

HOUSE BILL 780

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E4

2003 Regular Session
(31r1856)

ENROLLED BILL

-- Health and Government Operations/Finance --

Introduced by Delegate Delegates McIntosh, Bates, Benson, Boutin, Bromwell, Costa, Donoghue, Elliott, Goldwater, Hammen, Haynes, Hubbard, Hurson, Mandel, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks, Pendergrass, Redmer, Rosenberg, Smigiel, and Weldon Stern, and Weldon

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of ~~authorizing~~ requiring the establishment of wireless enhanced 911
4 service in the State in accordance with certain orders; altering the membership
5 of the Emergency Number Systems Board; ~~authorizing the Board to authorize~~
6 ~~certain expenditures to commercial mobile radio service (CMRS) providers for~~
7 ~~certain purposes; requiring the Board to approve, reject, or modify a certain~~
8 ~~implementation schedule for the deployment of wireless enhanced 911 service;~~
9 ~~requiring the Board to approve, reject, or modify and review an audit of certain~~
10 ~~cost estimates submitted by CMRS providers in a certain manner; requiring~~
11 ~~certain CMRS providers to submit certain estimates and information to the~~
12 ~~Board;~~ requiring the Board to establish guidelines for the deployment of
13 wireless enhanced 911 service, and to develop, with input from counties, an

1 implementation schedule for the deployment of wireless enhanced 911 service;
 2 ~~requiring the Board to approve, reject, or modify certain cost estimates provided~~
 3 ~~by CMRS providers in a certain manner; requiring the Board to audit certain~~
 4 ~~cost estimates submitted by CMRS providers; authorizing the Department of~~
 5 ~~Public Safety and Correctional Services to provide certain staff support for the~~
 6 ~~Board; authorizing a member of the Board to receive reimbursement for certain~~
 7 ~~expenses; providing that certain information is confidential, privileged, and~~
 8 ~~proprietary and may not be disclosed; providing for the application of a certain~~
 9 ~~fee to subscribers of certain commercial mobile radio services, calculated in a~~
 10 ~~certain manner, to cover certain costs; limiting the number of subscriber fees~~
 11 ~~that may be charged per billing account altering a certain fee for 9-1-1~~
 12 ~~telephone service; requiring the Board to adopt certain procedures for a certain~~
 13 ~~audit; increasing a certain additional charge a county may impose; extending~~
 14 ~~certain immunity to certain providers of certain services; altering and adding~~
 15 ~~certain definitions; providing for the expiration of certain Board member terms;~~
 16 ~~providing for the effective date of certain provisions of this Act; providing for the~~
 17 ~~termination of certain provisions of this Act restricting the use of 9-1-1 trust~~
 18 ~~funds by counties to certain purposes; requiring the Board to establish certain~~
 19 ~~procedures to take effect on or after a certain date regarding the use of certain~~
 20 ~~money by certain counties; requiring the Department to submit a certain report;~~
 21 ~~requiring the Board to investigate the availability of certain funds, to submit a~~
 22 ~~certain report, and to make certain recommendations; requiring the Governor to~~
 23 ~~provide a certain plan; making certain provisions of this Act subject to a certain~~
 24 ~~contingency; and generally relating to establishment of wireless enhanced 911~~
 25 ~~service in the State.~~

26 ~~BY repealing and reenacting, with amendments,~~
 27 ~~Article 41 – Governor – Executive and Administrative Departments~~
 28 ~~Section 18-101(f), 18-103, 18-105, and 18-106~~
 29 ~~Annotated Code of Maryland~~
 30 ~~(1997 Replacement Volume and 2002 Supplement)~~

31 BY repealing and reenacting, with amendments,
 32 Article - Public Safety
 33 Section 1-301, 1-305, 1-306, and 1-308 through ~~1-311~~ 1-312
 34 Annotated Code of Maryland
 35 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
 36 2003)

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

Article 41 – Governor – Executive and Administrative Departments

2 ~~18-101.~~

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

5 (1) "~~County~~" means any of the 23 counties of Maryland and Baltimore
6 ~~City.~~

7 (2) "~~Comptroller~~" means the Comptroller of the State Treasury.

8 (3) "~~Board~~" means the Emergency Number Systems Board.

9 (4) "~~Secretary~~" means the Secretary of the State Department of Public
10 ~~Safety and Correctional Services.~~

11 (5) "~~911 system~~" means a telephone service which meets the planning
12 ~~guidelines established pursuant to § 18-103 of this subtitle, and which automatically~~
13 ~~connects a person dialing the digits 911 to an established public safety answering~~
14 ~~point. 911 system includes equipment for connecting and outswitching 911 calls~~
15 ~~within a telephone central office, trunking facilities from the central office to a public~~
16 ~~safety answering point, and equipment to connect 911 calls to the appropriate public~~
17 ~~safety agency.~~

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

19 (i) ~~Automatic number identification;~~

20 (ii) ~~Automatic location identification; and~~

21 (iii) ~~After July 1, 1995, other future technological advancements~~
22 ~~that the Board may require.~~

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

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

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

33 (10) "~~911 Trust Fund~~" means the Fund established by § 18-105 of this
34 ~~subtitle.~~

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

1 (12) "911 fee" means the fee imposed pursuant to § 18-105(b) of this
2 subtitle.

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

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

9 (ii) "Wireless telephone service" includes:

- 10 1. Cellular telephone service (cellular);
- 11 2. Personal communication service (PCS); and
- 12 3. Specialized mobile radio (SMR).

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

16 (15) "911 accessible service" means any telephone or other
17 communications service that connects a person dialing the digits 911 to an
18 established public safety answering point under the 911 system.

19 (16) (15) (i) "911 service carrier" means any provider of [a wireless
20 telephone] CMRS service or other 911 accessible service.

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

22 (16) "COMMERCIAL MOBILE RADIO SERVICE" OR "CMRS" MEANS MOBILE
23 TELECOMMUNICATIONS SERVICE THAT IS:

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

26 (II) AN INTERCONNECTED SERVICE; AND

27 (III) AVAILABLE TO THE PUBLIC.

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

31 (18) (I) "CUSTOMER" MEANS:

- 32 1. THE PERSON THAT CONTRACTS WITH A HOME SERVICE
33 PROVIDER FOR CMRS; OR

1 2. ~~THE END USER OF THE CMRS IF THE END USER OF THE~~
2 ~~CMRS IS NOT THE CONTRACTING PARTY.~~

3 (H) ~~"CUSTOMER" DOES NOT INCLUDE:~~

4 1. ~~A RESELLER OF CMRS; OR~~

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

7 (19) ~~"FCC ORDER" MEANS AN ORDER ISSUED BY THE FEDERAL~~
8 ~~COMMUNICATIONS COMMISSION UNDER PROCEEDINGS REGARDING THE~~
9 ~~COMPATIBILITY OF ENHANCED 911 SYSTEMS AND DELIVERY OF WIRELESS~~
10 ~~ENHANCED 911 SERVICE.~~

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

13 (21) ~~"NONRECURRING COSTS" MEANS ONETIME IMPLEMENTATION~~
14 ~~COSTS.~~

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

17 (I) ~~THE RESIDENTIAL STREET ADDRESS OR THE PRIMARY~~
18 ~~BUSINESS STREET ADDRESS OF THE CUSTOMER; AND~~

19 (II) ~~IN THE LICENSED SERVICE AREA OF THE HOME SERVICE~~
20 ~~PROVIDER.~~

21 (23) ~~"WIRELESS ENHANCED 911 SERVICE" MEANS ENHANCED 911~~
22 ~~SERVICE UNDER AN FCC ORDER.~~

23 ~~18-103.~~

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

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

29 (1) ~~One member representing a telephone utility company operating in~~
30 ~~Maryland;~~

31 (2) ~~One member representing the wireless telephone industry in~~
32 ~~Maryland;~~

33 (3) ~~One member representing the Maryland Institute for Emergency~~
34 ~~Medical Services;~~

- 1 (4) One member representing the Department of State Police;
- 2 (5) One member representing the Maryland Public Service Commission;
- 3 (6) One member representing the Association of Public Safety
4 Communications Officers;
- 5 (7) Two members representing the county fire services in Maryland; one
6 shall represent the career fire services and one shall represent the volunteer fire
7 services;
- 8 (8) One member representing police services in Maryland;
- 9 (9) One member representing emergency management services; [and]
- 10 (10) ONE MEMBER REPRESENTING A COUNTY WITH A POPULATION OF
11 200,000 OR MORE;
- 12 (11) ONE MEMBER REPRESENTING A COUNTY WITH A POPULATION OF
13 LESS THAN 200,000; AND
- 14 (12) Three members representing the public at large.
- 15 (e) The Governor shall appoint a chairperson from among its membership.
- 16 (d) The Secretary shall provide staff services to the Emergency Number
17 Systems Board, which shall include a coordinator position [which is] responsible for
18 the daily operation of the office of the Board. The position of the coordinator shall be
19 funded from the 911 Trust Fund AS AN ADMINISTRATIVE COST.
- 20 (e) The Board shall serve without compensation except that members may be
21 reimbursed for travel expenses incurred for Board meetings under the Standard State
22 Travel Regulations, AS PROVIDED IN THE STATE BUDGET.
- 23 (f) (1) The terms of the members are staggered as required by the terms
24 provided for members of the Board on July 1, 1983. At the end of a term, a member
25 continues to serve until a successor is appointed.
- 26 (2) In the event that a vacancy on the Board occurs after a term has
27 begun, the Governor shall appoint a successor representing the organization or group
28 where the vacancy occurs who serves for the rest of the term and until a successor is
29 appointed.
- 30 (g) Meetings of the Board shall be convened as necessary, but not less than
31 once a quarter.
- 32 (h) The Board shall coordinate the enhancement of county 911 systems. The
33 following responsibilities shall be included in this coordination role:
- 34 (1) To establish planning guidelines for enhanced 911 system plans in
35 accordance with § 18-104. The guidelines shall be based upon available technology

1 and equipment and may be based upon other factors such as population and area
2 served by 911 systems as determined by the Board to be appropriate;

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

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

9 (4) To transmit the planning guidelines and the procedures established
10 in accordance with this section, and any amendments to those guidelines and
11 procedures, to the county executive and the county council or to the president of the
12 board of county commissioners in each county;

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

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

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

20 (8) To audit county expenditures for the operation and maintenance of
21 911 systems;

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

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

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

27 (i) Involve enhancements that:

28 1. Are required by the Board;

29 2. Will be provided to a county by a third party contractor;

30 and

31 3. Will incur costs that the Board has approved prior to the
32 formation of a contract between the county and the contractor; and

33 (ii) Are approved by the Board for payment[:

34 1. From] FROM proceeds collected in accordance with the
35 provisions of § 18-105(b) of this subtitle[; and];

1 ~~[2.] 1. Directly to a third party contractor on behalf of a~~
 2 ~~county; OR~~

3 ~~2. DIRECTLY TO A CMRS PROVIDER FOR RECURRING AND~~
 4 ~~NONRECURRING COSTS DIRECTLY RELATED TO THE DEPLOYMENT AND OPERATION~~
 5 ~~OF WIRELESS ENHANCED 911 SERVICE; AND~~

6 ~~(12) (I) TO APPROVE, REJECT, OR MODIFY:~~

7 ~~1. THE IMPLEMENTATION SCHEDULE FOR WIRELESS~~
 8 ~~ENHANCED 911 SERVICE; AND~~

9 ~~2. A CMRS PROVIDER'S COST ESTIMATE FOR WIRELESS~~
 10 ~~ENHANCED 911 SERVICE;~~

11 ~~(II) TO REVIEW THE AUDIT OF A CMRS PROVIDER'S COST ESTIMATE~~
 12 ~~TO DETERMINE WHETHER AN OVERPAYMENT OR UNDERPAYMENT WAS MADE FROM~~
 13 ~~THE 911 TRUST FUND TO THE CMRS PROVIDER; AND~~

14 ~~(III) 1. TO ADJUST A SUBSEQUENT COST ESTIMATE APPROVED~~
 15 ~~FOR PAYMENT TO THE CMRS PROVIDER IF AN UNDERPAYMENT WAS MADE; AND~~

16 ~~2. TO REQUIRE A REFUND BY THE CMRS PROVIDER TO THE~~
 17 ~~911 TRUST FUND IF AN OVERPAYMENT WAS MADE.~~

18 ~~(i) (1) The Board may instruct the Comptroller to withhold funds provided~~
 19 ~~to a county for 911 system expenditures for any violation of:~~

20 ~~(i) The provisions of this subtitle; or~~

21 ~~(ii) A regulation of the Board.~~

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

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

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

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

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

32 ~~2. Interest income earned on funds held by the Comptroller~~
 33 ~~shall accrue to the 911 Trust Fund.~~

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

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

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

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

8 (3) The funding formula in effect;

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

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

12 (6) Any suggested changes to this subtitle.

13 (K) ON AN ANNUAL BASIS, AS DETERMINED BY THE BOARD, A CMRS PROVIDER
14 SHALL SUBMIT TO THE BOARD:

15 (1) AN ESTIMATE OF ITS COST OF DEPLOYING WIRELESS ENHANCED 911
16 SERVICE CALCULATED BASED ON THE CURRENT DEPLOYMENT OF WIRELESS
17 ENHANCED 911 SERVICE IN ALL AREAS OF THE STATE IN WHICH THE CMRS
18 PROVIDER PROVIDES WIRELESS SERVICE; AND

19 (2) VERIFICATION OF THE ESTIMATED AND ACTUAL COST OF WIRELESS
20 ENHANCED 911 SERVICE.

21 (L) (1) THE BOARD SHALL:

22 (I) ESTABLISH PLANNING GUIDELINES FOR THE DEPLOYMENT OF
23 WIRELESS ENHANCED 911 SERVICE;

24 (II) DEVELOP AN IMPLEMENTATION SCHEDULE FOR DEPLOYMENT
25 OF WIRELESS ENHANCED 911 SERVICE IN THE STATE;

26 (III) APPROVE, REJECT, OR MODIFY THE ESTIMATED COSTS THAT A
27 CMRS PROVIDER SUBMITS UNDER SUBSECTION (K)(1) OF THIS SECTION; AND

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

32 (2) THE BOARD MAY AUDIT SURCHARGE COLLECTION AND REMITTANCE
33 BY CMRS PROVIDERS.

1 ~~(M) (1) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL~~
 2 ~~SERVICES SHALL PROVIDE STAFF SUPPORT FOR THE BOARD TO HANDLE THE~~
 3 ~~INCREASED DUTIES RELATING TO WIRELESS ENHANCED 911.~~

4 ~~(2) STAFF SUPPORT SHALL BE FUNDED FROM THE 911 TRUST FUND AS~~
 5 ~~AN ADMINISTRATIVE COST.~~

6 ~~(N) ON REQUEST OF A CMRS PROVIDER, AND EXCEPT AS OTHERWISE~~
 7 ~~REQUIRED BY LAW, THE INFORMATION THAT THE CMRS PROVIDER REPORTS TO THE~~
 8 ~~BOARD, INCLUDING VERIFICATION OF COSTS, SHALL BE CONFIDENTIAL,~~
 9 ~~PRIVILEGED, AND PROPRIETARY AND MAY NOT BE DISCLOSED TO ANY PERSON~~
 10 ~~OTHER THAN THE CMRS PROVIDER.~~

11 ~~18-105.~~

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

13 ~~(i) Reimbursing the counties for enhancements to a 911 system;~~
 14 ~~and~~

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

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

18 ~~(b) (1) (I) For purposes of this subtitle, there is a 911 fee to be paid by the~~
 19 ~~subscribers to switched local exchange access service[, wireless telephone service, or~~
 20 ~~other 911 accessible service]. THE 911 FEE SHALL BE APPLIED TO ALL CURRENT~~
 21 ~~TELEPHONE NUMBERS PROVIDED BY THE LOCAL EXCHANGE CARRIER. The 911 fee is~~
 22 ~~10 cents per month payable at the time when the bills for telephone service are due.~~
 23 ~~A FEE MAY NOT BE IMPOSED ON MORE THAN 50 BUSINESS TELEPHONE EXCHANGE~~
 24 ~~LINES, INCLUDING PBX TRUNKS AND CENTREX LINES, PER CUSTOMER BILLING~~
 25 ~~ACCOUNT.~~

26 ~~(II) FOR PURPOSES OF THIS SUBTITLE, THERE IS A 911 FEE TO BE~~
 27 ~~PAID BY SUBSCRIBERS TO A CMRS PROVIDER. THE FEE SHALL BE APPLIED TO ALL~~
 28 ~~CURRENT TELEPHONE NUMBERS PROVIDED BY THE HOME SERVICE PROVIDER AND~~
 29 ~~IS BASED ON THE PLACE OF PRIMARY USE. THE 911 FEE IS 35 CENTS PER MONTH~~
 30 ~~PAYABLE AT THE TIME WHEN THE BILLS FOR TELEPHONE SERVICE ARE DUE. A FEE~~
 31 ~~MAY NOT BE IMPOSED ON MORE THAN 50 CMRS EXCHANGE LINES PER CUSTOMER~~
 32 ~~BILLING ACCOUNT.~~

33 ~~(III) THE 911 FEE MAY NOT BE ASSESSED AGAINST~~
 34 ~~INSTRUMENTALITIES OF A LOCAL GOVERNMENT OR THE STATE OR FEDERAL~~
 35 ~~GOVERNMENT.~~

36 ~~(2) The Public Service Commission shall direct the telephone companies~~
 37 ~~to add the 911 fee to all current bills rendered for switched local exchange access~~
 38 ~~service in the State. The telephone companies shall act as collection agents for the 911~~
 39 ~~Trust Fund with respect to the fee, and shall remit all proceeds to the Comptroller on~~

1 a monthly basis. The telephone companies shall be entitled to credit against the
2 proceeds of the 911 fee to be remitted an amount equal to 0.75 percent of the 911 fee
3 to cover the expenses of billing, collecting, and remitting the 911 fee and any
4 additional charges. The Comptroller shall deposit the funds in the 911 Trust Fund.

5 (3) The 911 service carriers shall add the 911 fee to all current bills
6 rendered for wireless telephone service or other 911-accessible service in the State.
7 The 911 service carriers shall act as collection agents for the 911 Trust Fund with
8 respect to the fee and shall remit all proceeds to the Comptroller on a monthly basis.
9 The 911 service carriers shall be entitled to credit against the proceeds of the 911 fee
10 to be remitted an amount equal to 0.75 percent of the 911 fee to cover the expenses of
11 billing, collecting, and remitting the 911 fee and any additional charges. The
12 Comptroller shall deposit the funds in the 911 Trust Fund.

13 (e) (1) ~~THE BOARD MAY AUDIT OR REQUIRE A LOCAL EXCHANGE CARRIER~~
14 ~~OR CMRS PROVIDER TO SUBMIT AN INDEPENDENT AUDIT OF 911 FEES,~~
15 ~~COLLECTIONS, AND REMITTANCES.~~

16 (2) In addition to the 911 fee imposed by subsection (b) of this section,
17 the governing body of each county may by ordinance or resolution after public hearing
18 enact or adopt an additional charge not to exceed 50 cents per month to be applied to
19 all current ~~[bills rendered]~~ SUBSCRIBER TELEPHONE NUMBERS for switched local
20 exchange access service~~], wireless telephone service, or other 911-accessible service]~~
21 OR CMRS within that county. The amount of the additional charge may not exceed a
22 level necessary to cover the total amount of eligible operation and maintenance costs
23 of the county.

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

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

31 (ii) Within 60 days of the enactment of a county ordinance or
32 resolution that adopts, repeals, or modifies an additional charge, all 911 service
33 carriers providing service within that county shall add the full amount of the
34 additional charge to all current bills rendered for ~~[wireless telephone service or other~~
35 ~~911-accessible service]~~ CMRS in each county that imposed that additional charge.

36 (4) The telephone companies and 911 service carriers shall act as
37 collection agents for the 911 Trust Fund with respect to the additional charges
38 imposed by each county. Revenues from the additional charge shall be collected by the
39 telephone companies and 911 service carriers on a county basis and remitted monthly
40 to the Comptroller for deposit to the 911 Trust Fund account maintained for the
41 county which imposed the additional charge.

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

6 (e) The Secretary shall administer the 911 Trust Fund subject to the
7 provisions for financial management and budgeting established by the Department of
8 Budget and Management. The Secretary shall cause the Comptroller to establish
9 separate accounts for the payment of administrative expenses and for each county
10 within the 911 Trust Fund. The income derived from investment of money in the
11 Fund shall accrue to the Fund and the Comptroller shall allocate investment income
12 among the accounts in the Fund prorated on the basis of the total fees collected in
13 each county.

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

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

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

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

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

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

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

35 18-106.

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

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

5 (e) A [cellular telephone company or personal communication company]
 6 CMRS PROVIDER that pays or collects 911 fees under § 18-105 of this subtitle shall
 7 have the same immunity from liability for transmission failures as that approved by
 8 the Public Service Commission for local exchange telephone companies that are
 9 subject to the regulation of the Commission under the Public Utility Companies
 10 Article.

11 (D) A CMRS PROVIDER MAY NOT USE ANY EQUIPMENT OR TECHNOLOGY
 12 PROCURED USING MONEY FROM THE 911 TRUST FUND FOR ANY PURPOSE, OTHER
 13 THAN THOSE AUTHORIZED BY THIS SUBTITLE, WITHOUT THE WRITTEN CONSENT OF
 14 THE BOARD.

15 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 16 read as follows:

17 Article - Public Safety

18 1-301.

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

20 (b) "Additional charge" means the charge imposed by a county in accordance
 21 with § 1-311 of this subtitle.

22 (c) "Board" means the Emergency Number Systems Board.

23 (D) "COMMERCIAL MOBILE RADIO SERVICE" OR "CMRS" MEANS MOBILE
 24 TELECOMMUNICATIONS SERVICE THAT IS:

25 (1) PROVIDED FOR PROFIT WITH THE INTENT OF RECEIVING
 26 COMPENSATION OR MONETARY GAIN;

27 (2) AN INTERCONNECTED, TWO-WAY VOICE SERVICE; AND

28 (3) AVAILABLE TO THE PUBLIC.

29 (E) "COMMERCIAL MOBILE RADIO SERVICE PROVIDER" OR "CMRS PROVIDER"
 30 MEANS A PERSON AUTHORIZED BY THE FEDERAL COMMUNICATIONS COMMISSION
 31 TO PROVIDE CMRS IN THE STATE.

32 [(d)] (F) "County plan" means a plan for a 9-1-1 system or enhanced 9-1-1
 33 system, or an amendment to the plan, developed by a county or several counties
 34 together under this subtitle.

35 (G) (1) "CUSTOMER" MEANS:

1 (I) THE PERSON THAT CONTRACTS WITH A HOME SERVICE
2 PROVIDER FOR CMRS; OR

3 (II) THE END USER OF THE CMRS IF THE END USER OF THE CMRS IS
4 NOT THE CONTRACTING PARTY.

5 (2) ~~CUSTOMER~~ "CUSTOMER" DOES NOT INCLUDE:

6 (I) A RESELLER OF CMRS; OR

7 (II) A SERVING CARRIER UNDER AN ARRANGEMENT TO SERVE THE
8 CUSTOMER OUTSIDE THE HOME SERVICE PROVIDER'S LICENSED SERVICE AREA.

9 [(e)] (H) "Enhanced 9-1-1 system" means a 9-1-1 system that provides:

10 (1) automatic number identification;

11 (2) automatic location identification; and

12 (3) any other technological advancements that the Board requires.

13 (I) "FCC ORDER" MEANS AN ORDER ISSUED BY THE FEDERAL
14 COMMUNICATIONS COMMISSION UNDER PROCEEDINGS REGARDING THE
15 COMPATIBILITY OF ENHANCED 9-1-1 SYSTEMS AND DELIVERY OF WIRELESS
16 ENHANCED 9-1-1 SERVICE.

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

19 [(f)] (K) "9-1-1-accessible service" means telephone service or another
20 communications service that connects an individual dialing the digits 9-1-1 to an
21 established public safety answering point.

22 [(g)] (L) "9-1-1 fee" means the fee imposed in accordance with § 1-310 of this
23 subtitle.

24 [(h)] (M) (1) "9-1-1 service carrier" means a provider of [wireless telephone
25 service] CMRS or other 9-1-1-accessible service.

26 (2) "9-1-1 service carrier" does not include a telephone company.

27 [(i)] (N) (1) "9-1-1 system" means telephone service that:

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

29 and

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

32 (2) "9-1-1 system" includes:

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

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

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

7 [(j)] (O) "9-1-1 Trust Fund" means the Fund established under § 1-308 of
8 this subtitle.

9 ~~(P)~~ "NONRECURRING COSTS" MEANS ONETIME IMPLEMENTATION COSTS.

10 ~~(Q)~~ "PLACE OF PRIMARY USE" MEANS THE STREET ADDRESS WHERE A
11 CUSTOMER PRIMARILY USES THE CMRS AND IS:

12 ~~(1)~~ THE RESIDENTIAL STREET ADDRESS OR THE PRIMARY BUSINESS
13 STREET ADDRESS OF THE CUSTOMER; AND

14 ~~(2)~~ IN THE LICENSED SERVICE AREA OF THE HOME SERVICE PROVIDER.

15 [(k)] ~~(R)~~ (P) "Public safety agency" means:

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

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

20 [(l)] ~~(S)~~ (Q) "Public safety answering point" means a communications
21 facility that:

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

23 (2) first receives 9-1-1 calls in a 9-1-1 service area; and

24 (3) as appropriate, dispatches public safety services directly, or transfers
25 9-1-1 calls to appropriate public safety agencies.

26 [(m)] ~~(T)~~ (R) "Secretary" means the Secretary of Public Safety and
27 Correctional Services.

28 ~~(U)~~ (S) "WIRELESS ENHANCED 9-1-1 SERVICE" MEANS ENHANCED 9-1-1
29 SERVICE UNDER AN FCC ORDER.

30 [(n)] (1) "Wireless telephone service" means public telephone service that:

31 (i) is provided for two way voice or data communication;

1 (ii) is transmitted independently of switched local exchange access
2 telephone service; and

3 (iii) may be transmitted partly via cable or wire as part of a larger
4 telephone or cable system.

5 (2) "Wireless telephone service" includes:

6 (i) cellular telephone service (cellular);

7 (ii) personal communication service (PCS); and

8 (iii) specialized mobile radio (SMR).

9 (3) "Wireless telephone service" does not include service that cannot
10 connect an individual dialing the digits 9-1-1 to an established public safety
11 answering point.]

12 1-305.

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

15 (b) (1) The Board consists of [13] 15 members.

16 (2) Of the [13] 15 members:

17 (i) one member shall represent a telephone company operating in
18 the State;

19 (ii) one member shall represent the wireless telephone industry in
20 the State;

21 (iii) one member shall represent the Maryland Institute for
22 Emergency Medical Services Systems;

23 (iv) one member shall represent the Department of State Police;

24 (v) one member shall represent the Public Service Commission;

25 (vi) one member shall represent the Association of Public-Safety
26 Communications Officials International, Inc.;

27 (vii) two members shall represent county fire services in the State,
28 with one member representing career fire services and one member representing
29 volunteer fire services;

30 (viii) one member shall represent police services in the State;

31 (ix) one member shall represent emergency management services in
32 the State; [and]

1 (X) ONE MEMBER SHALL REPRESENT A COUNTY WITH A
2 POPULATION OF 200,000 OR MORE;

3 (XI) ONE MEMBER SHALL REPRESENT A COUNTY WITH A
4 POPULATION OF LESS THAN 200,000; ~~AND~~

5 (XII) ONE MEMBER SHALL REPRESENT THE MARYLAND CHAPTER OF
6 THE NATIONAL EMERGENCY NUMBERS ASSOCIATION; AND

7 [(x)] ~~(XII)~~ (XIII) ~~three~~ TWO members shall represent the public.

8 (3) The Governor shall appoint the members with the advice and consent
9 of the Senate.

10 (c) (1) The term of a member is 4 years and begins on July 1.

11 (2) The terms of the members are staggered as required by the terms
12 provided for members of the Board on October 1, 2003.

13 (3) At the end of a term, a member continues to serve until a successor is
14 appointed and qualifies.

15 (4) If a vacancy occurs after a term has begun, the Governor shall
16 appoint a successor to represent the organization or group in which the vacancy
17 occurs.

18 (5) A member who is appointed after a term has begun serves only for
19 the rest of the term and until a successor is appointed and qualifies.

20 (d) The Governor shall appoint a chairperson from among the Board
21 members.

22 (e) The Board shall meet as necessary, but at least once each quarter.

23 (f) A member of the Board:

24 (1) may not receive compensation as a member of the Board; but

25 (2) is entitled to reimbursement for expenses under the Standard State
26 Travel Regulations, as provided in the State budget.

27 (g) The Secretary shall provide staff to the Board, including:

28 (1) a coordinator who is responsible for the daily operation of the office of
29 the Board; AND

30 (2) STAFF TO HANDLE THE INCREASED DUTIES RELATED TO WIRELESS
31 ENHANCED 9-1-1 SERVICE.

1 1-306.

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

3 (b) The Board's responsibilities include:

4 (1) establishing planning guidelines for enhanced 9-1-1 system plans
5 AND DEPLOYMENT OF WIRELESS ENHANCED 9-1-1 SERVICE in accordance with this
6 subtitle;

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

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

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

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

19 (6) DEVELOPING, WITH INPUT FROM COUNTIES, AND PUBLISHING ON
20 OR BEFORE JULY 1, 2004, AN IMPLEMENTATION SCHEDULE FOR DEPLOYMENT OF
21 WIRELESS ENHANCED 9-1-1 SERVICE;

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

25 [(7)] (8) reviewing the enhancement of 9-1-1 systems;

26 [(8)] (9) providing for an audit of county expenditures for the operation
27 and maintenance of 9-1-1 systems;

28 [(9)] (10) ensuring inspections of public safety answering points;

29 [(10)] (11) reviewing and approving or disapproving requests from
30 counties with operational enhanced 9-1-1 systems to be exempted from the
31 expenditure limitations under § 1-312 of this subtitle; {and}

32 [(11)] (12) authorizing expenditures from the 9-1-1 Trust Fund that:

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

34 1. are required by the Board;

1 2. will be provided to a county by a third party contractor;

2 and

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

5 (ii) are approved by the Board for payment~~};~~

6 1.~~};~~ from money collected under § 1-310 of this subtitle~~};~~

7 and~~};~~:

8 {2.~~};~~ 4. directly to a third party contractor on behalf of a
9 county;~~OR~~

10 2. ~~DIRECTLY TO A CMRS PROVIDER FOR RECURRING AND~~
11 ~~NONRECURRING COSTS DIRECTLY RELATED TO THE DEPLOYMENT AND OPERATION~~
12 ~~OF WIRELESS ENHANCED 9-1-1 SERVICE;~~

13 (13) ~~APPROVING, REJECTING, OR MODIFYING:~~

14 (I) ~~THE IMPLEMENTATION SCHEDULE FOR WIRELESS ENHANCED~~
15 ~~9-1-1 SERVICE; AND~~

16 (II) ~~A CMRS PROVIDER'S COST ESTIMATE FOR WIRELESS~~
17 ~~ENHANCED 9-1-1 SERVICE, SUBMITTED UNDER SUBSECTION (D) OF THIS SECTION;~~

18 (14) ~~CONDUCTING AN ANNUAL AUDIT OF AN APPROVED ESTIMATE OF A~~
19 ~~CMRS PROVIDER TO DETERMINE WHETHER THE COST ESTIMATE SUBMITTED~~
20 ~~DURING THE PRECEDING YEAR WAS MORE OR LESS THAN THE ACTUAL COST OF THE~~
21 ~~WIRELESS ENHANCED 9-1-1 SERVICE; AND~~

22 (15) ~~DETERMINING WHETHER AN OVERPAYMENT OR UNDERPAYMENT~~
23 ~~WAS MADE FROM THE 9-1-1 TRUST FUND TO THE CMRS PROVIDER;~~

24 (I) ~~ADJUSTING A SUBSEQUENT COST ESTIMATE APPROVED FOR~~
25 ~~PAYMENT TO A CMRS PROVIDER IF AN UNDERPAYMENT WAS MADE; AND~~

26 (II) ~~REQUIRING A REFUND BY A CMRS PROVIDER TO THE 9-1-1~~
27 ~~TRUST FUND IF AN OVERPAYMENT WAS MADE.~~

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

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

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

33 (D) (I) ~~ANNUALLY, ACCORDING TO A SCHEDULE DETERMINED BY THE~~
34 ~~BOARD, A CMRS PROVIDER SHALL SUBMIT TO THE BOARD;~~

1 (4) ~~AN ESTIMATE OF ITS COST OF DEPLOYING WIRELESS~~
 2 ~~ENHANCED 9-1-1 SERVICE BASED ON THE CURRENT DEPLOYMENT OF WIRELESS~~
 3 ~~ENHANCED 9-1-1 SERVICE IN ALL AREAS OF THE STATE WHERE THE CMRS~~
 4 ~~PROVIDER PROVIDED CMRS; AND~~

5 (4) ~~VERIFICATION OF THE ESTIMATED AND ACTUAL COST OF~~
 6 ~~WIRELESS ENHANCED 9-1-1 SERVICE.~~

7 (2) ~~EXCEPT AS OTHERWISE REQUIRED BY LAW, ON REQUEST OF A CMRS~~
 8 ~~PROVIDER, THE INFORMATION THAT A CMRS PROVIDER REPORTS TO THE BOARD,~~
 9 ~~INCLUDING VERIFICATION OF COSTS, SHALL BE CONFIDENTIAL, PRIVILEGED, AND~~
 10 ~~PROPRIETARY AND MAY NOT BE DISCLOSED TO ANY PERSON OTHER THAN THE CMRS~~
 11 ~~PROVIDER.~~

12 1-308.

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

14 (b) The purposes of the 9-1-1 Trust Fund are to:

15 (1) reimburse counties for the cost of enhancing a 9-1-1 system;

16 (2) pay contractors ~~AND CMRS PROVIDERS~~ in accordance with [§
 17 1-306(b)(11)] § 1-306(B)(12) of this subtitle; and

18 (3) fund the coordinator position ~~AND STAFF TO HANDLE THE~~
 19 ~~INCREASED DUTIES RELATED TO WIRELESS ENHANCED 9-1-1 SERVICE~~ under §
 20 1-305 of this subtitle, ~~AS AN ADMINISTRATIVE COST.~~

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

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

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

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

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

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

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

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

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

4 ~~(H) A CMRS PROVIDER MAY NOT USE ANY EQUIPMENT OR TECHNOLOGY~~
5 ~~PROCURED USING MONEY FROM THE 9-1-1 TRUST FUND FOR ANY PURPOSE, OTHER~~
6 ~~THAN THOSE AUTHORIZED BY THIS SUBTITLE, WITHOUT THE WRITTEN CONSENT OF~~
7 ~~THE BOARD.~~

8 1-309.

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

- 11 (1) carry out the purposes of this subtitle;
- 12 (2) pay the administrative costs chargeable to the 9-1-1 Trust Fund; and
- 13 (3) reimburse counties for the cost of enhancing a 9-1-1 system.

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

17 (2) Each July 1, the Comptroller shall allocate sufficient money from the
18 9-1-1 fee to pay the costs of administering the 9-1-1 Trust Fund.

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

21 (i) reimburse counties for the cost of enhancing a 9-1-1 system;
22 and

23 (ii) pay contractors ~~AND CMRS PROVIDERS~~ in accordance with [§
24 1-306(b)(11)] § 1-306(B)(12) of this subtitle.

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

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

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

32 (2) Money collected from the 9-1-1 fee may be used to:

33 (i) reimburse counties for the cost of enhancing a 9-1-1 system;
34 and

1 (ii) pay contractors ~~AND CMRS PROVIDERS~~ in accordance with [§
2 1-306(b)(11)] § 1-306(B)(12) of this subtitle.

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

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

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

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

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

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

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

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

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

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

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

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

30 (f) (1) The Legislative Auditor shall conduct fiscal/compliance audits of the
31 9-1-1 Trust Fund and of the appropriations and disbursements made for purposes of
32 this subtitle.

33 (2) The cost of the fiscal portion of the audits shall be paid from the
34 9-1-1 Trust Fund as an administrative cost.

1 1-310.

2 (a) (1) ~~[Each] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS~~
 3 ~~SUBSECTION, EACH subscriber to switched local exchange access service OR CMRS[,~~
 4 ~~wireless telephone service, or other 9-1-1 accessible service] shall pay a 9-1-1 fee.~~

5 (2) ~~THE 9-1-1 FEE SHALL BE APPLIED TO ALL CURRENT TELEPHONE~~
 6 ~~NUMBERS PROVIDED BY THE LOCAL EXCHANGE CARRIER OR THE HOME SERVICE~~
 7 ~~PROVIDER.~~

8 (3) ~~THE FEE IS BASED ON THE PLACE OF PRIMARY USE.~~

9 (4) ~~INSTRUMENTALITIES OF A LOCAL GOVERNMENT OR THE STATE OR~~
 10 ~~FEDERAL GOVERNMENT MAY NOT BE CHARGED A 9-1-1 FEE.~~

11 (b) (1) ~~The 9-1-1 fee is [10 cents per month,] payable when the bill for~~
 12 ~~telephone service is due AND, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~
 13 ~~SUBSECTION, IS:~~

14 (I) ~~10 CENTS PER MONTH FOR SUBSCRIBERS TO SWITCHED LOCAL~~
 15 ~~EXCHANGE ACCESS SERVICE; AND~~

16 (II) ~~35 CENTS PER MONTH FOR SUBSCRIBERS TO CMRS.~~

17 (2) ~~A 9-1-1 FEE MAY NOT BE IMPOSED ON MORE THAN 50 CMRS~~
 18 ~~EXCHANGE LINES, INCLUDING PBX TRUNKS AND CENTREX LINES, PER CUSTOMER~~
 19 ~~BILLING ACCOUNT.~~

20 (A) EACH SUBSCRIBER TO SWITCHED LOCAL EXCHANGE ACCESS SERVICE OR
 21 CMRS OR OTHER 9-1-1 ACCESSIBLE SERVICE SHALL PAY A 9-1-1 FEE.

22 (B) THE 9-1-1 FEE IS 25 CENTS PER MONTH, PAYABLE WHEN THE BILL FOR
 23 THE TELEPHONE SERVICE OR CMRS OR OTHER 9-1-1 ACCESSIBLE SERVICE SERVICE
 24 IS DUE.

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

28 (2) Each telephone company:

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

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

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

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

3 (d) (1) Each 9-1-1 service carrier shall add the 9-1-1 fee to all current bills
4 rendered for ~~wireless telephone service~~ CMRS or other 9-1-1-accessible service in the
5 State.

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

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

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

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

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

17 (4) ~~THE BOARD MAY AUDIT OR REQUIRE A LOCAL EXCHANGE CARRIER~~
18 ~~OR CMRS PROVIDER TO SUBMIT AN INDEPENDENT AUDIT OF 9-1-1 FEES,~~
19 ~~COLLECTIONS, AND REMITTANCES. THE BOARD SHALL ADOPT PROCEDURES FOR~~
20 ~~AUDITING SURCHARGE COLLECTION AND REMITTANCE BY CMRS PROVIDERS.~~

21 (5) ON REQUEST OF A CMRS PROVIDER, AND EXCEPT AS OTHERWISE
22 REQUIRED BY LAW, THE INFORMATION THAT THE CMRS PROVIDER REPORTS TO THE
23 BOARD SHALL BE CONFIDENTIAL, PRIVILEGED, AND PROPRIETARY AND MAY NOT BE
24 DISCLOSED TO ANY PERSON OTHER THAN THE CMRS PROVIDER.

25 (e) Notwithstanding any other provision of this subtitle, the 9-1-1 fee does
26 not apply to an intermediate service line used exclusively to connect a [wireless
27 telephone service or other 9-1-1-accessible service] CMRS OR OTHER 9-1-1
28 ACCESSIBLE SERVICE, other than a switched local access service, to another
29 telephone system or switching device.

30 (f) A [cellular telephone company or personal communication company]
31 CMRS PROVIDER that pays or collects 9-1-1 fees under this section has the same
32 immunity from liability for transmission failures as that approved by the Public
33 Service Commission for local exchange telephone companies that are subject to
34 regulation by the Commission under the Public Utility Companies Article.

35 1-311.

36 (a) In addition to the 9-1-1 fee, the governing body of each county, by
37 ordinance or resolution enacted or adopted after a public hearing, may impose an
38 additional charge to be added to all current {bills rendered} ~~SUBSCRIBER~~

1 ~~TELEPHONE NUMBERS~~ for switched local exchange access service[, wireless
2 telephone service, or other 9-1-1-accessible service] OR CMRS OR OTHER 9-1-1
3 ACCESSIBLE SERVICE in the county.

4 (b) (1) The additional charge imposed by a county may not exceed ~~50~~ 75
5 cents per month per bill.

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

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

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

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

16 (f) Within 60 days after a county enacts or adopts an ordinance or resolution
17 that imposes, repeals, or modifies an additional charge, each 9-1-1 service carrier
18 that provides service in the county shall add the full amount of the additional charge
19 to all current bills rendered for [wireless telephone service or other 9-1-1-accessible
20 service] CMRS OR OTHER 9-1-1 ACCESSIBLE SERVICE in the county.

21 (g) (1) Each telephone company and each 9-1-1 service carrier shall:

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

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

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

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

29 1-312.

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

33 (b) [Maintenance] SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS
34 SECTION, MAINTENANCE and operation costs may include telephone company
35 charges, equipment costs, equipment lease charges, repairs, utilities, personnel costs,
36 and appropriate carryover costs from previous years.

1 (C) A DURING A YEAR IN WHICH A COUNTY RAISES ITS LOCAL ADDITIONAL
 2 CHARGE UNDER § 1-311 OF THIS SUBTITLE, THE COUNTY:

3 (1) MAY USE 9-1-1 TRUST FUNDS ONLY TO SUPPLEMENT LEVELS OF
 4 SPENDING BY THE COUNTY FOR 9-1-1 MAINTENANCE OR OPERATIONS; AND

5 (2) MAY NOT USE 9-1-1 TRUST FUNDS TO SUPPLANT SPENDING BY THE
 6 COUNTY FOR 9-1-1 MAINTENANCE OR OPERATIONS.

7 [(c)] (D) The Board shall provide for an audit of each county's expenditures for
 8 the maintenance and operation of the county's 9-1-1 system.

9 (E) (1) FOR A COUNTY WITHOUT AN OPERATIONAL PHASE II WIRELESS
 10 ENHANCED 9-1-1 SYSTEM WITHIN THE TIME FRAMES ESTABLISHED BY THE BOARD
 11 UNDER § 1-306(B)(6) OF THIS SUBTITLE, THE BOARD SHALL ADOPT PROCEDURES, TO
 12 TAKE EFFECT ON OR AFTER JANUARY 1, 2006, TO ASSURE THAT:

13 (I) THE MONEY COLLECTED FROM THE ADDITIONAL CHARGE AND
 14 DISTRIBUTED TO THE COUNTY ARE EXPENDED DURING THE COUNTY'S FISCAL YEAR
 15 AS FOLLOWS:

16 1. FOR A 9-1-1 SYSTEM IN A COUNTY OR A MULTICOUNTY
 17 AREA WITH A POPULATION OF 100,000 INDIVIDUALS OR LESS, A MAXIMUM OF 85%
 18 MAY BE SPENT FOR PERSONNEL COSTS; AND

19 2. FOR A 9-1-1 SYSTEM IN A COUNTY OR MULTICOUNTY
 20 AREA WITH A POPULATION OF OVER 100,000 INDIVIDUALS, A MAXIMUM OF 70% MAY
 21 BE SPENT FOR PERSONNEL COSTS; AND

22 (II) THE TOTAL AMOUNT COLLECTED FROM THE 9-1-1 FEE AND
 23 THE ADDITIONAL CHARGE SHALL BE EXPENDED ONLY FOR THE INSTALLATION,
 24 ENHANCEMENT, MAINTENANCE, AND OPERATION OF A COUNTY OR MULTICOUNTY
 25 SYSTEM.

26 (2) THE BOARD MAY GRANT AN EXCEPTION TO THE PROVISIONS OF
 27 PARAGRAPH (1) OF THIS SUBSECTION IN EXTENUATING CIRCUMSTANCES.

28 (3) A COUNTY WITH AN OPERATIONAL PHASE II WIRELESS ENHANCED
 29 9-1-1 SYSTEM IS EXEMPT FROM THE PROVISIONS OF PARAGRAPH (1) OF THIS
 30 SUBSECTION.

31 SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That the Department of
 32 Public Safety and Correctional Services shall report to the General Assembly on or
 33 before December 1, 2007, in accordance with § 2-1246 of the State Government
 34 Article, on the status of wireless enhanced 911 deployment and whether the 911 fee
 35 paid by subscribers to a commercial mobile radio service provider under § 1-310(a) of
 36 the Public Safety Article, as enacted by this Act, should be ~~adjusted~~ decreased based
 37 on future estimated costs directly relating to the deployment and operation of the
 38 wireless enhanced 911 system.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the Emergency Number
2 Systems Board shall investigate the availability of federal funds under Homeland
3 Security measures and shall report to the General Assembly on or before December 1,
4 2003, in accordance with § 2-1246 of the State Government Article, on the availability
5 of such funds and on the procedures adopted to ensure proper and accurate collections
6 and accounting of the 9-1-1 fees and additional charges authorized under State law.
7 The report shall detail measures in place to address variances in remittances by
8 telephone companies and CMRS providers, the effects of audit capabilities provided
9 under this Act, and shall make recommendations with regard to the fair and effective
10 administration of the 9-1-1 fees and charges authorized under State law.

11 SECTION 4. AND BE IT FURTHER ENACTED, That, if Chapter _____ (S.B.
12 657/H.B. 935 the "Budget Reconciliation and Financing Act of 2003") of the Acts of the
13 General Assembly of 2003 transfers monies from the 9-1-1 Trust Fund originally
14 established under Article 41, § 18-105 of the Annotated Code of Maryland, the
15 changes made to § 1-310 of the Public Safety Article, as amended by Section 1 of this
16 Act, are null and void without the necessity of further action by the General Assembly.

17 SECTION 5. AND BE IT FURTHER ENACTED, That, for State operating
18 budgets beginning with fiscal 2005, the Governor shall provide a plan for repayment
19 to the 9-1-1 Trust Fund any monies transferred from the 9-1-1 Trust Fund under
20 budget reconciliation and financing legislation or by other means that would result in
21 the use of the monies for a purpose other than the original intended use.

22 SECTION 4- 6. AND BE IT FURTHER ENACTED, That the term of the initial
23 member of the Emergency Number Systems Board representing a county with a
24 population of 200,000 or more and the term of the initial member of the Emergency
25 Number Systems Board representing a county with a population of less than 200,000
26 shall expire in 2007.

27 ~~SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall~~
28 ~~take effect on the taking effect of Chapter _____ (S.B. 1) of the Acts of the General~~
29 ~~Assembly of 2003. If Section 2 of this Act takes effect, Section 1 of this Act shall be~~
30 ~~abrogated and of no further force and effect.~~

31 ~~SECTION 6- 7. AND BE IT FURTHER ENACTED, That, subject to the~~
32 ~~provisions of Section 5 of this Act, this Act shall take effect July October 1, 2003.~~