



House of Representatives

General Assembly

File No. 120

January Session, 2007

Substitute House Bill No. 7270

House of Representatives, March 22, 2007

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE EMERGENCY 9-1-1 SURCHARGE AND MISUSE OF THE E 9-1-1 SYSTEM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2007*) As used in sections 1 to 3,
2 inclusive, of this act:

3 (1) "Active prepaid wireless telephone service" means a prepaid
4 wireless telephone service that has been used by the subscriber not
5 earlier than the prior month to complete a telephone call for which the
6 subscriber's card or balance has been decreased.

7 (2) "Prepaid wireless telephone service" means a wireless telephone
8 service that is activated in advance by payment for a finite dollar
9 amount of service or for a finite set of minutes that terminate either
10 upon use by a subscriber and delivery by the wireless provider of an
11 agreed upon amount of service corresponding to the total dollar
12 amount paid in advance or within a certain period of time following

13 the initial purchase or activation, unless additional payments are
14 made.

15 (3) "Mobile telephone number" or "MTN" means the telephone
16 number assigned to a wireless telephone at the time of activation.

17 (4) "Voice over Internet protocol telephone service" or "VOIP" means
18 a service provided by companies that allows subscribers to place local
19 and long distance telephone calls over the Internet.

20 (5) "Voice over Internet protocol telephone service provider" or
21 "VOIP telephone service provider" means a company that provides
22 local and long distance VOIP telephone service.

23 Sec. 2. (NEW) (*Effective July 1, 2007*) Each active prepaid wireless
24 telephone service provider shall assess a fee against each subscriber to
25 fund the enhanced emergency 9-1-1 program in accordance with
26 section 16-256g of the general statutes, as amended by this act. Such fee
27 shall be remitted based upon each prepaid wireless telephone
28 associated with this state, for each prepaid wireless telephone service
29 subscriber that has a positive balance of minutes as of the last day of
30 each month and shall be collected from the subscriber in any manner
31 consistent with the wireless telephone provider's existing operating or
32 technological abilities, such as subscriber address, location associated
33 with the MTN or other reasonable allocation method based upon
34 comparable relevant data. The fee or an equivalent number of minutes
35 may be deducted from the subscriber's account if direct billing is not
36 practicable. Collection of the fee by reduction of value or minutes from
37 the prepaid subscriber's account does not constitute a reduction in the
38 sales prices for purposes of the taxes that are collected at the point of
39 sale. The fee shall be remitted to the office of the State Treasurer for
40 deposit in the Enhanced 9-1-1 Telecommunications Fund, established
41 pursuant to section 28-30a of the general statutes.

42 Sec. 3. (NEW) (*Effective July 1, 2007*) Each VOIP telephone service
43 provider shall assess a monthly fee against each subscriber to fund the
44 enhanced emergency 9-1-1 program in accordance with section 16-256g

45 of the general statutes, as amended by this act, and each such provider
46 shall comply with all of the requirements of chapter 518a of the general
47 statutes regarding the provision of enhanced 9-1-1 services in the state
48 of Connecticut. Such fee shall be collected from the subscriber in any
49 manner consistent with the voice over Internet protocol provider's
50 existing operating or technological abilities. All access line assessments
51 collected each month by telephone or telecommunications companies
52 providing local telephone service and providers of commercial mobile
53 radio service shall be remitted to the office of the State Treasurer for
54 deposit into the Enhanced 9-1-1 Telecommunications Fund established
55 pursuant to section 28-30a of the general statutes, not later than the
56 fifteenth day of each month.

57 Sec. 4. Section 16-256g of the general statutes is repealed and the
58 following is substituted in lieu thereof (*Effective October 1, 2007*):

59 (a) By June first of each year, the Department of Public Utility
60 Control shall conduct a proceeding to determine the amount of the
61 monthly fee to be assessed against each subscriber of: [local] (1) Local
62 telephone service, [and each subscriber of] (2) commercial mobile radio
63 service, as defined in 47 CFR Section 20.3, (3) voice over Internet
64 protocol telephone service, as defined in section 1 of this act, and (4)
65 prepaid wireless telephone service, as defined in section 1 of this act, to
66 fund the development and administration of the enhanced emergency
67 9-1-1 program. The department shall base such fee on the findings of
68 the Commissioner of Public Safety, pursuant to subsection (c) of
69 section 28-24, taking into consideration any existing moneys available
70 in the Enhanced 9-1-1 Telecommunications Fund. The department
71 shall consider the progressive wire line inclusion schedule contained in
72 the final report of the task force to study enhanced 9-1-1
73 telecommunications services established by public act 95-318*. The
74 department shall not approve any fee greater than fifty cents per
75 month per access line nor shall it approve any fee that does not include
76 the progressive wire line inclusion schedule.

77 (b) Each telephone or telecommunications company providing local

78 telephone service, [and] each provider of commercial mobile radio
79 service, each provider of prepaid wireless telephone service and each
80 provider of voice over Internet protocol telephone service shall assess
81 against each subscriber, the fee established by the department
82 pursuant to subsection (a) of this section, which shall be deposited in
83 the Enhanced 9-1-1 Telecommunications Fund.

84 Sec. 5. Section 28-28a of the general statutes is repealed and the
85 following is substituted in lieu thereof (*Effective July 1, 2007*):

86 A telephone company or voice over Internet protocol telephone
87 service provider, as defined in section 1 of this act, shall forward to any
88 public safety answering point or other answering point equipped for
89 enhanced 9-1-1 service the telephone number and street address of any
90 telephone used to place a 9-1-1 call. Subscriber information provided
91 in accordance with this section shall be used only for the purpose of
92 responding to emergency calls or for the investigation of false or
93 intentionally misleading reports of incidents requiring emergency
94 service. No telephone company or its agents and no voice over Internet
95 protocol telephone service provider or its agents [of a telephone
96 company] shall be liable to any person who uses the enhanced 9-1-1
97 service established under sections 28-25, 28-25a, 28-25b, 28-26, 28-27,
98 28-27a, and 28-28, this section and sections 28-28b, 28-29, 28-29a and
99 28-29b for release of the information specified in this section or for any
100 failure of equipment or procedure in connection with enhanced 9-1-1
101 service.

102 Sec. 6. (NEW) (*Effective October 1, 2007*) (a) A person is guilty of the
103 offense of misuse of the emergency 9-1-1 system who dials or
104 otherwise causes E 9-1-1 to be called for the purpose of making a false
105 alarm or complaint or who purposely reports false information which
106 could result in the dispatch of emergency services.

107 (b) Misuse of the emergency 9-1-1 system is a class B misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	New section
Sec. 2	<i>July 1, 2007</i>	New section
Sec. 3	<i>July 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	16-256g
Sec. 5	<i>July 1, 2007</i>	28-28a
Sec. 6	<i>October 1, 2007</i>	New section

Statement of Legislative Commissioners:

Sections 1, 2 and 3 were rewritten to move language within each section for clarity and accuracy and to change "customer" to "subscriber" throughout the sections for clarity and consistency.

PS *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Public Safety, Dept.	Enhanced 9-1-1 Telecommunications Fund - Revenue Gain	Significant	Significant
Correction, Dept.; Judicial Department (Probation)	GF - Cost/Savings	Potential	Potential
Judicial Dept.	GF - Revenue Impact	Minimal	Minimal
Various State Agencies	GF - Cost	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 08 \$	FY 09 \$
Various Municipalities	Cost	Potential Minimal	Potential Minimal

Explanation

The bill expands the monthly assessed fee on each telephone and commercial mobile radio service to include prepaid wireless service providers and voice over internet protocol (VOIP) services. The expansion of assessments is estimated to impact approximately 250,000 prepaid wireless lines, and over 82,000 VOIP customers¹, which will result in an increase in revenue to the Enhanced 9-1-1 Telecommunications Fund of approximately \$1.5 million annually².

To the extent that various state agencies and municipalities use prepaid wireless service providers or VOIP, a minimal cost could be incurred.

¹ Vonage is the largest VOIP company in Connecticut.

² The FY 06 monthly fee was 37 cents.

Additionally, the bill makes it a crime, punishable by up to six months' imprisonment and/or a fine of up to \$1,000, for any person to abuse the emergency 9-1-1 system. Any such offender is subject to harsher criminal penalties under current law provisions against the false reporting of an incident. The direction of the bill's net effect on criminal sentencing (and corresponding costs or savings) is uncertain. More offenders may be convicted since a broader range of criminal penalties would be available under the bill; however, some offenders could receive lighter sentences than under current law, which provides for up to one year imprisonment and/or a fine of up to \$2,000 for any violation of CGS 53a-180c (falsely reporting an incident in the second degree). In 2006, there were 192 offenses of falsely reporting an incident in the second degree which resulted in 65 convictions. It is unknown how many of these cases involved abuse of the emergency 9-1-1 system. It is anticipated that any revenue impact from criminal fines under the bill would be minimal.

The Out Years

The annualized ongoing fiscal impact identified above, for criminal justice agencies, would continue into the future subject to inflation.

The revenue impact to the Enhanced 9-1-1 Telecommunications Fund will fluctuate depending on the rate of the assessment, which is determined each May by the Department of Public Utility Control. Additionally, the revenue impact will fluctuate with the use of prepaid wireless services and voice over internet protocol.

OLR Bill Analysis**sHB 7270*****AN ACT CONCERNING THE EMERGENCY 9-1-1 SURCHARGE
AND MISUSE OF THE E 9-1-1 SYSTEM*****SUMMARY:**

This bill establishes a crime of misusing the emergency 911 (E 911) system and makes violations a class B misdemeanor, punishable by a fine of up to \$1,000, imprisonment for up to six months, or both. A person is guilty of this crime if he (1) dials E 911 or causes it to be dialed in order to make a false alarm or complaint or (2) purposely reports false information that could result in the dispatch of emergency services.

By law, telephone companies must forward the telephone number and street address from which a 911 call is made to a safety answering point. The companies and their agents are immune from liability to the person making the call over the E 911 system for the release of this information. The bill extends these provisions to companies providing voice over internet protocol (VOIP) service (e.g., Vonage) and their agents. It requires each provider to comply with all of the law's requirements regarding the provision of E 911 services in Connecticut.

By law, the Department of Public Utility Control must determine the amount of the monthly fee assessed against each telephone and commercial mobile radio services subscriber to fund the development and administration of the E 911 program. (Commercial mobile radio services include personal communications services (PCS), among others.) The bill extends this requirement to cover the VOIP and prepaid wireless service providers. It requires the VOIP and prepaid wireless telephone service providers to assess their subscribers the fee.

EFFECTIVE DATE: July 1, 2007, except for the provisions making

misuse of E911 a crime and the monthly fee assessments, which are effective October 1, 2007.

DEFINITIONS

Active Prepaid Wireless Telephone Service

Under the bill, “active prepaid wireless telephone service” is a prepaid wireless telephone service used by the customer within the last month to complete a call for which the customer’s card or balance has been decreased. A “prepaid wireless telephone service” is one activated in advance by payment for a set amount of service or for a number of minutes that terminate (1) when the customer uses them, based on a dollar amount paid in advance or (2) within a certain time after the initial purchase or activation, unless the customer makes additional payments.

VOIP

Under the bill, VOIP is a service provided by companies that allows subscribers to place local and long distance calls over the Internet.

FEES

The bill requires VOIP service providers to assess a monthly fee against each subscriber to fund the E 911 program in the same way as telephone companies. It requires that all access line assessments collected each month by telephone or telecommunications companies providing local telephone service and providers of commercial mobile radio service (such as personal communications services PCS) must be remitted in any way consistent with the VOIP provider’s existing operating or technological abilities to the State Treasurer for deposit into the Enhanced 9-1-1 Telecommunications Fund established by the 15th of each month.

The bill requires that a prepaid wireless service provider pay a fee on each prepaid wireless telephone associated with Connecticut, for each wireless service customer that has a positive balance of minutes as of the last day of each month. The fee must be paid into the Enhanced 9-1-1 Telecommunications Fund. The fee can be collected

from subscribers in any way consistent with the provider's existing operating or technological abilities, such as customer address, location associated with the telephone number originally assigned to the telephone, or other reasonable allocation method based upon comparable relevant data. The fee or an equivalent number of minutes may be deducted from the prepaid subscriber's account if direct billing is not practicable. However, such deductions do not reduce the price of the service for the purposes of the sales tax.

BACKGROUND

Related Law

By law (CGS § 53a-180 et. seq.) falsely reporting an incident is a crime. The crime ranges from a class A misdemeanor to a class C felony, depending on the actions taken and their results.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/06/2007)