

2020 -- H 7347

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LC003928
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - REIMBURSEMENT 911
RESTRICTED RECEIPT ACCOUNT

Introduced By: Representatives Nardone, Quattrocchi, Place, Newberry, and Lombardi

Date Introduced: January 29, 2020

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. E-911 surcharge and first response surcharge.**

4 (a)(1) A monthly E-911 surcharge of fifty cents (\$.50) is hereby levied upon each
5 residence and business telephone line or trunk or path and data, telephony, internet, voice over
6 internet protocol (VoIP) wireline, line, trunk or path in the state including PBX trunks and
7 centrex 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). In each instance where a surcharge is levied pursuant to
16 this subsection (a)(1) there shall also be a monthly first response surcharge of fifty cents (\$.50).
17 The surcharges shall be billed by each telecommunication services provider at the inception of
18 services and shall be payable to the telecommunication services provider by the subscriber of the

1 services.

2 (2) A monthly E-911 surcharge of fifty cents (\$.50) is hereby levied, on each wireless
3 instrument, device, or means including prepaid, cellular, telephony, internet, voice over internet
4 protocol (VoIP), satellite, computer, radio, communication, data or data only wireless lines or any
5 other wireless instrument, device, or means that has access to, connects with, or activates or
6 interfaces or any combination thereof with the E-911 uniform emergency telephone system. In
7 each instance where a surcharge is levied pursuant to this subsection (a)(2) above there shall also
8 be a monthly first response surcharge of seventy-five cents (\$.75). The surcharges shall be billed
9 by each telecommunication services provider and shall be payable to the telecommunication
10 services provider by the subscriber. Prepaid wireless telecommunications services shall not be
11 included in this act, but shall be governed by chapter 21.2 of this title. The E-911 uniform
12 emergency telephone system shall establish, by rule or regulation, an appropriate funding
13 mechanism to recover from the general body of ratepayers this surcharge.

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

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

20 (d) The money collected by each telecommunication services provider shall be
21 transferred within sixty (60) days after its inception of wireline, wireless, prepaid, cellular,
22 telephony, voice over internet protocol (VoIP), satellite, computer, internet, or communications
23 services in this state and every month thereafter, to the division of taxation, together with the
24 accrued interest. The E-911 surcharge shall be deposited in a restricted receipt account and used
25 solely for the operation of the E-911 uniform emergency telephone system. The first response
26 surcharge shall be deposited in the general fund; provided, however, that, ten percent (10%) of
27 money collected from the first response surcharge shall be deposited in the information
28 technology investment fund established pursuant to § 42-11-2.5, and twenty-five cents (\$0.25)
29 collected pursuant to subsection (a)(1) of this section and twenty-five cents (\$0.25) collected
30 pursuant to subsection (a)(2) of this section shall be deposited in a restricted receipt account and
31 used for the operation of the E-911 uniform emergency telephone system or for reimbursement to
32 local law enforcement agencies. Any money not transferred in accordance with this paragraph
33 shall be assessed interest at the rate set forth in § 44-1-7 from the date the money should have
34 been transferred.

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

6 (f) Each telephone common carrier and telecommunication services provider shall
7 annually provide the E-911 uniform emergency telephone system division or any other agency
8 that may replace it, with a list of amounts uncollected together with the names and addresses of
9 its subscriber-users who can be determined by the telephone common carrier or
10 telecommunication services provider to have not paid the E-911 surcharge.

11 (g) Included within, but not limited to, the purposes for which the money collected from
12 the E-911 surcharge may be used are rent, lease, purchase, improvement, construction,
13 maintenance, repair, and utilities for the equipment and site or sites occupied by the E-911
14 uniform emergency telephone system; salaries, benefits, and other associated personnel costs;
15 acquisition, upgrade, or modification of PSAP equipment to be capable of receiving E-911
16 information, including necessary computer hardware, software, and database provisioning,
17 addressing, and non-recurring costs of establishing emergency services; network development,
18 operation, and maintenance; database development, operation, and maintenance; on-premise
19 equipment maintenance and operation; training emergency service personnel regarding use of E-
20 911; educating consumers regarding the operations, limitations, role, and responsible use of E-
21 911; reimbursement to telephone common carriers or telecommunication services providers of
22 rates or recurring costs associated with any services, operation, administration, or maintenance of
23 E-911 services as approved by the division; reimbursement to telecommunication services
24 providers or telephone common carriers of other costs associated with providing E-911 services,
25 including the cost of the design, development, and implementation of equipment or software
26 necessary to provide E-911 service information to PSAP's, as approved by the division.

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

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would provide that a portion of the first responders surcharge be deposited in a
- 2 restricted receipt account for purposes of funding the E-911 emergency telephone system.
- 3 This act would take effect upon passage.

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