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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- E-911 GEOGRAPHIC
INFORMATION SYSTEM (GIS) AND TECHNOLOGY FUND

Introduced By: Representatives Lancia, Morgan, Filippi, Giarrusso, and Quattrocchi

Date Introduced: April 12, 2018

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-1-62 of the General Laws in Chapter 39-1 entitled "Public
2 Utilities Commission" is hereby amended to read as follows:

3 **39-1-62. E-911 Geographic Information System (GIS) and Technology Fund.**

4 (a) Preamble. To allow the Rhode Island E-911 Emergency Telephone System agency to
5 associate latitude and longitude coordinates provided by wireless carriers with physical locations
6 throughout the state, the agency must establish and maintain a GIS database of street addresses
7 and landmarks. The database will allow local emergency response personnel to dispatch police,
8 fire and rescue personnel to a specific address or landmark of a cellular caller in the event the
9 caller is unaware of his or her location, or is physically unable to communicate it. Because more
10 than half of the 530,000 9-1-1 phone calls received in 2003 came from cellular phones, it is
11 critical that the GIS database be developed and maintained in order to improve caller location
12 identification and reduce emergency personnel response times.

13 (b) Definitions. As used in this section, the following terms have the following meanings:

14 (1) "System" means Emergency 911 Uniform Telephone System.

15 (2) "Agency" means Rhode Island 911 Emergency Telephone System.

16 (3) "Division" means the Division of Public Utilities and Carriers.

17 (4) "GIS and Technology Fund" means the programs and funding made available to the
18 Emergency 911 Uniform Telephone System to assist in paying the costs of the GIS database

1 development project and GIS systems maintenance, which will enable the system to locate
2 cellular phone callers by geocoding all addresses and landmarks in cities and towns throughout
3 the state. GIS and Technology Fund also includes programs and funding to create system
4 redundancy, fund the construction of a new E-911 facility, and operate and maintain other state-
5 of-the-art equipment in public safety agencies.

6 (5) "Prepaid wireless E911 telecommunications service" means a wireless
7 telecommunications service that allows a caller to dial 911 to access the 911 system, which
8 service must be paid for in advance and is sold in predetermined units or dollars of which the
9 number declines with use in a known amount.

10 (c) Purpose. The purpose of the GIS and Technology Fund shall be to:

11 (1) Implement and maintain a geographic information system database to assist in
12 locating wireless phone callers for emergency purposes in a manner consistent and in
13 coordination with the Rhode Island geographic information system administered by the Division
14 of Planning as provided for in § 42-11-10(g)(3); and

15 (2) Create system redundancy to ensure the reliability of 9-1-1 service to the public;

16 (3) Operate and maintain other state-of-the-art equipment in public safety agencies; and

17 (4) Fund the construction of a new E-911 facility.

18 (d) Authority. The agency shall establish, by rule or regulation, an appropriate funding
19 mechanism to recover from the general body of ratepayers the costs of funding GIS and
20 technology projects.

21 (1) The general assembly shall determine the amount of a monthly surcharge to be levied
22 upon each wireless instrument, device or means including cellular, telephony, Internet, Voice
23 Over Internet Protocol (VoIP), satellite, computer, radio, communication, data, or any other
24 wireless instrument, device or means that has access to, connects with, interfaces with or is
25 capable of delivering two-way interactive communications services to the Rhode Island E-911
26 Uniform Emergency Telephone System. Prepaid wireless E911 telecommunications services shall
27 not be included in this act, but shall be governed by chapter 21.2 of title 39. The agency will
28 provide the general assembly with information and recommendations regarding the necessary
29 level of funding to effectuate the purposes of this article. The surcharge shall be billed monthly
30 by each wireless telecommunications services provider as defined in § 39-21.1-3, which shall not
31 include prepaid wireless E911 telecommunications service, and shall be payable to the wireless
32 telecommunications services provider by the subscriber of the telecommunications services. Each
33 telecommunication services provider shall establish a special (escrow) account to which it shall
34 deposit on a monthly basis the amounts collected as a surcharge under this section. The money

1 collected by each wireless telecommunication services provider shall be transferred within sixty
2 (60) days after its inception of wireless, cellular, telephony, Voice Over Internet Protocol (VoIP),
3 satellite, computer, Internet, or communications, information or data services in this state and
4 every month thereafter. Any money not transferred in accordance with this paragraph shall be
5 assessed interest at the rate set forth in § 44-1-7 from the date the money should have been
6 transferred. State, local and quasi-governmental agencies shall be exempt from the surcharge. The
7 surcharge shall be deposited in restricted receipt account, hereby created within the agency and
8 known as the GIS and Technology Fund, to pay any and all costs associated with the provisions
9 of subsection (c). Beginning July 1, 2007, the surcharge shall be deposited in the general fund as
10 general revenues to pay any and all costs associated with the provisions of subsection (c). The
11 GIS and Technology Fund restricted receipt account shall be terminated June 30, 2008. The
12 amount of the surcharge under this section shall not exceed thirty-five cents (\$.35) per wireless
13 phone.

14 (2) The surcharge is hereby determined to be twenty-six cents (\$.26) per wireless phone,
15 cellular, telephony, Voice Over Internet Protocol (VoIP), satellite, computer, data or data only
16 wireless lines or Internet communication or data instrument, device or means which has access to,
17 connects with, activates or interfaces with or any combination of the above with the Rhode Island
18 E-911 Uniform Emergency Telephone System per month and shall be in addition to the wireless
19 surcharge charged under § 39-21.1-14. The twenty-six cents (\$.26) is to be billed to all wireless
20 telecommunication service providers, subscribers upon the inception of services.

21 (3) The amount of the surcharge shall not be subject to the sales and use tax imposed
22 under chapter 18 of title 44 nor be included within the gross earnings of the telecommunications
23 corporation providing telecommunications service for the purpose of computing the tax under
24 chapter 13 of title 44.

25 (4) [Deleted by P.L. 2010, ch. 23, art. 9, § 10].

26 (e) Administration [and accountability](#). The division of taxation shall collect monthly from
27 the wireless telecommunications service providers as defined in § 39-21.1-3, and which shall not
28 include prepaid wireless E911 telecommunications service, the amounts of the surcharge
29 collected from their subscribers. The division of taxation shall deposit such collections in the
30 general fund as general revenues for use in developing and maintaining the geographic
31 information system database, creating system redundancy, funding the construction of a new E-
32 911 facility and operating and maintaining other state-of-the-art equipment for public safety
33 agencies. [The department of administration shall prepare an accounting within thirty \(30\) days of](#)
34 [the end of each fiscal year. If said accounting reveals that there exists funds or receipts in excess](#)

1 of the amount necessary to support the purposes set forth in this section, such excess funds shall
2 be reimbursed to all rate payers in proportion to the source of the funds from which the funds are
3 collected from the ratepayers. The agency is further authorized and encouraged to seek matching
4 funds from all local, state, and federal public or private entities and shall coordinate its activities
5 and share all information with the state Division of Planning.

6 (f) Effective date. The effective date of assessment for the GIS and Technology Fund
7 shall be July 1, 2004.

8 (g) Nothing in this section shall be construed to constitute rate regulation of wireless
9 communications services carriers, nor shall this section be construed to prohibit wireless
10 communications services carriers from charging subscribers for any wireless service or feature.

11 (h) Except as otherwise provided by law, the agency shall not use, disclose or otherwise
12 make available call location information for any purpose other than as specified in subsection (c).

13 (i) The attorney general shall, at the request of the E-911 uniform emergency telephone
14 system division, or any other agency that may replace it, or on its own initiative, commence
15 judicial proceedings in the superior court against any telecommunication services provider as
16 defined in § 39-21.1-3(12) providing communication services to enforce the provisions of this
17 chapter.

18 SECTION 2. Section 39-21.1-14 of the General Laws in Chapter 39-21.1 entitled "911
19 Emergency Telephone Number Act" is hereby amended to read as follows:

20 **39-21.1-14. Funding.**

21 (a) A monthly surcharge of one dollar (\$1.00) is hereby levied upon each residence and
22 business telephone line or trunk or path and data, telephony, Internet, Voice Over Internet
23 Protocol (VoIP) wireline, line, trunk or path in the state including PBX trunks and centrex
24 equivalent trunks and each line or trunk serving, and upon each user interface number or
25 extension number or similarly identifiable line, trunk, or path to or from a digital network (such
26 as, but not exclusive of, integrated services digital network (ISDN), Flexpath or comparable
27 digital private branch exchange, or connecting to or from a customer-based or dedicated
28 telephone switch site (such as, but not exclusive of, a private branch exchange (PBX)), or
29 connecting to or from a customer-based or dedicated central office (such as, but not exclusive of,
30 a centrex system but exclusive of trunks and lines provided to wireless communication
31 companies) that can access to, connect with or interface with the Rhode Island E-911 Uniform
32 Emergency Telephone System (RI E-911). The surcharge shall be billed by each
33 telecommunication services provider at the inception of services and shall be payable to the
34 telecommunication services provider by the subscriber of the services. A monthly surcharge of

1 one dollar (\$1.00) is hereby levied effective July 1, 2002, on each wireless instrument, device or
2 means including prepaid, cellular, telephony, Internet, Voice Over Internet Protocol (VoIP),
3 satellite, computer, radio, communication, data or data only wireless lines or any other wireless
4 instrument, device or means which has access to, connects with, or activates or interfaces or any
5 combination thereof with the E 9-1-1 Uniform Emergency Telephone System. The surcharge
6 shall be in addition to the surcharge collected under § 39-1-62 and shall be billed by each
7 telecommunication services provider and shall be payable to the telecommunication services
8 provider by the subscriber. Prepaid wireless telecommunications services shall not be included in
9 this act, but shall be governed by chapter 21.2 of title 39. The E-911 Uniform Emergency
10 Telephone System shall establish, by rule or regulation an appropriate funding mechanism to
11 recover from the general body of ratepayers this surcharge.

12 (b) The amount of the surcharge shall not be subject to the tax imposed under chapter 18
13 of title 44 nor be included within the telephone common carrier's gross earnings for the purpose
14 of computing the tax under chapter 13 of title 44.

15 (c) Each telephone common carrier and each telecommunication services provider shall
16 establish a special account to which it shall deposit on a monthly basis the amounts collected as a
17 surcharge under this section.

18 (d) The money collected by each telecommunication services provider shall be
19 transferred within sixty (60) days after its inception of wireline, wireless, prepaid, cellular,
20 telephony, Voice Over Internet Protocol (VoIP), satellite, computer, Internet, or communications
21 services in this state and every month thereafter, to the division of taxation, together with the
22 accrued interest and shall be deposited in the general fund as general revenue; provided, however,
23 that beginning July 1, 2015, ten (10) percent of such money collected shall be deposited in the
24 Information Technology Investment Fund established pursuant to § 42-11-2.5. Any money not
25 transferred in accordance with this paragraph shall be assessed interest at the rate set forth in §
26 44-1-7 from the date the money should have been transferred. The department of administration
27 shall prepare an accounting within thirty (30) days of the end of each fiscal year. If said
28 accounting reveals that there exists funds or receipts in excess of the amount necessary to support
29 the purposes set forth in this section, such excess funds shall be reimbursed to all rate payers in
30 proportion to the source of the funds from which the funds are collected from the ratepayers.

31 (e) Every billed subscriber-user shall be liable for any surcharge imposed under this
32 section until it has been paid to the telephone common carrier or telecommunication services
33 provider. Any surcharge shall be added to and may be stated separately in the billing by the
34 telephone common carrier or telecommunication services provider and shall be collected by the

1 telephone common carrier or telecommunication services provider.

2 (f) Each telephone common carrier and telecommunication services provider shall
3 annually provide the E 9-1-1 uniform emergency telephone system division or any other agency
4 that may replace it, with a list of amounts uncollected together with the names and addresses of
5 its subscriber-users who can be determined by the telephone common carrier or
6 telecommunication services provider to have not paid the surcharge.

7 (g) Included within, but not limited to, the purposes for which the money collected may
8 be used are rent, lease, purchase, improve, construct, maintenance, repair, and utilities for the
9 equipment and site or sites occupied by the E 9-1-1 uniform emergency telephone system;
10 salaries, benefits, and other associated personnel costs; acquisition, upgrade or modification of
11 PSAP equipment to be capable of receiving E 9-1-1 information, including necessary computer
12 hardware, software, and data base provisioning, addressing, and non-recurring costs of
13 establishing emergency services; network development, operation and maintenance; data-base
14 development, operation, and maintenance; on-premise equipment maintenance and operation;
15 training emergency service personnel regarding use of E 9-1-1; educating consumers regarding
16 the operations, limitations, role and responsible use of E 9-1-1; reimbursement to telephone
17 common carriers or telecommunication services providers of rates or recurring costs associated
18 with any services, operation, administration or maintenance of E 9-1-1 services as approved by
19 the division; reimbursement to telecommunication services providers or telephone common
20 carriers of other costs associated with providing E 9-1-1 services, including the cost of the design,
21 development, and implementation of equipment or software necessary to provide E 9-1-1 service
22 information to PSAP's, as approved by the division.

23 (h) [Deleted by P.L. 2000, ch. 55, art. 28, § 1.]

24 (i) Nothing in this section shall be construed to constitute rate regulation of wireless
25 communication services carriers, nor shall this section be construed to prohibit wireless
26 communication services carriers from charging subscribers for any wireless service or feature.

27 (j) [Deleted by P.L. 2006, ch. 246, art. 4, § 1].

28 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- E-911 GEOGRAPHIC
INFORMATION SYSTEM (GIS) AND TECHNOLOGY FUND

1 This act would require the department of administration prepare an accounting of the
2 funds used to operate the 911 emergency system, within thirty (30) days of the end of each fiscal
3 year. If the accounting reveals that there exists funds or receipts in excess of the amount
4 necessary to operate the 911 emergency system such excess funds would be reimbursed to all
5 ratepayers in proportion to the source of the funds from which the funds are collected from the
6 ratepayers.

7 This act would take effect upon passage.

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