

SENATE BILL 639

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E4

2003 Regular Session
3r1900
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By: **Senator Astle**

Introduced and read first time: February 10, 2003

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing the establishment of wireless enhanced 911 service in
4 the State in accordance with certain orders; altering the membership of the
5 Emergency Number Systems Board; authorizing the Board to authorize certain
6 expenditures to commercial mobile radio service (CMRS) providers for certain
7 purposes; 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 an implementation schedule for
14 the deployment of wireless enhanced 911 service; requiring the Board to
15 approve, reject, or modify certain cost estimates provided by CMRS providers in
16 a certain manner; requiring the Board to audit certain cost estimates submitted
17 by CMRS providers; authorizing the Department of Public Safety and
18 Correctional Services to provide certain staff support for the Board; authorizing
19 a member of the Board to receive reimbursement for certain expenses; providing
20 that certain information is confidential, privileged, and proprietary and may not
21 be disclosed; providing for the application of a certain fee to subscribers of
22 certain commercial mobile radio services, calculated in a certain manner, to
23 cover certain costs; limiting the number of subscriber fees that may be charged
24 per billing account; extending certain immunity to certain providers of certain
25 services; altering and adding certain definitions; providing for the expiration of
26 certain Board member terms; providing for the effective date of certain
27 provisions of this Act; providing for the termination of certain provisions of this
28 Act; and generally relating to establishment of wireless enhanced 911 service in
29 the State.

30 BY repealing and reenacting, with amendments,
31 Article 41 - Governor - Executive and Administrative Departments
32 Section 18-101(f), 18-103, 18-105, and 18-106
33 Annotated Code of Maryland
34 (1997 Replacement Volume and 2002 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - Public Safety
3 Section 1-301, 1-305, 1-306, and 1-308 through 1-311
4 Annotated Code of Maryland
5 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
6 2003)

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

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

10 18-101.

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

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

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

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

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

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

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

27 (i) Automatic number identification;

28 (ii) Automatic location identification; and

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

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

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

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

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

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

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

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

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

18 (ii) "Wireless telephone service" includes:

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

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

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

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

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

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

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

1 (II) AN INTERCONNECTED SERVICE; AND

2 (III) AVAILABLE TO THE PUBLIC.

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

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

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

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

11 (II) "CUSTOMER" DOES NOT INCLUDE:

12 1. A RESELLER OF CMRS; OR

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

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

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

21 (21) "NONRECURRING COSTS" MEANS ONETIME IMPLEMENTATION
22 COSTS.

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

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

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

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

31 18-103.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (i) Involve enhancements that:
- 2 1. Are required by the Board;
- 3 2. Will be provided to a county by a third party contractor;
- 4 and
- 5 3. Will incur costs that the Board has approved prior to the
- 6 formation of a contract between the county and the contractor; and

- 7 (ii) Are approved by the Board for payment[:
- 8 1. From] FROM proceeds collected in accordance with the
- 9 provisions of § 18-105(b) of this subtitle[; and]:
- 10 [2.] 1. Directly to a third party contractor on behalf of a
- 11 county; OR

- 12 2. DIRECTLY TO A CMRS PROVIDER FOR RECURRING AND
- 13 NONRECURRING COSTS DIRECTLY RELATED TO THE DEPLOYMENT AND OPERATION
- 14 OF WIRELESS ENHANCED 911 SERVICE; AND

- 15 (12) (I) TO APPROVE, REJECT, OR MODIFY:

- 16 1. THE IMPLEMENTATION SCHEDULE FOR WIRELESS
- 17 ENHANCED 911 SERVICE; AND

- 18 2. A CMRS PROVIDER'S COST ESTIMATE FOR WIRELESS
- 19 ENHANCED 911 SERVICE;

- 20 (II) TO REVIEW THE AUDIT OF A CMRS PROVIDER'S COST ESTIMATE
- 21 TO DETERMINE WHETHER AN OVERPAYMENT OR UNDERPAYMENT WAS MADE FROM
- 22 THE 911 TRUST FUND TO THE CMRS PROVIDER; AND

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

- 25 2. TO REQUIRE A REFUND BY THE CMRS PROVIDER TO THE
- 26 911 TRUST FUND IF AN OVERPAYMENT WAS MADE.

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

- 29 (i) The provisions of this subtitle; or

- 30 (ii) A regulation of the Board.

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

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

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

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

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

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

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

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

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

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

17 (3) The funding formula in effect;

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

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

21 (6) Any suggested changes to this subtitle.

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

24 (1) AN ESTIMATE OF ITS COST OF DEPLOYING WIRELESS ENHANCED 911
25 SERVICE CALCULATED BASED ON THE CURRENT DEPLOYMENT OF WIRELESS
26 ENHANCED 911 SERVICE IN ALL AREAS OF THE STATE IN WHICH THE CMRS
27 PROVIDER PROVIDES WIRELESS SERVICE; AND

28 (2) VERIFICATION OF THE ESTIMATED AND ACTUAL COST OF WIRELESS
29 ENHANCED 911 SERVICE.

30 (L) (1) THE BOARD SHALL:

31 (I) ESTABLISH PLANNING GUIDELINES FOR THE DEPLOYMENT OF
32 WIRELESS ENHANCED 911 SERVICE;

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

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

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

9 (2) THE BOARD MAY AUDIT SURCHARGE COLLECTION AND REMITTANCE
10 BY CMRS PROVIDERS.

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

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

16 (N) ON REQUEST OF A CMRS PROVIDER, AND EXCEPT AS OTHERWISE
17 REQUIRED BY LAW, THE INFORMATION THAT THE CMRS PROVIDER REPORTS TO THE
18 BOARD, INCLUDING VERIFICATION OF COSTS, SHALL BE CONFIDENTIAL,
19 PRIVILEGED, AND PROPRIETARY AND MAY NOT BE DISCLOSED TO ANY PERSON
20 OTHER THAN THE CMRS PROVIDER.

21 18-105.

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

23 (i) Reimbursing the counties for enhancements to a 911 system;
24 and

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

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

28 (b) (1) (I) For purposes of this subtitle, there is a 911 fee to be paid by the
29 subscribers to switched local exchange access service[, wireless telephone service, or
30 other 911-accessible service]. THE 911 FEE SHALL BE APPLIED TO ALL CURRENT
31 TELEPHONE NUMBERS PROVIDED BY THE LOCAL EXCHANGE CARRIER. The 911 fee is
32 10 cents per month payable at the time when the bills for telephone service are due.
33 A FEE MAY NOT BE IMPOSED ON MORE THAN 50 BUSINESS TELEPHONE EXCHANGE
34 LINES, INCLUDING PBX TRUNKS AND CENTREX LINES, PER CUSTOMER BILLING
35 ACCOUNT.

36 (II) FOR PURPOSES OF THIS SUBTITLE, THERE IS A 911 FEE TO BE
37 PAID BY SUBSCRIBERS TO A CMRS PROVIDER. THE FEE SHALL BE APPLIED TO ALL

1 CURRENT TELEPHONE NUMBERS PROVIDED BY THE HOME SERVICE PROVIDER AND
2 IS BASED ON THE PLACE OF PRIMARY USE. THE 911 FEE IS 35 CENTS PER MONTH
3 PAYABLE AT THE TIME WHEN THE BILLS FOR TELEPHONE SERVICE ARE DUE. A FEE
4 MAY NOT BE IMPOSED ON MORE THAN 50 CMRS EXCHANGE LINES PER CUSTOMER
5 BILLING ACCOUNT.

6 (III) THE 911 FEE MAY NOT BE ASSESSED AGAINST
7 INSTRUMENTALITIES OF A LOCAL GOVERNMENT OR THE STATE OR FEDERAL
8 GOVERNMENT.

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

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

25 (c) (1) THE BOARD MAY AUDIT OR REQUIRE A LOCAL EXCHANGE CARRIER
26 OR CMRS PROVIDER TO SUBMIT AN INDEPENDENT AUDIT OF 911 FEES,
27 COLLECTIONS, AND REMITTANCES.

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

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

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

1 (ii) Within 60 days of the enactment of a county ordinance or
2 resolution that adopts, repeals, or modifies an additional charge, all 911 service
3 carriers providing service within that county shall add the full amount of the
4 additional charge to all current bills rendered for [wireless telephone service or other
5 911-accessible service] CMRS in each county that imposed that additional charge.

6 (4) The telephone companies and 911 service carriers shall act as
7 collection agents for the 911 Trust Fund with respect to the additional charges
8 imposed by each county. Revenues from the additional charge shall be collected by the
9 telephone companies and 911 service carriers on a county basis and remitted monthly
10 to the Comptroller for deposit to the 911 Trust Fund account maintained for the
11 county which imposed the additional charge.

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

17 (e) The Secretary shall administer the 911 Trust Fund subject to the
18 provisions for financial management and budgeting established by the Department of
19 Budget and Management. The Secretary shall cause the Comptroller to establish
20 separate accounts for the payment of administrative expenses and for each county
21 within the 911 Trust Fund. The income derived from investment of money in the
22 Fund shall accrue to the Fund and the Comptroller shall allocate investment income
23 among the accounts in the Fund prorated on the basis of the total fees collected in
24 each county.

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

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

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

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

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

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

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

5 18-106.

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

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

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

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

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

27 **Article - Public Safety**

28 1-301.

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

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

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

33 (D) "COMMERCIAL MOBILE RADIO SERVICE" OR "CMRS" MEANS MOBILE
34 TELECOMMUNICATIONS SERVICE THAT IS:

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

1 (2) AN INTERCONNECTED SERVICE; AND

2 (3) AVAILABLE TO THE PUBLIC.

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

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

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

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

12 (II) THE END USER OF THE CMRS IF THE END USER OF THE CMRS IS
13 NOT THE CONTRACTING PARTY.

14 (2) CUSTOMER DOES NOT INCLUDE:

15 (I) A RESELLER OF CMRS; OR

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

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

19 (1) automatic number identification;

20 (2) automatic location identification; and

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

22 (I) "FCC ORDER" MEANS AN ORDER ISSUED BY THE FEDERAL
23 COMMUNICATIONS COMMISSION UNDER PROCEEDINGS REGARDING THE
24 COMPATIBILITY OF ENHANCED 9-1-1 SYSTEMS AND DELIVERY OF WIRELESS
25 ENHANCED 9-1-1 SERVICE.

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

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

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

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

3 (2) "9-1-1 service carrier" does not include a telephone company.

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

5 (i) meets the planning guidelines established under this subtitle;
6 and

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

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

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

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

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

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

18 (P) "NONRECURRING COSTS" MEANS ONETIME IMPLEMENTATION COSTS.

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

21 (1) THE RESIDENTIAL STREET ADDRESS OR THE PRIMARY BUSINESS
22 STREET ADDRESS OF THE CUSTOMER; AND

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

24 [(k)] (R) "Public safety agency" means:

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

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

29 [(l)] (S) "Public safety answering point" means a communications facility
30 that:

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

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

1 (3) as appropriate, dispatches public safety services directly, or transfers
2 9-1-1 calls to appropriate public safety agencies.

3 [(m)] (T) "Secretary" means the Secretary of Public Safety and Correctional
4 Services.

5 (U) "WIRELESS ENHANCED 9-1-1 SERVICE" MEANS ENHANCED 9-1-1 SERVICE
6 UNDER AN FCC ORDER.

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

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

9 (ii) is transmitted independently of switched local exchange access
10 telephone service; and

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

13 (2) "Wireless telephone service" includes:

14 (i) cellular telephone service (cellular);

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

16 (iii) specialized mobile radio (SMR).

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

20 1-305.

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

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

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

25 (i) one member shall represent a telephone company operating in
26 the State;

27 (ii) one member shall represent the wireless telephone industry in
28 the State;

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

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

- 1 (v) one member shall represent the Public Service Commission;
- 2 (vi) one member shall represent the Association of Public-Safety
3 Communications Officials International, Inc.;
- 4 (vii) two members shall represent county fire services in the State,
5 with one member representing career fire services and one member representing
6 volunteer fire services;
- 7 (viii) one member shall represent police services in the State;
- 8 (ix) one member shall represent emergency management services in
9 the State; [and]
- 10 (X) ONE MEMBER SHALL REPRESENT A COUNTY WITH A
11 POPULATION OF 200,000 OR MORE;
- 12 (XI) ONE MEMBER SHALL REPRESENT A COUNTY WITH A
13 POPULATION OF LESS THAN 200,000; AND
- 14 [(x)] (XII) three members shall represent the public.
- 15 (3) The Governor shall appoint the members with the advice and consent
16 of the Senate.
- 17 (c) (1) The term of a member is 4 years and begins on July 1.
- 18 (2) The terms of the members are staggered as required by the terms
19 provided for members of the Board on October 1, 2003.
- 20 (3) At the end of a term, a member continues to serve until a successor is
21 appointed and qualifies.
- 22 (4) If a vacancy occurs after a term has begun, the Governor shall
23 appoint a successor to represent the organization or group in which the vacancy
24 occurs.
- 25 (5) A member who is appointed after a term has begun serves only for
26 the rest of the term and until a successor is appointed and qualifies.
- 27 (d) The Governor shall appoint a chairperson from among the Board
28 members.
- 29 (e) The Board shall meet as necessary, but at least once each quarter.
- 30 (f) A member of the Board:
- 31 (1) may not receive compensation as a member of the Board; but
- 32 (2) is entitled to reimbursement for expenses under the Standard State
33 Travel Regulations, as provided in the State budget.

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

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

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

6 1-306.

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

8 (b) The Board's responsibilities include:

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

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

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

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

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

24 (6) DEVELOPING AN IMPLEMENTATION SCHEDULE FOR DEPLOYMENT
25 OF WIRELESS ENHANCED 9-1-1 SERVICE;

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

29 [(7)] (8) reviewing the enhancement of 9-1-1 systems;

30 [(8)] (9) providing for an audit of county expenditures for the operation
31 and maintenance of 9-1-1 systems;

32 [(9)] (10) ensuring inspections of public safety answering points;

33 [(10)] (11) reviewing and approving or disapproving requests from
34 counties with operational enhanced 9-1-1 systems to be exempted from the
35 expenditure limitations under § 1-312 of this subtitle; [and]

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

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

3 1. are required by the Board;

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

5 and

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

8 (ii) are approved by the Board for payment[:

9 1.] from money collected under § 1-310 of this subtitle[;

10 and];

11 [2.] 1. directly to a third party contractor on behalf of a

12 county; OR

13 2. DIRECTLY TO A CMRS PROVIDER FOR RECURRING AND
14 NONRECURRING COSTS DIRECTLY RELATED TO THE DEPLOYMENT AND OPERATION
15 OF WIRELESS ENHANCED 9-1-1 SERVICE;

16 (13) APPROVING, REJECTING, OR MODIFYING:

17 (I) THE IMPLEMENTATION SCHEDULE FOR WIRELESS ENHANCED
18 9-1-1 SERVICE; AND

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

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

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

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

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

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

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

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

3 (D) (1) ANNUALLY, ACCORDING TO A SCHEDULE DETERMINED BY THE
4 BOARD, A CMRS PROVIDER SHALL SUBMIT TO THE BOARD:

5 (I) AN ESTIMATE OF ITS COST OF DEPLOYING WIRELESS
6 ENHANCED 9-1-1 SERVICE BASED ON THE CURRENT DEPLOYMENT OF WIRELESS
7 ENHANCED 9-1-1 SERVICE IN ALL AREAS OF THE STATE WHERE THE CMRS
8 PROVIDER PROVIDED CMRS; AND

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

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

16 1-308.

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

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

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

20 (2) pay contractors AND CMRS PROVIDERS in accordance with [§
21 1-306(b)(11)] § 1-306(B)(12) of this subtitle; and

22 (3) fund the coordinator position AND STAFF TO HANDLE THE
23 INCREASED DUTIES RELATED TO WIRELESS ENHANCED 9-1-1 SERVICE under §
24 1-305 of this subtitle, AS AN ADMINISTRATIVE COST.

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

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

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

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

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

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

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

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

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

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

12 1-309.

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

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

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

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

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

21 (2) Each July 1, the Comptroller shall allocate sufficient money from the
22 9-1-1 fee to pay the costs of administering the 9-1-1 Trust Fund.

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

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

27 (ii) pay contractors AND CMRS PROVIDERS in accordance with [§
28 1-306(b)(11)] § 1-306(B)(12) of this subtitle.

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

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

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

- 1 (2) Money collected from the 9-1-1 fee may be used to:
- 2 (i) reimburse counties for the cost of enhancing a 9-1-1 system;
- 3 and
- 4 (ii) pay contractors AND CMRS PROVIDERS in accordance with [§
- 5 1-306(b)(11)] § 1-306(B)(12) of this subtitle.
- 6 (3) Money collected from the additional charge may be used by the
- 7 counties for the maintenance and operation costs of the 9-1-1 system.
- 8 (d) (1) Reimbursement may be made only to the extent that county money
- 9 was used to enhance the 9-1-1 system.
- 10 (2) Reimbursement for the enhancement of 9-1-1 systems shall include
- 11 the installation of equipment for automatic number identification, automatic location
- 12 identification, and other technological advancements that the Board requires.
- 13 (3) Reimbursement from money collected from the 9-1-1 fee may be
- 14 used only for 9-1-1 system enhancements approved by the Board.
- 15 (e) (1) The Board may direct the Comptroller to withhold from a county
- 16 money for 9-1-1 system expenditures if the county violates this subtitle or a
- 17 regulation of the Board.
- 18 (2) (i) The Board shall state publicly in writing its reason for
- 19 withholding money from a county and shall record its reason in the minutes of the
- 20 Board.
- 21 (ii) On reaching its decision to withhold money, the Board shall
- 22 notify the county.
- 23 (iii) The county has 30 days after the date of notification to respond
- 24 in writing to the Board.
- 25 (3) (i) On notification by the Board, the Comptroller shall hold money
- 26 for the county in the county's account in the 9-1-1 Trust Fund.
- 27 (ii) Money held by the Comptroller under subparagraph (i) of this
- 28 paragraph does not accrue interest for the county.
- 29 (iii) Interest income earned on money held by the Comptroller under
- 30 subparagraph (i) of this paragraph accrues to the 9-1-1 Trust Fund.
- 31 (4) County money withheld by the Comptroller shall be withheld until
- 32 the Board directs the Comptroller to release the money.
- 33 (f) (1) The Legislative Auditor shall conduct fiscal/compliance audits of the
- 34 9-1-1 Trust Fund and of the appropriations and disbursements made for purposes of
- 35 this subtitle.

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

3 1-310.

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

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

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

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

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

16 (I) 10 CENTS PER MONTH FOR SUBSCRIBERS TO SWITCHED LOCAL
17 EXCHANGE ACCESS SERVICE; AND

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

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

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

25 (2) Each telephone company:

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

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

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

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

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

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

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

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

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

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

14 (4) THE BOARD MAY AUDIT OR REQUIRE A LOCAL EXCHANGE CARRIER
15 OR CMRS PROVIDER TO SUBMIT AN INDEPENDENT AUDIT OF 9-1-1 FEES,
16 COLLECTIONS, AND REMITTANCES.

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

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

26 1-311.

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

32 (b) (1) The additional charge imposed by a county may not exceed 50 cents
33 per month per bill.

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

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

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

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

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

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

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

15 (ii) collect the money from the additional charge on a county basis;
16 and

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

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

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

28 SECTION 4. AND BE IT FURTHER ENACTED, That the term of the initial
29 member of the Emergency Number Systems Board representing a county with a
30 population of 200,000 or more and the term of the initial member of the Emergency
31 Number Systems Board representing a county with a population of less than 200,000
32 shall expire in 2007.

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

37 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions
38 of Section 5 of this Act, this Act shall take effect July 1, 2003.