

2021 -- H 5531

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

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

Introduced By: Representatives Nardone, Place, and Chippendale

Date Introduced: February 12, 2021

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 residence
5 and 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 extension
8 number or similarly identifiable line, trunk, or path to or from a digital network (such as, but not
9 exclusive of, integrated services digital network (ISDN), Flexpath, or comparable digital private
10 branch exchange, or connecting to or from a customer-based or dedicated telephone switch site
11 (such as, but not exclusive of, a private branch exchange (PBX)), or connecting to or from a
12 customer-based or dedicated central office (such as, but not exclusive of, a centrex system but
13 exclusive of trunks and lines provided to wireless communication companies) that can access to,
14 connect with, or interface with the Rhode Island E-911 uniform emergency telephone system (RI
15 E-911). In each instance where a surcharge is levied pursuant to this subsection (a)(1) there shall
16 also be a monthly first response surcharge of fifty cents (\$.50). The surcharges shall be billed by
17 each telecommunication services provider at the inception of services and shall be payable to the
18 telecommunication services provider by the subscriber of the services.

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

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

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

19 (d) The money collected by each telecommunication services provider shall be transferred
20 within sixty (60) days after its inception of wireline, wireless, prepaid, cellular, telephony, voice
21 over internet protocol (VoIP), satellite, computer, internet, or communications services in this state
22 and every month thereafter, to the division of taxation, together with the accrued interest. The E-
23 911 surcharge shall be deposited in a restricted-receipt account and used solely for the operation of
24 the E-911 uniform emergency telephone system. The first response surcharge shall be deposited in
25 the general fund; provided, however, that ten percent (10%) of the money collected from the first
26 response surcharge shall be deposited in the information technology investment fund established
27 pursuant to § 42-11-2.5, and for a period of one year commencing January 1, 2022, and ending
28 December 31, 2022, twenty-five cents (\$0.25) collected pursuant to subsection (a)(1) of this section
29 and twenty-five cents (\$0.25) collected pursuant to subsection (a)(2) of this section shall be
30 deposited in a restricted receipt account in order to reimburse local law enforcement agencies solely
31 for infrastructure improvements. Any money not transferred in accordance with this subsection
32 shall be assessed interest at the rate set forth in § 44-1-7 from the date the money should have been
33 transferred.

34 (e) Every billed subscriber-user shall be liable for any surcharge imposed under this section

1 until it has been paid to the telephone common carrier or telecommunication services provider. Any
2 surcharge shall be added to and shall be stated separately in the billing by the telephone common
3 carrier or telecommunication services provider and shall be collected by the telephone common
4 carrier or telecommunication services provider.

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

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

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

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

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

31 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 -- REIMBURSEMENT 911
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- 1 This act would require that a portion of the E-911 surcharges be deposited in a restricted
- 2 receipt account for infrastructure improvements in local law enforcement agencies
- 3 This act would take effect upon passage.

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