
By: **Senators Teitelbaum, Astle, Gladden, and Hafer**
Introduced and read first time: January 31, 2003
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - 9-1-1 Emergency Telephone Service**

3 FOR the purpose of altering the types of services which must be available through a
4 9-1-1 system; altering the types of services which may be available through a
5 9-1-1 system at a county's discretion; altering the membership of the
6 Emergency Number Systems Board; requiring the Board to establish and
7 publish a certain plan for the deployment of certain wireless enhanced 9-1-1
8 services by a certain date; requiring the Board to review and approve or
9 disapprove a certain request from a certain county for a certain exemption;
10 authorizing the Board to require a certain audit; authorizing a certain telephone
11 company or 9-1-1 service carrier to report certain information confidentially;
12 requiring the Board to conduct a certain review; increasing a certain fee for
13 9-1-1 telephone service; increasing a certain additional charge a county may
14 impose; requiring the Board to establish certain procedures regarding the use of
15 certain money by certain counties; defining a certain term; altering a certain
16 definition; and generally relating to 9-1-1 telephone services.

17 BY repealing and reenacting, with amendments,
18 Article - Public Safety
19 Section 1-301, 1-304, 1-305(b), 1-306, 1-307, and 1-310 through 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 - Public Safety**

26 1-301.

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

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

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

2 (d) "County plan" means a plan for a 9-1-1 system or enhanced 9-1-1 system,
3 or an amendment to the plan, developed by a county or several counties together
4 under this subtitle.

5 (e) "Enhanced 9-1-1 system" means a 9-1-1 system that provides:

6 (1) automatic number identification;

7 (2) automatic location identification; and

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

9 (f) "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) "9-1-1 fee" means the fee imposed in accordance with § 1-310 of this
13 subtitle.

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

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

17 (i) (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) "9-1-1 Trust Fund" means the Fund established under § 1-308 of this
30 subtitle.

31 (k) "PHASE II WIRELESS ENHANCED 9-1-1" MEANS A SYSTEM IN WHICH
32 AUTOMATIC NUMBER AND LOCATION INFORMATION IS DELIVERED AUTOMATICALLY

1 TO THE PUBLIC SAFETY ANSWERING POINT WORKSTATION FOR A TELEPHONE CALL
2 PLACED USING A WIRELESS SERVICE.

3 (L) "Public safety agency" means:

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

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

8 [(l)] (M) "Public safety answering point" means a communications facility
9 that:

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

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

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

14 [(m)] (N) "Secretary" means the Secretary of Public Safety and Correctional
15 Services.

16 [(n)] (O) (1) "Wireless telephone service" means public telephone service
17 that:

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

19 (ii) is transmitted independently of switched local exchange access
20 telephone service; and

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

23 (2) "Wireless telephone service" includes:

24 (i) [cellular telephone service (cellular)] COMMERCIAL MOBILE
25 RADIO SERVICE (CMRS);

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

27 (iii) specialized mobile radio (SMR).

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

31 1-304.

32 (a) Each county shall have in operation an enhanced 9-1-1 system.

1 (b) If implementation is preceded by cooperative planning, the enhanced
2 9-1-1 system required under subsection (a) of this section may operate as part of a
3 multicounty system.

4 (c) (1) Services available through a 9-1-1 system shall include [police, fire
5 fighting, and emergency ambulance] LAW ENFORCEMENT, FIRE AND RESCUE, AND
6 EMERGENCY MEDICAL services.

7 (2) [Other emergency and civil defense] EMERGENCY MANAGEMENT,
8 HOMELAND SECURITY, AND OTHER EMERGENCY services may be incorporated into
9 the 9-1-1 system at the discretion of the county or counties served by the 9-1-1
10 system.

11 (d) (1) The digits 9-1-1 are the primary emergency telephone number in the
12 9-1-1 system.

13 (2) A public safety agency whose services are available through the
14 9-1-1 system:

15 (i) may maintain a separate secondary backup telephone number
16 for emergency calls; and

17 (ii) shall maintain a separate telephone number for nonemergency
18 calls.

19 (e) Educational information that relates to emergency services made available
20 by the State or a county:

21 (1) shall designate the number 9-1-1 as the primary emergency
22 telephone number; and

23 (2) may include a separate secondary backup telephone number for
24 emergency calls.

25 (f) (1) Each public safety answering point shall notify the public safety
26 agencies in a county 9-1-1 system of calls for assistance in the county.

27 (2) Written guidelines shall be developed to govern the referral of calls
28 for assistance to the appropriate public safety agency.

29 (3) State, county, and local public safety agencies with concurrent
30 jurisdiction shall have written agreements to ensure a clear understanding of which
31 specific calls for assistance will be referred to which public safety agency.

32 (g) Counties, other units of local government, public safety agencies, and
33 public safety answering points may enter into cooperative agreements for the
34 allocation of maintenance, operational, and capital costs attributable to the 9-1-1
35 system.

1 1-305.

2 (b) (1) The Board consists of 13 members.

3 (2) Of the 13 members:

4 (i) one member shall represent a telephone company operating in
5 the State;

6 (ii) one member shall represent the wireless telephone industry in
7 the State;

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

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

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

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

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

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

18 (ix) one member shall represent emergency management services in
19 the State;

20 (X) ONE MEMBER SHALL REPRESENT THE MARYLAND CHAPTER OF
21 THE NATIONAL EMERGENCY NUMBERS ASSOCIATION; and

22 [(x)] (XI) [three] TWO members shall represent the public.

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

25 1-306.

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

27 (b) The Board's responsibilities include:

28 (1) [establishing planning guidelines for enhanced 9-1-1 system plans
29 in accordance with this subtitle] ESTABLISHING, WITH INPUT FROM LOCAL
30 JURISDICTIONS, AND PUBLISHING, ON OR BEFORE JULY 1, 2004, AN
31 IMPLEMENTATION PLAN FOR DEPLOYMENT OF PHASE II WIRELESS ENHANCED
32 9-1-1;

- 1 (2) establishing procedures to review and approve or disapprove county
2 plans and to evaluate requests for variations from the planning guidelines
3 established by the Board;
- 4 (3) establishing procedures for the request for reimbursement of the
5 costs of enhancing a 9-1-1 system by a county or counties in which a 9-1-1 system is
6 in operation, and procedures to review and approve or disapprove the request;
- 7 (4) transmitting the planning guidelines and procedures established
8 under this section, and any amendments to them, to the governing body of each
9 county;
- 10 (5) submitting to the Secretary each year a schedule for implementing
11 the enhancement of county or multicounty 9-1-1 systems, and an estimate of funding
12 requirements based on the approved county plans;
- 13 (6) reviewing and approving or disapproving requests for reimbursement
14 of the costs of enhancing 9-1-1 systems, and submitting to the Secretary each year a
15 schedule for reimbursement and an estimate of funding requirements;
- 16 (7) reviewing the enhancement of 9-1-1 systems;
- 17 (8) providing for an audit of county expenditures for the operation and
18 maintenance of 9-1-1 systems;
- 19 (9) ensuring inspections of public safety answering points;
- 20 (10) reviewing and approving or disapproving requests from counties with
21 operational enhanced 9-1-1 systems to be exempted from the expenditure limitations
22 under § 1-312 of this subtitle; [and]
- 23 (11) authorizing expenditures from the 9-1-1 Trust Fund that:
- 24 (i) are for enhancements of 9-1-1 systems that:
- 25 1. are required by the Board;
- 26 2. will be provided to a county by a third party contractor;
27 and
- 28 3. will incur costs that the Board has approved before the
29 formation of a contract between the county and the contractor; and
- 30 (ii) are approved by the Board for payment:
- 31 1. from money collected under § 1-310 of this subtitle; and
- 32 2. directly to a third party contractor on behalf of a county;
- 33 AND

1 (12) REVIEWING AND APPROVING OR DISAPPROVING A REQUEST FROM A
2 COUNTY, WITH AN OPERATIONAL PHASE II WIRELESS ENHANCED 9-1-1 SYSTEM, TO
3 BE EXEMPT FROM EXPENDITURE LIMITS UNDER § 1-312(D) OF THIS SUBTITLE.

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

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

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

9 (D) (1) ANNUALLY, THE BOARD MAY REQUIRE AN INDEPENDENT AUDIT OF
10 THE REPORTED COLLECTIONS AND REMISSIONS OF FEES COLLECTED BY A
11 TELEPHONE COMPANY OR 9-1-1 SERVICE CARRIER UNDER THIS SUBTITLE.

12 (2) A TELEPHONE COMPANY OR 9-1-1 SERVICE CARRIER MAY:

13 (I) REPORT AN AUDIT CONFIDENTIALLY TO THE BOARD; AND

14 (II) ATTEST TO THE ACCURACY OF REMISSIONS TO THE
15 COMPTROLLER.

16 (3) IF A TELEPHONE COMPANY OR 9-1-1 SERVICE CARRIER REPORTS AN
17 AUDIT CONFIDENTIALLY TO THE BOARD, THE BOARD SHALL MAINTAIN THE
18 CONFIDENTIALITY OF THE AUDIT.

19 (E) BY DECEMBER 31, 2006, THE BOARD SHALL REVIEW THE DEPLOYMENT OF
20 PHASE II WIRELESS ENHANCED 9-1-1, INCLUDING THE COST OF DEPLOYMENT, TO
21 REEVALUATE THE 9-1-1 FEE STRUCTURE.

22 1-307.

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

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

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

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

29 (3) the funding formula in effect;

30 (4) any statutory or regulatory violation by the county and the response
31 of the Board;

32 (5) any efforts to [establish an enhanced 9-1-1 system] IMPROVE
33 DELIVERY OF 9-1-1 SYSTEM SERVICES in the county; and

1 (6) any suggested changes to this subtitle.

2 1-310.

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

5 (b) The 9-1-1 fee is [10] 25 cents per month, payable when the bill for
6 telephone service is due.

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

10 (2) Each telephone company:

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

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

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

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

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

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

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

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

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

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

34 (e) Notwithstanding any other provision of this subtitle, the 9-1-1 fee does
35 not apply to an intermediate service line used exclusively to connect a wireless

1 telephone service or other 9-1-1-accessible service, other than a switched local access
2 service, to another telephone system or switching device.

3 (f) A cellular telephone company or personal communication company that
4 pays or collects 9-1-1 fees under this section has the same immunity from liability for
5 transmission failures as that approved by the Public Service Commission for local
6 exchange telephone companies that are subject to regulation by the Commission
7 under the Public Utility Companies Article.

8 1-311.

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

14 (b) (1) The additional charge imposed by a county may not exceed [50] 75
15 cents per month per bill.

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

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

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

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

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

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

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

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

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

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

3 1-312.

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

7 (b) Maintenance and operation costs may include telephone company charges,
8 equipment costs, equipment lease charges, repairs, utilities, personnel costs, and
9 appropriate carryover costs from previous years.

10 (c) The Board shall provide for an audit of each county's expenditures for the
11 maintenance and operation of the county's 9-1-1 system.

12 (D) (1) FOR A COUNTY WITHOUT AN OPERATIONAL PHASE II WIRELESS
13 ENHANCED 9-1-1 SYSTEM WITHIN THE TIME FRAMES ESTABLISHED BY THE BOARD
14 UNDER § 1-306(B)(12) OF THIS SUBTITLE, THE BOARD SHALL ADOPT PROCEDURES TO
15 ASSURE THAT:

16 (I) THE MONEY COLLECTED FROM THE ADDITIONAL CHARGE AND
17 DISTRIBUTED TO THE COUNTY ARE EXPENDED DURING THE COUNTY'S FISCAL YEAR
18 AS FOLLOWS:

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

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

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

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

31 (3) A COUNTY WITH AN OPERATIONAL PHASE II WIRELESS ENHANCED
32 9-1-1 SYSTEM IS EXEMPT FROM THE PROVISIONS OF PARAGRAPH (1) OF THIS
33 SUBSECTION.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2003.