

SENATE BILL 838

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CF HB 934

By: **Senators Kagan and Reilly (By Request – Commission to Advance Next Generation 9–1–1 Across Maryland)**

Introduced and read first time: February 3, 2020

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – 9–1–1 Emergency Telephone System**

3 FOR the purpose of altering references to the terms “9–1–1 fee” and “additional charge”,
4 respectively, to be “State 9–1–1 fee” and “county 9–1–1 fee”, respectively, and
5 altering the definition of “public safety answering point” for purposes of provisions
6 of law concerning the 9–1–1 emergency telephone system; requiring certain
7 educational information made available by the State or a county to include
8 information on certain requirements for certain multiple–line telephone systems;
9 requiring certain public safety answering points to employ certain protocols for the
10 processing of 9–1–1 requests for emergency assistance; requiring a public safety
11 answering point to ensure each 9–1–1 specialist employed by the public safety
12 answering point is certified in certain disciplines; authorizing a public safety
13 answering point to establish a telecommunicator emergency response team for a
14 certain purpose; requiring each public safety answering point to adopt and
15 implement certain occupational wellness programs; renaming the Emergency
16 Number Systems Board to be the Maryland 9–1–1 Board; altering the composition
17 of the Board; requiring the Board to establish certain training standards for public
18 safety answering point personnel concerning Next Generation 9–1–1 topics;
19 requiring certain standards established by the Board to include minimum standards
20 for 9–1–1 specialists to obtain continuing education; requiring the Board, at least
21 once each year, to conduct a certain audit of each public safety answering point;
22 authorizing the audit to be conducted concurrently with a certain inspection of the
23 public safety answering point; requiring the Board to establish certain standards
24 governing the processing of 9–1–1 requests for assistance; prohibiting money
25 accruing to the 9–1–1 Trust Fund from being used for the maintenance or operation
26 of certain communications centers; altering the amount of a certain credit that
27 certain telephone companies and commercial mobile radio service providers are
28 entitled to receive; requiring the governing body of a county, under certain
29 circumstances, to submit to the Board a certain report concerning the division of
30 9–1–1 trust funds and to restore the diverted funds within a certain period of time;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 providing that a county or municipality is responsible for enforcing certain
 2 requirements concerning multiple-line telephone systems; authorizing a county or
 3 municipality to set a fine or series of fines for a certain violation; requiring that
 4 certain fines collected by a county or municipality be returned to the county or
 5 municipality taking the enforcement action; requiring a county to submit to the
 6 Board a certain certification of enforcement actions under certain circumstances;
 7 requiring the terms of certain members of the Board to terminate on a certain date;
 8 specifying the terms of certain initial members of the Board; requiring the
 9 Department of General Services to report to the Commission to Advance Next
 10 Generation 9-1-1 Across Maryland and the General Assembly on or before a certain
 11 date; repealing certain obsolete language; making a stylistic change; and generally
 12 relating to 9-1-1 emergency telephone systems.

13 BY repealing and reenacting, with amendments,

14 Article – Public Safety

15 Section 1-301, 1-304(e), 1-305, 1-306(b)(15) and (e), 1-307, 1-309, 1-310 through
 16 1-312, and 1-314

17 Annotated Code of Maryland

18 (2018 Replacement Volume and 2019 Supplement)

19 BY adding to

20 Article – Public Safety

21 Section 1-304.1, 1-304.2, and 1-306(e) and (f)

22 Annotated Code of Maryland

23 (2018 Replacement Volume and 2019 Supplement)

24 BY repealing and reenacting, without amendments,

25 Article – Public Safety

26 Section 1-306(a)

27 Annotated Code of Maryland

28 (2018 Replacement Volume and 2019 Supplement)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

30 That the Laws of Maryland read as follows:

31 **Article – Public Safety**

32 1-301.

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

34 (b) [“Additional charge” means the charge imposed by a county in accordance
 35 with § 1-311 of this subtitle.

36 (c) [“Board” means the [Emergency Number Systems] **MARYLAND 9-1-1** Board.

1 [(d)] (C) “Commercial mobile radio service” or “CMRS” means mobile
2 telecommunications service that is:

3 (1) provided for profit with the intent of receiving compensation or
4 monetary gain;

5 (2) an interconnected, two-way voice service; and

6 (3) available to the public.

7 [(e)] (D) “Commercial mobile radio service provider” or “CMRS provider” means
8 a person authorized by the Federal Communications Commission to provide CMRS in the
9 State.

10 (E) “COUNTY 9-1-1 FEE” MEANS THE FEE IMPOSED BY A COUNTY IN
11 ACCORDANCE WITH § 1-311 OF THIS SUBTITLE.

12 (f) “County plan” means a plan for a 9-1-1 system or enhanced 9-1-1 system, or
13 an amendment to the plan, developed by a county or several counties together under this
14 subtitle.

15 (g) (1) “Customer” means:

16 (i) the person that contracts with a home service provider for CMRS;
17 or

18 (ii) the end user of the CMRS if the end user of the CMRS is not the
19 contracting party.

20 (2) “Customer” does not include:

21 (i) a reseller of CMRS; or

22 (ii) a serving carrier under an arrangement to serve the customer
23 outside the home service provider’s licensed service area.

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

25 (1) automatic number identification;

26 (2) automatic location identification; and

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

28 (i) “FCC order” means an order issued by the Federal Communications
29 Commission under proceedings regarding the compatibility of enhanced 9-1-1 systems and
30 delivery of wireless enhanced 9-1-1 service.

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

3 (k) “Next Generation 9-1-1 services” means an Internet Protocol (IP)-based
4 system, comprised of hardware, software, data, and operational policies and procedures,
5 that:

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

8 (2) processes all types of requests for emergency services, including voice,
9 text, data, and multimedia information;

10 (3) acquires and integrates additional emergency call data useful to
11 routing and handling of requests for emergency services;

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

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

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

18 (l) “9-1-1-accessible service” means telephone service or another
19 communications service that connects an individual dialing the digits 9-1-1 to an
20 established public safety answering point.

21 (m) [“9-1-1 fee” means the fee imposed in accordance with § 1-310 of this subtitle.

22 (n)] (1) “9-1-1 service carrier” means a provider of CMRS or other
23 9-1-1-accessible service.

24 (2) “9-1-1 service carrier” does not include a telephone company.

25 [(o)] (N) “9-1-1 specialist” means an employee of a county public safety
26 answering point, or an employee working in a county public safety answering point, whose
27 duties and responsibilities include:

28 (1) receiving and processing 9-1-1 requests for emergency services;

29 (2) other support functions directly related to 9-1-1 requests for
30 emergency services; or

1 (3) dispatching law enforcement officers, fire rescue services, emergency
2 medical services, and other public safety services to the scene of an emergency.

3 **[(p)] (O)** (1) “9–1–1 system” means telephone service that:

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

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

8 (2) “9–1–1 system” includes:

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

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

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

15 **[(q)] (P)** “9–1–1 Trust Fund” means the fund established under § 1–308 of this
16 subtitle.

17 **[(r)] (Q)** “Prepaid wireless E 9–1–1 fee” means the fee that is required to be
18 collected by a seller from a consumer in the amount established under § 1–313 of this
19 subtitle.

20 **[(s)] (R)** “Prepaid wireless telecommunications service” means a commercial
21 mobile radio service that:

22 (1) allows a consumer to dial 9–1–1 to access the 9–1–1 system;

23 (2) must be paid for in advance; and

24 (3) is sold in predetermined units that decline with use in a known amount.

25 **[(t)] (S)** “Public safety agency” means:

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

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

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

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

3 (2) first receives 9-1-1 requests for emergency services in a 9-1-1 service
4 area; and

5 (3) as appropriate[,];

6 (I) dispatches public safety services directly[,];

7 (II) **TRANSMITS INCIDENT DATA TO APPROPRIATE PUBLIC**
8 **SAFETY AGENCIES WITHIN THE STATE FOR THE DISPATCH OF PUBLIC SAFETY**
9 **SERVICES; or**

10 (III) transfers 9-1-1 requests for emergency services **OR TRANSMITS**
11 **INCIDENT DATA to [appropriate public safety agencies]:**

12 **1. AN APPROPRIATE FEDERAL EMERGENCY**
13 **COMMUNICATION CENTER RESPONSIBLE FOR THE DELIVERY OF PUBLIC SAFETY**
14 **SERVICES ON A FEDERAL CAMPUS OR FEDERAL RESERVATION; OR**

15 **2. AN APPROPRIATE PUBLIC SAFETY ANSWERING POINT**
16 **LOCATED WITHIN OR OUTSIDE THE STATE.**

17 [(v)] (U) “Secretary” means the Secretary of Public Safety and Correctional
18 Services.

19 [(w)] (V) “Seller” means a person that sells prepaid wireless telecommunications
20 service to another person.

21 (W) **“STATE 9-1-1 FEE” MEANS THE FEE IMPOSED IN ACCORDANCE WITH §**
22 **1-310 OF THIS SUBTITLE.**

23 (x) “Wireless enhanced 9-1-1 service” means enhanced 9-1-1 service under an
24 FCC order.

25 1-304.

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

28 (1) shall designate the number 9-1-1 as the primary emergency telephone
29 number; [and]

1 (2) may include a separate secondary backup telephone number for
2 emergency calls; AND

3 (3) SHALL INCLUDE INFORMATION ON THE REQUIREMENTS OF §
4 1-314 OF THIS SUBTITLE.

5 1-304.1.

6 (A) (1) EACH PUBLIC SAFETY ANSWERING POINT SHALL EMPLOY
7 STANDARDS-BASED PROTOCOLS FOR THE PROCESSING OF 9-1-1 REQUESTS FOR
8 EMERGENCY ASSISTANCE.

9 (2) A PUBLIC SAFETY ANSWERING POINT SHALL ENSURE THAT EACH
10 9-1-1 SPECIALIST EMPLOYED BY THE PUBLIC SAFETY ANSWERING POINT IS
11 CERTIFIED IN EACH DISCIPLINE RELATED TO 9-1-1 REQUESTS FOR ASSISTANCE
12 FOR WHICH THE 9-1-1 SPECIALIST IS RESPONSIBLE FOR RECEIVING AND
13 PROCESSING.

14 (B) A PUBLIC SAFETY ANSWERING POINT MAY ESTABLISH A
15 TELECOMMUNICATOR EMERGENCY RESPONSE TEAM TO RESPOND TO, RELIEVE,
16 ASSIST, OR AUGMENT OTHER PUBLIC SAFETY ANSWERING POINTS WHEN THOSE
17 PUBLIC SAFETY ANSWERING POINTS ARE AFFECTED BY NATURAL OR HUMAN-MADE
18 DISASTERS.

19 1-304.2.

20 EACH PUBLIC SAFETY ANSWERING POINT SHALL ADOPT AND IMPLEMENT
21 PROGRAMS COMPLIANT WITH BEST PRACTICES ON 9-1-1 ACUTE/TRAUMATIC AND
22 CHRONIC STRESS MANAGEMENT.

23 1-305.

24 (a) There is [an Emergency Number Systems] A MARYLAND 9-1-1 Board in the
25 Department of Public Safety and Correctional Services.

26 (b) (1) The Board consists of [17] 19 members.

27 (2) Of the [17] 19 members:

28 (i) one member shall represent a telephone company operating in
29 the State;

30 (ii) one member shall represent the wireless telephone industry in
31 the State;

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

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

4 (I) ONE MEMBER SHALL REPRESENT THE EMERGENCY
5 COMMUNICATIONS COMMITTEE OF THE MARYLAND ASSOCIATION OF COUNTIES;

6 (II) ONE MEMBER SHALL REPRESENT DIRECTORS OF PUBLIC
7 SAFETY ANSWERING POINTS FOR ALLEGANY COUNTY, GARRETT COUNTY, AND
8 WASHINGTON COUNTY;

9 (III) ONE MEMBER SHALL REPRESENT DIRECTORS OF PUBLIC
10 SAFETY ANSWERING POINTS FOR CALVERT COUNTY, CHARLES COUNTY,
11 FREDERICK COUNTY, MONTGOMERY COUNTY, PRINCE GEORGE'S COUNTY, AND
12 ST. MARY'S COUNTY;

13 (IV) ONE MEMBER SHALL REPRESENT DIRECTORS OF PUBLIC
14 SAFETY ANSWERING POINTS FOR ANNE ARUNDEL COUNTY, BALTIMORE CITY,
15 BALTIMORE COUNTY, CARROLL COUNTY, HARFORD COUNTY, AND HOWARD
16 COUNTY;

17 (V) ONE MEMBER SHALL REPRESENT DIRECTORS OF PUBLIC
18 SAFETY ANSWERING POINTS FOR CAROLINE COUNTY, CECIL COUNTY,
19 DORCHESTER COUNTY, KENT COUNTY, QUEEN ANNE'S COUNTY, SOMERSET
20 COUNTY, TALBOT COUNTY, WICOMICO COUNTY, AND WORCESTER COUNTY;

21 [(v)] (VI) one member shall represent the Public Service
22 Commission;

23 [(vi)] (VII) one member shall represent the Association of
24 Public-Safety Communications Officials International, Inc.;

25 [(vii)] two members shall represent county fire services in the State,
26 with one member representing career fire services and one member representing volunteer
27 fire services;]

28 (VIII) ONE MEMBER SHALL REPRESENT COUNTY FIRE SERVICES
29 IN THE STATE;

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

1 [(ix) two members shall represent emergency management services in
2 the State;]

3 **(X) ONE MEMBER SHALL REPRESENT COUNTY EMERGENCY**
4 **MANAGEMENT SERVICES IN THE STATE;**

5 **(XI) ONE MEMBER SHALL REPRESENT COUNTY EMERGENCY**
6 **MEDICAL SERVICES IN THE STATE;**

7 **(XII) ONE MEMBER SHALL REPRESENT 9-1-1 SPECIALISTS;**

8 [(x) one member shall represent a county with a population of
9 200,000 or more;

10 (xi) one member shall represent a county with a population of less
11 than 200,000;

12 (xii)] **(XIII) one member shall represent the Maryland chapter of the**
13 **National Emergency Numbers Association;**

14 [(xiii)] **(XIV) one member shall represent the geographical information**
15 **systems in the State AND COUNTIES; [and]**

16 **(XV) ONE MEMBER, SELECTED FROM A LIST OF THREE**
17 **INDIVIDUALS RECOMMENDED BY THE MARYLAND ASSOCIATION OF COUNTIES,**
18 **SHALL POSSESS FINANCIAL EXPERTISE, WORKING IN THE FIELD OF PUBLIC SECTOR**
19 **FINANCE;**

20 **(XVI) ONE MEMBER SHALL REPRESENT INDIVIDUALS WITH**
21 **DISABILITIES, ASSISTIVE TECHNOLOGY NEEDS, SENIORS, AND OTHERS WITH**
22 **LANGUAGE AND ACCESSIBILITY NEEDS; AND**

23 [(xiv)] **(XVII) [two] THREE members shall represent the public,**
24 **WITH ONE MEMBER POSSESSING CYBERSECURITY EXPERTISE, PARTICULARLY IN**
25 **THE FIELD OF EMERGENCY COMMUNICATIONS NETWORKS.**

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

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

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

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

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

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

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

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

9 (f) A member of the Board:

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

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

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

14 (1) a coordinator who is responsible for the daily operation of the office of
15 the Board; and

16 (2) staff to handle the increased duties related to [wireless] enhanced
17 9-1-1 service.

18 1-306.

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

20 (b) The Board's responsibilities include:

21 (15) establishing training standards for public safety answering point
22 personnel based on national best practices, **INCLUDING TRAINING CONCERNING NEXT**
23 **GENERATION 9-1-1 TOPICS**; and

24 **(E) (1) THE STANDARDS ESTABLISHED BY THE BOARD UNDER**
25 **SUBSECTION (B)(15) OF THIS SECTION SHALL INCLUDE MINIMUM CONTINUING**
26 **EDUCATION STANDARDS FOR 9-1-1 SPECIALISTS.**

27 **(2) (I) AT LEAST ONCE EACH YEAR, THE BOARD SHALL PROVIDE**
28 **FOR AN AUDIT OF EACH PUBLIC SAFETY ANSWERING POINT IN ORDER TO ENSURE**
29 **THAT 9-1-1 SPECIALISTS AND OTHER PERSONNEL EMPLOYED BY THE PUBLIC**

1 SAFETY ANSWERING POINT HAVE SATISFIED THE TRAINING REQUIREMENTS
2 ESTABLISHED IN ACCORDANCE WITH SUBSECTION (B)(15) OF THIS SECTION.

3 (II) THE AUDIT DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS
4 PARAGRAPH MAY BE CONDUCTED CONCURRENTLY WITH AN INSPECTION OF THE
5 PUBLIC SAFETY ANSWERING POINT IN ACCORDANCE WITH SUBSECTION (B)(10) OF
6 THIS SECTION.

7 (F) THE BOARD SHALL ESTABLISH STANDARDS GOVERNING THE
8 PROCESSING OF 9-1-1 REQUESTS FOR ASSISTANCE THAT:

9 (1) MINIMIZE THE TRANSFER OF THOSE REQUESTS FROM THE PUBLIC
10 SAFETY ANSWERING POINT THAT RECEIVED THE REQUEST TO OTHER PUBLIC
11 SAFETY ANSWERING POINTS WITHIN OR OUTSIDE THE STATE OR FEDERAL
12 EMERGENCY COMMUNICATION CENTERS; AND

13 (2) AVOID TRANSFERS TO PUBLIC SAFETY AGENCIES THAT WOULD
14 ADVERSELY AFFECT A PUBLIC SAFETY RESPONSE.

15 [(e)] (G) The Board shall:

16 (1) establish minimum standards for 9-1-1 systems, enhanced 9-1-1
17 systems, and Next Generation 9-1-1 services that ensure improved access for individuals
18 with disabilities and individuals who use assistive technologies, including mandatory
19 connectivity requirements for core service providers for Next Generation 9-1-1 services to
20 device-based and cloud-based data repositories; and

21 (2) update the standards adopted in accordance with item (1) of this
22 subsection based on available technology and equipment.

23 1-307.

24 (a) The Board shall submit an annual report to the Governor, the Secretary, and,
25 subject to § 2-1257 of the State Government Article, the Legislative Policy 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 STATE 9-1-1 fee and [additional charge] COUNTY 9-1-1 FEE
29 charged;

30 (3) the funding formula in effect;

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

3 (5) any efforts to establish an enhanced 9-1-1 system in the county; and

4 (6) any suggested changes to this subtitle.

5 1-309.

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

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

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

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

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

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

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

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

19 (ii) pay contractors in accordance with § 1-306(b)(12) of this subtitle;

20 and

21 (iii) pay the costs associated with maintenance, operations, and
22 programs approved by the Board in accordance with § 1-308(b) of this subtitle.

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

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

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

30 (2) Money collected from the **STATE** 9-1-1 fee may be used only to:

- 1 (i) pay the administrative costs chargeable to the 9-1-1 Trust Fund;
- 2 (ii) reimburse counties for the cost of enhancing a 9-1-1 system;
- 3 (iii) pay contractors in accordance with § 1-306(b)(12) of this subtitle;
- 4 and
- 5 (iv) pay the costs associated with maintenance, operations, and
- 6 programs approved by the Board in accordance with § 1-308(b) of this subtitle.

7 (3) Money collected from the [additional charge] COUNTY 9-1-1 FEE may

8 be used by the counties only for the maintenance and operation costs of the 9-1-1 system.

9 (4) Money collected from the prepaid wireless E 9-1-1 fee shall be used as

10 follows:

11 (i) 25% for the same purpose as the 9-1-1 fee under paragraph (2)

12 of this subsection; and

13 (ii) 75% for the same purpose as the [additional charge] COUNTY

14 9-1-1 FEE under paragraph (3) of this subsection, prorated on the basis of the total fees

15 collected in each county.

16 **(5) MONEY ACCRUING TO THE 9-1-1 TRUST FUND MAY NOT BE USED**

17 **FOR THE MAINTENANCE OR OPERATION OF COMMUNICATIONS CENTERS OTHER**

18 **THAN PUBLIC SAFETY ANSWERING POINTS.**

19 (d) (1) Reimbursement may be made only to the extent that county money was

20 used to enhance the 9-1-1 system.

21 (2) Reimbursement for the enhancement of 9-1-1 systems shall include

22 the installation of equipment for automatic number identification, automatic location

23 identification, and other technological advancements that the Board requires.

24 (3) Reimbursement from money collected from the STATE 9-1-1 fee may

25 be used only for 9-1-1 system enhancements approved by the Board.

26 (e) (1) The Board may direct the Comptroller to withhold from a county money

27 for 9-1-1 system expenditures if the county violates this subtitle or a regulation of the

28 Board.

29 (2) (i) The Board shall state publicly in writing its reason for

30 withholding money from a county and shall record its reason in the minutes of the Board.

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

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

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

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

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

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

13 (f) (1) The Legislative Auditor may conduct fiscal/compliance audits of the
14 9-1-1 Trust Fund and of the appropriations and disbursements made for purposes of this
15 subtitle.

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

18 1-310.

19 (a) This section does not apply to prepaid wireless telecommunications service.

20 (b) Each subscriber to switched local exchange access service or CMRS or other
21 9-1-1-accessible service shall pay a **STATE** 9-1-1 fee.

22 (c) (1) Subject to paragraphs (2) through (5) of this subsection, the **STATE**
23 9-1-1 fee is 50 cents per month for each switched local exchange access service, CMRS, or
24 other 9-1-1-accessible service provided, payable when the bill for the service is due.

25 (2) Except as provided in paragraphs (3) through (5) of this subsection, if a
26 service provider provisions to the same individual or person the voice channel capacity to
27 make more than one simultaneous outbound call from a 9-1-1-accessible service, each
28 separate outbound call voice channel capacity, regardless of the technology, shall constitute
29 a separate 9-1-1-accessible service for purposes of calculating the **STATE** 9-1-1 fee due
30 under paragraph (1) of this subsection.

31 (3) CMRS provided to multiple devices that share a mobile telephone
32 number shall be treated as a single 9-1-1-accessible service for purposes of calculating the
33 **STATE** 9-1-1 fee due under paragraph (1) of this subsection.

1 (4) A broadband connection not used for telephone service may not
2 constitute a separate voice channel capacity for purposes of calculating the **STATE 9-1-1**
3 fee due under paragraph (1) of this subsection.

4 (5) (i) For a telephone service that provides, to multiple locations,
5 shared simultaneous outbound voice channel capacity configured to provide local dial in
6 different states, the voice channel capacity to which the **STATE 9-1-1** fee due under
7 paragraph (1) of this subsection applies is only the portion of the shared voice channel
8 capacity in the State identified by the service supplier's books and records.

9 (ii) In determining the portion of shared capacity in the State, a
10 service supplier may rely on, among other factors, a customer's certification of the
11 customer's allocation of capacity in the State, which may be based on:

- 12 1. each end user location;
- 13 2. the total number of end users; and
- 14 3. the number of end users at each end user location.

15 (d) (1) The Public Service Commission shall direct each telephone company to
16 add the **STATE 9-1-1** fee to all current bills rendered for switched local exchange access
17 service in the State.

18 (2) Each telephone company:

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

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

23 (iii) is entitled to credit, against the money from the **STATE 9-1-1**
24 fees to be remitted to the Comptroller, an amount equal to **[0.75%] 0.50%** of the **STATE**
25 **9-1-1** fees to cover the expenses of billing, collecting, and remitting the **STATE 9-1-1** fees
26 and **[any additional charges] COUNTY 9-1-1 FEES**.

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

29 (e) (1) Each 9-1-1 service carrier shall add the **STATE 9-1-1** fee to all current
30 bills rendered for CMRS or other 9-1-1-accessible service in the State.

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

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

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

5 (iii) is entitled to credit, against the money from the **STATE 9-1-1**
6 fees to be remitted to the Comptroller, an amount equal to **[0.75%] 0.50%** of the **STATE**
7 **9-1-1** fees to cover the expenses of billing, collecting, and remitting the **STATE 9-1-1** fees
8 and **[any additional charges] COUNTY 9-1-1 FEES**.

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

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

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

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

21 (g) A CMRS provider that pays or collects **STATE 9-1-1** fees under this section
22 has the same immunity from liability for transmission failures as that approved by the
23 Public Service Commission for local exchange telephone companies that are subject to
24 regulation by the Commission under the Public Utilities Article.

25 1-311.

26 (a) This section does not apply to prepaid wireless telecommunications service.

27 (b) In addition to the **STATE 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] A COUNTY 9-1-1 FEE** to be added to all current bills rendered for
30 switched local exchange access service or CMRS or other 9-1-1-accessible service in the
31 county.

32 (c) (1) Except as provided in paragraph (2) of this subsection and subject to
33 paragraphs (3) through (6) of this subsection, the **[additional charge] COUNTY 9-1-1 FEE**
34 imposed by a county may not exceed 75 cents per month for each switched local exchange
35 access service, CMRS, or other 9-1-1-accessible service provided.

1 (2) If revenues attributable to the [additional charge] COUNTY 9-1-1 FEE
2 for a fiscal year do not provide the revenues necessary to cover a county's operational costs
3 for the 9-1-1 system for that fiscal year, the county may, for the following fiscal year,
4 impose [an additional charge] A COUNTY 9-1-1 FEE not exceeding \$1.50 per month for
5 each switched local exchange access service, CMRS, or other 9-1-1-accessible service
6 provided.

7 (3) Except as provided in paragraphs (4) through (6) of this subsection, if a
8 service provider provisions to the same individual or person the voice channel capacity to
9 make more than one simultaneous outbound call from a 9-1-1-accessible service, each
10 separate outbound call voice channel capacity, regardless of the technology, shall constitute
11 a separate 9-1-1-accessible service for purposes of calculating the [additional charges]
12 COUNTY 9-1-1 FEES due under paragraphs (1) and (2) of this subsection.

13 (4) CMRS provided to multiple devices that share a mobile telephone
14 number shall be treated as a single 9-1-1-accessible service for purposes of calculating the
15 [additional charges] COUNTY 9-1-1 FEES due under paragraphs (1) and (2) of this
16 subsection.

17 (5) A broadband connection not used for telephone service may not
18 constitute a separate voice channel capacity for purposes of calculating the [additional
19 charges] COUNTY 9-1-1 FEES due under paragraphs (1) and (2) of this subsection.

20 (6) (i) For a telephone service that provides, to multiple locations,
21 shared simultaneous outbound voice channel capacity configured to provide local dial in
22 different states or counties, the voice channel capacity to which the 9-1-1 fee due under
23 paragraphs (1) and (2) of this subsection applies is only the portion of the shared voice
24 channel capacity in the county identified by the service supplier's books and records.

25 (ii) In determining the portion of shared capacity in the county, a
26 service supplier may rely on, among other factors, a customer's certification of the
27 customer's allocation of capacity in the county, which may be based on:

- 28 1. each end user location;
- 29 2. the total number of end users; and
- 30 3. the number of end users at each end user location.

31 (7) The amount of the [additional charges] COUNTY 9-1-1 FEES may not
32 exceed a level necessary to cover the total eligible maintenance and operation costs of the
33 county.

34 (d) The [additional charge] COUNTY 9-1-1 FEE continues in effect until repealed
35 or modified by a subsequent county ordinance or resolution.

1 (e) After imposing, repealing, or modifying [an additional charge] A COUNTY
2 9-1-1 FEE, the county shall certify the amount of the [additional charge] COUNTY 9-1-1
3 FEE to the Public Service Commission.

4 (f) The Public Service Commission shall direct each telephone company that
5 provides service in a county that imposed [an additional charge] A COUNTY 9-1-1 FEE to
6 add, within 60 days, the full amount of the [additional charge] COUNTY 9-1-1 FEE to all
7 current bills rendered for switched local exchange access service in the county.

8 (g) Within 60 days after a county enacts or adopts an ordinance or resolution that
9 imposes, repeals, or modifies [an additional charge] A COUNTY 9-1-1 FEE, each 9-1-1
10 service carrier that provides service in the county shall add the full amount of the
11 [additional charge] COUNTY 9-1-1 FEE to all current bills rendered for CMRS or other
12 9-1-1-accessible service in the county.

13 (h) (1) Each telephone company and each 9-1-1 service carrier shall:

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

16 (ii) collect the money from the [additional charge] COUNTY 9-1-1
17 FEE on a county basis; and

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

19 (2) The Comptroller shall deposit the money remitted in the 9-1-1 Trust
20 Fund account maintained for the county that imposed the [additional charge] COUNTY
21 9-1-1 FEE.

22 1-312.

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

26 (b) Subject to the provisions of subsection (c) of this section, maintenance and
27 operation costs may include telephone company charges, equipment costs, equipment lease
28 charges, repairs, utilities, personnel costs, and appropriate carryover costs from previous
29 years.

30 (c) During a year in which a county raises its [local additional charge] COUNTY
31 9-1-1 FEE under § 1-311 of this subtitle, the county:

32 (1) may use 9-1-1 trust funds only to supplement levels of spending by the
33 county for 9-1-1 maintenance or operations; and

1 (2) may not use 9-1-1 trust funds to supplant spending by the county for
2 9-1-1 maintenance or operations.

3 (d) **(1)** The Board shall provide for an audit of each county's expenditures for
4 the maintenance and operation of the county's 9-1-1 system.

5 **(2)** **IF AN AUDIT PERFORMED IN ACCORDANCE WITH PARAGRAPH (1)**
6 **OF THIS SUBSECTION DETERMINES THAT A COUNTY HAS UTILIZED 9-1-1 TRUST**
7 **FUNDS FOR PURPOSES OTHER THAN THOSE AUTHORIZED UNDER THIS SUBTITLE,**
8 **THE GOVERNING BODY OF THE COUNTY SHALL:**

9 **(I)** **SUBMIT TO THE BOARD A REPORT THAT INCLUDES AN**
10 **EXPLANATION FOR THE DIVERSION OF 9-1-1 TRUST FUNDS FOR UNAUTHORIZED**
11 **PURPOSES AND DETAILS THE STEPS TAKEN BY THE COUNTY TO ENSURE THAT THE**
12 **DIVERSION OF 9-1-1 TRUST FUNDS DOES NOT OCCUR IN THE FUTURE; AND**

13 **(II)** **RESTORE THE DIVERTED FUNDS TO THE COUNTY'S 9-1-1**
14 **BUDGET WITHIN THAT FISCAL YEAR.**

15 (e) (1) For a county without an operational Phase II wireless enhanced 9-1-1
16 system within the time frames established by the Board under § 1-306(b)(6) of this subtitle,
17 the Board shall adopt procedures, to take effect on or after January 1, 2006, to assure that:

18 (i) the money collected from the [additional charge] COUNTY
19 **9-1-1 FEE** and distributed to the county is expended during the county's fiscal year as
20 follows:

21 1. for a 9-1-1 system in a county or a multicounty area with
22 a population of 100,000 individuals or [less] **FEWER**, a maximum of 85% may be spent for
23 personnel costs; and

24 2. for a 9-1-1 system in a county or multicounty area with a
25 population of over 100,000 individuals, a maximum of 70% may be spent for personnel costs;
26 and

27 (ii) the total amount collected from the **STATE 9-1-1 fee** and the
28 [additional charge] **COUNTY 9-1-1 FEE** shall be expended only for the installation,
29 enhancement, maintenance, and operation of a county or multicounty system.

30 (2) The Board may grant an exception to the provisions of paragraph (1) of
31 this subsection in extenuating circumstances.

32 (3) A county with an operational Phase II wireless enhanced 9-1-1 system
33 is exempt from the provisions of paragraph (1) of this subsection.

1 1-314.

2 (a) In this section, “multiple-line telephone system” means a system that:

3 (1) consists of common control units, telephone sets, control hardware and
4 software, and adjunct systems, including network and premises-based systems; and

5 (2) is designed to aggregate more than one incoming voice communication
6 channel for use by more than one telephone.

7 (b) (1) Except as provided in paragraph (2) of this subsection, [on or before
8 December 31, 2017,] a person that installs or operates a multiple-line telephone system
9 shall ensure that the system is connected to the public switched telephone network in such
10 a way that when an individual using the system dials 9-1-1, the call connects to the public
11 safety answering point without requiring the user to dial any other number or set of
12 numbers.

13 (2) A unit of the Executive Branch of State government shall comply with
14 paragraph (1) of this subsection on the date that the multiple-line telephone system of the
15 unit is next upgraded.

16 (c) **NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A**
17 **COUNTY OR MUNICIPALITY SHALL BE RESPONSIBLE FOR ENFORCING SUBSECTION**
18 **(B) OF THIS SECTION.**

19 (d) (1) **EACH COUNTY OR MUNICIPALITY MAY SET A FINE OR SERIES OF**
20 **FINES TO BE ISSUED TO A PERSON THAT VIOLATES SUBSECTION (B) OF THIS**
21 **SECTION.**

22 (2) **REVENUE COLLECTED UNDER PARAGRAPH (1) OF THIS**
23 **SUBSECTION SHALL BE RETURNED TO THE COUNTY OR MUNICIPALITY TAKING THE**
24 **ENFORCEMENT ACTION.**

25 (e) **WHEN A COUNTY SUBMITS A REQUEST FOR DISBURSEMENTS FROM THE**
26 **9-1-1 TRUST FUND IN ACCORDANCE WITH § 1-309 OF THIS SUBTITLE, THE COUNTY**
27 **SHALL SUBMIT TO THE BOARD A CERTIFICATION OF THE ENFORCEMENT ACTIONS**
28 **TAKEN BY THE COUNTY UNDER THIS SECTION.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That, to implement the change in
30 the composition of the Maryland 9-1-1 Board under § 1-305(b)(2) of the Public Safety
31 Article, as enacted by Section 1 of this Act, the terms of the following members serving on
32 the Emergency Number Systems Board before the effective date of this Act shall terminate
33 October 1, 2020:

- 1 (1) the member representing a telephone company operating in the State;
- 2 (2) the member representing the wireless telephone industry in the State;
- 3 (3) the member representing the Maryland Institute for Emergency
4 Medical Services Systems;
- 5 (4) the member representing the Department of State Police;
- 6 (5) the members representing county fire services in the State;
- 7 (6) the members representing emergency management services in the
8 State;
- 9 (7) the member representing a county with a population of 200,000 or
10 more; and
- 11 (8) the member representing a county with a population of less than
12 200,000.

13 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the 12 initial
14 members of the Maryland 9–1–1 Board provided for in § 1–305(b)(2) of the Public Safety
15 Article, as enacted by Section 1 of this Act, shall expire as follows:

- 16 (1) three members in 2021;
- 17 (2) three members in 2022;
- 18 (3) three members in 2023; and
- 19 (4) three members in 2024.

20 SECTION 4. AND BE IT FURTHER ENACTED, That, on or before June 30, 2020,
21 the Department of General Services shall report to the Commission to Advance Next
22 Generation 9–1–1 Across Maryland established by Chapters 301 and 302 of the Acts of the
23 General Assembly of 2018 and the General Assembly, in accordance with § 2–1257 of the
24 State Government Article, on the compliance of units of the Executive Branch with §
25 1–314(b)(1) of the Public Safety Article.

26 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2020.