

SENATE BILL 61

E4, C5

EMERGENCY BILL
(PRE-FILED)

0lr1092
CF HB 6

By: **Senators Kagan and Reilly**

Requested: October 28, 2019

Introduced and read first time: January 8, 2020

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – 9–1–1 Fees – Audits**

3 FOR the purpose of requiring certain telephone companies and commercial mobile radio
4 service (CMRS) providers to keep records of 9–1–1 fees collected and remitted under
5 certain provisions of law for a certain period of time; altering the amount of and the
6 expenses for which certain telephone companies and CMRS providers are entitled to
7 receive a certain credit; requiring the Comptroller, in consultation with the
8 Emergency Number Systems Board, rather than the Board, to adopt procedures for
9 certain auditing surcharge collection and remittance; requiring that the procedures
10 be consistent with certain audit and appeal procedures; authorizing the Comptroller
11 to issue an administrative subpoena for a certain purpose; requiring the Comptroller
12 to develop and distribute certain informational materials; requiring that certain
13 information provided to the Comptroller be confidential, privileged, and proprietary;
14 establishing that the Comptroller is entitled to a certain percentage of the 9–1–1 fees
15 to cover certain audit expenses; requiring the Comptroller to submit a certain report
16 to the Board on or before a certain date each year; authorizing the Comptroller to
17 adopt certain regulations; making this Act an emergency measure; and generally
18 relating to audits of 9–1–1 fees.

19 BY repealing and reenacting, with amendments,
20 Article – Public Safety
21 Section 1–310
22 Annotated Code of Maryland
23 (2018 Replacement Volume and 2019 Supplement)

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

26 **Article – Public Safety**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1-310.

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

3 (b) Each subscriber to switched local exchange access service or CMRS or other
4 9-1-1-accessible service shall pay a 9-1-1 fee.

5 (c) (1) Subject to paragraphs (2) through (5) of this subsection, the 9-1-1 fee
6 is 50 cents per month for each switched local exchange access service, CMRS, or other
7 9-1-1-accessible service provided, payable when the bill for the service is due.

8 (2) Except as provided in paragraphs (3) through (5) of this subsection, if a
9 service provider provisions to the same individual or person the voice channel capacity to
10 make more than one simultaneous outbound call from a 9-1-1-accessible service, each
11 separate outbound call voice channel capacity, regardless of the technology, shall constitute
12 a separate 9-1-1-accessible service for purposes of calculating the 9-1-1 fee due under
13 paragraph (1) of this subsection.

14 (3) CMRS provided to multiple devices that share a mobile telephone
15 number shall be treated as a single 9-1-1-accessible service for purposes of calculating the
16 9-1-1 fee due under paragraph (1) of this subsection.

17 (4) A broadband connection not used for telephone service may not
18 constitute a separate voice channel capacity for purposes of calculating the 9-1-1 fee due
19 under paragraph (1) of this subsection.

20 (5) (i) For a telephone service that provides, to multiple locations,
21 shared simultaneous outbound voice channel capacity configured to provide local dial in
22 different states, the voice channel capacity to which the 9-1-1 fee due under paragraph (1)
23 of this subsection applies is only the portion of the shared voice channel capacity in the
24 State identified by the service supplier's books and records.

25 (ii) In determining the portion of shared capacity in the State, a
26 service supplier may rely on, among other factors, a customer's certification of the
27 customer's allocation of capacity in the State, which may be based on:

- 28 1. each end user location;
- 29 2. the total number of end users; and
- 30 3. the number of end users at each end user location.

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

34 (2) Each telephone company:

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

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

5 (III) SHALL KEEP RECORDS OF 9-1-1 FEES COLLECTED AND
6 REMITTED UNDER THIS PARAGRAPH FOR AT LEAST 4 YEARS AFTER THE FEE IS
7 REMITTED; AND

8 [(iii)] (IV) is entitled to credit, against the money from the 9-1-1 fees
9 to be remitted to the Comptroller, an amount equal to [0.75%] **0.50%** of the 9-1-1 fees to
10 cover the expenses of billing, collecting, [and] remitting, **AND KEEPING RECORDS OF** the
11 9-1-1 fees and any additional charges.

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

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

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

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

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

21 (III) SHALL KEEP RECORDS OF 9-1-1 FEES COLLECTED AND
22 REMITTED UNDER THIS PARAGRAPH FOR AT LEAST 4 YEARS AFTER THE FEE IS
23 REMITTED; AND

24 [(iii)] (IV) is entitled to credit, against the money from the 9-1-1 fees
25 to be remitted to the Comptroller, an amount equal to [0.75%] **0.50%** of the 9-1-1 fees to
26 cover the expenses of billing, collecting, [and] remitting, **AND KEEPING RECORDS OF** the
27 9-1-1 fees and any additional charges.

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

30 [(4)] (F) (1) The **COMPTROLLER, IN CONSULTATION WITH THE**
31 Board, shall adopt procedures for auditing surcharge collection and remittance by
32 **TELEPHONE COMPANIES AND CMRS providers OF 9-1-1 FEES.**

1 **(2) THE PROCEDURES ADOPTED UNDER PARAGRAPH (1) OF THIS**
2 **SUBSECTION SHALL BE CONSISTENT WITH THE AUDIT AND APPEAL PROCEDURES**
3 **ESTABLISHED FOR THE SALES AND USE TAX UNDER TITLES 11 AND 13 OF THE**
4 **TAX – GENERAL ARTICLE.**

5 **(3) THE COMPTROLLER MAY ISSUE AN ADMINISTRATIVE SUBPOENA**
6 **TO COMPEL COMPLIANCE WITH AN AUDIT CONDUCTED UNDER THIS SUBSECTION.**

7 **(4) THE COMPTROLLER SHALL DEVELOP AND DISTRIBUTE**
8 **INFORMATIONAL MATERIALS TO TELEPHONE COMPANIES AND CMRS PROVIDERS**
9 **REGARDING:**

10 **(I) PROPER COLLECTION AND REMITTANCE OF 9–1–1 FEES;**
11 **AND**

12 **(II) THE AUDIT PROCEDURES ADOPTED UNDER PARAGRAPH (1)**
13 **OF THIS SUBSECTION.**

14 **(5) On request of a TELEPHONE COMPANY OR CMRS provider, and except**
15 **as otherwise required by law, the information that the TELEPHONE COMPANY OR CMRS**
16 **provider reports to the [Board] COMPTROLLER shall be confidential, privileged, and**
17 **proprietary and may not be disclosed to any person other than the TELEPHONE COMPANY**
18 **OR CMRS provider.**

19 **(6) THE COMPTROLLER IS ENTITLED TO AN AMOUNT EQUAL TO 0.5%**
20 **OF THE 9–1–1 FEES TO COVER THE EXPENSES OF CONDUCTING AUDITS UNDER THIS**
21 **SUBSECTION.**

22 **(7) ON OR BEFORE DECEMBER 1 EACH YEAR, THE COMPTROLLER**
23 **SHALL SUBMIT AN ANNUAL REPORT TO THE BOARD DETAILING THE AUDITS**
24 **CONDUCTED DURING THE IMMEDIATELY PRECEDING YEAR AND THE OUTCOME OF**
25 **EACH AUDIT.**

26 **(8) THE COMPTROLLER MAY ADOPT REGULATIONS NECESSARY TO**
27 **CARRY OUT THE REQUIREMENTS OF THIS SUBSECTION.**

28 **[(f)] (G)** Notwithstanding any other provision of this subtitle, the 9–1–1 fee does
29 not apply to an intermediate service line used exclusively to connect a CMRS or other
30 9–1–1-accessible service, other than a switched local access service, to another telephone
31 system or switching device.

32 **[(g)] (H)** A CMRS provider that pays or collects 9–1–1 fees under this section has
33 the same immunity from liability for transmission failures as that approved by the Public

1 Service Commission for local exchange telephone companies that are subject to regulation
2 by the Commission under the Public Utilities Article.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
4 measure, is necessary for the immediate preservation of the public health or safety, has
5 been passed by a yea and nay vote supported by three-fifths of all the members elected to
6 each of the two Houses of the General Assembly, and shall take effect from the date it is
7 enacted.