

SENATE BILL 745

E4
HB 779/12 – HGO

3lr2727

By: **Senator Middleton**

Introduced and read first time: February 1, 2013

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – 9–1–1 Emergency Telephone Systems – Prepaid Service –**
3 **Collection of Surcharge**

4 FOR the purpose of establishing that the surcharge on wireless telecommunication
5 services applies to prepaid service; establishing the amount of the prepaid
6 wireless E 9–1–1 fee; allowing for the collection of the fee for the purpose of
7 contributing to the 9–1–1 Trust Fund; authorizing certain percentages of the
8 money collected from the fee to be used for certain purposes; providing that the
9 fee shall be collected for certain transactions; authorizing a seller to deduct and
10 retain certain percentages of the fee under certain circumstances; establishing
11 certain procedures for the collection of the fee; authorizing a seller to
12 demonstrate a certain exemption from the fee in a certain manner; authorizing
13 the Comptroller to adopt certain regulations; establishing certain immunity
14 provisions; establishing that certain procedures apply to this Act; prohibiting
15 certain charges from being imposed; defining certain terms; making technical
16 changes; and generally relating to 9–1–1 emergency telephone systems and the
17 collection of fees to support the systems.

18 BY repealing and reenacting, with amendments,
19 Article – Public Safety
20 Section 1–301 through 1–303 and 1–308 through 1–311
21 Annotated Code of Maryland
22 (2011 Replacement Volume and 2012 Supplement)

23 BY adding to
24 Article – Public Safety
25 Section 1–313
26 Annotated Code of Maryland
27 (2011 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland 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 compensation or
12 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” means a
16 person authorized by the Federal Communications Commission to provide CMRS in
17 the State.

18 (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 provider for
23 CMRS; or

24 (ii) the end user of the CMRS if the end user of the CMRS is not
25 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.

1 (h) “Enhanced 9–1–1 system” means a 9–1–1 system that provides:

2 (1) automatic number identification;

3 (2) automatic location identification; and

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

5 (i) “FCC order” means an order issued by the Federal Communications
6 Commission under proceedings regarding the compatibility of enhanced 9–1–1
7 systems and delivery of wireless enhanced 9–1–1 service.

8 (j) “Home service provider” means the facilities–based carrier or reseller
9 that contracts with a customer to provide CMRS.

10 (k) “Next generation 9–1–1 services” means an Internet Protocol (IP)–based
11 system, comprised of hardware, software, data, and operational policies and
12 procedures, that:

13 (1) provides standardized interfaces from emergency call and message
14 services to support emergency communications;

15 (2) processes all types of emergency calls, including voice, text, data,
16 and multimedia information;

17 (3) acquires and integrates additional emergency call data useful to
18 call routing and handling;

19 (4) delivers the emergency calls, messages, and data to the
20 appropriate public safety answering point and other appropriate emergency entities;

21 (5) supports data or video communications needs for coordinated
22 incident response and management; and

23 (6) provides broadband service to public safety answering points or
24 other first responder entities.

25 (l) “9–1–1–accessible service” means telephone service or another
26 communications service that connects an individual dialing the digits 9–1–1 to an
27 established public safety answering point.

28 (m) “9–1–1 fee” means the fee imposed in accordance with § 1–310 of this
29 subtitle.

30 (n) (1) “9–1–1 service carrier” means a provider of CMRS or other
31 9–1–1–accessible service.

1 (2) “9–1–1 service carrier” does not include a telephone company.

2 (o) (1) “9–1–1 system” means telephone service that:

3 (i) meets the planning guidelines established under this
4 subtitle; and

5 (ii) automatically connects an individual dialing the digits
6 9–1–1 to an established public safety answering point.

7 (2) “9–1–1 system” includes:

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

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

12 (iii) equipment to connect 9–1–1 calls to the appropriate public
13 safety agency.

14 (p) “9–1–1 Trust Fund” means the fund established under § 1–308 of this
15 subtitle.

16 **(Q) “PREPAID WIRELESS E 9–1–1 FEE” MEANS THE FEE THAT IS**
17 **REQUIRED TO BE COLLECTED BY A SELLER FROM A CONSUMER IN THE AMOUNT**
18 **ESTABLISHED UNDER § 1–313 OF THIS SUBTITLE.**

19 **(R) “PREPAID WIRELESS TELECOMMUNICATIONS SERVICE” MEANS A**
20 **COMMERCIAL MOBILE RADIO SERVICE THAT:**

21 **(1) ALLOWS A CONSUMER TO DIAL 9–1–1 TO ACCESS THE 9–1–1**
22 **SYSTEM;**

23 **(2) MUST BE PAID FOR IN ADVANCE; AND**

24 **(3) IS SOLD IN PREDETERMINED UNITS THAT DECLINE WITH USE**
25 **IN A KNOWN AMOUNT.**

26 **[(q)] (S) “Public safety agency” means:**

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

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

1 **[(r)] (T)** “Public safety answering point” means a communications facility
2 that:

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

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

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

7 **[(s)] (U)** “Secretary” means the Secretary of Public Safety and Correctional
8 Services.

9 **(V) “SELLER” MEANS A PERSON THAT SELLS PREPAID WIRELESS**
10 **TELECOMMUNICATIONS SERVICE TO ANOTHER PERSON.**

11 **[(t)] (W)** “Wireless enhanced 9-1-1 service” means enhanced 9-1-1 service
12 under an FCC order.

13 1-302.

14 (a) The General Assembly:

15 (1) recognizes the paramount importance of the safety and well-being
16 of the public;

17 (2) recognizes that timely and appropriate assistance must be
18 provided when the lives or property of the public **[is] ARE** in imminent danger;

19 (3) recognizes that emergency assistance usually is summoned by
20 telephone, and that a multiplicity of emergency telephone numbers existed throughout
21 the State and within each county;

22 (4) was concerned that avoidable delays in reaching appropriate
23 emergency assistance were occurring to the jeopardy of life and property; **[and]**

24 (5) acknowledges that the three digit number, 9-1-1, is a nationally
25 recognized and applied telephone number that may be used to summon emergency
26 assistance and to eliminate delays caused by lack of familiarity with emergency
27 numbers and by confusion in circumstances of crisis; **AND**

28 **(6) RECOGNIZES THAT ALL END USER CUSTOMERS OF**
29 **9-1-1-ACCESSIBLE SERVICES, INCLUDING CONSUMERS OF PREPAID WIRELESS**
30 **TELECOMMUNICATIONS SERVICE, SHOULD CONTRIBUTE IN A FAIR AND**
31 **EQUITABLE MANNER TO THE 9-1-1 TRUST FUND.**

1 (b) The purposes of this subtitle are to:

2 (1) establish the three digit number, 9-1-1, as the primary emergency
3 telephone number for the State; and

4 (2) provide for the orderly installation, maintenance, and operation of
5 9-1-1 systems in the State.

6 1-303.

7 (a) (1) This subtitle does not require a public service company to provide
8 any equipment or service other than in accordance with tariffs approved by the Public
9 Service Commission.

10 (2) The provision of services, the rates, and the extent of liability of a
11 public service company are governed by the tariffs approved by the Public Service
12 Commission.

13 (b) (1) This subtitle does not require a 9-1-1 service carrier to provide
14 any equipment or service other than the equivalent of the equipment and service
15 required of a telephone company under subsection (a) of this section.

16 (2) This subtitle does not extend any liability to a 9-1-1 service carrier
17 **OR SELLER OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE.**

18 1-308.

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

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

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

22 (2) pay contractors in accordance with § 1-306(b)(12) of this subtitle;
23 and

24 (3) fund the coordinator position and staff to handle the increased
25 duties related to wireless enhanced 9-1-1 service under § 1-305 of this subtitle, as an
26 administrative cost.

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

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

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

3 **(3) MONEY FROM THE PREPAID WIRELESS E 9-1-1 FEE**
4 **COLLECTED AND REMITTED TO THE COMPTROLLER UNDER § 1-313 OF THIS**
5 **SUBTITLE; AND**

6 **[(3)] (4)** investment earnings of the 9-1-1 Trust Fund.

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

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

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

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

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

19 1-309.

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

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

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

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

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

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

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

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

3 (ii) pay contractors in accordance with § 1-306(b)(12) of this
4 subtitle.

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

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

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

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

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

15 (ii) pay contractors in accordance with § 1-306(b)(12) of this
16 subtitle.

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

19 (4) **MONEY COLLECTED FROM THE PREPAID WIRELESS E 9-1-1**
20 **FEE MAY BE USED AS FOLLOWS:**

21 (I) **25% FOR THE SAME PURPOSE AS THE 9-1-1 FEE UNDER**
22 **PARAGRAPH (2) OF THIS SUBSECTION; AND**

23 (II) **75% FOR THE SAME PURPOSE AS THE ADDITIONAL**
24 **CHARGE UNDER PARAGRAPH (3) OF THIS SUBSECTION, PRORATED ON THE**
25 **BASIS OF THE TOTAL FEES COLLECTED IN EACH COUNTY.**

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

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

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

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

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

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

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

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

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

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

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

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

24 (2) The cost of the fiscal portion of the audits shall be paid from the
25 9-1-1 Trust Fund as an administrative cost.

26 1-310.

27 **(A) THIS SECTION DOES NOT APPLY TO PREPAID WIRELESS**
28 **TELECOMMUNICATIONS SERVICE.**

29 **[(a)] (B)** Each subscriber to **[switched] SWITCH** local exchange access
30 service or CMRS or other 9-1-1-accessible service shall pay a 9-1-1 fee.

31 **[(b)] (C)** The 9-1-1 fee is 25 cents per month, payable when the bill for the
32 telephone service or CMRS or other 9-1-1-accessible service is due.

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

4 (2) Each telephone company:

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

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

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

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

15 **[(d)] (E)** (1) Each 9-1-1 service carrier shall add the 9-1-1 fee to all
16 current bills rendered for CMRS or other 9-1-1-accessible service in the State.

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

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

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

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

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

28 (4) The Board shall adopt procedures for auditing surcharge collection
29 and remittance by CMRS providers.

30 (5) On request of a CMRS provider, and except as otherwise required
31 by law, the information that the CMRS provider reports to the Board shall be
32 confidential, privileged, and proprietary and may not be disclosed to any person other
33 than the CMRS provider.

1 **[(e)] (F)** Notwithstanding any other provision of this subtitle, the 9–1–1 fee
2 does not apply to an intermediate service line used exclusively to connect a CMRS or
3 other 9–1–1–accessible service, other than a switched local access service, to another
4 telephone system or switching device.

5 **[(f)] (G)** A CMRS provider that pays or collects 9–1–1 fees under this
6 section has the same immunity from liability for transmission failures as that
7 approved by the Public Service Commission for local exchange telephone companies
8 that are subject to regulation by the Commission under the Public Utilities Article.

9 1–311.

10 **(A) THIS SECTION DOES NOT APPLY TO PREPAID WIRELESS**
11 **TELECOMMUNICATIONS SERVICE.**

12 **[(a)] (B)** In addition to the 9–1–1 fee, the governing body of each county, by
13 ordinance or resolution enacted or adopted after a public hearing, may impose an
14 additional charge to be added to all current bills rendered for switched local exchange
15 access service or CMRS or other 9–1–1–accessible service in the county.

16 **[(b)] (C)** (1) The additional charge imposed by a county may not exceed
17 75 cents per month per bill.

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

20 **[(c)] (D)** The additional charge continues in effect until repealed or modified
21 by a subsequent county ordinance or resolution.

22 **[(d)] (E)** After imposing, repealing, or modifying an additional charge, the
23 county shall certify the amount of the additional charge to the Public Service
24 Commission.

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

29 **[(f)] (G)** Within 60 days after a county enacts or adopts an ordinance or
30 resolution that imposes, repeals, or modifies an additional charge, each 9–1–1 service
31 carrier that provides service in the county shall add the full amount of the additional
32 charge to all current bills rendered for CMRS or other 9–1–1–accessible service in the
33 county.

34 **[(g)] (H)** (1) Each telephone company and each 9–1–1 service carrier
35 shall:

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

3 (ii) collect the money from the additional charge on a county
4 basis; and

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

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

9 **1-313.**

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
11 MEANINGS INDICATED.

12 (2) "CONSUMER" MEANS A PERSON THAT PURCHASES PREPAID
13 WIRELESS TELECOMMUNICATIONS SERVICE IN A RETAIL TRANSACTION.

14 (3) "PROVIDER" MEANS A PERSON THAT PROVIDES PREPAID
15 WIRELESS TELECOMMUNICATIONS SERVICE UNDER A LICENSE ISSUED BY THE
16 FEDERAL COMMUNICATIONS COMMISSION.

17 (4) "RETAIL TRANSACTION" MEANS THE PURCHASE OF PREPAID
18 WIRELESS TELECOMMUNICATIONS SERVICE FROM A SELLER FOR ANY PURPOSE
19 OTHER THAN RESALE.

20 (B) THERE IS A PREPAID WIRELESS E 9-1-1 FEE OF 60 CENTS PER
21 RETAIL TRANSACTION.

22 (C) (1) THE PREPAID WIRELESS E 9-1-1 FEE SHALL BE COLLECTED
23 BY THE SELLER FROM THE CONSUMER FOR EACH RETAIL TRANSACTION IN THE
24 STATE.

25 (2) A RETAIL TRANSACTION OCCURS IN THE STATE IF:

26 (I) THE SALE OR RECHARGE TAKES PLACE AT THE
27 SELLER'S PLACE OF BUSINESS LOCATED IN THE STATE;

28 (II) THE CONSUMER'S SHIPPING ADDRESS IS IN THE STATE;
29 OR

1 **(III) NO ITEM IS SHIPPED, BUT THE CONSUMER'S BILLING**
2 **ADDRESS OR THE LOCATION ASSOCIATED WITH THE CONSUMER'S MOBILE**
3 **TELEPHONE NUMBER IS IN THE STATE.**

4 **(D) THE AMOUNT OF THE PREPAID WIRELESS E 9-1-1 FEE SHALL BE**
5 **DISCLOSED TO THE CONSUMER AT THE TIME OF THE RETAIL TRANSACTION.**

6 **(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
7 **SUBSECTION, THE PREPAID WIRELESS E 9-1-1 FEE IS THE LIABILITY OF THE**
8 **CONSUMER AND NOT OF THE SELLER OR OF ANY PROVIDER.**

9 **(2) THE SELLER IS LIABLE FOR REMITTING ALL PREPAID**
10 **WIRELESS E 9-1-1 FEES THAT THE SELLER COLLECTS FROM CONSUMERS AS**
11 **PROVIDED IN THIS SECTION.**

12 **(F) (1) BEFORE DECEMBER 28, 2013, A SELLER MAY DEDUCT AND**
13 **RETAIN 50% OF PREPAID WIRELESS E 9-1-1 FEES COLLECTED FROM**
14 **CONSUMERS FOR DIRECT START-UP COSTS.**

15 **(2) ON OR AFTER DECEMBER 28, 2013, A SELLER MAY DEDUCT**
16 **AND RETAIN 3% OF PREPAID WIRELESS E 9-1-1 FEES COLLECTED FROM**
17 **CONSUMERS.**

18 **(G) A SELLER SHALL REPORT AND REMIT TO THE COMPTROLLER ALL**
19 **PREPAID WIRELESS E 9-1-1 FEES COLLECTED BY THE SELLER IN THE MANNER**
20 **PROVIDED FOR THE REMITTING OF THE SALES AND USE TAX UNDER TITLES 11**
21 **AND 13 OF THE TAX - GENERAL ARTICLE.**

22 **(H) THE COMPTROLLER SHALL DEPOSIT ALL REPORTED AND**
23 **REMITTED PREPAID WIRELESS E 9-1-1 FEES INTO THE 9-1-1 TRUST FUND**
24 **WITHIN 30 DAYS OF RECEIPT.**

25 **(I) A SELLER MAY DEMONSTRATE THAT A SALE IS NOT A RETAIL**
26 **TRANSACTION IN A MANNER ESTABLISHED BY THE COMPTROLLER THAT IS**
27 **SUBSTANTIALLY SIMILAR TO THE PROCEDURES FOR DEMONSTRATING A RESALE**
28 **FOR EXEMPTION FROM THE SALES AND USE TAX UNDER TITLES 11 AND 13 OF**
29 **THE TAX - GENERAL ARTICLE.**

30 **(J) FOR THE PURPOSE OF THIS SECTION, THE AUDIT AND APPEAL**
31 **PROCEDURES ESTABLISHED FOR THE SALES AND USE TAX UNDER TITLES 11**
32 **AND 13 OF THE TAX - GENERAL ARTICLE APPLY.**

1 **(K) A SELLER THAT IS NOT A PROVIDER OF PREPAID WIRELESS**
2 **TELECOMMUNICATIONS SERVICE IS NOT LIABLE FOR DAMAGES IN CONNECTION**
3 **WITH:**

4 **(1) THE PROVISION OF, OR FAILURE OF, 9-1-1 OR E 9-1-1**
5 **SERVICE;**

6 **(2) IDENTIFYING, OR FAILING TO IDENTIFY, THE TELEPHONE**
7 **NUMBER, ADDRESS, LOCATION, OR NAME ASSOCIATED WITH ANY PERSON OR**
8 **DEVICE THAT IS ACCESSING OR ATTEMPTING TO ACCESS 9-1-1 OR E 9-1-1**
9 **SERVICE; OR**

10 **(3) THE PROVISION OF ANY LAWFUL ASSISTANCE TO ANY**
11 **INVESTIGATIVE OR LAW ENFORCEMENT OFFICER.**

12 **(L) PROVIDERS AND SELLERS OF PREPAID WIRELESS**
13 **TELECOMMUNICATIONS SERVICE HAVE THE SAME IMMUNITY FROM LIABILITY**
14 **FOR TRANSMISSION FAILURES AS THAT APPROVED BY THE PUBLIC SERVICE**
15 **COMMISSION FOR LOCAL EXCHANGE TELEPHONE COMPANIES THAT ARE**
16 **SUBJECT TO REGULATION BY THE COMMISSION UNDER THE PUBLIC UTILITIES**
17 **ARTICLE.**

18 **(M) A TAX, A FEE, A SURCHARGE, OR ANY OTHER CHARGE MAY NOT BE**
19 **IMPOSED BY THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, OR ANY**
20 **INTERGOVERNMENTAL AGENCY, FOR E 9-1-1 FUNDING PURPOSES, ON ANY**
21 **PROVIDER, SELLER, OR CONSUMER WITH RESPECT TO THE SALE, PURCHASE,**
22 **USE, OR PROVISION OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE.**

23 **(N) THE COMPTROLLER SHALL ADOPT REGULATIONS TO CARRY OUT**
24 **THE PROVISIONS OF THIS SECTION.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 2013.