

HOUSE BILL 727

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2002 Regular Session
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By: **Delegates McIntosh and Wood**

Introduced and read first time: February 6, 2002

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Emergency Telephone System - Wireless Enhanced 911 Service**

3 FOR the purpose of authorizing the establishment of wireless enhanced 911 service in
4 the State in accordance with certain orders; altering the membership of the
5 Emergency Number Systems Board; authorizing the Board to authorize certain
6 expenditures to commercial mobile radio service (CMRS) providers for certain
7 purposes; authorizing the Board to approve, reject, or modify a certain
8 implementation schedule for the deployment of wireless enhanced 911 service;
9 authorizing the Board to approve, reject, or modify and review an audit of
10 certain cost estimates submitted by CMRS providers in a certain manner;
11 creating the Committee on Wireless Enhanced 911 Service; providing for
12 membership of the Committee; requiring certain CMRS providers to submit
13 certain estimates and information to the Committee; requiring the Committee to
14 establish guidelines for the deployment of wireless enhanced 911 service, and to
15 develop an implementation schedule for the deployment of wireless enhanced
16 911 service; requiring the Committee to recommend certain cost estimates
17 provided by CMRS providers in a certain manner; requiring the Committee to
18 audit certain cost estimates submitted by CMRS providers; authorizing the
19 Department of Public Safety and Correctional Services to provide certain staff
20 support for the Committee; authorizing a member of the Committee to receive
21 reimbursement for certain expenses; providing that certain information is
22 confidential, privileged, and proprietary and may not be disclosed; providing for
23 the application of a certain fee to subscribers of certain commercial mobile radio
24 services, calculated in a certain manner, to cover certain costs; extending certain
25 immunity to certain providers of certain services; altering and adding certain
26 definitions; providing for the expiration of certain Board member terms; and
27 generally relating to establishment of wireless enhanced 911 service in the
28 State.

29 BY repealing and reenacting, with amendments,
30 Article 41 - Governor - Executive and Administrative Departments
31 Section 18-101(f), 18-103, 18-105, and 18-106
32 Annotated Code of Maryland
33 (1997 Replacement Volume and 2001 Supplement)

1 BY adding to
2 Article 41 - Governor - Executive and Administrative Departments
3 Section 18-103.1
4 Annotated Code of Maryland
5 (1997 Replacement Volume and 2001 Supplement)

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

8 **Article 41 - Governor - Executive and Administrative Departments**

9 18-101.

10 (f) In this subtitle, the following words and terms have the meanings
11 indicated:

12 (1) "County" means any of the 23 counties of Maryland and Baltimore
13 City.

14 (2) "Comptroller" means the Comptroller of the State Treasury.

15 (3) "Board" means the Emergency Number Systems Board.

16 (4) "Secretary" means the Secretary of the State Department of Public
17 Safety and Correctional Services.

18 (5) "911 system" means a telephone service which meets the planning
19 guidelines established pursuant to § 18-103 of this subtitle, and which automatically
20 connects a person dialing the digits 911 to an established public safety answering
21 point. 911 system includes equipment for connecting and outswitching 911 calls
22 within a telephone central office, trunking facilities from the central office to a public
23 safety answering point, and equipment to connect 911 calls to the appropriate public
24 safety agency.

25 (6) "Enhanced 911" means a 911 system that provides:

26 (i) Automatic number identification;

27 (ii) Automatic location identification; and

28 (iii) After July 1, 1995, other future technological advancements
29 that the Board may require.

30 (7) "Public safety answering point" means a communications facility
31 operated on a 24 hour basis which first receives 911 calls from persons in a 911
32 service area and which may, as appropriate, directly dispatch public safety services or
33 extend, transfer, or relay 911 calls to appropriate public safety agencies.

1 (8) "Public safety agency" means a functional division of a public agency
2 which provides fire fighting, police, medical, or other emergency services or a private
3 entity which provides such services on a voluntary basis.

4 (9) "County plan" means a plan for a 911 system or enhanced 911 system
5 or any amendment to the plan developed by a county or several counties together
6 under the provisions of §§ 18-103 and 18-104 of this subtitle.

7 (10) "911 Trust Fund" means the Fund established by § 18-105 of this
8 subtitle.

9 (11) "Multicounty" means two or more counties which are contiguous.

10 (12) "911 fee" means the fee imposed pursuant to § 18-105(b) of this
11 subtitle.

12 (13) "Additional charge" means the charge imposed by a county pursuant
13 to § 18-105(c) of this subtitle.

14 [(14) (i) "Wireless telephone service" means public telephone services
15 provided for two way voice or data communication which is transmitted independent
16 of switched local exchange access telephone service and which may in part be
17 transmitted via cable or wire as part of a larger telephone or cable system.

18 (ii) "Wireless telephone service" includes:

- 19 1. Cellular telephone service (cellular);
- 20 2. Personal communication service (PCS); and
- 21 3. Specialized mobile radio (SMR).

22 (iii) "Wireless telephone service" does not include any service that
23 cannot connect a person dialing the digits 911 to an established public safety
24 answering point under the 911 system.

25 (15) (14) "911-accessible service" means any telephone or other
26 communications service that connects a person dialing the digits 911 to an
27 established public safety answering point under the 911 system.

28 [(16) (15) (i) "911 service carrier" means any provider of [a wireless
29 telephone] CMRS service or other 911-accessible service.

30 (ii) "911 service carrier" does not include a telephone company.

31 (16) "COMMERCIAL MOBILE RADIO SERVICE" OR "CMRS" MEANS MOBILE
32 TELECOMMUNICATIONS SERVICE THAT IS:

33 (I) PROVIDED FOR PROFIT WITH THE INTENT OF RECEIVING
34 COMPENSATION OR MONETARY GAIN;

1 (II) AN INTERCONNECTED SERVICE; AND

2 (III) AVAILABLE TO THE PUBLIC.

3 (17) "COMMERCIAL MOBILE RADIO SERVICE PROVIDER" OR "CMRS
4 PROVIDER" MEANS A PERSON AUTHORIZED BY THE FEDERAL COMMUNICATIONS
5 COMMISSION TO PROVIDE CMRS IN THE STATE.

6 (18) "COMMITTEE" MEANS THE WIRELESS ENHANCED 911 COMMITTEE.

7 (19) (I) "CUSTOMER" MEANS:

8 1. THE PERSON THAT CONTRACTS WITH A HOME SERVICE
9 PROVIDER FOR CMRS; OR

10 2. THE END USER OF THE CMRS IF THE END USER OF THE
11 CMRS IS NOT THE CONTRACTING PARTY.

12 (II) "CUSTOMER" DOES NOT INCLUDE:

13 1. A RESELLER OF CMRS; OR

14 2. A SERVING CARRIER UNDER AN ARRANGEMENT TO SERVE
15 THE CUSTOMER OUTSIDE THE HOME SERVICE PROVIDER'S LICENSED SERVICE AREA.

16 (20) "FCC ORDER" MEANS AN ORDER ISSUED BY THE FEDERAL
17 COMMUNICATIONS COMMISSION UNDER PROCEEDINGS REGARDING THE
18 COMPATIBILITY OF ENHANCED 911 EMERGENCY CALLING SYSTEMS AND DELIVERY
19 OF WIRELESS ENHANCED 911 SERVICE.

20 (21) "HOME SERVICE PROVIDER" MEANS THE FACILITIES-BASED
21 CARRIER OR RESELLER THAT CONTRACTS WITH A CUSTOMER TO PROVIDE CMRS.

22 (22) "PLACE OF PRIMARY USE" MEANS THE STREET ADDRESS WHERE A
23 CUSTOMER PRIMARILY USES THE CMRS AND IS:

24 (I) THE RESIDENTIAL STREET ADDRESS OR THE PRIMARY
25 BUSINESS STREET ADDRESS OF THE CUSTOMER; AND

26 (II) IN THE LICENSED SERVICE AREA OF THE HOME SERVICE
27 PROVIDER.

28 (23) "WIRELESS ENHANCED 911 SERVICE" MEANS ENHANCED 911
29 SERVICE UNDER AN FCC ORDER.

30 18-103.

31 (a) There is an Emergency Number Systems Board in the Department of
32 Public Safety and Correctional Services.

1 (b) The Board has [13] 15 members appointed by the Governor with the
2 advice and consent of the Senate. The members of the Board serve for terms of 4 years
3 each and are as follows:

4 (1) One member representing a telephone utility company operating in
5 Maryland;

6 (2) One member representing the wireless telephone industry in
7 Maryland;

8 (3) One member representing the Maryland Institute for Emergency
9 Medical Services;

10 (4) One member representing the Department of State Police;

11 (5) One member representing the Maryland Public Service Commission;

12 (6) One member representing the Association of Public Safety
13 Communications Officers;

14 (7) Two members representing the county fire services in Maryland; one
15 shall represent the career fire services and one shall represent the volunteer fire
16 services;

17 (8) One member representing police services in Maryland;

18 (9) One member representing emergency management services; [and]

19 (10) ONE MEMBER REPRESENTING A COUNTY WITH A POPULATION OF
20 200,000 OR MORE;

21 (11) ONE MEMBER REPRESENTING A COUNTY WITH A POPULATION OF
22 LESS THAN 200,000; AND

23 (12) Three members representing the public at large.

24 (c) The Governor shall appoint a chairperson from among its membership.

25 (d) The Secretary shall provide staff services to the Emergency Number
26 Systems Board, which shall include a coordinator position [which is] responsible for
27 the daily operation of the office of the Board. The position of the coordinator shall be
28 funded from the 911 Trust Fund AS AN ADMINISTRATIVE COST.

29 (e) The Board shall serve without compensation except that members may be
30 reimbursed for travel expenses incurred for Board meetings under the Standard State
31 Travel Regulations, AS PROVIDED IN THE STATE BUDGET.

32 (f) (1) The terms of the members are staggered as required by the terms
33 provided for members of the Board on July 1, 1983. At the end of a term, a member
34 continues to serve until a successor is appointed.

1 (2) In the event that a vacancy on the Board occurs after a term has
2 begun, the Governor shall appoint a successor representing the organization or group
3 where the vacancy occurs who serves for the rest of the term and until a successor is
4 appointed.

5 (g) Meetings of the Board shall be convened as necessary, but not less than
6 once a quarter.

7 (h) The Board shall coordinate the enhancement of county 911 systems. The
8 following responsibilities shall be included in this coordination role:

9 (1) To establish planning guidelines for enhanced 911 system plans in
10 accordance with § 18-104. The guidelines shall be based upon available technology
11 and equipment and may be based upon other factors such as population and area
12 served by 911 systems as determined by the Board to be appropriate;

13 (2) To establish procedures to review and approve or disapprove county
14 or multicounty plans and to evaluate requests for variations from the established
15 guidelines;

16 (3) To establish criteria for the request for reimbursement of the costs of
17 enhancing a 911 system by any county or counties in which a 911 system is in
18 operation and for the procedures to review and approve or disapprove the request;

19 (4) To transmit the planning guidelines and the procedures established
20 in accordance with this section, and any amendments to those guidelines and
21 procedures, to the county executive and the county council or to the president of the
22 board of county commissioners in each county;

23 (5) To present annually to the Secretary a schedule for implementing the
24 enhancement of county or multicounty 911 systems and an estimate of funding
25 requirements based upon the approved county plans;

26 (6) To review and approve or disapprove requests for reimbursement of
27 the costs of enhancing 911 systems and to present to the Secretary annually a
28 schedule for reimbursement and an estimate of funding requirements;

29 (7) To review the enhancement of 911 systems;

30 (8) To audit county expenditures for the operation and maintenance of
31 911 systems;

32 (9) To ensure inspections of public safety answering points;

33 (10) To review and approve or disapprove requests from counties with
34 operational enhanced 911 systems to be exempted from the expenditure limitations
35 under the provisions of § 18-108(d) of this subtitle; [and]

36 (11) To authorize expenditures from the 911 Trust Fund that:

- 1 (i) Involve enhancements that:
- 2 1. Are required by the Board;
- 3 2. Will be provided to a county by a third party contractor;
- 4 and
- 5 3. Will incur costs that the Board has approved prior to the
- 6 formation of a contract between the county and the contractor; and
- 7 (ii) Are approved by the Board for payment:
- 8 1. From proceeds collected in accordance with the provisions
- 9 of § 18-105(b) of this subtitle; [and]
- 10 2. Directly to a third party contractor on behalf of a county;
- 11 AND
- 12 3. DIRECTLY TO A CMRS PROVIDER FOR RECURRING AND
- 13 NONRECURRING COSTS DIRECTLY RELATED TO THE DEPLOYMENT AND OPERATION
- 14 OF WIRELESS ENHANCED 911 SERVICE;
- 15 (12) (I) IN ACCORDANCE WITH § 18-103.1 OF THIS SUBTITLE, TO
- 16 APPROVE, REJECT, OR MODIFY:
- 17 1. THE IMPLEMENTATION SCHEDULE FOR WIRELESS
- 18 ENHANCED 911 SERVICE; AND
- 19 2. A CMRS PROVIDER'S COST ESTIMATE FOR WIRELESS
- 20 ENHANCED 911 SERVICE;
- 21 (II) TO REVIEW THE AUDIT OF A CMRS PROVIDER COST ESTIMATE
- 22 TO DETERMINE WHETHER AN OVERPAYMENT OR UNDERPAYMENT WAS MADE FROM
- 23 THE TRUST FUND TO THE CMRS PROVIDER; AND
- 24 (III) 1. SUBJECT TO PARAGRAPH (II) OF THIS SUBSECTION, TO
- 25 ADJUST THE FUNDS OF A SUBSEQUENT COST ESTIMATE APPROVED FOR PAYMENT
- 26 TO THE CMRS PROVIDER IN THE CASE OF AN UNDERPAYMENT; OR
- 27 2. REQUIRE A REFUND BY THE CMRS PROVIDER TO THE
- 28 TRUST FUND IN THE CASE OF AN OVERPAYMENT; AND
- 29 (13) IN ACCORDANCE WITH THE IMPLEMENTATION SCHEDULE
- 30 APPROVED UNDER PARAGRAPH (12) OF THIS SUBSECTION AND UNDER FCC ORDER,
- 31 TO ISSUE REQUESTS FOR WIRELESS ENHANCED 911 SERVICE TO A CMRS PROVIDER.
- 32 (i) (1) The Board may instruct the Comptroller to withhold funds provided
- 33 to a county for 911 system expenditures for any violation of:
- 34 (i) The provisions of this subtitle; or

1 (ii) A regulation of the Board.

2 (2) (i) The Board shall state publicly in writing its reason for
3 withholding the funds of a county and enter its reason in the minutes book of the
4 Board.

5 (ii) Upon reaching its decision, the Board shall notify the county.

6 (iii) The county shall have 30 days from the date of notification to
7 respond in writing to the Board.

8 (3) (i) Upon notification by the Board, the Comptroller shall hold
9 county funds for a county in that county's account within the 911 Trust Fund.

10 (ii) 1. Funds held by the Comptroller under the provisions of
11 subparagraph (i) of this paragraph shall not accrue interest for a county.

12 2. Interest income earned on funds held by the Comptroller
13 shall accrue to the 911 Trust Fund.

14 (4) County funds withheld by the Comptroller shall be held until the
15 Board directs the Comptroller to release the funds.

16 (j) The Board shall submit an annual report to the Governor, the Secretary,
17 and, subject to § 2-1246 of the State Government Article, the Legislative Policy
18 Committee. The report shall set forth the following information for each county:

19 (1) The type of 911 system currently operating;

20 (2) The total State and county fee charged;

21 (3) The funding formula in effect;

22 (4) Any statutory or regulatory violation by a county and the response of
23 the Board;

24 (5) Efforts to establish an enhanced 911 system; and

25 (6) Any suggested changes to this subtitle.

26 18-103.1.

27 (A) IN ADDITION TO THE RESPONSIBILITIES UNDER § 18-103 OF THIS
28 SUBTITLE, THE BOARD SHALL ESTABLISH A WIRELESS ENHANCED 911 COMMITTEE.

29 (B) THE COMMITTEE CONSISTS OF THE FOLLOWING 5 MEMBERS OF THE
30 BOARD:

31 (1) THE CHAIRMAN, WHO SHALL SERVE AS CHAIRMAN OF THE
32 COMMITTEE;

1 (2) THE MEMBER REPRESENTING THE DEPARTMENT OF STATE POLICE;

2 (3) THE MEMBER REPRESENTING THE MARYLAND INSTITUTE FOR
3 EMERGENCY MEDICAL SERVICES SYSTEMS;

4 (4) THE MEMBER REPRESENTING A COUNTY WITH A POPULATION OF
5 200,000 OR MORE; AND

6 (5) THE MEMBER REPRESENTING A COUNTY WITH A POPULATION OF
7 LESS THAN 200,000.

8 (C) ON AN ANNUAL BASIS, A DETERMINED BY THE COMMITTEE, A CMRS
9 PROVIDER SHALL SUBMIT TO THE COMMITTEE:

10 (1) AN ESTIMATE OF ITS COST OF DEPLOYING WIRELESS ENHANCED 911
11 SERVICE CALCULATED BASED ON THE THEN-CURRENT DEPLOYMENT OF WIRELESS
12 ENHANCED 911 SERVICE IN ALL AREAS OF THE STATE IN WHICH THE CMRS
13 PROVIDER PROVIDES WIRELESS SERVICE; AND

14 (2) VERIFICATION OF THE ESTIMATED AND ACTUAL COST OF WIRELESS
15 ENHANCED 911 SERVICE.

16 (D) THE COMMITTEE SHALL:

17 (1) ESTABLISH PLANNING GUIDELINES FOR THE DEPLOYMENT OF
18 WIRELESS ENHANCED 911 SERVICE;

19 (2) DEVELOP AN IMPLEMENTATION SCHEDULE FOR DEPLOYMENT OF
20 WIRELESS ENHANCED 911 SERVICE IN THE STATE;

21 (3) (I) RECOMMEND TO THE BOARD WHETHER TO APPROVE, REJECT,
22 OR MODIFY THE ESTIMATED COSTS THAT A CMRS PROVIDER SUBMITS UNDER
23 SUBSECTION (C)(1) OF THIS SECTION WITHIN 90 DAYS AFTER RECEIVING THE
24 ESTIMATED COST FROM THE CMRS PROVIDER; AND

25 (II) IF THE COMMITTEE RECOMMENDS THAT THE ESTIMATED COST
26 SHOULD BE REJECTED OR MODIFIED, THE COMMITTEE SHALL STATE ITS REASONS
27 FOR THE REJECTION OR SUGGESTED MODIFICATION IN WRITING TO THE CMRS
28 PROVIDER; AND

29 (4) CONDUCT AN ANNUAL AUDIT OF AN APPROVED COST ESTIMATE OF A
30 CMRS PROVIDER TO DETERMINE WHETHER THE COST ESTIMATE SUBMITTED
31 DURING THE PRECEDING YEAR WAS MORE OR LESS THAN THE ACTUAL COST OF THE
32 WIRELESS ENHANCED 911 SERVICE.

33 (E) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
34 SHALL PROVIDE STAFF SUPPORT FOR THE WIRELESS ENHANCED 911 COMMITTEE,
35 INCLUDING A COORDINATOR POSITION RESPONSIBLE FOR THE DAILY OPERATION OF
36 THE COMMITTEE. THE POSITION OF THE COORDINATOR SHALL BE FUNDED FROM
37 THE 911 TRUST FUND AS AN ADMINISTRATIVE COST.

1 (F) THE COMMITTEE SHALL SERVE WITHOUT COMPENSATION, EXCEPT THAT
2 MEMBERS MAY BE REIMBURSED FOR TRAVEL EXPENSES UNDER THE STANDARD
3 STATE TRAVEL REGULATIONS AS PROVIDED IN THE STATE BUDGET.

4 (G) ON REQUEST OF A CMRS PROVIDER, AND EXCEPT AS OTHERWISE
5 REQUIRED BY LAW, THE INFORMATION THAT THE CMRS PROVIDER REPORTS TO THE
6 COMMITTEE AND BOARD, INCLUDING VERIFICATION OF COSTS, SHALL BE
7 CONSIDERED CONFIDENTIAL, PRIVILEGED, AND PROPRIETARY, AND MAY NOT BE
8 DISCLOSED OR REDISCLOSED TO ANY PERSON OTHER THAN THE CMRS PROVIDER.

9 18-105.

10 (a) (1) There is a 911 Trust Fund created for the purpose of:

11 (i) Reimbursing the counties for enhancements to a 911 system;

12 and

13 (ii) Paying contractors AND CMRS PROVIDERS in accordance with
14 the provisions of § 18-103(h)(11) of this subtitle.

15 (2) Moneys in the 911 Trust Fund shall be held in the State Treasury.

16 (b) (1) (I) For purposes of this subtitle, there is a 911 fee to be paid by the
17 subscribers to switched local exchange access service[, wireless telephone service, or
18 other 911-accessible service]. THE 911 FEE SHALL BE APPLIED TO ALL CURRENT
19 TELEPHONE NUMBERS PROVIDED BY THE LOCAL EXCHANGE CARRIER. The 911 fee is
20 10 cents per month payable at the time when the bills for telephone service are due.

21 (II) FOR PURPOSES OF THIS SUBTITLE, THERE IS A 911 FEE TO BE
22 PAID BY SUBSCRIBERS TO A CMRS PROVIDER. THE FEE SHALL BE APPLIED TO ALL
23 CURRENT TELEPHONE NUMBERS PROVIDED BY THE HOME SERVICE PROVIDER AND
24 IS BASED ON THE PLACE OF PRIMARY USE. THE 911 FEE IS 35 CENTS PER MONTH
25 PAYABLE AT THE TIME WHEN THE BILLS FOR TELEPHONE SERVICE ARE DUE.

26 (2) The Public Service Commission shall direct the telephone companies
27 to add the 911 fee to all current bills rendered for switched local exchange access
28 service in the State. The telephone companies shall act as collection agents for the 911
29 Trust Fund with respect to the fee, and shall remit all proceeds to the Comptroller on
30 a monthly basis. The telephone companies shall be entitled to credit against the
31 proceeds of the 911 fee to be remitted an amount equal to 1 1/2 percent of the 911 fee
32 to cover the expenses of billing, collecting, and remitting the 911 fee and any
33 additional charges. The Comptroller shall deposit the funds in the 911 Trust Fund.

34 (3) The 911 service carriers shall add the 911 fee to all current bills
35 rendered for wireless telephone service or other 911-accessible service in the State.
36 The 911 service carriers shall act as collection agents for the 911 Trust Fund with
37 respect to the fee and shall remit all proceeds to the Comptroller on a monthly basis.
38 The 911 service carriers shall be entitled to credit against the proceeds of the 911 fee
39 to be remitted an amount equal to 1 1/2 percent of the 911 fee to cover the expenses of

1 billing, collecting, and remitting the 911 fee and any additional charges. The
2 Comptroller shall deposit the funds in the 911 Trust Fund.

3 (4) Notwithstanding the provisions of paragraph (3) of this subsection,
4 for calendar years 1996, 1997, and 1998 only, a 911 service carrier other than a
5 telephone company shall be entitled to credit against the proceeds of the 911 fee to be
6 remitted an amount equal to 2 1/2 percent of the 911 fee to cover the expenses of
7 billing, collecting, and remitting the 911 fee and any additional charges.

8 (c) (1) In addition to the 911 fee imposed by subsection (b) of this section,
9 the governing body of each county may by ordinance or resolution after public hearing
10 enact or adopt an additional charge not to exceed 50 cents per month to be applied to
11 all current [bills rendered] SUBSCRIBER TELEPHONE NUMBERS for switched local
12 exchange access service[, wireless telephone service, or other 911-accessible service]
13 OR CMRS within that county. The amount of the additional charge may not exceed a
14 level necessary to cover the total amount of eligible operation and maintenance costs
15 of the county.

16 (2) The additional charge shall continue in effect until repealed or
17 modified by a subsequent ordinance or resolution.

18 (3) (i) Upon adopting, repealing, or modifying an additional charge,
19 the county shall certify the amount of the additional charge to the Public Service
20 Commission which on 60 days' notice shall direct the telephone companies to add the
21 full amount of the additional charge to all current bills rendered for switched local
22 exchange access service in each county which imposed that additional charge.

23 (ii) Within 60 days of the enactment of a county ordinance or
24 resolution that adopts, repeals, or modifies an additional charge, all 911 service
25 carriers providing service within that county shall add the full amount of the
26 additional charge to all current bills rendered for [wireless telephone service or other
27 911-accessible service] CMRS in each county that imposed that additional charge.

28 (4) The telephone companies and 911 service carriers shall act as
29 collection agents for the 911 Trust Fund with respect to the additional charges
30 imposed by each county. Revenues from the additional charge shall be collected by the
31 telephone companies and 911 service carriers on a county basis and remitted monthly
32 to the Comptroller for deposit to the 911 Trust Fund account maintained for the
33 county which imposed the additional charge.

34 (d) Notwithstanding any other provision of this subtitle, the 911 fee
35 authorized under this subtitle does not apply to an intermediate service line used
36 exclusively to connect a [wireless telephone service or other 911-accessible service]
37 CMRS other than a switched local access service to another telephone system or
38 switching device.

39 (e) The Secretary shall administer the 911 Trust Fund subject to the
40 provisions for financial management and budgeting established by the Department of
41 Budget and Management. The Secretary shall cause the Comptroller to establish
42 separate accounts for the payment of administrative expenses and for each county

1 within the 911 Trust Fund. The income derived from investment of money in the
2 Fund shall accrue to the Fund and the Comptroller shall allocate investment income
3 among the accounts in the Fund prorated on the basis of the total fees collected in
4 each county.

5 (f) The Comptroller shall disburse the moneys in the 911 Trust Fund as
6 provided in this subsection, subject to the limitations under § 18-103(i) of this
7 subtitle.

8 (1) Each July 1, the Comptroller shall allocate sufficient revenues from
9 the 911 fee to pay the costs of administering the 911 Trust Fund as provided by law.

10 (2) As directed by the Secretary and as provided in the State budget, the
11 Comptroller shall pay from the appropriate account the costs of:

12 (i) Reimbursing the costs of enhancing a 911 system by a county or
13 several counties; and

14 (ii) Paying contractors AND CMRS PROVIDERS in accordance with
15 the provisions of § 18-103(h)(11) of this subtitle.

16 (3) If a 911 system is in operation in a county, the Comptroller shall pay
17 to that county from the account of that county the amount of moneys requested by the
18 county and as provided in the State budget to pay for the costs of maintaining and
19 operating the 911 system. The Comptroller shall pay the moneys for maintaining and
20 operating 911 systems on September 30, December 31, March 31, and June 30 of each
21 year.

22 (g) The Legislative Auditor shall conduct postaudits of a fiscal and compliance
23 nature of the 911 Trust Fund and of the appropriations and expenditures made for
24 purposes of this subtitle. The cost of the fiscal portion of the postaudit examination
25 shall be paid from the 911 Trust Fund as an administrative cost.

26 18-106.

27 (a) Nothing in this subtitle requires a public service company to provide any
28 equipment or service other than pursuant to tariffs approved by the Maryland Public
29 Service Commission. Furthermore, the furnishing of services, the rates, and the
30 extent of any liabilities of a public service company shall be governed by those tariffs
31 approved by the Maryland Public Service Commission.

32 (b) Nothing in this subtitle requires a 911 service carrier to provide any
33 equipment or service other than the equivalent of that required of telephone
34 companies under subsection (a) of this section. Furthermore, nothing in this subtitle
35 shall be interpreted to extend any liability to a 911 carrier.

36 (c) A [cellular telephone company or personal communication company]
37 CMRS PROVIDER that pays or collects 911 fees under § 18-105 of this subtitle shall
38 have the same immunity from liability for transmission failures as that approved by
39 the Public Service Commission for local exchange telephone companies that are

1 subject to the regulation of the Commission under the Public Utility Companies
2 Article.

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Public
4 Safety and Correctional Services shall report to the General Assembly on or before
5 December 1, 2006, in accordance with § 2-1246 of the State Government Article, on
6 the status of wireless enhanced 911 deployment and whether the 911 fee paid by
7 subscribers to a commercial mobile radio service provider under § 18-105(b)(1)(II) of
8 Article 41 of the Code, as enacted by this Act, should be adjusted based on future
9 estimated costs directly relating to the deployment and operation of the wireless
10 enhanced 911 system.

11 SECTION 3. AND BE IT FURTHER ENACTED, That the term of the member
12 of the Emergency Number Systems Board representing a county with a population of
13 200,000 or more and the term of the member of the Emergency Number Systems
14 Board representing a county with a population of less than 200,000 shall expire in
15 2006.

16 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 2002.