

2017 -- H 5891

LC002040

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- E-911 UNIFORM EMERGENCY
TELEPHONE SYSTEM DIVISION

Introduced By: Representatives Morgan, Roberts, Price, Chippendale, and Quattrocchi

Date Introduced: March 09, 2017

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-21.1-14 of the General Laws in Chapter 39-21.1 entitled "911
2 Emergency Telephone Number Act" is hereby amended to read as follows:

3 **39-21.1-14. Funding.**

4 (a) A monthly surcharge of one dollar (\$1.00) is hereby levied upon each residence and
5 business telephone line or trunk or path and data, telephony, Internet, Voice Over Internet
6 Protocol (VoIP) wireline, line, trunk or path in the state including PBX trunks and centrex
7 equivalent trunks and each line or trunk serving, and upon each user interface number or
8 extension number or similarly identifiable line, trunk, or path to or from a digital network (such
9 as, but not exclusive of, integrated services digital network (ISDN), Flexpath or comparable
10 digital private branch exchange, or connecting to or from a customer-based or dedicated
11 telephone switch site (such as, but not exclusive of, a private branch exchange (PBX)), or
12 connecting to or from a customer-based or dedicated central office (such as, but not exclusive of,
13 a centrex system but exclusive of trunks and lines provided to wireless communication
14 companies) that can access to, connect with or interface with the Rhode Island E-911 Uniform
15 Emergency Telephone System (RI E-911). The surcharge shall be billed by each
16 telecommunication services provider at the inception of services and shall be payable to the
17 telecommunication services provider by the subscriber of the services. A monthly surcharge of
18 one dollar (\$1.00) is hereby levied effective July 1, 2002, on each wireless instrument, device or

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

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

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

17 (d) The money collected by each telecommunication services provider shall be
18 transferred within sixty (60) days after its inception of wireline, wireless, prepaid, cellular,
19 telephony, Voice Over Internet Protocol (VoIP), satellite, computer, Internet, or communications
20 services in this state and every month thereafter, to the division of taxation, together with the
21 accrued interest and shall be deposited in ~~the general fund as general revenue:~~ a restricted receipt
22 account to be used in the first instance to pay for all expenses necessitated by the operation of the
23 E-911 uniform emergency telephone division, pursuant to chapter 21.1 of title 39. Any excess
24 funds from that restricted receipt account shall be exclusively distributed to financially support
25 cities and towns in establishing consolidated fire and police emergency dispatch centers.
26 ~~provided, however, that beginning July 1, 2015, ten (10) percent of such money collected shall be~~
27 ~~deposited in the Information Technology Investment Fund established pursuant to § 42-11-2.5.~~
28 ~~Any money not transferred in accordance with this paragraph shall be assessed interest at the rate~~
29 ~~set forth in § 44-1-7 from the date the money should have been transferred.~~

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

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

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

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

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

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

27 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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TELEPHONE SYSTEM DIVISION

1 This act would require all the money collected for various billed services, by each
2 telecommunications provider be deposited in a restricted receipt account, not the general fund,
3 and be used to pay all of the E-911 uniform emergency telephone system's operating expenses,
4 with any excess funds to be distributed to financially support cities and towns in establishing
5 consolidated fire and police emergency dispatch centers.

6 This act would take effect upon passage.

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