

## House Bill 470

By: Representatives Lunsford of the 110<sup>th</sup>, Golick of the 34<sup>th</sup>, Smith of the 129<sup>th</sup>, Roberts of the 154<sup>th</sup>, Lewis of the 15<sup>th</sup>, and others

## A BILL TO BE ENTITLED

## AN ACT

1 To amend the following provisions of the Official Code of Georgia Annotated, so  
 2 as to change all references to "911" emergency numbers to read 9-1-1; Article 2 of Chapter  
 3 10 of Title 20, relating to obstruction of public administration; Article 2 of Chapter 5 of Title  
 4 46, relating to telephone service; Code Section 19-13-51, relating to definitions relative to  
 5 the "Family Violence and Stalking Protective Order Registry Act,"; Code Section 31-11-1,  
 6 relating to findings and declaration of policy relative to emergency services; Code Section  
 7 33-9-39, relating to restrictions on motor vehicle insurance surcharges relating to accidents  
 8 involving law enforcement officers, firefighters, or emergency medical technicians; Code  
 9 Section 36-60-19, relating to dispatch centers, required training for communications officers,  
 10 exceptions, and penalty for noncompliance; Code Section 38-3-20, relating to presentment  
 11 of boundary dispute by grand jury, certification to Governor, appointment of surveyor to  
 12 define line, and return of survey and plat to Secretary of State; Code Section 38-3-27,  
 13 relating to local organizations for emergency management, creation, structure, powers,  
 14 directors, appointment, qualifications, and compensation, state to provide financial  
 15 assistance, and entitlement for funding; and Code Section 50-18-72, relating to when public  
 16 disclosure not required and disclosure of exempting legal authority; to amend Article 2 of  
 17 Chapter 5 of Title 46, relating to telephone service, so as to define certain terms; to change  
 18 references to "911" numbers to read 9-1-1; to change the membership of the 9-1-1 Advisory  
 19 Committee; to provide for the update of information in a certain report; to provide a penalty;  
 20 to provide for the use of a wireless customer's place of primary use; to provide for a fee to  
 21 be charged for noncontract prepaid wireless service; to provide for a maximum  
 22 administrative fee; to provide for the administration of certain funds; to provide for the  
 23 recovery of costs; to provide for a state plan governing 911 enhanced systems; to provide  
 24 for a reporting of the expenditure of funds; to amend Part 1 of Article 1 of Chapter 8 of Title  
 25 48 of the Official Code of Georgia Annotated, relating to general provisions relative to sales  
 26 and use tax, so as to define certain terms; to provide for a method of making a notification  
 27 of billing error; to provide for the identification of the place of primary use for wireless

1 customers; to provide for the provision of certain customer information to certain state  
2 agencies; to repeal conflicting laws; and for other purposes.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

4 **SECTION 1.**

5 Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to  
6 obstruction of public administration and related offenses, is amended by striking in its  
7 entirety Code Section 16-10-24.3, relating to obstructing or hindering persons making  
8 emergency telephone calls, and inserting in lieu thereof the following:

9 "16-10-24.3.

10 Any person who verbally or physically obstructs, prevents, or hinders another person with  
11 intent to cause or allow physical harm or injury to another person from making or  
12 completing a ~~911~~ 9-1-1 telephone call or a call to any law enforcement agency to request  
13 police protection or to report the commission of a crime is guilty of a misdemeanor and  
14 shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 or  
15 imprisonment not to exceed 12 months, or both."

16 **SECTION 2.**

17 Code Section 19-13-51 of the Official Code of Georgia Annotated, relating to definitions  
18 relative to the "Family Violence and Stalking Protective Order Registry Act," is amended by  
19 striking in its entirety paragraph (4) and inserting in lieu thereof the following:

20 "(4) 'Law enforcement officer' means any agent or officer of this state, or a political  
21 subdivision or municipality thereof, who, as a full-time or part-time employee, is vested  
22 either expressly by law or by virtue of public employment or service with authority to  
23 enforce the criminal or traffic laws and whose duties include the preservation of public  
24 order, the protection of life and property, or the prevention, detection, or investigation of  
25 crime. Such term also includes the following: state or local officer, sheriff, deputy sheriff,  
26 dispatcher, ~~911~~ 9-1-1 operator, police officer, prosecuting attorney, member of the State  
27 Board of Pardons and Paroles, a hearing officer and parole officer of the State Board of  
28 Pardons and Paroles, and a probation officer of the Department of Corrections."

29 **SECTION 3.**

30 Code Section 31-11-1 of the Official Code of Georgia Annotated, relating to 31-11-1,  
31 findings and declaration of policy relative to emergency services, is amended by striking in  
32 its entirety paragraph (4) of subsection (a) and inserting in lieu thereof the following:

1 "(a)(4) That the administration of an emergency medical systems communications program  
 2 should be the responsibility of the Department of Human Resources, acting upon the  
 3 recommendations of the local entity which coordinates the program; all ambulance services  
 4 shall be a part of this system even if this system is the '911' 9-1-1 emergency telephone  
 5 number;"

6 **SECTION 4.**

7 Code Section 31-11-53.1 of the Official Code of Georgia Annotated, relating to automated  
 8 external defibrillator program, establishment, regulations, and liability, is amended by  
 9 striking in its entirety paragraph (3) of subsection (b) and inserting in lieu thereof the  
 10 following:

11 "(b)(3) All persons who use an automated external defibrillator shall activate the  
 12 emergency medical services system as soon as reasonably possible by calling '911' 9-1-1  
 13 or the appropriate emergency telephone number upon use of the automated external  
 14 defibrillator; and"

15 **SECTION 5.**

16 Code Section 33-9-39 of the Official Code of Georgia Annotated, relating to restrictions on  
 17 motor vehicle insurance surcharges relating to accidents involving law enforcement officers,  
 18 firefighters, or emergency medical technicians, is amended by striking in its entirety  
 19 paragraph (2) and inserting in lieu thereof the following:

20 "(2) For which the law enforcement officer, firefighter, or emergency medical technician  
 21 furnishes proof, in the form of copies of the accident report, ~~911~~ 9-1-1 emergency  
 22 dispatch log, or the employing agency's documents, to the insurer of the condition  
 23 provided in paragraph (1) of this Code section."

24 **SECTION 6.**

25 Code Section 36-60-19 of the Official Code of Georgia Annotated, relating to dispatch  
 26 centers, required training for communications officers, exceptions, and penalty for  
 27 noncompliance, is amended by striking in its entirety subsection (b) and inserting in lieu  
 28 thereof the following:

29 "(b) On and after January 1, 1999, no monthly '911' 9-1-1 charge provided for in Code  
 30 Section 46-5-133 may be imposed for the support of any dispatch center unless such  
 31 dispatch center is in compliance with the requirements of this Code section."

**SECTION 7.**

Code Section 38-3-20 of the Official Code of Georgia Annotated, relating to the creation of the Georgia Emergency Management Agency, director, staff, offices, director's duties, and disaster coordinator, is amended by striking subsections (c) and (e) and inserting in lieu thereof, respectively, the following:

"(c) The director may employ such professional, technical, clerical, stenographic, and other personnel, may fix their compensation, and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of Article 1, this article, and Article 3 of this chapter, the duties of the agency and the director described in Part 4 of Article 2 of Chapter 5 of Title 46, the 'Georgia Emergency Telephone Number "911" 9-1-1 Service Act of 1977,' as amended."

"(e) The director, subject to the direction and control of the Governor, shall be the executive head of the Georgia Emergency Management Agency and shall be responsible to the Governor for carrying out the program for emergency management in this state. He or she shall coordinate the activities of all organizations for emergency management within the state, shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by Article 1, this article, and Article 3 of this chapter as may be prescribed by the Governor and such additional authority, duties, and responsibilities as described in Part 4 of Article 2 of Chapter 5 of Title 46, the 'Georgia Emergency Telephone Number "911" 9-1-1 Service Act of 1977,' as amended."

**SECTION 8.**

Code Section 38-3-27 of the Official Code of Georgia Annotated, relating to local organizations for emergency management, creation, structure, powers, directors, appointment, qualifications, compensation, state to provide financial assistance, and entitlement for funding, is amended by striking in its entirety paragraph (5) of subsection (a) and inserting in lieu thereof the following:

"(a)(5) The political subdivision shall designate an office in a building owned or leased by the political subdivision as the office of emergency management. Such office of emergency management shall have appropriate equipment and supplies, including but not limited to telephone and communication equipment, connections to the '911' 9-1-1 system if such system is operational in the political subdivision, desks, typewriters, file cabinets, and necessary office supplies. No such equipment or supplies shall be used for personal business. The local director shall post on the front door of the office the schedule of hours

1 of the work week in which he will be attending to emergency management matters. The  
 2 citizens of a political subdivision shall have accessibility to the office of emergency  
 3 management and the local director or his designee shall be available or on call at all times  
 4 beyond working hours."

5 **SECTION 9.**

6 Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to  
 7 telephone service is amended by striking in its entirety Part 4, the "Georgia Emergency  
 8 Telephone Number '911' Service Act of 1977," and inserting in lieu thereof the following:

9 "Part 4

10 46-5-120.

11 This part shall be known and may be cited as the 'Georgia Emergency Telephone Number  
 12 "~~911~~" 9-1-1 Service Act of 1977.'

13 46-5-121.

14 (a) The General Assembly finds and declares that it is in the public interest to shorten the  
 15 time required for a citizen to request and receive emergency aid. There currently exist  
 16 numerous different emergency phone numbers throughout the state. Provision for a single,  
 17 primary three-digit emergency number through which emergency services can be quickly  
 18 and efficiently obtained would provide a significant contribution to law enforcement and  
 19 other public service efforts by making it easier to notify public safety personnel. Such a  
 20 simplified means of procuring emergency services will result in the saving of lives, a  
 21 reduction in the destruction of property, and quicker apprehension of criminals. It is the  
 22 intent of the General Assembly to establish and implement a cohesive state-wide  
 23 emergency telephone number "~~911~~" 9-1-1 system which will provide citizens with rapid,  
 24 direct access to public safety agencies by dialing telephone number "~~911~~" 9-1-1 with the  
 25 objective of reducing the response time to situations requiring law enforcement, fire,  
 26 medical, rescue, and other emergency services.

27 (b) The General Assembly further finds and declares that the benefits of "~~911~~" 9-1-1  
 28 service should be widely available, regardless of whether a "~~911~~" 9-1-1 call is placed from  
 29 a traditional landline telephone or from a wireless telephone. It is also in the public interest  
 30 that users of wireless telephones should bear some of the cost of providing this life-saving  
 31 service, as users of landline telephones currently do. It is the intent of the General  
 32 Assembly to bring wireless telephone service within the scope of this part and to establish

1 a means by which local public safety agencies may provide enhanced "911" 9-1-1 service  
2 to wireless telephone users.

3 46-5-122.

4 As used in this part, the term:

5 (1) 'Addressing' means the assigning of a numerical address and street name (the name  
6 may be numerical) to each location within a local government's geographical area  
7 necessary to provide public safety service as determined by the local government. This  
8 address replaces any route and box number currently in place in the '911' 9-1-1 data base  
9 and facilitates quicker response by public safety agencies.

10 ~~(1.1)~~ (2) 'Agency' means the Georgia Emergency Management Agency established  
11 pursuant to Code Section 38-3-20 unless the context clearly requires otherwise.

12 ~~(2)~~ (3) 'Director' means the director of emergency management appointed pursuant to  
13 Code Section 38-3-20.

14 (4) 'Cost recovery' means the mechanism by which service suppliers may recover the  
15 costs they expend on the implementation of wireless 9-1-1 services.

16 ~~(3)~~ (5) 'Emergency "911" 9-1-1 system' means a local exchange telephone service or  
17 wireless service which facilitates the placing of calls by persons in need of emergency  
18 services to a public safety answering point by dialing the telephone number '911' 9-1-1  
19 and under which calls to '911' 9-1-1 are answered by public safety answering points  
20 established and operated by the local government subscribing to the '911' 9-1-1 service.  
21 The term 'emergency "911" 9-1-1 system' also includes 'enhanced "911" 9-1-1 service,'  
22 which means an emergency telephone system that provides the caller with emergency  
23 '911' 9-1-1 system service and, in addition, directs '911' 9-1-1 calls to appropriate public  
24 safety answering points by selective routing based on the geographical location from  
25 which the call originated and provides the capability for automatic number identification  
26 and automatic location identification features.

27 (6) 'Enhanced ZIP code' means a United States postal ZIP code of 9 or more digits.

28 ~~(4)~~ (7) 'Exchange access facility' means the access from a particular telephone  
29 subscriber's premises to the telephone system of a service supplier. Exchange access  
30 facilities include service supplier provided access lines, PBX trunks, and Centrex network  
31 access registers, all as defined by tariffs of the telephone companies as approved by the  
32 Georgia Public Service Commission. Exchange access facilities do not include service  
33 supplier owned and operated telephone pay station lines, Wide Area Telecommunications  
34 Services (WATS), Foreign Exchange (FX), or incoming only lines.

35 (8) 'FIPS' means the Federal Information Processing Standard (FIPS) 55-3 or any future  
36 enhancement.

1 (9) 'Interoperability' means the ability of multivendor devices to work together using a  
 2 common set of protocols. In regard to two-way radios, such term means the ability of  
 3 users to intercommunicate directly, subscriber-radio to subscriber-radio, regardless of the  
 4 frequency band or protocol without intervention of a dispatcher or other manual patches  
 5 being required.

6 ~~(5)~~ (10) 'Local government' means any city, county, military base, or political  
 7 subdivision of Georgia and its agencies.

8 (11) 'Mobile telecommunications service' means commercial mobile radio service, as  
 9 such term is defined in 47 C.F.R. Section 20.3 as in effect on June 1, 1999, or as  
 10 subsequently amended.

11 ~~(6)~~ (12) "'911" 9-1-1 charge' means a contribution to the local government for the '911'  
 12 9-1-1 service start-up equipment costs, subscriber notification costs, addressing costs,  
 13 billing costs, nonrecurring and recurring installation, maintenance, service, and network  
 14 charges of a service supplier providing '911' 9-1-1 service pursuant to this part, and costs  
 15 associated with the hiring, training, and compensating of dispatchers employed by the  
 16 local government to operate said '911' 9-1-1 system at the public safety answering points  
 17 and the costs associated with the purchasing and maintenance of interoperable  
 18 communication systems pursuant to subsection (a) of Code Section 46-5-134.

19 (13) 'Noncontract prepaid wireless service' means the one-time advance sale of a  
 20 definite number of allowable minutes of mobile telecommunications service usage over  
 21 a specified time. Minutes may be expressed in terms of units.

22 (14) 'Place of primary use' means the street address representative of where the  
 23 customer's use of the mobile telecommunications service primarily occurs, which must  
 24 be the residential street address or the primary business street address of the customer.

25 ~~(7)~~ (15) 'Public agency' means the state and any city, county, city and county, municipal  
 26 corporation, chartered organization, public district, or public authority located in whole  
 27 or in part within this state which provides or has authority to provide fire-fighting, law  
 28 enforcement, ambulance, medical, or other emergency services.

29 ~~(8)~~ (16) 'Public safety agency' means a functional division of a public agency which  
 30 provides fire-fighting, law enforcement, emergency medical, suicide prevention, civil  
 31 defense, poison control, drug prevention, child abuse, spouse abuse, or other emergency  
 32 services.

33 ~~(8.1)~~ (17) 'Public safety answering point' means the public safety agency which receives  
 34 incoming '911' 9-1-1 telephone calls and dispatches appropriate public safety agencies  
 35 to respond to such calls.

36 ~~(9)~~ (18) 'Service supplier' means a person or entity who provides local exchange  
 37 telephone service or wireless service to a telephone subscriber.

1 ~~(10)~~ (19) 'Telephone subscriber' means a person or entity to whom local exchange  
 2 telephone service or wireless service, either residential or commercial, is provided and  
 3 in return for which the person or entity is billed on a monthly basis. When the same  
 4 person, business, or organization has several telephone access lines, each exchange access  
 5 facility shall constitute a separate subscription. When the same person, business, or  
 6 organization has several wireless telephones, each wireless telecommunications  
 7 connection shall constitute a separate connection.

8 ~~(11)~~ (20) 'Wireless enhanced "911" 9-1-1 charge' means a contribution to the local  
 9 government for the following:

10 (A) The costs to the local government of implementing or upgrading, and maintaining,  
 11 an emergency '911' 9-1-1 system which is capable of receiving and utilizing the  
 12 following information, as it relates to '911' 9-1-1 calls made from a wireless  
 13 telecommunications connection: automatic number identification, the location of the  
 14 base station or cell site which receives the '911' 9-1-1 call, and the location of the  
 15 wireless telecommunications connection;

16 (B) Nonrecurring and recurring installation, maintenance, service, and network charges  
 17 of a wireless service supplier to provide the information described in subparagraph (A)  
 18 of this paragraph; and

19 (C) Other costs which may be paid with money from the Emergency Telephone  
 20 System Fund, pursuant to subsection (e) of Code Section 46-5-134.

21 ~~(12)~~ (21) 'Wireless service' means 'commercial mobile service' as defined under Section  
 22 332(D) of the federal Telecommunications Act of 1996 (47 U.S.C. Section 157, et seq.),  
 23 regulations of the Federal Communications Commission, and the Omnibus Budget  
 24 Reconciliation Act of 1993 (P.L. 103-66) and includes real-time, two-way interconnected  
 25 voice service which is provided over networks which utilize intelligent switching  
 26 capability and offer seamless handoff to customers. The term does not include one-way  
 27 signaling service, data transmission service, nonlocal radio access line service, or a  
 28 private telecommunications service.

29 ~~(13)~~ (22) 'Wireless service supplier' means a provider of wireless service.

30 ~~(14)~~ (23) 'Wireless telecommunications connection' means any mobile station for wireless  
 31 service that connects a provider of wireless service to a provider of local exchange  
 32 telephone service.

33 46-5-123.

34 (a) For the purposes of the development and implementation of a plan for the state-wide  
 35 emergency telephone number '911' 9-1-1 system, there is created the '911' 9-1-1 Advisory  
 36 Committee to be composed of the director of emergency management, who shall serve as

1 chairperson; the ~~commissioner of administrative services~~ director of the Georgia  
 2 Technology Authority or his or her designee; and ten other members appointed by the  
 3 Governor, as follows:

- 4 (1) Three members appointed from nominees of the Georgia Municipal Association;
- 5 (2) Three members appointed from nominees of the Association County Commissioners  
 6 of Georgia; and
- 7 (3) Four members who are experienced in and currently involved in the management of  
 8 emergency telephone systems.

9 (b) When appointments are made, the associations making nominations pursuant to this  
 10 Code section shall submit at least three times as many nominees as positions to be filled  
 11 at that time by nominees of the association.

12 (c) The appointed members of the committee shall serve at the pleasure of the Governor.  
 13 Vacancies shall be filled in the same manner as the original appointment.

14 46-5-124.

15 (a) The agency shall develop guidelines for implementing a state-wide emergency  
 16 telephone number "911" 9-1-1 system. The guidelines shall provide for:

- 17 (1) Steps of action necessary for public agencies to effect the necessary coordination,  
 18 regulation, and development preliminary to a "911" 9-1-1 system that will incorporate the  
 19 requirements of each public service agency in each local government of Georgia;
- 20 (2) Identification of mutual aid agreements necessary to effect the "911" 9-1-1 system,  
 21 including coordination on behalf of the State of Georgia with any federal agency to  
 22 secure financial assistance or other desirable activities in connection with the receipt of  
 23 funding that may be provided to communities for the planning, development, or  
 24 implementation of the "911" 9-1-1 system;
- 25 (3) The coordination necessary between local governments planning or developing a  
 26 "911" 9-1-1 system and other state agencies, the Public Service Commission, all affected  
 27 utility and telephone companies, wireless service suppliers, and other agencies;
- 28 (4) The actions to establish emergency telephone communications necessary to meet the  
 29 requirements for each local government, including law enforcement, fire-fighting,  
 30 medical, suicide prevention, rescue, or other emergency services; and
- 31 (5) The actions to be taken by a local government desiring to provide wireless enhanced  
 32 "911" 9-1-1 service, including requirements contained in 47 Code of Federal Regulations  
 33 Section 20.18.

34 (b) The agency shall be responsible for encouraging and promoting the planning,  
 35 development, and implementation of local "911" 9-1-1 system plans. The agency shall  
 36 develop any necessary procedures to be followed by public agencies for implementing and

1 coordinating such plans and shall mediate whenever disputes arise or agreements cannot  
 2 be reached between the local political jurisdiction and other public agencies involving the  
 3 "911" 9-1-1 system.

4 (c) Subject to the approval of the Governor, the director shall be authorized to promulgate  
 5 rules and regulations to establish minimum standards relating to training and equipment.  
 6 Such training standards shall not be inconsistent with the training course or certification  
 7 required for communications officers under Code Section 35-8-23. Notwithstanding any  
 8 other law to the contrary, no communications officer hired to the staff of a "911" 9-1-1  
 9 communications center shall be required to complete his or her training pursuant to Code  
 10 Section 35-8-23 prior to being hired or employed for such position.

11 (d) The agency shall maintain the registry of wireless service suppliers provided for in  
 12 Code Section 46-5-124.1.

13 46-5-124.1.

14 (a) ~~Any wireless service supplier that provides wireless service or is authorized to provide~~  
 15 ~~wireless service~~ Any service provider doing business in Georgia shall register the following  
 16 information with the director:

17 (1) The name, address, and telephone number of the representative of the wireless  
 18 service supplier to whom the resolution adopted pursuant to Code Section 46-5-133 or  
 19 other notification of intent to provide automatic number identification or automatic  
 20 location identification, or both, of a wireless telecommunications connection should be  
 21 submitted;

22 (2) The name, address, and telephone number of the representative of the wireless  
 23 service supplier with whom a local government must coordinate to implement automatic  
 24 number identification or automatic location identification, or both, of a wireless  
 25 telecommunications connection;

26 (3) The counties in Georgia in which the ~~wireless~~ service supplier is authorized to  
 27 provide wireless service; and

28 (4) Every corporate name under which the ~~wireless~~ service supplier is authorized to  
 29 provide wireless service in Georgia.

30 (b) ~~A wireless service supplier shall notify the director of any change to the information~~  
 31 ~~described in subsection (a) of this Code section within 30 days of such change.~~ After the  
 32 initial submission by each service supplier doing business in this state, the information  
 33 required by subsection (a) of this Code section shall be updated and submitted to the  
 34 director by the tenth day of January and the tenth day of July of each year or such other  
 35 semiannual schedule as the director may establish.

1 (c) Any service provider which fails to register and provide the information required by  
2 this Code section shall not be eligible to receive cost recovery funds as provided in  
3 subsection (d) of Code Section 46-5-134.

4 46-5-125

5 Nothing in this part shall be construed to prohibit or discourage the formation of  
6 multijurisdictional or regional "~~911~~" 9-1-1 systems; and any system established pursuant  
7 to this part may include the jurisdiction, or any portion thereof, of more than one public  
8 agency.

9 46-5-126.

10 The agency shall coordinate its activities with those of the Public Service Commission,  
11 which shall encourage the Georgia telephone industry to activate facility modification plans  
12 for a timely "~~911~~" 9-1-1 implementation.

13 46-5-127.

14 After January 1, 1978, no emergency telephone number "~~911~~" 9-1-1 system shall be  
15 established, and no existing system shall be expanded to provide wireless enhanced "~~911~~"  
16 9-1-1 service, without written confirmation by the agency that the local plan conforms to  
17 the guidelines and procedures provided for in Code Section 46-5-124.

18 46-5-128.

19 All public agencies shall assist the agency in its efforts to carry out the intent of this part;  
20 and such agencies shall comply with the guidelines developed pursuant to Code Section  
21 46-5-124 by furnishing a resolution of intent regarding an emergency telephone number  
22 "~~911~~" 9-1-1 system.

23 46-5-129

24 The agency may develop a "~~911~~" 9-1-1 emblem which may be utilized on marked vehicles  
25 used by public safety agencies participating in a local "~~911~~" 9-1-1 system.

26 46-5-130

27 The agency is authorized to apply for and accept federal funding assistance in the  
28 development and implementation of a state-wide emergency telephone number "~~911~~" 9-1-1  
29 system.

1 46-5-131

2 (a) Whether participating in a state-wide emergency "911" 9-1-1 system or an emergency  
 3 "911" 9-1-1 system serving one or more local governments, neither the state nor any local  
 4 government of the state nor any emergency "911" 9-1-1 system provider, its employees,  
 5 directors, officers, and agents, except in cases of wanton and willful misconduct or bad  
 6 faith, shall be liable for death or injury to the person or for damage to property as a result  
 7 of either developing, adopting, establishing, participating in, implementing, maintaining,  
 8 or carrying out duties involved in operating the "911" 9-1-1 emergency telephone system  
 9 or in the identification of the telephone number, address, or name associated with any  
 10 person accessing an emergency "911" 9-1-1 system.

11 (b) No local government of the State of Georgia shall be required to release, indemnify,  
 12 defend, or hold harmless any emergency "911" 9-1-1 system provider from any loss, claim,  
 13 demand, suit, or other action or any liability whatsoever which arises out of subsection (a)  
 14 of this Code section, unless the local government agrees or has agreed to assume such  
 15 obligations.

16 46-5-132

17 It shall be unlawful for any wireless service supplier to assess or charge any fee for an  
 18 emergency telephone call placed on a "911" 9-1-1 emergency telephone system. The  
 19 prohibition provided for in this Code section shall only apply to actual emergency  
 20 telephone calls made on such system and shall not apply to nor prohibit any fee assessed  
 21 or charged for the implementation or enhancement of such system.

22 46-5-133.

23 (a) Subject to the provisions of subsection (b) of this Code section, the governing authority  
 24 of any local government which operates or which contracts for the operation of an  
 25 emergency '911' 9-1-1 system is authorized to adopt a resolution to impose a monthly '911'  
 26 9-1-1 charge upon each exchange access facility subscribed to by telephone subscribers  
 27 whose exchange access lines are in the areas served or which would be served by the '911'  
 28 9-1-1 service. Subject to the provisions of subsection (b) of this Code section and of  
 29 subparagraphs (a)(2)(A) and (a)(2)(B) of Code Section 46-5-134, the governing authority  
 30 of any local government which operates or contracts for the operation of an emergency  
 31 '911' 9-1-1 system which is capable of providing or provides enhanced '911' 9-1-1 service  
 32 to persons or entities with a wireless telecommunications connection, excluding a military  
 33 base, is authorized to adopt a resolution to impose a monthly wireless enhanced '911' 9-1-1  
 34 charge upon each wireless telecommunications connection subscribed to by telephone  
 35 subscribers whose ~~billing address~~ place of primary use is within the geographic area that

1 is served by the local government or that would be served by the local government for the  
 2 purpose of such an emergency ~~'911'~~ 9-1-1 system. Such resolution, or any amendment to  
 3 such resolution, shall fix a date on which such resolution and the imposition and collection  
 4 of the ~~'911'~~ 9-1-1 charge or wireless enhanced ~~'911'~~ 9-1-1 charge, as provided in the  
 5 resolution, shall become effective; provided, however, that such effective date shall be at  
 6 least 120 days following the date of the adoption of such resolution or any amendment to  
 7 such resolution by the local government. The ~~'911'~~ 9-1-1 charge must be uniform, may not  
 8 vary according to the type of exchange access facility used, and may be billed on a monthly  
 9 or quarterly basis. The wireless enhanced ~~'911'~~ 9-1-1 charge must be uniform, not vary  
 10 according to the type of wireless telecommunications connection used, and may be billed  
 11 on a monthly or quarterly basis.

12 (b)(1) Except as provided in paragraph (2) of this subsection, no local government shall  
 13 be authorized to exercise the power conferred by this Code section unless either:

14 (A) A majority of the voters residing in that political subdivision who vote in an  
 15 election called for such purpose shall vote to authorize the implementation of this Code  
 16 section. Such election shall be called and conducted as other special elections are called  
 17 and conducted in such local government when requested by such local government  
 18 authority. The question or questions on the ballot shall be as prescribed by the election  
 19 superintendent, provided that separate questions may be posed regarding  
 20 implementation of a ~~"911"~~ 9-1-1 charge and of a wireless enhanced ~~"911"~~ 9-1-1 charge;  
 21 or

22 (B) After a public hearing held upon not less than ten days' public notice.

23 (2) The provisions of paragraph (1) of this subsection shall not apply with respect to a  
 24 local government if the governing authority of such local government has on or before  
 25 March 7, 1988, contracted with a local exchange telephone service supplier for the  
 26 purchase or operation, or both, of a local exchange telephone ~~"911"~~ 9-1-1 system.

27 (c) On and after January 1, 1999, no monthly ~~"911"~~ 9-1-1 charge provided for in this Code  
 28 section may be imposed or continue to be imposed unless each dispatch center funded in  
 29 whole or in part from such charges is in compliance with Code Section 36-60-19, relating  
 30 to required TDD training for communications officers.

31 46-5-134.

32 (a)(1) The subscriber of an exchange access facility may be billed for the monthly ~~'911'~~  
 33 9-1-1 charge, if any, imposed with respect to that facility by the service supplier. Such  
 34 ~~'911'~~ 9-1-1 charge may not exceed \$1.50 per month per exchange access facility provided  
 35 to the telephone subscriber. All exchange access facilities billed to federal, state, or local  
 36 governments shall be exempt from the ~~'911'~~ 9-1-1 charge. Each service supplier shall, on

1 behalf of the local government, collect the '911' 9-1-1 charge from those telephone  
 2 subscribers to whom it provides exchange telephone service in the area served by the  
 3 emergency '911' 9-1-1 system. As part of its normal billing process, the service supplier  
 4 shall collect the '911' 9-1-1 charge for each month an exchange access facility is in  
 5 service, and it shall list the '911' 9-1-1 charge as a separate entry on each bill. If a service  
 6 supplier receives a partial payment for a bill from a telephone subscriber, the service  
 7 supplier shall apply the payment against the amount the telephone subscriber owes the  
 8 service supplier first.

9 (2)(A) If the governing authority of a local government operates or contracts for the  
 10 operation of an emergency '911' 9-1-1 system which is capable of providing or provides  
 11 automatic number identification of a wireless telecommunications connection and the  
 12 location of the base station or cell site which receives a '911' 9-1-1 call from a wireless  
 13 telecommunications connection, the subscriber of a wireless telecommunications  
 14 connection whose billing address is within the geographic area that is served by the  
 15 local government or that would be served by the local government for the purpose of  
 16 such an emergency '911' 9-1-1 system may be billed for the monthly wireless enhanced  
 17 '911' 9-1-1 charge, if any, imposed with respect to that connection by the wireless  
 18 service supplier. Such wireless enhanced '911' 9-1-1 charge may not exceed the amount  
 19 of the monthly '911' 9-1-1 charge imposed upon subscribers of exchange access  
 20 facilities pursuant to paragraph (1) of this subsection ~~and, in no event, shall such~~  
 21 ~~wireless enhanced '911' charge~~ nor exceed \$1.00 per month per wireless  
 22 telecommunications connection provided to the telephone subscriber.

23 (B) ~~On and after October 1, 2001, if~~ If the governing authority of a local government  
 24 operates or contracts for the operation of an emergency '911' 9-1-1 system which is  
 25 capable of providing or provides automatic number identification and automatic  
 26 location identification of a wireless telecommunications connection, the subscriber of  
 27 a wireless telecommunications connection whose ~~billing address~~ place of primary use  
 28 is within the geographic area that is served by the local government or that would be  
 29 served by the local government for the purpose of such an emergency '911' 9-1-1  
 30 system may be billed for the monthly wireless enhanced '911' 9-1-1 charge, if any,  
 31 imposed with respect to that connection by the wireless service supplier. Such wireless  
 32 enhanced '911' 9-1-1 charge may not exceed the amount of the monthly '911' 9-1-1  
 33 charge imposed upon subscribers of exchange access facilities pursuant to paragraph  
 34 (1) of this subsection and shall be imposed on a monthly basis for each wireless  
 35 telecommunications connection provided to the telephone subscriber.

36 (C) All wireless telecommunications connections billed to federal, state, or local  
 37 governments shall be exempt from the wireless enhanced '911' 9-1-1 charge. Each

1 wireless service supplier shall, on behalf of the local government, collect the wireless  
 2 enhanced '911' 9-1-1 charge from those telephone subscribers whose ~~billing address~~  
 3 place of primary use is within the geographic area that is served by the local  
 4 government or that would be served by the local government for the purpose of such  
 5 an emergency '911' 9-1-1 system. As part of its normal billing process, the wireless  
 6 service supplier shall collect the wireless enhanced '911' 9-1-1 charge for each month  
 7 a wireless telecommunications connection is in service, and it shall list the wireless  
 8 enhanced '911' 9-1-1 charge as a separate entry on each bill. If a wireless service  
 9 supplier receives partial payment for a bill from a telephone subscriber, the wireless  
 10 service supplier shall apply the payment against the amount the telephone subscriber  
 11 owes the wireless service supplier first.

12 (D) Notwithstanding the foregoing, the application of any '911' 9-1-1 service charge  
 13 with respect to a mobile telecommunications service, as defined in 4 U.S.C. Section  
 14 124(7), shall be governed by the provisions of Code Section 48-8-6.

15 (b) Every telephone subscriber in the area served by the emergency '911' 9-1-1 system  
 16 shall be liable for the '911' 9-1-1 and the wireless enhanced '911' 9-1-1 charges imposed  
 17 under this Code section until it has been paid to the service supplier. A service supplier  
 18 shall have no obligation to take any legal action to enforce the collection of the '911' 9-1-1  
 19 or wireless enhanced '911' 9-1-1 charge. The service supplier shall provide the governing  
 20 authority within 60 days with the name and address of each subscriber who has refused to  
 21 pay the '911' 9-1-1 or wireless enhanced '911' 9-1-1 charge after such '911' 9-1-1 or  
 22 wireless enhanced '911' 9-1-1 charge has become due. A collection action may be initiated  
 23 by the local government that imposed the charges, and reasonable costs and attorneys' fees  
 24 associated with that collection action may be awarded to the local government collecting  
 25 the '911' 9-1-1 or wireless enhanced '911' 9-1-1 charge.

26 (c) The local government contracting for the operation of an emergency '911' 9-1-1 system  
 27 shall remain ultimately responsible to the service supplier for all emergency '911' 9-1-1  
 28 system installation, service, equipment, operation, and maintenance charges owed to the  
 29 service supplier. Any taxes due on emergency '911' 9-1-1 system service provided by the  
 30 service supplier will be billed to the local government subscribing to the service. State and  
 31 local taxes do not apply to the '911' 9-1-1 or wireless enhanced '911' 9-1-1 charge billed to  
 32 telephone subscribers under this Code section.

33 (c.1) A provider of noncontract prepaid wireless service shall collect from the purchaser  
 34 of such services a wireless 9-1-1 fee in the amount of \$1.00 for each 100 minutes of air  
 35 time purchased. The provider shall remit such fees to the local governmental jurisdiction  
 36 in which such services were sold; provided, however, that if such jurisdiction does not

1 provide emergency 9-1-1 services, the provider shall remit such fees to the state to be  
 2 deposited in the general fund of the state treasury.

3 (d)(1) Each service supplier that collects '~~911~~' 9-1-1 or wireless enhanced '~~911~~' 9-1-1  
 4 charges on behalf of the local government is entitled to retain as an administrative fee an  
 5 amount equal to 3 percent of the gross '~~911~~' 9-1-1 or wireless enhanced '~~911~~' 9-1-1 charge  
 6 receipts to be remitted to the local government; provided, however, that such amount  
 7 shall not exceed 3¢ for every dollar so remitted. The remaining amount shall be due  
 8 quarterly to the local government and shall be remitted to it no later than 60 days after the  
 9 close of a calendar quarter.

10 (2) The '~~911~~' 9-1-1 and the wireless enhanced '~~911~~' 9-1-1 charges collected by the service  
 11 supplier shall be deposited and accounted for in a separate restricted revenue fund known  
 12 as the Emergency Telephone System Fund maintained by the local government. The local  
 13 government may invest the money in the fund in the same manner that other moneys of  
 14 the local government may be invested and any income earned from such investment shall  
 15 be deposited into the Emergency Telephone System Fund.

16 ~~(2)(A) Before July 1, 2002, 30¢ of the monthly wireless enhanced '911' charge imposed~~  
 17 ~~pursuant to subparagraph (a)(2)(A) of this Code section shall be deposited in a separate~~  
 18 ~~restricted reserve account of the Emergency Telephone System Fund, which shall be~~  
 19 ~~designated as the Wireless Phase I Reserve Account. Money from the Wireless Phase~~  
 20 ~~I Reserve Account shall be used only to pay the nonrecurring and recurring installation,~~  
 21 ~~maintenance, service, and network charges of a wireless service supplier which are~~  
 22 ~~associated with providing automatic number identification of a wireless~~  
 23 ~~telecommunications connection and the location of the base station or cell site which~~  
 24 ~~receives a '911' call from a wireless telecommunications connection; provided,~~  
 25 ~~however, that if the local government has not, by July 1, 2002, begun operation or~~  
 26 ~~contracted for the operation of an emergency '911' system which is capable of providing~~  
 27 ~~or provides automatic location identification of a wireless telecommunications~~  
 28 ~~connection, the funds in the Wireless Phase I Reserve Account on July 1, 2002, shall~~  
 29 ~~be transferred into an appropriate unrestricted account or accounts of the Emergency~~  
 30 ~~Telephone System Fund and may be used for any purpose authorized under subsection~~  
 31 ~~(e) of this Code section. No wireless enhanced '911' charge may be imposed pursuant~~  
 32 ~~to subparagraph (a)(2)(B) of this Code section for a period of 24 months following the~~  
 33 ~~transfer of funds from the Wireless Phase I Reserve Account pursuant to this~~  
 34 ~~subparagraph. On and after July 1, 2002, 15¢ of the monthly wireless enhanced '911'~~  
 35 ~~charge imposed pursuant to subparagraph (a)(2)(A) of this Code section shall be~~  
 36 ~~deposited in the Wireless Phase I Reserve Account.~~

1 ~~(B) Thirty cents of the monthly wireless enhanced '911' charge imposed pursuant to~~  
 2 ~~subparagraph (a)(2)(B) of this Code section shall be deposited in a separate restricted~~  
 3 ~~reserve account of the Emergency Telephone System Fund, which shall be designated~~  
 4 ~~as the Wireless Phase II Reserve Account. Money from the Wireless Phase II Reserve~~  
 5 ~~Account shall be used only to pay the nonrecurring and recurring installation,~~  
 6 ~~maintenance, service, and network charges of a wireless service supplier which are~~  
 7 ~~associated with providing automatic number identification and automatic location~~  
 8 ~~identification of a wireless telecommunications connection. Any funds which are in the~~  
 9 ~~Wireless Phase I Reserve Account at the time when the wireless enhanced '911' charge~~  
 10 ~~is first imposed pursuant to subparagraph (a)(2)(B) of this Code section shall be~~  
 11 ~~transferred to the Wireless Phase II Reserve Account.~~

12 ~~(3) The governing authority of a local government operating or contracting for the~~  
 13 ~~operation of an emergency '911' system shall, by resolution, reaffirm the necessity for the~~  
 14 ~~'911' and the wireless enhanced '911' charges beginning with the thirteenth month~~  
 15 ~~following the month in which emergency '911' system service is first provided in the~~  
 16 ~~political subdivision and during such month annually thereafter. On or before July 1,~~  
 17 ~~2005, any funds that may have been deposited in a separate restricted wireless reserve~~  
 18 ~~account required by this Code section prior to such date shall be transferred to the~~  
 19 ~~Emergency Telephone System Fund required by paragraph (2) of this subsection.~~

20 ~~(4) The local government may on an annual basis, and at its expense, audit or cause to~~  
 21 ~~be audited the books and records of service suppliers with respect to the collection and~~  
 22 ~~remittance of 9-1-1 charges.~~

23 ~~(4) (5) Such monthly '911' 9-1-1 and wireless enhanced '911' 9-1-1 charges may be~~  
 24 ~~reduced at any time by the governing authority by resolution; provided, however, that the~~  
 25 ~~said governing authority shall be required to reduce such monthly '911' 9-1-1 or wireless~~  
 26 ~~enhanced '911' 9-1-1 charge at any time the projected revenues from '911' 9-1-1 or~~  
 27 ~~wireless enhanced '911' 9-1-1 charges will cause the unexpended revenues in the~~  
 28 ~~Emergency Telephone System Fund at the end of the fiscal year to exceed by one and~~  
 29 ~~one-half times the unexpended revenues in such fund at the end of the immediately~~  
 30 ~~preceding fiscal year or at any time the unexpended revenues in such fund at the end of~~  
 31 ~~the fiscal year exceed by one and one-half times the unexpended revenues in such fund~~  
 32 ~~at the end of the immediately preceding fiscal year. Such reduction in the '911' 9-1-1 or~~  
 33 ~~wireless enhanced '911' 9-1-1 charge shall be in an amount which will avert the~~  
 34 ~~accumulation of revenues in such fund at the end of the fiscal year which will exceed by~~  
 35 ~~one and one-half times the amount of revenues in the fund at the end of the immediately~~  
 36 ~~preceding fiscal year. Funds in the Wireless Phase I Reserve Account and the Wireless~~

1 ~~Phase II Account shall not be considered in making the calculations described in this~~  
 2 ~~paragraph.~~

3 (e) A wireless service supplier may recover its costs expended on the implementation and  
 4 provision of wireless enhanced 9-1-1 services to subscribers in an amount not to exceed  
 5 30¢ of each dollar collected from a place of primary use that is within the geographic area  
 6 that is served by the local government or would be served by the local government for the  
 7 purpose of such emergency 9-1-1 system. Such cost recovery amount shall be based on the  
 8 actual cost incurred by the wireless service supplier in providing wireless enhanced 9-1-1  
 9 services. Disputes arising from the collection of such cost recovery fees shall be heard by  
 10 the 9-1-1 Advisory Committee as provided in Code Section 46-5-124. The method for  
 11 filing a notice of a dispute concerning the collection of the cost recovery fees shall be  
 12 determined by the 9-1-1 Advisory Committee.

13 (f) In addition to cost recovery as provided in subsection (e) of this Code section, money  
 14 ~~Money~~ from the Emergency Telephone System Fund shall be used only to pay for:

15 (1) The lease, purchase, or maintenance of emergency telephone equipment, including  
 16 necessary computer hardware, software, and data base provisioning; addressing; and  
 17 nonrecurring costs of establishing a '911' 9-1-1 system;

18 (2) The rates associated with the service supplier's '911' 9-1-1 service and other service  
 19 supplier's recurring charges;

20 (3) The actual cost of salaries, including benefits, of employees hired by the local  
 21 government solely for the operation and maintenance of the emergency '911' 9-1-1  
 22 system and the actual cost of training such of those employees who work as dispatchers;

23 (4) Office supplies of the public safety answering points used directly in providing  
 24 emergency '911' 9-1-1 system services;

25 (5) The cost of leasing or purchasing a building used as a public safety answering point.  
 26 Moneys from the fund cannot be used for the construction or lease of an emergency '911'  
 27 9-1-1 system building until the local government has completed its street addressing plan;

28 (6) The lease, purchase, or maintenance of computer hardware and software used at a  
 29 public safety answering point, including computer-assisted dispatch systems;

30 (7) Supplies directly related to providing emergency '911' 9-1-1 system services,  
 31 including the cost of printing emergency '911' 9-1-1 public education materials; and

32 (8) The lease, purchase, or maintenance of logging recorders used at a public safety  
 33 answering point to record telephone and radio traffic.

34 (g) All communication systems provided pursuant to this part shall conform to the two-step  
 35 state plan governing 9-1-1 enhanced communications and the interoperability standards  
 36 established by the Georgia Technology Authority as follows:

1 (1) In step one, the governing authority of a local government shall operate or contract  
 2 for the operation of an emergency 9-1-1 system that provides or is capable of providing  
 3 automatic number identification or a wireless telecommunications connection and the  
 4 location of the base station or cell site which received a 9-1-1 call from a wireless  
 5 telecommunications connection; and

6 (2) In step two, the governing authority of a local government shall operate or contract  
 7 for the operation of an emergency 9-1-1 system that provides or is capable of providing  
 8 automatic number identification and automatic location of a wireless  
 9 telecommunications connection.

10 (h)(1) Only a local government with a communications system that complies with the  
 11 provisions of subsection (g) of this Code section shall be authorized to utilize funding  
 12 from its Emergency Telephone System Fund for interoperability communication  
 13 equipment, facilities, and services.

14 (2) Funds from the Emergency Telephone System used for interoperability  
 15 communications shall be allocated among the local governments providing law  
 16 enforcement and fire services within a county or counties served by a public safety  
 17 answering point based on their respective pro rata share of the population served by each  
 18 local government according to the most recent decennial census.

19 (f) (i) The local government may contract with a service supplier for any term negotiated  
 20 by the service supplier and the local government for an emergency '911' 9-1-1 system and  
 21 may make payments from the Emergency Telephone System Fund to provide any  
 22 payments required by the contract, subject to the limitations provided by subsection (e) of  
 23 this Code section.

24 (g) (j) The service supplier shall maintain records of the amount of the '911' 9-1-1 and  
 25 wireless enhanced '911' 9-1-1 charges collected for a period of at least three years from the  
 26 date of collection. The local government may, at its expense, require an annual audit of the  
 27 service supplier's books and records with respect to the collection and remittance of the  
 28 '911' 9-1-1 and wireless enhanced '911' 9-1-1 charges.

29 (h) (k) In order to provide additional funding for the local government for emergency '911'  
 30 9-1-1 system purposes, the local government may receive federal, state, municipal, or  
 31 private funds which shall be expended for the purposes of this part.

32 (i) (l) Subject to the provisions of Code Section 46-5-133, a telephone subscriber may be  
 33 billed for the monthly '911' 9-1-1 or wireless enhanced '911' 9-1-1 charge for up to 18  
 34 months in advance of the date on which the '911' 9-1-1 service becomes fully operational.

35 (j) (m) In the event the local government is a federal military base providing emergency  
 36 services to local exchange telephone subscribers residing on the base, a local exchange  
 37 telephone service supplier is authorized to apply the '911' 9-1-1 charges collected to the bill

1 for '911' 9-1-1 service rather than remit the funds to an Emergency Telephone System  
2 Fund.

3 (n)(1) Any local government collecting or expending any 9-1-1 charges or wireless  
4 enhanced 9-1-1 charges in any fiscal year beginning on or after July 1, 2005, shall make  
5 an annual report of its collections and expenditures to the Georgia Emergency Management  
6 Agency. The purpose of such report shall be to verify the local government's compliance  
7 with the expenditure requirements of this Code section. Such report shall be in such form  
8 and shall be due at such time as shall be prescribed by rule or regulation of the Georgia  
9 Emergency Management Agency.

10 (2) Any local government which makes expenditures not in compliance with this Code  
11 section may be held liable for pro rata reimbursement to telephone subscribers of amounts  
12 improperly expended. Such liability may be established in judicial proceedings by any  
13 aggrieved party.

14 46-5-134.1.

15 (a) This Code section shall apply in counties where the governing authorities of more than  
16 one local government have adopted a resolution to impose a wireless enhanced "911" 9-1-1  
17 charge in accordance with the provisions of subsection (a) of Code Section 46-5-133 and  
18 notwithstanding any contrary provision of Code Section 46-5-133 or 46-5-134.

19 (b) A wireless service supplier may certify to any of the governing authorities described  
20 in subsection (a) of this Code section that the wireless service supplier is unable to  
21 determine whether the billing addresses of its subscribers are within the geographic area  
22 that is served by such local government. Upon such certification, the wireless service  
23 supplier shall be authorized to collect the wireless enhanced "911" 9-1-1 charge from any  
24 of its subscribers whose billing address is within the county and is within an area that is as  
25 close as reasonably possible to the geographic area that is served by such local government.  
26 The wireless service supplier shall notify such subscribers that if such subscriber's billing  
27 address is not within the geographic area served by such local government, such subscriber  
28 is not obligated to pay the wireless enhanced "911" 9-1-1 charge.

29 (c) Unless otherwise provided in an agreement among the governing authorities described  
30 in subsection (a) of this Code section, the charges collected by a wireless service supplier  
31 pursuant to this Code section shall be remitted to such governing authorities based upon  
32 the number of calls from wireless telecommunications connections that each such  
33 individual local government receives and counts relative to the total number of calls from  
34 wireless telecommunications connections that are received and counted by all of such local  
35 governments.

1 (d) The authority granted to a wireless service supplier pursuant to this Code section shall  
 2 terminate (1) on the date that the wireless service supplier certifies to a governing authority  
 3 described in subsection (a) of this Code section that the wireless service supplier is able to  
 4 determine whether the billing addresses of its subscribers are within the geographic area  
 5 that is served by such governing authority or (2) on the date which is 180 days from the  
 6 date that any of its subscribers were first billed under this Code section, whichever is  
 7 earlier. Upon termination of such authority, the wireless service supplier shall collect the  
 8 wireless enhanced "911" 9-1-1 charge as provided in Code Section 46-5-134.

9 46-5-135.

10 A service supplier, including any telephone company and its employees, directors, officers,  
 11 and agents, is not liable for any damages in a civil action for injuries, death, or loss to  
 12 persons or property incurred by any person as a result of any act or omission of a service  
 13 supplier or any of its employees, directors, officers, or agents, except for willful or wanton  
 14 misconduct, either in connection with developing, adopting, implementing, maintaining,  
 15 or operating any emergency "911" 9-1-1 system or in the identification of the telephone  
 16 number, address, or name associated with any person accessing an emergency "911" 9-1-1  
 17 system.

18 46-5-136.

19 (a) The governing authority of a local government by resolution shall create an advisory  
 20 board consisting of the sheriff, representatives from other public safety agencies which  
 21 respond to emergency calls under the system, and other individuals knowledgeable of  
 22 emergency "911" 9-1-1 systems and the emergency needs of the citizens of the local  
 23 government, provided that such advisory board shall not exceed 13 members.

24 (b) The advisory board shall assist the local government in:

- 25 (1) Reviewing and analyzing the progress by public safety agencies in developing "911"  
 26 9-1-1 system requirements;
- 27 (2) Recommending steps of action to effect the necessary coordination, regulation, and  
 28 development of a "911" 9-1-1 system;
- 29 (3) Identifying mutual aid agreements necessary to effect the "911" 9-1-1 system;
- 30 (4) Assisting in the promulgation of necessary rules, regulations, operating procedures,  
 31 schedules, and other such policy and administrative devices as shall be deemed necessary  
 32 and appropriate; and
- 33 (5) Providing other services as may be deemed appropriate by the local government.

34 (c) The members of the advisory board shall not be compensated from moneys deposited  
 35 into the Emergency Telephone System Fund.

1 46-5-137.

2 This part shall not be construed as affecting the jurisdiction or powers of the Public Service  
3 Commission to establish rates, charges, or tariffs.

4 46-5-138.

5 (a)(1) By proper resolution of the local governing bodies, an authority may be created and  
6 activated by:

7 (A) Any two or more municipal corporations;

8 (B) Any two or more counties; or

9 (C) One or more municipal corporations and one or more counties.

10 (2) The resolutions creating and activating a joint authority shall specify the number of  
11 members of the authority, the number to be appointed by each participating county or  
12 municipal corporation, their terms of office, and their residency requirements.

13 (3) The resolutions creating and activating joint authorities may be amended by  
14 appropriate concurrent resolutions of the participating governing bodies.

15 (b) The public authority shall be authorized to contract with the counties or municipalities  
16 which formed the authority to operate an emergency "~~911~~" 9-1-1 system for such local  
17 governments throughout the corporate boundaries of such local governments. Pursuant to  
18 such contracts, the local governments shall be authorized to provide funding to the  
19 authority from the Emergency Telephone System Fund, including the Wireless Phase I and  
20 Phase II Reserve Accounts, maintained by each local government. No authority shall be  
21 formed until each local government forming the authority has imposed a monthly "~~911~~"  
22 9-1-1 charge or a monthly wireless enhanced "~~911~~" 9-1-1 charge.

23 (c) Each authority shall have all of the powers necessary or convenient to carry out and  
24 effectuate the purposes and provisions of this part, including, but without limiting the  
25 generality of the foregoing, the power:

26 (1) To bring and defend actions;

27 (2) To adopt and amend a corporate seal;

28 (3) To make and execute contracts and other instruments necessary to exercise the  
29 powers of the authority;

30 (4) To receive and administer gifts, grants, and devises of any property;

31 (5) To operate emergency call answering services for law enforcement, emergency  
32 management, fire, and emergency medical service agencies 24 hours a day, seven days  
33 a week, 365 days a year;

34 (6) To acquire, by purchase, gift, or construction, any real or personal property desired  
35 to be acquired to operate the emergency "~~911~~" 9-1-1 system;

1 (7) To sell, lease, exchange, transfer, assign, pledge, mortgage, dispose of, or grant  
2 options for any real or personal property or interest therein for any such purposes; and

3 (8) To mortgage, convey, pledge, or assign any properties, revenues, income, tolls,  
4 charges, or fees owned or received by the authority.

5 (d) The authority shall elect a chairperson and such other officers as deemed necessary by  
6 the authority. The authority shall select a director who shall be responsible for establishing  
7 operating standards and procedures and overseeing the operations of the emergency "~~911~~"  
8 9-1-1 system. The director may be an employee working in the operation of the emergency  
9 "~~911~~" 9-1-1 system. The authority shall be responsible for hiring, training, supervising,  
10 and disciplining employees working in the operation of the emergency "~~911~~" 9-1-1 system.  
11 An appropriate number of full-time and part-time employees shall be hired to operate the  
12 emergency "~~911~~" 9-1-1 system. The authority shall determine the compensation of such  
13 employees and shall be authorized to provide other employee benefits. The authority shall  
14 submit its annual budget and a report of its financial records to the local governments  
15 which created the authority.

16 (e) The authority may contract with a service supplier in the same manner that local  
17 governments are so authorized under the provisions of this part.

18 (f) Notwithstanding subsection (i) of Code Section 46-5-134, if the joint authority and each  
19 local governing body activating the joint authority certify to the service provider in writing  
20 prior to the end of the 18 month period in advance of the date on which the "~~911~~" 9-1-1  
21 service was to have become fully operational that the system cannot be placed in operation  
22 on the date originally projected but that all parties are proceeding in a diligent and timely  
23 fashion to implement such service, the service provider shall continue to collect the  
24 monthly "~~911~~" 9-1-1 charge for an additional period of 18 months or until the "~~911~~" 9-1-1  
25 service becomes fully operational, whichever occurs first.

26 46-5-138.1.

27 (a) Notwithstanding any provision of paragraph (1) of subsection (a) of Code Section  
28 46-5-134 to the contrary, where two or more counties, none of which offers emergency  
29 "~~911~~" 9-1-1 services on May 1, 1998, and any participating municipalities within such  
30 counties, if any, agree by intergovernmental contract to initiate or contract for the joint  
31 operation of an emergency "~~911~~" 9-1-1 system for the first time after May 1, 1998, such  
32 local governments may impose a monthly "~~911~~" 9-1-1 charge which exceeds \$1.50 per  
33 exchange access facility but only so long as the following procedure is followed:

34 (1) The participating local governments shall, with input from a local exchange service  
35 supplier, prepare an estimated budget for the implementation of the joint emergency

1 "911" 9-1-1 system with costs limited to items eligible for funding through the  
2 Emergency Telephone System Fund;

3 (2) An estimate of the revenue to be generated by the "911" 9-1-1 charge authorized by  
4 paragraph (1) of subsection (a) of Code Section 46-5-134 during the first 18 months of  
5 collection shall be prepared;

6 (3) If the total amount necessary for implementation of the emergency "911" 9-1-1  
7 system in paragraph (1) of this subsection exceeds the estimated revenue from imposition  
8 of the "911" 9-1-1 charge specified in paragraph (2) of this subsection, the monthly "911"  
9 9-1-1 charge per exchange access facility may be increased on a pro rata basis during the  
10 first 18 months of collection to the extent necessary to provide revenue sufficient to pay  
11 the amount specified in paragraph (1) of this subsection, but in no case shall such  
12 monthly charge be greater than \$2.50 per exchange access facility. Notwithstanding  
13 subsection (i) of Code Section 46-5-134, if each local governing body which is a party  
14 to an intergovernmental contract certifies to the service provider in writing prior to the  
15 end of the 18 month period in advance of the date on which the "911" 9-1-1 service was  
16 to have become fully operational that the system cannot be placed in operation on the  
17 date originally projected but that all parties are proceeding in a diligent and timely  
18 fashion to implement such service, the service provider shall continue to collect the  
19 monthly "911" 9-1-1 charge for an additional period of 18 months or until the "911" 9-1-1  
20 service becomes fully operational, whichever occurs first; and

21 (4) Such local governments comply with the requirements of Code Section 46-5-133  
22 which relate to the imposition of a monthly "911" 9-1-1 charge.

23 Nothing in this subsection shall be construed to authorize the imposition of any charge  
24 upon a wireless telecommunications connection. Except as otherwise provided in this  
25 subsection, the requirements of Code Section 46-5-134 which relate to monthly "911"  
26 9-1-1 charges on exchange access facilities shall apply to charges imposed pursuant to this  
27 subsection.

28 (b) The increased monthly "911" 9-1-1 charge authorized by subsection (a) of this Code  
29 section shall also be available to any joint "911" 9-1-1 authority created pursuant to Code  
30 Section 46-5-138 after May 1, 1998.

31 46-5-139.

32 Following the conclusion of the 2002 session of the General Assembly, the President of the  
33 Senate and the Speaker of the House of Representatives shall each appoint no fewer than  
34 three members of their respective bodies to serve as members of the Joint Study Committee  
35 on Wireless Enhanced "911" 9-1-1 Charges. Such joint study committee shall make any  
36 recommendations it considers appropriate to the General Assembly no later than December

1 31, 2002. The General Assembly may implement the provisions of this Code section by  
2 appropriate resolution."

### 3 SECTION 10.

4 Part 1 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated,  
5 relating to general provisions relative to sales and use tax, is amended by striking in its  
6 entirety Code Section 48-8-13, relating to taxing jurisdictions for mobile telecommunications  
7 services, and inserting in lieu thereof the following:

8 "48-8-13.

9 (a) ~~For purposes of this Code section, the terms and corresponding definitions set forth in~~  
10 ~~4 U.S.C. Section 124 shall apply.~~

11 As used in this Code section, the term:

12 (1) 'Enhanced ZIP code' means a United States postal ZIP code of 9 or more digits.

13 (2) 'Fee' shall include, without limitation, any emergency 9-1-1 charge imposed pursuant  
14 to Part 4 of Article 2 of Chapter 5 of Title 46.

15 (3) 'FIPS' means the Federal Information Processing Standard (FIPS) 55-3 or any future  
16 enhancement.

17 (4) 'Home service provider' means the facilities based carrier or reseller with which the  
18 customer contracts for the provision of mobile telecommunications services.

19 (5) 'Mobile telecommunications service' means commercial mobile radio service, as such  
20 term is defined in 47 C.F.R. Section 20.3 as in effect on June 1, 1999, or as subsequently  
21 amended.

22 (6) 'Place of primary use' means the street address representative of where the customer's  
23 use of the mobile telecommunications service primarily occurs, which must be the  
24 residential street address or the primary business street address of the customer, identified  
25 by an enhanced ZIP code and FIPS code.

26 (7) 'Taxing jurisdiction' means the state or any municipality or county.

27 (b) Subject to the provisions of 4 U.S.C. Section 116(c), the tax levied by this chapter shall  
28 apply only to those charges for mobile telecommunications services subject to tax that are  
29 deemed to be provided to a customer by a home service provider pursuant to 4 U.S.C.  
30 Section 117(a) if the customer's place of primary use is located within this state, regardless  
31 of where the mobile telecommunications services originate, terminate, or pass through.

32 (c) If a customer believes that an amount of tax, charge, or fee or an assignment of place  
33 of primary use or taxing jurisdiction included on a bill under the provisions of this Code  
34 section is erroneous, the customer shall notify the home service provider ~~in writing~~ as  
35 provided in subsection (g) of this Code section. The customer shall include in this written  
36 notification the street address for the customer's place of primary use, the account name

1 and number for which the customer seeks a correction, a description of the error asserted  
2 by the customer, and any other information that the home service provider reasonably  
3 requires to process the request. Within 60 days of receiving a notice under this subsection,  
4 the home service provider shall review its records to determine the customer's taxing  
5 jurisdiction. If this review shows that the amount of tax, charge, or fee or assignment of  
6 place of primary use or taxing jurisdiction is in error, the home service provider shall  
7 correct the error and refund or credit the amount of tax, charge, or fee erroneously collected  
8 from the customer for a period of up to two years. If this review shows that the amount of  
9 tax, charge, or fee or assignment of place of primary use or taxing jurisdiction is correct,  
10 the home service provider shall provide a written explanation to the customer. The  
11 procedures in this subsection shall be the first course of remedy available to customers  
12 seeking correction of assignment of place of primary use or taxing jurisdiction or a refund  
13 of or other compensation for taxes, charges, or fees erroneously collected by the home  
14 service provider, and no cause of action based upon a dispute arising from such taxes,  
15 charges, or fees shall accrue until a customer has exhausted the remedies set forth in this  
16 subsection.

17 (d)(1) If a mobile telecommunications service is not subject to the tax levied by this  
18 chapter, and if the amount charged for such mobile telecommunications service is  
19 aggregated with and not separately stated from the amount paid or charged for any  
20 service that is subject to such tax, then the nontaxable mobile telecommunications service  
21 shall be treated as being subject to such tax unless the home service provider can  
22 reasonably identify the amount paid or charged for the mobile telecommunications  
23 service not subject to such tax from its books and records kept in the regular course of  
24 business.

25 (2) If a mobile telecommunications service is not subject to the tax levied by this chapter,  
26 a customer may not rely upon the nontaxability of such mobile telecommunications  
27 service unless the customer's home service provider separately states the amount charged  
28 for such nontaxable mobile telecommunications service or the home service provider  
29 elects, after receiving a written request from the customer in the form required by the  
30 provider, to provide verifiable data based upon the home service provider's books and  
31 records that are kept in the regular course of business that reasonably identify the amount  
32 charged for such nontaxable mobile telecommunications service.

33 (e)(1) A mobile telecommunications services provider who is obligated to remit or pay  
34 the tax levied by this chapter shall be held harmless from any liability, including tax,  
35 interest, and penalties, which would otherwise be due solely as a result of an assignment  
36 of a place of primary use to an incorrect jurisdiction, if the mobile telecommunications  
37 services provider satisfies the requirements of 4 U.S.C. Section 120(a).

1 (2)(A) The department may elect to provide an electronic data base that satisfies the  
2 requirements of 4 U.S.C. Section 119. If the department provides such data base, a  
3 home service provider using the data contained in such data base shall be held harmless  
4 from any liability, including tax, interest, and penalties, which would otherwise be due  
5 solely as a result of an assignment of a place of primary use to an incorrect local  
6 jurisdiction.

7 (B) Paragraph (1) of this subsection shall apply to a home service provider who is in  
8 compliance with the terms of such paragraph until the later of:

9 (i) Eighteen months after the approval described in 4 U.S.C. Section 119(a); or

10 (ii) Six months after the department provides an electronic data base that satisfies the  
11 requirements of 4 U.S.C. Section 119.

12 (3) A home service provider shall be responsible for obtaining and maintaining the  
13 customer's place of primary use. Subject to paragraph (5) of this subsection, if the home  
14 service provider's reliance on information provided by its customer is in good faith:

15 (A) The home service provider shall be entitled to rely on the applicable residential or  
16 business street address supplied by such customer; and

17 (B) The home service provider shall be held harmless from liability for any additional  
18 tax, including any related interest or penalties, which is based on a different  
19 determination of such customer's place of primary use.

20 (4) Except as provided in paragraph (5) of this subsection, a home service provider shall  
21 be allowed to treat the address used for purposes of the tax levied by this chapter for any  
22 customer under a service contract in effect on August 1, 2002, as that customer's place  
23 of primary use for the remaining term of such service contract or agreement, excluding  
24 any extension or renewal of such service contract or agreement.

25 (5)(A) If the department determines that the address used by a home service provider  
26 as a customer's place of primary use does not meet the definition of 'place of primary  
27 use,' the department shall notify such customer of such determination and provide such  
28 customer an opportunity to demonstrate that such address satisfies such definition.

29 (B) If the customer fails to demonstrate that the address meets the definition of such  
30 customer's place of primary use, the department shall provide the home service  
31 provider with the proper address to be used as such customer's place of primary use,  
32 and the home service provider shall begin using the address provided by the department  
33 as such customer's place of primary use in the next full billing period.

34 (6)(A) If the department determines that the assignment of a taxing jurisdiction by a  
35 home service provider does not reflect the correct taxing jurisdiction, the department  
36 shall notify the home service provider of such determination and provide such home

1 service provider an opportunity to demonstrate that the assignment represents the  
2 correct taxing jurisdiction.

3 (B) If the home service provider fails to demonstrate that the assignment reflects the  
4 correct taxing jurisdiction, the department shall provide the home service provider with  
5 the correct taxing jurisdiction to be used, and the home service provider shall begin  
6 using the taxing jurisdiction provided by the department in the next full billing period.

7 (f) A home service provider shall identify each customer's place of primary use and shall  
8 provide at least quarterly a complete listing of customers and their designated place of  
9 primary use, in digital format, to the Georgia Emergency Management Agency. Further,  
10 each home service provider shall, upon request, provide such information to any taxing  
11 jurisdiction as to the customers whose place of primary use is within the jurisdiction of  
12 such taxing jurisdiction. Such information shall initially be made available not later than  
13 July 1, 2006.

14 (g) A home service provider shall clearly state on each customer bill or invoice the  
15 following information:

16 (1) The taxing jurisdiction to which each tax and fee charged to the customer is paid  
17 and the amount paid to each taxing jurisdiction;

18 (2) The reason for any change in the information required by paragraph (1) of this  
19 subsection; and

20 (3) An address, telephone number, or electronic method for the customer to send the  
21 notification required by subsection (c) of this Code section or otherwise."

## 22 SECTION 11.

23 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public  
24 disclosure not required and disclosure of exempting legal authority, is amended by striking  
25 in its entirety paragraph (16) of subsection (a) and inserting in lieu thereof the following:

26 "(a)(16) Unless the request is made by the accused in a criminal case or by his or her  
27 attorney, public records of an emergency ~~911~~ 9-1-1 system, as defined in paragraph (3)  
28 of Code Section 46-5-122, containing information which would reveal the name, address,  
29 or telephone number of a person placing a call to a public safety answering point, which  
30 information may be redacted from such records if necessary to prevent the disclosure of the  
31 identity of a confidential source, to prevent disclosure of material which would endanger  
32 the life or physical safety of any person or persons, or to prevent the disclosure of the  
33 existence of a confidential surveillance or investigation; or"

## 34 SECTION 12.

35 All laws and parts of laws in conflict with this Act are repealed.