

2017 -- H 5075

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- 911 EMERGENCY TELEPHONE
NUMBER ACT

Introduced By: Representatives Lancia, Newberry, Chippendale, Quattrocchi, and
Mendonca

Date Introduced: January 11, 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2 Emergency Telephone Number Act" is hereby repealed.

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: provided, however,~~
22 ~~that beginning July 1, 2015, ten (10) percent of such money collected shall be deposited in the~~
23 ~~Information Technology Investment Fund established pursuant to § 42 11 2.5. Any money not~~
24 ~~transferred in accordance with this paragraph shall be assessed interest at the rate set forth in §~~
25 ~~44 1 7 from the date the money should have been transferred.~~

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

31 ~~(f) Each telephone common carrier and telecommunication services provider shall~~
32 ~~annually provide the E 9 1 1 uniform emergency telephone system division or any other agency~~
33 ~~that may replace it, with a list of amounts uncollected together with the names and addresses of~~
34 ~~its subscriber users who can be determined by the telephone common carrier or~~

1 ~~telecommunication services provider to have not paid the surcharge.~~

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

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

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO PUBLIC UTILITIES AND CARRIERS -- 911 EMERGENCY TELEPHONE
NUMBER ACT

- 1 This act would repeal the surcharges levied on residence and business telephone lines and
- 2 wireless telecommunications services.
- 3 This act would take effect upon passage.

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