS SUBTITLE.

(4) (i) The Comptroller shall pay to each county from its account the money requested by the county to pay the maintenance and operation costs of the county’s 9–1–1 system in accordance with the State budget.

(ii) The Comptroller shall pay the money for maintenance and operation costs on September 30, December 31, March 31, and June 30 of each year.

(c) (1) Money accruing to the 9–1–1 Trust Fund may be used as provided in this subsection.

(2) Money collected from the 9–1–1 fee may be used **ONLY** to:

(I) PAY THE ADMINISTRATIVE COSTS CHARGEABLE TO THE 9–1–1 TRUST FUND;

[(i)] (II) reimburse counties for the cost of enhancing a 9–1–1 system; [and]

[(ii)] (III) pay contractors in accordance with § 1–306(b)(12) of this subtitle; AND

(IV) PAY THE COSTS ASSOCIATED WITH MAINTENANCE, OPERATIONS, AND PROGRAMS APPROVED BY THE BOARD IN ACCORDANCE WITH § 1–308(B) OF THIS SUBTITLE.

(3) Money collected from the additional charge may be used by the counties **ONLY** for the maintenance and operation costs of the 9-1-1 system.

(4) Money collected from the prepaid wireless E 9-1-1 fee [may] **SHALL** be used as follows:

(i) 25% for the same purpose as the 9-1-1 fee under paragraph (2) of this subsection; and

(ii) 75% for the same purpose as the additional charge under paragraph (3) of this subsection, prorated on the basis of the total fees collected in each county.

(d) (1) Reimbursement may be made only to the extent that county money was used to enhance the 9-1-1 system.

(2) Reimbursement for the enhancement of 9-1-1 systems shall include the installation of equipment for automatic number identification, automatic location identification, and other technological advancements that the Board requires.

(3) Reimbursement from money collected from the 9-1-1 fee may be used only for 9-1-1 system enhancements approved by the Board.

(e) (1) The Board may direct the Comptroller to withhold from a county money for 9-1-1 system expenditures if the county violates this subtitle or a regulation of the Board.

(2) (i) The Board shall state publicly in writing its reason for withholding money from a county and shall record its reason in the minutes of the Board.

(ii) On reaching its decision to withhold money, the Board shall notify the county.

(iii) The county has 30 days after the date of notification to respond in writing to the Board.

(3) (i) On notification by the Board, the Comptroller shall hold money for the county in the county's account in the 9-1-1 Trust Fund.

(ii) Money held by the Comptroller under subparagraph (i) of this paragraph does not accrue interest for the county.

(iii) Interest income earned on money held by the Comptroller under subparagraph (i) of this paragraph accrues to the 9-1-1 Trust Fund.

(4) County money withheld by the Comptroller shall be withheld until the Board directs the Comptroller to release the money.

(f) (1) The Legislative Auditor may conduct fiscal/compliance audits of the 9-1-1 Trust Fund and of the appropriations and disbursements made for purposes of this subtitle.

(2) The cost of the fiscal portion of the audits shall be paid from the 9-1-1 Trust Fund as an administrative cost.

1-309.1.

(A) IN CONSULTATION WITH THE MARYLAND CYBERSECURITY COUNCIL ESTABLISHED UNDER § 9-2901 OF THE STATE GOVERNMENT ARTICLE, THE BOARD SHALL ESTABLISH CYBERSECURITY STANDARDS FOR PUBLIC SAFETY ANSWERING POINTS BASED ON NATIONAL INDUSTRY AND 9-1-1 SYSTEM TRADE ASSOCIATION BEST PRACTICES, INCLUDING STANDARDS CONCERNING RESPONSE PROTOCOLS IN THE EVENT OF A CYBERSECURITY ATTACK ON A PUBLIC SAFETY ANSWERING POINT.

(B) AT LEAST ONCE EACH YEAR ON A DATE DETERMINED BY THE BOARD AND IN ADVANCE OF SUBMITTING A REQUEST FOR OR RECEIVING ANY MONEY FROM THE 9-1-1 TRUST FUND, THE DIRECTOR OF EACH PUBLIC SAFETY ANSWERING POINT SHALL EXAMINE THE CYBERSECURITY OF THE PUBLIC SAFETY ANSWERING POINT TO DETERMINE WHETHER THE CYBERSECURITY DEFENSES EMPLOYED BY THE PUBLIC SAFETY ANSWERING POINT SATISFY THE STANDARDS ESTABLISHED BY THE BOARD UNDER SUBSECTION (A) OF THIS SECTION AND SUBMIT TO THE BOARD A REPORT DETAILING THE RESULTS OF THAT EXERCISE.

(C) IF A DIRECTOR OF A PUBLIC SAFETY ANSWERING POINT FAILS TO SUBMIT A REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT AUTHORIZE ANY MONEY FROM THE 9-1-1 TRUST FUND TO BE PAID TO A COUNTY SERVICED BY THE PUBLIC SAFETY ANSWERING POINT UNTIL THAT REPORT HAS BEEN SUBMITTED.

1-310.

(a) This section does not apply to prepaid wireless telecommunications service.

(b) Each subscriber to ~~switch~~ **SWITCHED** local exchange access service or CMRS or other 9-1-1-accessible service shall pay a 9-1-1 fee.

(c) (1) **[The] SUBJECT TO PARAGRAPHS (2) THROUGH ~~(4)~~ (5) OF THIS SUBSECTION, THE 9-1-1 fee is [25] 50 cents per month FOR EACH ~~TELEPHONE SWITCHED LOCAL EXCHANGE ACCESS SERVICE, CMRS, OR OTHER~~**

9-1-1-ACCESSIBLE SERVICE PROVIDED, payable when the bill for [the telephone service or CMRS or other 9-1-1-accessible service] **THE SERVICE** is due.

(2) EXCEPT AS PROVIDED IN PARAGRAPHS (3) ~~AND (4)~~ THROUGH (5) OF THIS SUBSECTION, IF A SERVICE PROVIDER PROVISIONS TO THE SAME INDIVIDUAL OR PERSON THE VOICE CHANNEL CAPACITY TO MAKE MORE THAN ONE SIMULTANEOUS OUTBOUND CALL FROM ~~AN EXCHANGE ACCESS FACILITY~~ A 9-1-1-ACCESSIBLE SERVICE, EACH SEPARATE OUTBOUND CALL VOICE CHANNEL CAPACITY, REGARDLESS OF THE TECHNOLOGY, SHALL CONSTITUTE A SEPARATE ~~TELEPHONE~~ 9-1-1-ACCESSIBLE SERVICE FOR PURPOSES OF CALCULATING THE 9-1-1 FEE DUE UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) CMRS PROVIDED TO MULTIPLE DEVICES THAT SHARE A MOBILE TELEPHONE NUMBER SHALL BE TREATED AS A SINGLE 9-1-1-ACCESSIBLE SERVICE FOR PURPOSES OF CALCULATING THE 9-1-1 FEE DUE UNDER PARAGRAPH (1) OF THIS SUBSECTION.

~~(3)~~ (4) A BROADBAND CONNECTION NOT USED FOR TELEPHONE SERVICE MAY NOT CONSTITUTE A SEPARATE VOICE CHANNEL CAPACITY FOR PURPOSES OF CALCULATING THE 9-1-1 FEE DUE UNDER PARAGRAPH (1) OF THIS SUBSECTION.

~~(4)~~ (5) (I) FOR A TELEPHONE SERVICE THAT PROVIDES, TO MULTIPLE LOCATIONS, SHARED SIMULTANEOUS OUTBOUND VOICE CHANNEL CAPACITY CONFIGURED TO PROVIDE LOCAL DIAL IN DIFFERENT STATES, THE VOICE CHANNEL CAPACITY TO WHICH THE 9-1-1 FEE DUE UNDER PARAGRAPH (1) OF THIS SUBSECTION APPLIES IS ONLY THE PORTION OF THE SHARED VOICE CHANNEL CAPACITY IN THE STATE IDENTIFIED BY THE SERVICE SUPPLIER'S BOOKS AND RECORDS.

(II) IN DETERMINING THE PORTION OF SHARED CAPACITY IN THE STATE, A SERVICE SUPPLIER MAY RELY ON, AMONG OTHER FACTORS, A CUSTOMER'S CERTIFICATION OF THE CUSTOMER'S ALLOCATION OF CAPACITY IN THE STATE, WHICH MAY BE BASED ON:

- 1. EACH END USER LOCATION;**
- 2. THE TOTAL NUMBER OF END USERS; AND**
- 3. THE NUMBER OF END USERS AT EACH END USER LOCATION.**

(d) (1) The Public Service Commission shall direct each telephone company to add the 9-1-1 fee to all current bills rendered for switched local exchange access service in the State.

(2) Each telephone company:

(i) shall act as a collection agent for the 9-1-1 Trust Fund with respect to the 9-1-1 fees;

(ii) shall remit all money collected to the Comptroller on a monthly basis; and

(iii) is entitled to credit, against the money from the 9-1-1 fees to be remitted to the Comptroller, an amount equal to 0.75% of the 9-1-1 fees to cover the expenses of billing, collecting, and remitting the 9-1-1 fees and any additional charges.

(3) The Comptroller shall deposit the money remitted in the 9-1-1 Trust Fund.

(e) (1) Each 9-1-1 service carrier shall add the 9-1-1 fee to all current bills rendered for CMRS or other 9-1-1-accessible service in the State.

(2) Each 9-1-1 service carrier:

(i) shall act as a collection agent for the 9-1-1 Trust Fund with respect to the 9-1-1 fees;

(ii) shall remit all money collected to the Comptroller on a monthly basis; and

(iii) is entitled to credit, against the money from the 9-1-1 fees to be remitted to the Comptroller, an amount equal to 0.75% of the 9-1-1 fees to cover the expenses of billing, collecting, and remitting the 9-1-1 fees and any additional charges.

(3) The Comptroller shall deposit the money remitted in the 9-1-1 Trust Fund.

(4) The Board shall adopt procedures for auditing surcharge collection and remittance by CMRS providers.

(5) On request of a CMRS provider, and except as otherwise required by law, the information that the CMRS provider reports to the Board shall be confidential, privileged, and proprietary and may not be disclosed to any person other than the CMRS provider.

(f) Notwithstanding any other provision of this subtitle, the 9-1-1 fee does not apply to an intermediate service line used exclusively to connect a CMRS or other 9-1-1-accessible service, other than a switched local access service, to another telephone system or switching device.

(g) A CMRS provider that pays or collects 9-1-1 fees under this section has the same immunity from liability for transmission failures as that approved by the Public Service Commission for local exchange telephone companies that are subject to regulation by the Commission under the Public Utilities Article.

1-311.

(a) This section does not apply to prepaid wireless telecommunications service.

(b) In addition to the 9-1-1 fee, the governing body of each county, by ordinance or resolution enacted or adopted after a public hearing, may impose an additional charge to be added to all current bills rendered for switched local exchange access service or CMRS or other 9-1-1-accessible service in the county.

(c) (1) **[The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPHS (3) THROUGH ~~(5)~~ (6) OF THIS SUBSECTION, THE additional charge imposed by a county may not exceed 75 cents per month [per bill] FOR EACH ~~TELEPHONE~~ SWITCHED LOCAL EXCHANGE ACCESS SERVICE, CMRS, OR OTHER 9-1-1-ACCESSIBLE SERVICE PROVIDED.**

(2) IF REVENUES ATTRIBUTABLE TO THE ADDITIONAL CHARGE FOR A FISCAL YEAR DO NOT PROVIDE THE REVENUES NECESSARY TO COVER A COUNTY'S OPERATIONAL COSTS FOR THE 9-1-1 SYSTEM FOR THAT FISCAL YEAR, THE COUNTY MAY, FOR THE FOLLOWING FISCAL YEAR, IMPOSE AN ADDITIONAL CHARGE NOT EXCEEDING \$1.50 PER MONTH FOR EACH ~~TELEPHONE~~ SWITCHED LOCAL EXCHANGE ACCESS SERVICE, CMRS, OR OTHER 9-1-1-ACCESSIBLE SERVICE PROVIDED.

(3) EXCEPT AS PROVIDED IN PARAGRAPHS (4) ~~AND (5)~~ THROUGH (6) OF THIS SUBSECTION, IF A SERVICE PROVIDER PROVISIONS TO THE SAME INDIVIDUAL OR PERSON THE VOICE CHANNEL CAPACITY TO MAKE MORE THAN ONE SIMULTANEOUS OUTBOUND CALL FROM ~~AN EXCHANGE ACCESS FACILITY~~ A 9-1-1-ACCESSIBLE SERVICE, EACH SEPARATE OUTBOUND CALL VOICE CHANNEL CAPACITY, REGARDLESS OF THE TECHNOLOGY, SHALL CONSTITUTE A SEPARATE ~~TELEPHONE~~ 9-1-1-ACCESSIBLE SERVICE FOR PURPOSES OF CALCULATING THE ADDITIONAL CHARGES DUE UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

(4) CMRS PROVIDED TO MULTIPLE DEVICES THAT SHARE A MOBILE TELEPHONE NUMBER SHALL BE TREATED AS A SINGLE 9-1-1-ACCESSIBLE SERVICE FOR PURPOSES OF CALCULATING THE ADDITIONAL CHARGES DUE UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

~~(4)~~ **(5)** A BROADBAND CONNECTION NOT USED FOR TELEPHONE SERVICE MAY NOT CONSTITUTE A SEPARATE VOICE CHANNEL CAPACITY FOR PURPOSES OF CALCULATING THE ADDITIONAL CHARGES DUE UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

~~(5)~~ **(6)** (I) FOR A TELEPHONE SERVICE THAT PROVIDES, TO MULTIPLE LOCATIONS, SHARED SIMULTANEOUS OUTBOUND VOICE CHANNEL CAPACITY CONFIGURED TO PROVIDE LOCAL DIAL IN DIFFERENT STATES OR COUNTIES, THE VOICE CHANNEL CAPACITY TO WHICH THE 9-1-1 FEE DUE UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION APPLIES IS ONLY THE PORTION OF THE SHARED VOICE CHANNEL CAPACITY IN THE COUNTY IDENTIFIED BY THE SERVICE SUPPLIER'S BOOKS AND RECORDS.

(II) IN DETERMINING THE PORTION OF SHARED CAPACITY IN THE COUNTY, A SERVICE SUPPLIER MAY RELY ON, AMONG OTHER FACTORS, A CUSTOMER'S CERTIFICATION OF THE CUSTOMER'S ALLOCATION OF CAPACITY IN THE COUNTY, WHICH MAY BE BASED ON:

1. EACH END USER LOCATION;
2. THE TOTAL NUMBER OF END USERS; AND
3. THE NUMBER OF END USERS AT EACH END USER LOCATION.

~~[(2)]~~ ~~(6)~~ **(7)** The amount of the additional charges may not exceed a level necessary to cover the total eligible maintenance and operation costs of the county.

(d) The additional charge continues in effect until repealed or modified by a subsequent county ordinance or resolution.

(e) After imposing, repealing, or modifying an additional charge, the county shall certify the amount of the additional charge to the Public Service Commission.

(f) The Public Service Commission shall direct each telephone company that provides service in a county that imposed an additional charge to add, within 60 days, the full amount of the additional charge to all current bills rendered for switched local exchange access service in the county.

(g) Within 60 days after a county enacts or adopts an ordinance or resolution that imposes, repeals, or modifies an additional charge, each 9-1-1 service carrier that provides service in the county shall add the full amount of the additional charge to all current bills rendered for CMRS or other 9-1-1-accessible service in the county.

(h) (1) Each telephone company and each 9–1–1 service carrier shall:

(i) act as a collection agent for the 9–1–1 Trust Fund with respect to the additional charge imposed by each county;

(ii) collect the money from the additional charge on a county basis;
and

(iii) remit all money collected to the Comptroller on a monthly basis.

(2) The Comptroller shall deposit the money remitted in the 9–1–1 Trust Fund account maintained for the county that imposed the additional charge.

1–312.

(a) During each county's fiscal year, the county may spend the amounts distributed to it from 9–1–1 fee collections for the installation, enhancement, maintenance, and operation of a county or multicounty 9–1–1 system.

(b) Subject to the provisions of subsection (c) of this section, maintenance and operation costs may include telephone company charges, equipment costs, equipment lease charges, repairs, utilities, personnel costs, and appropriate carryover costs from previous years.

(c) During a year in which a county raises its local additional charge under § 1–311 of this subtitle, the county:

(1) may use 9–1–1 trust funds only to supplement levels of spending by the county for 9–1–1 maintenance or operations; and

(2) may not use 9–1–1 trust funds to supplant spending by the county for 9–1–1 maintenance or operations.

(d) The Board shall provide for an audit of each county's expenditures for the maintenance and operation of the county's 9–1–1 system.

(e) (1) For a county without an operational Phase II wireless enhanced 9–1–1 system within the time frames established by the Board under § 1–306(b)(6) of this subtitle, the Board shall adopt procedures, to take effect on or after January 1, 2006, to assure that:

(i) the money collected from the additional charge and distributed to the county is expended during the county's fiscal year as follows:

1. for a 9-1-1 system in a county or a multicounty area with a population of 100,000 individuals or less, a maximum of 85% may be spent for personnel costs; and

2. for a 9-1-1 system in a county or multicounty area with a population of over 100,000 individuals, a maximum of 70% may be spent for personnel costs; and

(ii) the total amount collected from the 9-1-1 fee and the additional charge shall be expended only for the installation, enhancement, maintenance, and operation of a county or multicounty system.

(2) The Board may grant an exception to the provisions of paragraph (1) of this subsection in extenuating circumstances.

(3) A county with an operational Phase II wireless enhanced 9-1-1 system is exempt from the provisions of paragraph (1) of this subsection.

1-315.

AN EMERGENCY SERVICES INTERNET PROTOCOL NETWORK PROVIDER AND A CORE SERVICE PROVIDER OF NEXT GENERATION 9-1-1 SERVICES HAVE THE SAME IMMUNITY FROM LIABILITY FOR TRANSMISSION FAILURES AS THAT APPROVED BY THE PUBLIC SERVICE COMMISSION FOR LOCAL EXCHANGE TELEPHONE COMPANIES, OR FOR A PROVIDER OF TELECOMMUNICATIONS SERVICES THROUGH EVOLVING TECHNOLOGY, THAT ARE SUBJECT TO REGULATION BY THE COMMISSION UNDER THE PUBLIC UTILITIES ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That, for State operating budgets beginning with fiscal 2020, the Governor shall provide a plan for repayment to the 9-1-1 Trust Fund any monies transferred from the 9-1-1 Trust Fund under budget reconciliation and financing legislation or by other means that would result in the use of the monies for a purpose other than the original intended use.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 30, 2019.