



**Substitute House Bill No. 7270**

**Public Act No. 07-106**

**AN ACT CONCERNING THE EMERGENCY 9-1-1 SURCHARGE,  
THE MISUSE OF THE E 9-1-1 SYSTEM AND THE EMERGENCY  
MANAGEMENT AND HOMELAND SECURITY COORDINATING  
COUNCIL.**

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

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

(1) "Active prepaid wireless telephone service" means a prepaid wireless telephone service that has an account that has a positive balance greater than or equivalent to the fee to fund the enhanced emergency 9-1-1 program pursuant to section 16-256g of the general statutes, as amended by this act.

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

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

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

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

Sec. 2. (NEW) (*Effective July 1, 2007*) Each active prepaid wireless telephone service provider shall assess a fee against each subscriber to fund the enhanced emergency 9-1-1 program in accordance with section 16-256g of the general statutes, as amended by this act. Each active prepaid wireless telephone service provider shall remit each month to the office of the State Treasurer for deposit in the Enhanced 9-1-1 Telecommunications Fund, established pursuant to section 28-30a of the general statutes one of the following: The fee described in subdivision (1) of this section or the amount determined pursuant to subdivision (2) of this section.

(1) Such fee shall be remitted based upon each prepaid wireless telephone number or account associated with this state, for each prepaid wireless telephone service subscriber that has a positive balance greater than or equivalent to the fee to fund the enhanced emergency 9-1-1 program pursuant to section 16-256g of the general statutes, as amended by this act, as of the last day of each month. Such fee shall be collected from the subscriber in any manner consistent with the wireless telephone provider's existing operating or technological abilities, such as subscriber address, location associated

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with the MTN or other reasonable allocation method based upon comparable relevant data. The fee or an equivalent number of minutes may be deducted from the subscriber's account if direct billing is not practicable. Collection of the fee by reduction of value or minutes from the prepaid subscriber's account does not constitute a reduction in the sales prices for purposes of the taxes that are collected at the point of sale.

(2) An amount shall be remitted each month that is determined by dividing the total of earned prepaid wireless telephone services revenue received through the end of the month from the prepaid wireless telephone service accounts with an assigned telephone number associated with this state by forty and multiplying the result by the amount of the fee.

Sec. 3. (NEW) (*Effective July 1, 2007*) Each VOIP service provider shall assess a monthly fee against each subscriber to fund the enhanced emergency 9-1-1 program in accordance with section 16-256g of the general statutes, as amended by this act. Each such provider shall comply with all of the requirements of 47 CFR 9 and chapter 518a of the general statutes, provided the provisions of such chapter are not addressed by, or not inconsistent with, federal law or regulations, regarding the provision of enhanced 9-1-1 services in the state of Connecticut. Such fee shall be collected from the subscriber in any manner consistent with the voice over Internet protocol provider's existing operating or technological abilities and remitted to the office of the State Treasurer for deposit into the Enhanced 9-1-1 Telecommunications Fund established pursuant to section 28-30a of the general statutes, not later than the fifteenth day of each month.

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

(a) By June first of each year, the Department of Public Utility

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

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

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

A telephone company or voice over Internet protocol service provider, as defined in section 1 of this act, shall forward to any public safety answering point or other answering point equipped for

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enhanced 9-1-1 service the telephone number and street address of any telephone used to place a 9-1-1 call, provided a voice over Internet protocol service provider shall be in compliance with this section if the provider complies with the requirements for forwarding such information contained in 47 CFR 9 and chapter 518a provided the provisions of such chapter are not addressed by, or are not inconsistent with, federal law or regulations, regarding the provision of enhanced 9-1-1 service in the state of Connecticut. Subscriber information provided in accordance with this section shall be used only for the purpose of responding to emergency calls or for the investigation of false or intentionally misleading reports of incidents requiring emergency service. No telephone company or its agents and no voice over Internet protocol service provider or its agents [of a telephone company] shall be liable to any person who uses the enhanced 9-1-1 service established under sections 28-25, 28-25a, 28-25b, 28-26, 28-27, 28-27a, and 28-28, this section and sections 28-28b, 28-29, 28-29a and 28-29b for release of the information specified in this section or for any failure of equipment or procedure in connection with enhanced 9-1-1 service.

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

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

Sec. 7. Subsection (b) of section 28-1b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The council shall consist of: (1) The Commissioner of Emergency Management and Homeland Security; the Secretary of the Office of

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Policy and Management; the Commissioner of Public Safety; the Commissioner of Public Health; the Commissioner of Mental Health and Addiction Services; the Commissioner of Environmental Protection; the Commissioner of Public Works; the Commissioner of Transportation; the Adjutant General of the Military Department; the chairperson of the Department of Public Utility Control; the Chief Information Officer, as defined in section 4d-1; the State Fire Administrator; or their designees; and (2) the following members appointed as follows: [not later than July 1, 2004:] Two municipal police chiefs, one appointed by the speaker of the House of Representatives and one appointed by the Governor; two municipal fire chiefs, one appointed by the president pro tempore of the Senate and one appointed by the Governor; one volunteer fire chief appointed by the minority leader of the Senate; one representative of the Connecticut Conference of Municipalities appointed by the majority leader of the Senate; one representative of the Council of Small Towns appointed by the minority leader of the House of Representatives; [one] two local or regional [civil preparedness director] emergency management directors, one appointed by the speaker of the House of Representatives and one designated, not later than July 1, 2007, by the president of the Connecticut Emergency Management Association; one local or regional health director appointed by the president pro tempore of the Senate; one emergency medical services professional appointed by the Governor; one nonprofit hospital administrator appointed by the majority leader of the House of Representatives; and one manager or coordinator of 9-1-1 public safety answering points appointed by the Governor. Each member appointed under this subdivision shall serve for a term of three years from July 1, 2004, or three years from the time of appointment if appointed after July 1, 2004, or until a qualified successor has been appointed to replace such member. No member appointed under this subdivision shall receive any compensation for such member's service on the council.

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