



General Assembly

Substitute Bill No. 7270

January Session, 2007

* HB07270ET 040307 *

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 (1) 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, or (2) has an account
7 that has a positive balance greater than or equivalent to the fee to fund
8 the enhanced emergency 9-1-1 program pursuant to section 16-256g of
9 the general statutes, as amended by this act.

10 (2) "Prepaid wireless telephone service" means a wireless telephone
11 service that is activated in advance by payment for a finite dollar
12 amount of service or for a finite set of minutes that terminate either
13 upon use by a subscriber and delivery by the wireless provider of an
14 agreed upon amount of service corresponding to the total dollar
15 amount paid in advance or within a certain period of time following
16 the initial purchase or activation, unless additional payments are
17 made.

18 (3) "Mobile telephone number" or "MTN" means the telephone

19 number assigned to a wireless telephone at the time of activation.

20 (4) "Voice over Internet protocol service" or "VOIP" means a service
21 that has the following characteristics: (A) Enables real-time, two-way
22 voice communication; (B) requires a broadband connection from the
23 users' locations; (C) requires IP-compatible customer premises
24 equipment; and (D) allows subscribers generally to receive calls that
25 originate on the public switched telephone network and to terminate
26 calls on the public switched telephone.

27 (5) "Voice over Internet protocol service provider" or "VOIP service
28 provider" means a company that provides VOIP telephone service.

29 Sec. 2. (NEW) (*Effective July 1, 2007*) Each active prepaid wireless
30 telephone service provider shall assess a fee against each subscriber to
31 fund the enhanced emergency 9-1-1 program in accordance with
32 section 16-256g of the general statutes, as amended by this act. Such fee
33 shall be remitted based upon each prepaid wireless telephone number
34 or account associated with this state, for each prepaid wireless
35 telephone service subscriber that has a positive balance greater than or
36 equivalent to the fee to fund the enhanced emergency 9-1-1 program
37 pursuant to section 16-256g of the general statutes, as amended by this
38 act, as of the last day of each month and shall be collected from the
39 subscriber in any manner consistent with the wireless telephone
40 provider's existing operating or technological abilities, such as
41 subscriber address, location associated with the MTN or other
42 reasonable allocation method based upon comparable relevant data.
43 The fee or an equivalent number of minutes may be deducted from the
44 subscriber's account if direct billing is not practicable. Collection of the
45 fee by reduction of value or minutes from the prepaid subscriber's
46 account does not constitute a reduction in the sales prices for purposes
47 of the taxes that are collected at the point of sale. If a provider of active
48 prepaid wireless telecommunications service is unable to assess such
49 fee against each active telephone number or account, it shall remit each
50 month an amount determined by the total of earned prepaid wireless
51 telephone services revenue received through the end of each month,

52 divided by fifty dollars, multiplied by the amount of the fee. The fee
53 shall be remitted to the office of the State Treasurer for deposit in the
54 Enhanced 9-1-1 Telecommunications Fund, established pursuant to
55 section 28-30a of the general statutes.

56 Sec. 3. (NEW) (*Effective July 1, 2007*) Each VOIP service provider
57 shall assess a monthly fee against each subscriber to fund the enhanced
58 emergency 9-1-1 program in accordance with section 16-256g of the
59 general statutes, as amended by this act, and each such provider shall
60 comply with all of the requirements of 47 CFR 9 regarding the
61 provision of enhanced 9-1-1 services in the state of Connecticut. Such
62 fee shall be collected from the subscriber in any manner consistent
63 with the voice over Internet protocol provider's existing operating or
64 technological abilities and remitted to the office of the State Treasurer
65 for deposit into the Enhanced 9-1-1 Telecommunications Fund
66 established pursuant to section 28-30a of the general statutes, not later
67 than the fifteenth day of each month.

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

70 (a) By June first of each year, the Department of Public Utility
71 Control shall conduct a proceeding to determine the amount of the
72 monthly fee to be assessed against each subscriber of: [local] (1) Local
73 telephone service, [and each subscriber of] (2) commercial mobile radio
74 service, as defined in 47 CFR Section 20.3, (3) voice over Internet
75 protocol service, as defined in section 1 of this act, and (4) prepaid
76 wireless telephone service, as defined in section 1 of this act, to fund
77 the development and administration of the enhanced emergency 9-1-1
78 program. The department shall base such fee on the findings of the
79 Commissioner of Public Safety, pursuant to subsection (c) of section
80 28-24, taking into consideration any existing moneys available in the
81 Enhanced 9-1-1 Telecommunications Fund. The department shall
82 consider the progressive wire line inclusion schedule contained in the
83 final report of the task force to study enhanced 9-1-1
84 telecommunications services established by public act 95-318*. The

85 department shall not approve any fee greater than fifty cents per
86 month per access line nor shall it approve any fee that does not include
87 the progressive wire line inclusion schedule.

88 (b) Each telephone or telecommunications company providing local
89 telephone service, [and] each provider of commercial mobile radio
90 service, each provider of prepaid wireless telephone service and each
91 provider of voice over Internet protocol service shall assess against
92 each subscriber, the fee established by the department pursuant to
93 subsection (a) of this section, which shall be [deposited in] remitted to
94 the Office of State Treasurer for deposit into the Enhanced 9-1-1
95 Telecommunications Fund established pursuant to section 28-30a, not
96 later than the fifteenth day of each month.

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

99 A telephone company or voice over Internet protocol service
100 provider, as defined in section 1 of this act, shall forward to any public
101 safety answering point or other answering point equipped for
102 enhanced 9-1-1 service the telephone number and street address of any
103 telephone used to place a 9-1-1 call, provided a voice over Internet
104 protocol service provider shall be in compliance with this section if the
105 provider complies with the requirements for forwarding such
106 information contained in 47 CFR 9. Subscriber information provided in
107 accordance with this section shall be used only for the purpose of
108 responding to emergency calls or for the investigation of false or
109 intentionally misleading reports of incidents requiring emergency
110 service. No telephone company or its agents and no voice over Internet
111 protocol service provider or its agents [of a telephone company] shall
112 be liable to any person who uses the enhanced 9-1-1 service established
113 under sections 28-25, 28-25a, 28-25b, 28-26, 28-27, 28-27a, and 28-28,
114 this section and sections 28-28b, 28-29, 28-29a and 28-29b for release of
115 the information specified in this section or for any failure of equipment
116 or procedure in connection with enhanced 9-1-1 service.

117 Sec. 6. (NEW) (*Effective October 1, 2007*) (a) A person is guilty of
118 misuse of the emergency 9-1-1 system when such person (1) dials or
119 otherwise causes E 9-1-1 to be called for the purpose of making a false
120 alarm or complaint, or (2) purposely reports false information which
121 could result in the dispatch of emergency services.

122 (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 and 6 were rewritten for clarity. In the second sentence of section 2, "of minutes" was deleted for consistency.

ET *Joint Favorable Subst.*