



General Assembly

Substitute Bill No. 6327

January Session, 2011

* _____HB06327PS_FIN031511_____*

AN ACT CONCERNING THE ENHANCED EMERGENCY 9-1-1 PROGRAM.

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

1 Section 1. Section 16-256g of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2012*):

3 (a) By June first of each year, the Department of Public Utility
4 Control shall conduct a proceeding to determine the amount of the
5 monthly fee to be assessed against each subscriber of: (1) Local
6 telephone service, (2) commercial mobile radio service, as defined in 47
7 CFR Section 20.3, and (3) voice over Internet protocol service, as
8 defined in section 28-30b, as amended by this act, [and (4) prepaid
9 wireless telephone service, as defined in section 28-30b,] to fund the
10 development and administration of the enhanced emergency 9-1-1
11 program. The department shall base such fee on the findings of the
12 Commissioner of Public Safety, pursuant to subsection (c) of section
13 28-24, taking into consideration any existing moneys available in the
14 Enhanced 9-1-1 Telecommunications Fund. The department shall
15 consider the progressive wire line inclusion schedule contained in the
16 final report of the task force to study enhanced 9-1-1
17 telecommunications services established by public act 95-318. The
18 department shall not approve any fee greater than fifty cents per
19 month per access line nor shall it approve any fee that does not include

20 the progressive wire line inclusion schedule.

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

30 (c) The fee imposed under this section shall not apply to any
31 prepaid wireless telecommunications service, as defined in section 28-
32 30b, as amended by this act.

33 Sec. 2. Subsection (a) of section 28-30a of the general statutes is
34 repealed and the following is substituted in lieu thereof (*Effective*
35 *January 1, 2012*):

36 (a) There is established a fund to be known as the "Enhanced 9-1-1
37 Telecommunications Fund". The fund shall contain any moneys
38 required by law to be deposited in the fund, including, but not limited
39 to, any federal funds collected pursuant to subsection (d) of section 28-
40 24 and fees assessed against subscribers of local telephone service,
41 [and] subscribers of commercial mobile radio services [,] pursuant to
42 section 16-256g, as amended by this act, and revenues from the
43 prepaid wireless E 9-1-1 fee imposed pursuant to section 4 of this act.
44 The Enhanced 9-1-1 Telecommunications Fund shall be held separate
45 and apart from all other moneys, funds and accounts. Interest derived
46 from the investment of the fund shall be credited to the assets of the
47 fund. Any balance remaining in the fund at the end of any fiscal year
48 shall be carried forward in the fund for the fiscal year next succeeding.

49 Sec. 3. Section 28-30b of the general statutes is repealed and the
50 following is substituted in lieu thereof (*Effective January 1, 2012*):

51 As used in sections [28-30b] 28-30a to 28-30d, inclusive, as amended
52 by this act, and sections 4 to 6, inclusive, of this act:

53 (1) ["Active prepaid wireless telephone service" means a prepaid
54 wireless telephone service that has an account that has a positive
55 balance greater than or equivalent to the fee to fund the enhanced
56 emergency 9-1-1 program pursuant to section 16-256g.] "Consumer"
57 means a person who purchases prepaid wireless telecommunications
58 in a retail transaction.

59 (2) "Prepaid wireless E 9-1-1 fee" means the charge that any seller
60 shall collect from a consumer in an amount established by section 5 of
61 this act.

62 [(2)] (3) "Prepaid wireless [telephone] telecommunications service"
63 means a wireless telephone service that [is activated in advance by
64 payment for a finite dollar amount of service or for a finite set of
65 minutes that terminate either upon use by a subscriber and delivery by
66 the wireless provider of an agreed upon amount of service
67 corresponding to the total dollar amount paid in advance or within a
68 certain period of time following the initial purchase or activation,
69 unless additional payments are made] a consumer pays for in advance
70 and that allows the consumer to access the E 9-1-1 system by dialing 9-
71 1-1. Such service is sold in predetermined units of minutes or dollars
72 and such units of minutes or dollars decline with use.

73 [(3)] (3) "Mobile telephone number" or "MTN" means the telephone
74 number assigned to a wireless telephone at the time of activation.]

75 (4) "Provider" means any person who provides prepaid wireless
76 telecommunications service pursuant to a license issued by the Federal
77 Communications Commission.

78 (5) "Retail transaction" means a purchase of prepaid wireless
79 telecommunications service from a seller for any purpose other than
80 resale.

81 (6) "Sales and use tax" means the tax imposed under sections 12-406
82 to 12-432b, inclusive.

83 (7) "Seller" means a person who sells prepaid wireless
84 telecommunications service to another person.

85 ~~[(4)]~~ (8) "Voice over Internet protocol service" or "VOIP" means a
86 service that has the following characteristics: (A) Enables real-time,
87 two-way voice communication; (B) requires a broadband connection
88 from the users' locations; (C) requires IP-compatible customer
89 premises equipment; and (D) allows subscribers generally to receive
90 calls that originate on the public switched telephone network and to
91 terminate calls on the public switched telephone.

92 ~~[(5)]~~ (9) "Voice over Internet protocol service provider" or "VOIP
93 service provider" means a company that provides VOIP telephone
94 service.

95 (10) "Wireless telecommunications service" means commercial
96 mobile radio service as defined in 47 CFR Section 20.3, as from time to
97 time amended.

98 Sec. 4. (NEW) *(Effective January 1, 2012)* (a) Each consumer shall be
99 assessed a prepaid wireless E 9-1-1 fee. Such fee shall be equal to one-
100 half of the rate determined by the Department of Public Utility Control
101 in accordance with subsection (a) of section 16-256g of the general
102 statutes, as amended by this act.

103 (b) Any seller conducting a retail transaction within this state with a
104 consumer shall collect the fee described in subsection (a) of this section
105 from such consumer. The seller shall disclose to the consumer the
106 amount of such fee assessed in an invoice, a receipt, or other similar
107 document, or by some other manner.

108 (c) For the purposes of subsection (b) of this section, a retail
109 transaction made in the presence of the consumer at the place of
110 business of the seller shall be treated as occurring in this state if such

111 place of business is within the state, and any other retail transaction
112 shall be treated as occurring in this state if the retail transaction is
113 treated as occurring in this state under subdivision (2) of subsection (a)
114 of section 12-407 of the general statutes for the purposes of the sales
115 and use tax.

116 (d) The consumer shall be liable for any prepaid wireless E 9-1-1 fee.
117 There shall be no liability on the part of the seller or provider,
118 provided the seller shall be liable to remit any prepaid wireless E 9-1-1
119 fees that the seller collects from any consumer, as provided in section 5
120 of this act, including, but not limited to, any such fee that the seller
121 collects but does not separately state on an invoice, receipt, or other
122 similar document provided to the consumer, as required by subsection
123 (b) of this section.

124 (e) The amount of the prepaid wireless E 9-1-1 fee that a seller
125 collects from a consumer shall not be included in the base for
126 measuring any tax, fee, surcharge, or other charge that the state, any
127 political subdivision of the state, or any intergovernmental agency
128 imposes on such seller, provided the seller separately stated such
129 amount in an invoice, receipt, or other similar document provided to
130 the consumer.

131 (f) The prepaid wireless E 9-1-1 fee shall increase or decrease
132 proportionate to any change to the monthly fee, as determined by the
133 Department of Public Utility Control under subsection (a) of section
134 16-256g of the general statutes, as amended by this act. Such increase
135 or decrease shall become effective on the effective date of the change to
136 the monthly fee or, if later, the first day of the first calendar month to
137 occur at least sixty days after the department promulgates such change
138 to the monthly fee. The Department of Revenue Services shall provide
139 at least thirty days of advance notice of the change to the monthly fee
140 by prominently displaying such change on the department's Internet
141 web site.

142 Sec. 5. (NEW) (*Effective January 1, 2012*) (a) Any seller who collects a

143 prepaid wireless E 9-1-1 charge shall remit such fee to the Department
144 of Revenue Services at such time and in such manner as required by
145 the Sales and Use Taxes Act. The Department of Revenue Services
146 shall establish registration and payment procedures that substantially
147 coincide with the registration and payment procedures that apply to
148 retail sellers under the Sales and Use Taxes Act.

149 (b) Notwithstanding the provisions of the Sales and Use Taxes Act,
150 a seller who collects a prepaid wireless E 9-1-1 fee may retain three per
151 cent of such fee.

152 (c) The audit and appeal procedures applicable under the Sales and
153 Use Taxes Act shall apply to each prepaid wireless E 9-1-1 fee.

154 (d) The Department of Revenue Services shall establish procedures
155 by which a seller of prepaid wireless telecommunications service may
156 document that a sale is not a retail transaction, which procedures shall
157 substantially coincide with the procedures for documenting sale for
158 resale transactions for purposes of the Sales and Use Taxes Act.

159 (e) The Department of Revenue Services shall, not later than thirty
160 days after receiving any prepaid wireless E 9-1-1 fee, transfer such fee
161 to the office of the State Treasurer for deposit into the Enhanced 9-1-1
162 Telecommunications Fund, established pursuant to section 28-30a of
163 the general statutes, as amended by this act. Any revenue from the
164 prepaid wireless E 9-1-1 fee shall be subject to any restrictions
165 provided by section 28-30a of the general statutes, as amended by this
166 act. The Department of Revenue Services may deduct no more than
167 two per cent of the revenue and may use such amount to reimburse its
168 direct costs of administering the collection and remittance of prepaid
169 wireless E 9-1-1 fees.

170 Sec. 6. (NEW) (*Effective January 1, 2012*) (a) No provider or seller of
171 prepaid wireless telecommunications service shall be liable for
172 damages to any person resulting from or incurred in connection with
173 the provision of, or failure to provide, 9-1-1 or E 9-1-1 service, or for
174 identifying, or failing to identify, the telephone number, address,

175 location, or name associated with any person or device that is
176 accessing or attempting to access 9-1-1 or E 9-1-1 service.

177 (b) No provider or seller of prepaid wireless telecommunications
178 service shall be liable for damages to any person resulting from or
179 incurred in connection with the provision of any lawful assistance to
180 any investigative or law enforcement officer of the United States, this
181 or any other state, or any political subdivision of this or any other
182 state, in connection with any lawful investigation or other law
183 enforcement activity by such law enforcement officer.

184 Sec. 7. Section 28-30c of the general statutes is repealed. (*Effective*
185 *January 1, 2012*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2012</i>	16-256g
Sec. 2	<i>January 1, 2012</i>	28-30a(a)
Sec. 3	<i>January 1, 2012</i>	28-30b
Sec. 4	<i>January 1, 2012</i>	New section
Sec. 5	<i>January 1, 2012</i>	New section
Sec. 6	<i>January 1, 2012</i>	New section
Sec. 7	<i>January 1, 2012</i>	Repealer section

Statement of Legislative Commissioners:

In section 4(a), "retail transaction" was changed to "consumer" for accuracy.

PS

Joint Favorable Subst. C/R

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