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House action: Adopted with floor amendments
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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
14 implementation schedule for the deployment of wireless enhanced 911 service;
15 ~~requiring the Board to approve, reject, or modify certain cost estimates provided~~
16 ~~by CMRS providers in a certain manner; requiring the Board to audit certain~~
17 ~~cost estimates submitted by CMRS providers;~~ authorizing the Department of
18 Public Safety and Correctional Services to provide certain staff support for the
19 Board; authorizing a member of the Board to receive reimbursement for certain
20 expenses; providing that certain information is confidential, privileged, and
21 proprietary and may not be disclosed; ~~providing for the application of a certain~~
22 ~~fee to subscribers of certain commercial mobile radio services, calculated in a~~
23 ~~certain manner, to cover certain costs; limiting the number of subscriber fees~~
24 ~~that may be charged per billing account~~ altering a certain fee for 9-1-1
25 telephone service; requiring the Board to adopt certain procedures for a certain

1 audit; increasing a certain additional charge a county may impose; extending
 2 certain immunity to certain providers of certain services; altering and adding
 3 certain definitions; providing for the expiration of certain Board member terms;
 4 providing for the effective date of certain provisions of this Act; providing for the
 5 termination of certain provisions of this Act restricting the use of 9-1-1 trust
 6 funds by counties to certain purposes; requiring the Department to submit a
 7 certain report; requiring the Board to investigate the availability of certain
 8 funds, to submit a certain report, and to make certain recommendations;
 9 requiring the Governor to provide a certain plan; making certain provisions of
 10 this Act subject to a certain contingency; and generally relating to establishment
 11 of wireless enhanced 911 service in the State.

12 ~~BY repealing and reenacting, with amendments,~~
 13 ~~Article 41—Governor—Executive and Administrative Departments~~
 14 ~~Section 18-101(f), 18-103, 18-105, and 18-106~~
 15 ~~Annotated Code of Maryland~~
 16 ~~(1997 Replacement Volume and 2002 Supplement)~~

17 BY repealing and reenacting, with amendments,
 18 Article - Public Safety
 19 Section 1-301, 1-305, 1-306, and 1-308 through ~~1-311~~ 1-312
 20 Annotated Code of Maryland
 21 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
 22 2003)

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

25 **~~Article 41—Governor—Executive and Administrative Departments~~**

26 ~~18-101.~~

27 ~~(f) In this subtitle, the following words and terms have the meanings~~
 28 ~~indicated:~~

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

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

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

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

35 ~~(5) "911 system" means a telephone service which meets the planning~~
 36 ~~guidelines established pursuant to § 18-103 of this subtitle, and which automatically~~
 37 ~~connects a person dialing the digits 911 to an established public safety answering~~

1 point. 911 system includes equipment for connecting and outswitching 911 calls
 2 within a telephone central office, trunking facilities from the central office to a public
 3 safety answering point, and equipment to connect 911 calls to the appropriate public
 4 safety agency.

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

6 (i) Automatic number identification;

7 (ii) Automatic location identification; and

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

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

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

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

20 (10) "911 Trust Fund" means the Fund established by § 18-105 of this
 21 subtitle.

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

23 (12) "911 fee" means the fee imposed pursuant to § 18-105(b) of this
 24 subtitle.

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

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

31 (ii) "Wireless telephone service" includes:

32 1. Cellular telephone service (cellular);

33 2. Personal communication service (PCS); and

34 3. Specialized mobile radio (SMR).

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

4 (15) "911 accessible service" means any telephone or other
5 communications service that connects a person dialing the digits 911 to an
6 established public safety answering point under the 911 system.

7 [(16)] (15) (i) "911 service carrier" means any provider of [a wireless
8 telephone] CMRS service or other 911-accessible service.

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

10 (16) "COMMERCIAL MOBILE RADIO SERVICE" OR "CMRS" MEANS MOBILE
11 TELECOMMUNICATIONS SERVICE THAT IS:

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

14 (II) AN INTERCONNECTED SERVICE; AND

15 (III) AVAILABLE TO THE PUBLIC.

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

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

20 1. THE PERSON THAT CONTRACTS WITH A HOME SERVICE
21 PROVIDER FOR CMRS; OR

22 2. THE END USER OF THE CMRS IF THE END USER OF THE
23 CMRS IS NOT THE CONTRACTING PARTY.

24 (II) "CUSTOMER" DOES NOT INCLUDE:

25 1. A RESELLER OF CMRS; OR

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

28 (19) "FCC ORDER" MEANS AN ORDER ISSUED BY THE FEDERAL
29 COMMUNICATIONS COMMISSION UNDER PROCEEDINGS REGARDING THE
30 COMPATIBILITY OF ENHANCED 911 SYSTEMS AND DELIVERY OF WIRELESS
31 ENHANCED 911 SERVICE.

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

1 (21) "NONRECURRING COSTS" MEANS ONETIME IMPLEMENTATION
2 COSTS.

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

5 (I) THE RESIDENTIAL STREET ADDRESS OR THE PRIMARY
6 BUSINESS STREET ADDRESS OF THE CUSTOMER; AND

7 (II) IN THE LICENSED SERVICE AREA OF THE HOME SERVICE
8 PROVIDER.

9 (23) "WIRELESS ENHANCED 911 SERVICE" MEANS ENHANCED 911
10 SERVICE UNDER AN FCC ORDER.

11 48-103.

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

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

17 (1) One member representing a telephone utility company operating in
18 Maryland;

19 (2) One member representing the wireless telephone industry in
20 Maryland;

21 (3) One member representing the Maryland Institute for Emergency
22 Medical Services;

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

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

25 (6) One member representing the Association of Public Safety
26 Communications Officers;

27 (7) Two members representing the county fire services in Maryland; one
28 shall represent the career fire services and one shall represent the volunteer fire
29 services;

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

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

32 (10) ONE MEMBER REPRESENTING A COUNTY WITH A POPULATION OF
33 200,000 OR MORE;

1 (11) ~~ONE MEMBER REPRESENTING A COUNTY WITH A POPULATION OF~~
2 ~~LESS THAN 200,000; AND~~

3 (12) ~~Three members representing the public at large.~~

4 (e) ~~The Governor shall appoint a chairperson from among its membership.~~

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

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

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

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

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

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

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

27 (2) ~~To establish procedures to review and approve or disapprove county~~
28 ~~or multicounty plans and to evaluate requests for variations from the established~~
29 ~~guidelines;~~

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

33 (4) ~~To transmit the planning guidelines and the procedures established~~
34 ~~in accordance with this section, and any amendments to those guidelines and~~
35 ~~procedures, to the county executive and the county council or to the president of the~~
36 ~~board of county commissioners in each county;~~

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

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

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

8 (8) To audit county expenditures for the operation and maintenance of
 9 911 systems;

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

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

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

15 (i) Involve enhancements that:

16 1. Are required by the Board;

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

18 and

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

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

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

24 [2.] 1. Directly to a third party contractor on behalf of a
 25 county; OR

26 2. DIRECTLY TO A CMRS PROVIDER FOR RECURRING AND
 27 NONRECURRING COSTS DIRECTLY RELATED TO THE DEPLOYMENT AND OPERATION
 28 OF WIRELESS ENHANCED 911 SERVICE; AND

29 (12) (I) TO APPROVE, REJECT, OR MODIFY:

30 1. THE IMPLEMENTATION SCHEDULE FOR WIRELESS
 31 ENHANCED 911 SERVICE; AND

32 2. A CMRS PROVIDER'S COST ESTIMATE FOR WIRELESS
 33 ENHANCED 911 SERVICE;

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

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

6 2. ~~TO REQUIRE A REFUND BY THE CMRS PROVIDER TO THE~~
 7 ~~911 TRUST FUND IF AN OVERPAYMENT WAS MADE.~~

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

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

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

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

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

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

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

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

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

24 (4) ~~County funds withheld by the Comptroller shall be held until the~~
 25 ~~Board directs the Comptroller to release the funds.~~

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

29 (1) ~~The type of 911 system currently operating;~~

30 (2) ~~The total State and county fee charged;~~

31 (3) ~~The funding formula in effect;~~

32 (4) ~~Any statutory or regulatory violation by a county and the response of~~
 33 ~~the Board;~~

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

2 (6) Any suggested changes to this subtitle.

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

5 (1) AN ESTIMATE OF ITS COST OF DEPLOYING WIRELESS ENHANCED 911
6 SERVICE CALCULATED BASED ON THE CURRENT DEPLOYMENT OF WIRELESS
7 ENHANCED 911 SERVICE IN ALL AREAS OF THE STATE IN WHICH THE CMRS
8 PROVIDER PROVIDES WIRELESS SERVICE; AND

9 (2) VERIFICATION OF THE ESTIMATED AND ACTUAL COST OF WIRELESS
10 ENHANCED 911 SERVICE.

11 (L) (1) THE BOARD SHALL:

12 (I) ESTABLISH PLANNING GUIDELINES FOR THE DEPLOYMENT OF
13 WIRELESS ENHANCED 911 SERVICE;

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

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

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

22 (2) THE BOARD MAY AUDIT SURCHARGE COLLECTION AND REMITTANCE
23 BY CMRS PROVIDERS.

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

27 (2) STAFF SUPPORT SHALL BE FUNDED FROM THE 911 TRUST FUND AS
28 AN ADMINISTRATIVE COST.

29 (N) ON REQUEST OF A CMRS PROVIDER, AND EXCEPT AS OTHERWISE
30 REQUIRED BY LAW, THE INFORMATION THAT THE CMRS PROVIDER REPORTS TO THE
31 BOARD, INCLUDING VERIFICATION OF COSTS, SHALL BE CONFIDENTIAL,
32 PRIVILEGED, AND PROPRIETARY AND MAY NOT BE DISCLOSED TO ANY PERSON
33 OTHER THAN THE CMRS PROVIDER.

34 18-105.

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

1 (i) Reimbursing the counties for enhancements to a 911 system;
2 and

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

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

6 (b) (1) (I) For purposes of this subtitle, there is a 911 fee to be paid by the
7 subscribers to switched local exchange access service[, wireless telephone service, or
8 other 911-accessible service]. THE 911 FEE SHALL BE APPLIED TO ALL CURRENT
9 TELEPHONE NUMBERS PROVIDED BY THE LOCAL EXCHANGE CARRIER. The 911 fee is
10 40 cents per month payable at the time when the bills for telephone service are due.
11 A FEE MAY NOT BE IMPOSED ON MORE THAN 50 BUSINESS TELEPHONE EXCHANGE
12 LINES, INCLUDING PBX TRUNKS AND CENTREX LINES, PER CUSTOMER BILLING
13 ACCOUNT.

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

21 (III) THE 911 FEE MAY NOT BE ASSESSED AGAINST
22 INSTRUMENTALITIES OF A LOCAL GOVERNMENT OR THE STATE OR FEDERAL
23 GOVERNMENT.

24 (2) The Public Service Commission shall direct the telephone companies
25 to add the 911 fee to all current bills rendered for switched local exchange access
26 service in the State. The telephone companies shall act as collection agents for the 911
27 Trust Fund with respect to the fee, and shall remit all proceeds to the Comptroller on
28 a monthly basis. The telephone companies shall be entitled to credit against the
29 proceeds of the 911 fee to be remitted an amount equal to 0.75 percent of the 911 fee
30 to cover the expenses of billing, collecting, and remitting the 911 fee and any
31 additional charges. The Comptroller shall deposit the funds in the 911 Trust Fund.

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

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

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

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

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

16 (ii) Within 60 days of the enactment of a county ordinance or
17 resolution that adopts, repeals, or modifies an additional charge, all 911 service
18 carriers providing service within that county shall add the full amount of the
19 additional charge to all current bills rendered for [wireless telephone service or other
20 911 accessible service] CMRS in each county that imposed that additional charge.

21 (4) The telephone companies and 911 service carriers shall act as
22 collection agents for the 911 Trust Fund with respect to the additional charges
23 imposed by each county. Revenues from the additional charge shall be collected by the
24 telephone companies and 911 service carriers on a county basis and remitted monthly
25 to the Comptroller for deposit to the 911 Trust Fund account maintained for the
26 county which imposed the additional charge.

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

32 (e) The Secretary shall administer the 911 Trust Fund subject to the
33 provisions for financial management and budgeting established by the Department of
34 Budget and Management. The Secretary shall cause the Comptroller to establish
35 separate accounts for the payment of administrative expenses and for each county
36 within the 911 Trust Fund. The income derived from investment of money in the
37 Fund shall accrue to the Fund and the Comptroller shall allocate investment income
38 among the accounts in the Fund prorated on the basis of the total fees collected in
39 each county.

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

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

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

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

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

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

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

19 ~~18-106.~~

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

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

29 (c) A [cellular telephone company or personal communication company]
30 CMRS PROVIDER that pays or collects 911 fees under § 18-105 of this subtitle shall
31 have the same immunity from liability for transmission failures as that approved by
32 the Public Service Commission for local exchange telephone companies that are
33 subject to the regulation of the Commission under the Public Utility Companies
34 Article.

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

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

3 **Article - Public Safety**

4 1-301.

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

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

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

9 (D) "COMMERCIAL MOBILE RADIO SERVICE" OR "CMRS" MEANS MOBILE
10 TELECOMMUNICATIONS SERVICE THAT IS:

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

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

14 (3) AVAILABLE TO THE PUBLIC.

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

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

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

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

24 (II) THE END USER OF THE CMRS IF THE END USER OF THE CMRS IS
25 NOT THE CONTRACTING PARTY.

26 (2) CUSTOMER DOES NOT INCLUDE:

27 (I) A RESELLER OF CMRS; OR

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

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

31 (1) automatic number identification;

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

3 (I) "FCC ORDER" MEANS AN ORDER ISSUED BY THE FEDERAL
4 COMMUNICATIONS COMMISSION UNDER PROCEEDINGS REGARDING THE
5 COMPATIBILITY OF ENHANCED 9-1-1 SYSTEMS AND DELIVERY OF WIRELESS
6 ENHANCED 9-1-1 SERVICE.

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

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

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

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

16 (2) "9-1-1 service carrier" does not include a telephone company.

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

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

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

22 (2) "9-1-1 system" includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (3) as appropriate, dispatches public safety services directly, or transfers
14 9-1-1 calls to appropriate public safety agencies.

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

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

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

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

21 (ii) is transmitted independently of switched local exchange access
22 telephone service; and

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

25 (2) "Wireless telephone service" includes:

26 (i) cellular telephone service (cellular);

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

28 (iii) specialized mobile radio (SMR).

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

1 1-305.

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

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

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

6 (i) one member shall represent a telephone company operating in
7 the State;

8 (ii) one member shall represent the wireless telephone industry in
9 the State;

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

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

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

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

16 (vii) two members shall represent county fire services in the State,
17 with one member representing career fire services and one member representing
18 volunteer fire services;

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

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

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

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

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

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

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

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

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

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

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

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

10 (d) The Governor shall appoint a chairperson from among the Board
11 members.

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

13 (f) A member of the Board:

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

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

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

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

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

22 1-306.

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

24 (b) The Board's responsibilities include:

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

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

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

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

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

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

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

13 [(7)] (8) reviewing the enhancement of 9-1-1 systems;

14 [(8)] (9) providing for an audit of county expenditures for the operation
 15 and maintenance of 9-1-1 systems;

16 [(9)] (10) ensuring inspections of public safety answering points;

17 [(10)] (11) reviewing and approving or disapproving requests from
 18 counties with operational enhanced 9-1-1 systems to be exempted from the
 19 expenditure limitations under § 1-312 of this subtitle; ~~and~~

20 [(11)] (12) authorizing expenditures from the 9-1-1 Trust Fund that:

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

22 1. are required by the Board;

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

24 and

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

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

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

29 and~~;~~

30 {2.} 4- directly to a third party contractor on behalf of a

31 county~~; OR~~

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

1 (13) APPROVING, REJECTING, OR MODIFYING:

2 (I) THE IMPLEMENTATION SCHEDULE FOR WIRELESS ENHANCED
3 9-1-1 SERVICE; AND

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

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

10 (15) DETERMINING WHETHER AN OVERPAYMENT OR UNDERPAYMENT
11 WAS MADE FROM THE 9-1-1 TRUST FUND TO THE CMRS PROVIDER:

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

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

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

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

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

21 ~~(D) (1) ANNUALLY, ACCORDING TO A SCHEDULE DETERMINED BY THE
22 BOARD, A CMRS PROVIDER SHALL SUBMIT TO THE BOARD:~~

23 ~~(I) AN ESTIMATE OF ITS COST OF DEPLOYING WIRELESS
24 ENHANCED 9-1-1 SERVICE BASED ON THE CURRENT DEPLOYMENT OF WIRELESS
25 ENHANCED 9-1-1 SERVICE IN ALL AREAS OF THE STATE WHERE THE CMRS
26 PROVIDER PROVIDED CMRS; AND~~

27 ~~(II) VERIFICATION OF THE ESTIMATED AND ACTUAL COST OF
28 WIRELESS ENHANCED 9-1-1 SERVICE.~~

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

34 1-308.

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

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

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

3 (2) pay contractors ~~AND CMRS PROVIDERS~~ in accordance with [§
4 1-306(b)(11)] § 1-306(B)(12) of this subtitle; and

5 (3) fund the coordinator position ~~AND STAFF TO HANDLE THE~~
6 ~~INCREASED DUTIES RELATED TO WIRELESS ENHANCED 9-1-1 SERVICE~~ under §
7 1-305 of this subtitle, ~~AS AN ADMINISTRATIVE COST.~~

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

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

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

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

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

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

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

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

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

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

29 1-309.

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

32 (1) carry out the purposes of this subtitle;

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

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

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

5 (2) Each July 1, the Comptroller shall allocate sufficient money from the
6 9-1-1 fee to pay the costs of administering the 9-1-1 Trust Fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (f) (1) The Legislative Auditor shall conduct fiscal/compliance audits of the
20 9-1-1 Trust Fund and of the appropriations and disbursements made for purposes of
21 this subtitle.

22 (2) The cost of the fiscal portion of the audits shall be paid from the
23 9-1-1 Trust Fund as an administrative cost.

24 1-310.

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

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

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

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

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

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

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

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

7 (A) EACH SUBSCRIBER TO SWITCHED LOCAL EXCHANGE ACCESS SERVICE OR
8 CMRS SHALL PAY A 9-1-1 FEE.

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

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

14 (2) Each telephone company:

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

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

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

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

25 (d) (1) Each 9-1-1 service carrier shall add the 9-1-1 fee to all current bills
26 rendered for wireless telephone service or other 9-1-1-accessible service in the State.

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

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

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

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

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

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

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

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

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

20 1-311.

21 (a) In addition to the 9-1-1 fee, the governing body of each county, by
22 ordinance or resolution enacted or adopted after a public hearing, may impose an
23 additional charge to be added to all current {bills rendered} ~~SUBSCRIBER~~
24 ~~TELEPHONE NUMBERS~~ for switched local exchange access service[, wireless
25 telephone service, or other 9-1-1-accessible service] OR CMRS in the county.

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

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

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

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

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

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

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

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

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

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

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

14 1-312.

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

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

22 (C) A COUNTY:

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

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

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

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