

House Bill 470 (AS PASSED HOUSE AND SENATE)

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

A BILL TO BE ENTITLED
AN ACT

1 To amend the following provisions of the Official Code of Georgia Annotated, so as to
2 change all references to "911" emergency numbers to read 9-1-1; Article 2 of Chapter 10 of
3 Title 20, relating to obstruction of public administration; Article 2 of Chapter 5 of Title 46,
4 relating to telephone service; Code Section 19-13-51, relating to definitions relative to the
5 "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
21 maximum administrative fee; to provide for the administration of certain funds; to provide
22 for the recovery of costs; to provide for a state plan governing 911 enhanced systems; to
23 provide for a reporting of the expenditure of funds; to provide for exemptions with respect
24 to certain taxation; to provide for legislative findings and determinations; to amend Part 1 of
25 Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to
26 general provisions relative to sales and use tax, so as to define certain terms; to provide for
27 a method of making a notification of billing error; to provide for the identification of the

1 place of primary use for wireless customers; to provide for the provision of certain customer
 2 information to certain state 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:

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~~ access 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

1 of hours of the work week in which he will be attending to emergency management
 2 matters. The citizens of a political subdivision shall have accessibility to the office of
 3 emergency management and the local director or his designee shall be available or on call
 4 at all times 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 service
 28 should be widely available, regardless of whether a '~~911~~' 9-1-1 call is placed from a
 29 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)~~(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 recurring and nonrecurring costs they expend on the implementation of wireless 9-1-1
16 services.

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

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

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

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

3 ~~(5)~~(9) 'Local government' means any city, county, military base, or political subdivision
 4 of Georgia and its agencies.

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

8 ~~(6)~~(11) "'911" 9-1-1 charge' means a contribution to the local government for the '911'
 9 9-1-1 service start-up equipment costs, subscriber notification costs, addressing costs,
 10 billing costs, nonrecurring and recurring installation, maintenance, service, and network
 11 charges of a service supplier providing '911' 9-1-1 service pursuant to this part, and costs
 12 associated with the hiring, training, and compensating of dispatchers employed by the
 13 local government to operate said '911' 9-1-1 system at the public safety answering points.

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

17 ~~(7)~~(13) 'Public agency' means the state and any city, county, city and county, municipal
 18 corporation, chartered organization, public district, or public authority located in whole
 19 or in part within this state which provides or has authority to provide fire-fighting, law
 20 enforcement, ambulance, medical, or other emergency services.

21 ~~(8)~~(14) 'Public safety agency' means a functional division of a public agency which
 22 provides fire-fighting, law enforcement, emergency medical, suicide prevention, ~~civil~~
 23 ~~defense~~ emergency management dispatching, poison control, drug prevention, child
 24 abuse, spouse abuse, or other emergency services.

25 ~~(8.1)~~(15) 'Public safety answering point' means the public safety agency which receives
 26 incoming '911' 9-1-1 telephone calls and dispatches appropriate public safety agencies
 27 to respond to such calls.

28 ~~(9)~~(16) 'Service supplier' means a person or entity who provides local exchange
 29 telephone service or wireless service to a telephone subscriber.

30 ~~(10)~~(17) 'Telephone subscriber' means a person or entity to whom local exchange
 31 telephone service or wireless service, either residential or commercial, is provided and
 32 in return for which the person or entity is billed on a monthly basis. When the same
 33 person, business, or organization has several telephone access lines, each exchange access
 34 facility shall constitute a separate subscription. When the same person, business, or
 35 organization has several wireless telephones, each wireless telecommunications
 36 connection shall constitute a separate connection.

1 ~~(11)~~(18) 'Wireless enhanced "911" 9-1-1 charge' means a contribution to the local
2 government for the following:

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

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

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

14 ~~(12)~~(19) 'Wireless service' means 'commercial mobile service' as defined under Section
15 332(D) of the federal Telecommunications Act of 1996 (47 U.S.C. Section 157, et seq.),
16 regulations of the Federal Communications Commission, and the Omnibus Budget
17 Reconciliation Act of 1993 (P.L. 103-66) and includes real-time, two-way interconnected
18 voice service which is provided over networks which utilize intelligent switching
19 capability and offer seamless handoff to customers. The term does not include one-way
20 signaling service, data transmission service, nonlocal radio access line service, or a
21 private telecommunications service.

22 ~~(13)~~(20) 'Wireless service supplier' means a provider of wireless service.

23 ~~(14)~~(21) 'Wireless telecommunications connection' means any mobile station for wireless
24 service that connects a provider of wireless service to a provider of local exchange
25 telephone service.

26 46-5-123.

27 (a) For the purposes of the development and implementation of a plan for the state-wide
28 emergency telephone number '911' 9-1-1 system, there is created the '911' 9-1-1 Advisory
29 Committee to be composed of the director of emergency management, who shall serve as
30 chairperson; the ~~commissioner of administrative services~~ director of the Georgia
31 Technology Authority or his or her designee; and ~~ten~~ 12 other members appointed by the
32 Governor, as follows:

33 (1) Three members appointed from nominees of the Georgia Municipal Association;

34 (2) Three members appointed from nominees of the Association County Commissioners
35 of Georgia; and

1 (3) Four members who are experienced in and currently involved in the management of
2 emergency telephone systems; and

3 (4) Two members who are representatives of the telecommunications industry, one of
4 whom shall be a representative of a wireless service supplier and one of whom shall be
5 a representative of a land based service supplier.

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

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

11 46-5-124.

12 (a) The agency shall develop guidelines for implementing a state-wide emergency
13 telephone number '911' 9-1-1 system. The guidelines shall provide for:

14 (1) Steps of action necessary for public agencies to effect the necessary coordination,
15 regulation, and development preliminary to a '911' 9-1-1 system that will incorporate the
16 requirements of each public service agency in each local government of Georgia;

17 (2) Identification of mutual aid agreements necessary to effect the '911' 9-1-1 system,
18 including coordination on behalf of the State of Georgia with any federal agency to
19 secure financial assistance or other desirable activities in connection with the receipt of
20 funding that may be provided to communities for the planning, development, or
21 implementation of the '911' 9-1-1 system;

22 (3) The coordination necessary between local governments planning or developing a
23 '911' 9-1-1 system and other state agencies, the Public Service Commission, all affected
24 utility and telephone companies, wireless service suppliers, and other agencies;

25 (4) The actions to establish emergency telephone communications necessary to meet the
26 requirements for each local government, including law enforcement, fire-fighting,
27 medical, suicide prevention, rescue, or other emergency services; and

28 (5) The actions to be taken by a local government desiring to provide wireless enhanced
29 '911' 9-1-1 service, including requirements contained in 47 Code of Federal Regulations
30 Section 20.18.

31 (b) The agency shall be responsible for encouraging and promoting the planning,
32 development, and implementation of local '911' 9-1-1 system plans. The agency shall
33 develop any necessary procedures to be followed by public agencies for implementing and
34 coordinating such plans and shall mediate whenever disputes arise or agreements cannot
35 be reached between the local political jurisdiction and other ~~public agencies~~ entities
36 involving the '911' 9-1-1 system.

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

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

10 46-5-124.1.

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

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

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

23 (3) The counties in Georgia in which the ~~wireless~~ service supplier is authorized to
 24 provide wireless service at the time the filing is made; and

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

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

33 (c) The director shall send a notice of delinquency to any service provider which fails to
 34 comply with subsection (b) of this Code section. Such notice shall be sent by certified mail
 35 or statutory overnight delivery. Any service provider which fails to register and provide the
 36 information required by this Code section within 30 days after receipt of a notice of

1 delinquency shall not be eligible to receive cost recovery funds as provided in subsection
 2 (e) of Code Section 46-5-134 until the service provider in compliance with subsection (b)
 3 of this Code section.

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 to
 7 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) If On and after October 1, 2001,~~ 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 (1)
 34 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 (d)(1) Each service supplier that collects '911' 9-1-1 or wireless enhanced '911' 9-1-1
 34 charges on behalf of the local government is entitled to retain as an administrative fee an
 35 amount equal to 3 percent of the gross '911' 9-1-1 or wireless enhanced '911' 9-1-1 charge
 36 receipts to be remitted to the local government; provided, however, that such amount
 37 shall not exceed 3¢ for every dollar so remitted. The remaining amount shall be due

1 quarterly to the local government and shall be remitted to it no later than 60 days after the
2 close of a calendar quarter.

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

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

30 ~~(B) Thirty cents of the monthly wireless enhanced '911' charge imposed pursuant to~~
31 ~~subparagraph (a)(2)(B) of this Code section shall be deposited in a separate restricted~~
32 ~~reserve account of the Emergency Telephone System Fund, which shall be designated~~
33 ~~as the Wireless Phase II Reserve Account. Money from the Wireless Phase II Reserve~~
34 ~~Account shall be used only to pay the nonrecurring and recurring installation,~~
35 ~~maintenance, service, and network charges of a wireless service supplier which are~~
36 ~~associated with providing automatic number identification and automatic location~~
37 ~~identification of a wireless telecommunications connection. Any funds which are in the~~

~~Wireless Phase I Reserve Account at the time when the wireless enhanced '911' charge is first imposed pursuant to subparagraph (a)(2)(B) of this Code section shall be transferred to the Wireless Phase II Reserve Account.~~

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

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

~~(4)(5) Such monthly '911' 9-1-1 and wireless enhanced '911' 9-1-1 charges may be reduced at any time by the governing authority by resolution; provided, however, that the said governing authority shall be required to reduce such monthly '911' 9-1-1 or wireless enhanced '911' 9-1-1 charge at any time the projected revenues from '911' 9-1-1 or wireless enhanced '911' 9-1-1 charges will cause the unexpended revenues in the Emergency Telephone System Fund at the end of the fiscal year to exceed by one and one-half times the unexpended revenues in such fund at the end of the immediately preceding fiscal year or at any time the unexpended revenues in such fund at the end of the fiscal year exceed by one and one-half times the unexpended revenues in such fund at the end of the immediately preceding fiscal year. Such reduction in the '911' 9-1-1 or wireless enhanced '911' 9-1-1 charge shall be in an amount which will avert the accumulation of revenues in such fund at the end of the fiscal year which will exceed by one and one-half times the amount of revenues in the fund at the end of the immediately preceding fiscal year. ~~Funds in the Wireless Phase I Reserve Account and the Wireless Phase II Account shall not be considered in making the calculations described in this paragraph.~~~~

~~(e) A wireless service supplier may recover its costs expended on the implementation and provision of wireless enhanced 9-1-1 services to subscribers in an amount not to exceed 30¢ of each 9-1-1 charge collected from a place of primary use that is within the geographic area that is served by the local government or would be served by the local government for the purpose of such emergency 9-1-1 system; provided, however, that such amount may be increased to 45¢ upon implementation of step two of the state plan governing 9-1-1 enhanced communications as provided in subsection (g) of this Code~~

1 section. Such cost recovery amount shall be based on the actual cost incurred by the
 2 wireless service supplier in providing wireless enhanced 9-1-1 services.

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

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

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

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

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

15 (5) The cost of leasing or purchasing a building used as a public safety answering point.
 16 Moneys from the fund cannot be used for the construction or lease of an emergency '911'
 17 9-1-1 system building until the local government has completed its street addressing plan;

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

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

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

24 (g) All 9-1-1 and communication systems provided pursuant to this part shall conform to
 25 the two-step state plan governing 9-1-1 enhanced communications as follows:

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

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

35 ~~(f)~~(h) The local government may contract with a service supplier for any term negotiated
 36 by the service supplier and the local government for an emergency '911' 9-1-1 system and
 37 may make payments from the Emergency Telephone System Fund to provide any

1 payments required by the contract, subject to the limitations provided by subsection (e) of
 2 this Code section.

3 ~~(g)~~(i) The service supplier shall maintain records of the amount of the '911' 9-1-1 and
 4 wireless enhanced '911' 9-1-1 charges collected for a period of at least three years from the
 5 date of collection. The local government may, at its expense, require an annual audit of the
 6 service supplier's books and records with respect to the collection and remittance of the
 7 '911' 9-1-1 and wireless enhanced '911' 9-1-1 charges.

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

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

14 ~~(j)~~(l) In the event the local government is a federal military base providing emergency
 15 services to local exchange telephone subscribers residing on the base, a local exchange
 16 telephone service supplier is authorized to apply the '911' 9-1-1 charges collected to the bill
 17 for '911' 9-1-1 service rather than remit the funds to an Emergency Telephone System
 18 Fund.

19 (m)(1) Any local government collecting or expending any 9-1-1 charges or wireless
 20 enhanced 9-1-1 charges in any fiscal year beginning on or after July 1, 2005, shall file an
 21 annual report of its collections and expenditures in conjunction with the annual audit
 22 required under Code Section 36-81-7. The form shall be designed by the state auditor and
 23 shall be distributed to local governments administering such funds. The annual report
 24 shall require certification by the recipient local government and by the local government
 25 auditor that funds were expended in compliance with the expenditure requirements of this
 26 Code section.

27 (2) Any local government which makes expenditures not in compliance with this Code
 28 section may be held liable for pro rata reimbursement to telephone and wireless
 29 telecommunications subscribers of amounts improperly expended. Such liability may be
 30 established in judicial proceedings by any aggrieved party. The noncompliant local
 31 government shall be solely financially responsible for the reimbursement and for any
 32 costs associated with the reimbursement. Such reimbursement shall be accomplished by
 33 the service providers abating the imposition of the 9-1-1 charges and 9-1-1 wireless
 34 enhanced charges until such abatement equals the total amount of the rebate.

1 46-5-134.1.

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

6 (b) A wireless service supplier may certify to any of the governing authorities described
7 in subsection (a) of this Code section that the wireless service supplier is unable to
8 determine whether the billing addresses of its subscribers are within the geographic area
9 that is served by such local government. Upon such certification, the wireless service
10 supplier shall be authorized to collect the wireless enhanced ~~'911'~~ 9-1-1 charge from any
11 of its subscribers whose billing address is within the county and is within an area that is as
12 close as reasonably possible to the geographic area that is served by such local government.
13 The wireless service supplier shall notify such subscribers that if such subscriber's billing
14 address is not within the geographic area served by such local government, such subscriber
15 is not obligated to pay the wireless enhanced ~~'911'~~ 9-1-1 charge.

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

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

31 46-5-135.

32 A service supplier, including any telephone company and its employees, directors, officers,
33 and agents, is not liable for any damages in a civil action for injuries, death, or loss to
34 persons or property incurred by any person as a result of any act or omission of a service
35 supplier or any of its employees, directors, officers, or agents, except for willful or wanton
36 misconduct, either in connection with developing, adopting, implementing, maintaining,

1 or operating any emergency '911' 9-1-1 system or in the identification of the telephone
 2 number, address, or name associated with any person accessing an emergency '911' 9-1-1
 3 system.

4 46-5-136.

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

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

11 (1) Reviewing and analyzing the progress by public safety agencies in developing '911'
 12 9-1-1 system requirements;

13 (2) Recommending steps of action to effect the necessary coordination, regulation, and
 14 development of a '911' 9-1-1 system;

15 (3) Identifying mutual aid agreements necessary to effect the '911' 9-1-1 system;

16 (4) Assisting in the promulgation of necessary rules, regulations, operating procedures,
 17 schedules, and other such policy and administrative devices as shall be deemed necessary
 18 and appropriate; and

19 (5) Providing other services as may be deemed appropriate by the local government.

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

22 46-5-137.

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

25 46-5-138.

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

28 (A) Any two or more municipal corporations;

29 (B) Any two or more counties; or

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

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

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

3 (b) The public authority shall be authorized to contract with the counties or municipalities
4 which formed the authority to operate an emergency '911' 9-1-1 system for such local
5 governments throughout the corporate boundaries of such local governments. Pursuant to
6 such contracts, the local governments shall be authorized to provide funding to the
7 authority from the Emergency Telephone System Fund, including the Wireless Phase I and
8 Phase II Reserve Accounts, maintained by each local government. No authority shall be
9 formed until each local government forming the authority has imposed a monthly '911'
10 9-1-1 charge or a monthly wireless enhanced '911' 9-1-1 charge.

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

14 (1) To bring and defend actions;

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

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

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

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

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

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

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

28 (d) The authority shall elect a chairperson and such other officers as deemed necessary by
29 the authority. The authority shall select a director who shall be responsible for establishing
30 operating standards and procedures and overseeing the operations of the emergency '911'
31 9-1-1 system. The director may be an employee working in the operation of the emergency
32 '911' 9-1-1 system. The authority shall be responsible for hiring, training, supervising, and
33 disciplining employees working in the operation of the emergency '911' 9-1-1 system. An
34 appropriate number of full-time and part-time employees shall be hired to operate the
35 emergency '911' 9-1-1 system. The authority shall determine the compensation of such
36 employees and shall be authorized to provide other employee benefits. The authority shall

1 submit its annual budget and a report of its financial records to the local governments
2 which created the authority.

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

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

13 (g) It is found, determined, and declared that the creation of the authority and the carrying
14 out of its corporate purposes are in all respects for the benefit of the people of this state and
15 constitute a public purpose and that the authority will be performing an essential
16 governmental function in the exercise of the power conferred upon it by this Code section.
17 This state covenants that the authority shall be required to pay no taxes or assessments
18 upon any of the property acquired or leased by it or under its jurisdiction, control,
19 possession, or supervision, or upon its activities in the operation or maintenance of the
20 buildings erected or acquired by it, or upon any fees, rentals, or other charges for the use
21 of such buildings, or upon other income received by the authority. The exemption provided
22 in this Code section shall include an exemption from state and local sales and use tax on
23 property purchased by the authority for use exclusively by the authority.

24 46-5-138.1.

25 (a) Notwithstanding any provision of paragraph (1) of subsection (a) of Code Section
26 46-5-134 to the contrary, where two or more counties, none of which offers emergency
27 '911' 9-1-1 services on May 1, 1998, and any participating municipalities within such
28 counties, if any, agree by intergovernmental contract to initiate or contract for the joint
29 operation of an emergency '911' 9-1-1 system for the first time after May 1, 1998, such
30 local governments may impose a monthly '911' 9-1-1 charge which exceeds \$1.50 per
31 exchange access facility but only so long as the following procedure is followed:

32 (1) The participating local governments shall, with input from a local exchange service
33 supplier, prepare an estimated budget for the implementation of the joint emergency '911'
34 9-1-1 system with costs limited to items eligible for funding through the Emergency
35 Telephone System Fund;

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

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

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

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

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

29 ~~46-5-139.~~

30 ~~Following the conclusion of the 2002 session of the General Assembly, the President of the~~
 31 ~~Senate and the Speaker of the House of Representatives shall each appoint no fewer than~~
 32 ~~three members of their respective bodies to serve as members of the Joint Study Committee~~
 33 ~~on Wireless Enhanced '911' Charges. Such joint study committee shall make any~~
 34 ~~recommendations it considers appropriate to the General Assembly no later than December~~
 35 ~~31, 2002. The General Assembly may implement the provisions of this Code section by~~
 36 ~~appropriate resolution."~~

1 Section 117(a) if the customer's place of primary use is located within this state, regardless
2 of where the mobile telecommunications services originate, terminate, or pass through.

3 (c) If a customer believes that an amount of tax, charge, or fee or an assignment of place
4 of primary use or taxing jurisdiction included on a bill under the provisions of this Code
5 section is erroneous, the customer shall notify the home service provider in writing to the
6 address provided as required by subsection (g) of this Code section. The customer shall
7 include in this written notification the street address for the customer's place of primary
8 use, the account name and number for which the customer seeks a correction, a description
9 of the error asserted by the customer, and any other information that the home service
10 provider reasonably requires to process the request. Within 60 days of receiving a notice
11 under this subsection, the home service provider shall review its records to determine the
12 customer's taxing jurisdiction. If this review shows that the amount of tax, charge, or fee
13 or assignment of place of primary use or taxing jurisdiction is in error, the home service
14 provider shall correct the error and refund or credit the amount of tax, charge, or fee
15 erroneously collected from the customer for a period of up to two years. If this review
16 shows that the amount of tax, charge, or fee or assignment of place of primary use or taxing
17 jurisdiction is correct, the home service provider shall provide a written explanation to the
18 customer. The procedures in this subsection shall be the first course of remedy available
19 to customers seeking correction of assignment of place of primary use or taxing jurisdiction
20 or a refund of or other compensation for taxes, charges, or fees erroneously collected by
21 the home service provider, and no cause of action based upon a dispute arising from such
22 taxes, charges, or fees shall accrue until a customer has exhausted the remedies set forth
23 in this subsection.

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

32 (2) If a mobile telecommunications service is not subject to the tax levied by this chapter,
33 a customer may not rely upon the nontaxability of such mobile telecommunications
34 service unless the customer's home service provider separately states the amount charged
35 for such nontaxable mobile telecommunications service or the home service provider
36 elects, after receiving a written request from the customer in the form required by the
37 provider, to provide verifiable data based upon the home service provider's books and

1 records that are kept in the regular course of business that reasonably identify the amount
2 charged for such nontaxable mobile telecommunications service.

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

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

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

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

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

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

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

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

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

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

36 (B) If the customer fails to demonstrate that the address meets the definition of such
37 customer's place of primary use, the department shall provide the home service

1 provider with the proper address to be used as such customer's place of primary use,
 2 and the home service provider shall begin using the address provided by the department
 3 as such customer's place of primary use in the next full billing period.

4 (6)(A) If the department determines that the assignment of a taxing jurisdiction by a
 5 home service provider does not reflect the correct taxing jurisdiction, the department
 6 shall notify the home service provider of such determination and provide such home
 7 service provider an opportunity to demonstrate that the assignment represents the
 8 correct taxing jurisdiction.

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

13 (f) A home service provider shall identify each customer's place of primary use and shall
 14 provide at least quarterly a complete listing of the total number of customers to the Georgia
 15 Emergency Management Agency. The home service provider shall indicate in such report
 16 whether it is employing an enhanced ZIP Code to assign each street address to a specific
 17 taxing jurisdiction so as to qualify for the safe harbor provisions of 4 U.S.C. Section 120.
 18 Further, each home service provider shall, upon request, provide information showing the
 19 total number of billings and the amount of fees collected to any taxing jurisdiction as to the
 20 customers whose place of primary use is within the jurisdiction of such taxing jurisdiction;
 21 provided, however, that in no event shall customer identification be required to be released.
 22 Such information shall initially be made available not later than July 1, 2006.

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

25 (1) The taxing jurisdiction to which each tax and fee charged to the customer is paid and
 26 the amount paid to each taxing jurisdiction; provided, however, that such information
 27 shall initially be made available not later than July 1, 2006; and

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

30 SECTION 11.

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

34 "(16) Unless the request is made by the accused in a criminal case or by his or her
 35 attorney, public records of an emergency '911' 9-1-1 system, as defined in paragraph (3)
 36 of Code Section 46-5-122, containing information which would reveal the name, address,

1 or telephone number of a person placing a call to a public safety answering point, which
2 information may be redacted from such records if necessary to prevent the disclosure of
3 the identity of a confidential source, to prevent disclosure of material which would
4 endanger the life or physical safety of any person or persons, or to prevent the disclosure
5 of the existence of a confidential surveillance or investigation; or"

6 **SECTION 12.**

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