

House Bill 394

By: Representatives Lunsford of the 110th, Ralston of the 7th, O`Neal of the 146th, Harbin of the 118th, Morris of the 155th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
2 relating to offenses against public order, so as to provide for the crime of unlawful conduct
3 during 9-1-1 calls; to provide for criminal penalties; to amend Part 4 of Article 2 of Chapter
4 5 of Title 46 of the Official Code of Georgia Annotated, relating to the emergency telephone
5 number 9-1-1 system, so as to define certain terms; to provide that certain fees collected on
6 behalf of local governments shall be paid to the Department of Community Affairs for
7 disbursement to the local governments; to provide for an accounting; to provide for an
8 administrative fee; to provide for a 9-1-1 surcharge on prepaid wireless service subscriptions;
9 to provide for the collection of such surcharge and the deposit of the same into the state
10 treasury; to provide for the Emergency 9-1-1 Assistance Fund; to provide a statement of
11 intent with respect to the appropriation of funds; to provide for the lapse of unexpended
12 amounts; to provide for administration of the fund by the Department of Community Affairs;
13 to provide for assistance grants to local governments operating or implementing emergency
14 9-1-1 systems; to require certain uniform, state-wide training for directors of public safety
15 answering points through the Georgia Emergency Management Agency; to amend Chapter
16 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone and telegraph
17 service, so as to enact the "Wireless Communications Security Act"; to define a certain term;
18 to provide that any vendor of prepaid wireless communication service shall require
19 identification from any person seeking to purchase more than ten units of prepaid wireless
20 communication devices; to provide for certain records; to provide for certain notifications;
21 to provide for related matters; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

24 Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
25 offenses against public order, is amended by inserting a new Code section to read as follows:

1 "16-11-39.2.

2 (a) As used in this Code section, the term:

3 (1) 'Call' shall have the same meaning as set forth in paragraph (2.1) of Code Section
4 46-5-122.

5 (2) 'False report' means the fabrication of an incident or crime or of material information
6 relating to an incident or crime which the person making the report knows to be false at
7 the time of making the report.

8 (3) 'Harass' means to knowingly and willingly engage in any conduct directed toward a
9 communications officer that is likely to impede or interfere with such communications
10 officer's duties, that threatens such communication officer or any member of his or her
11 family, or that places any member of the public served or to be served by 9-1-1 service
12 in danger of injury or delayed assistance.

13 (4) 'Harassing' means the willful use of opprobrious and abusive language which has no
14 legitimate purpose in relation to imparting information relevant to an emergency call.

15 (b) A person commits the offense of unlawful conduct during a 9-1-1 telephone call if he
16 or she:

17 (1) Without provocation, uses obscene, vulgar, or profane language with the intent to
18 intimidate or harass a 9-1-1 communications officer;

19 (2) Calls or otherwise contacts 9-1-1, whether or not conversation ensues, for the purpose
20 of annoying, harassing, or molesting a 9-1-1 communications officer or for the purpose
21 of interfering with or disrupting emergency telephone service;

22 (3) Calls or otherwise contacts 9-1-1 and fails to hang up or disengage the connection for
23 the intended purpose of interfering with or disrupting emergency service;

24 (4) Calls or otherwise contacts 9-1-1 with the intention to harass a communications
25 officer; or

26 (5) Calls or otherwise contacts 9-1-1 and makes a false report.

27 (c) Any person who violates subsection (b) of this Code section shall be guilty of a
28 misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than
29 \$500.00 or 12 months in jail, or both."

30 SECTION 2.

31 Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated,
32 relating to the emergency telephone number 9-1-1 system, is amended by revising Part 4 as
33 follows:

"Part 4

1
2 46-5-120.

3 This part shall be known and may be cited as the 'Georgia Emergency Telephone Number
4 9-1-1 Service Act of 1977.'

5 46-5-121.

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

19 (b) The General Assembly further finds and declares that the benefits of 9-1-1 service
20 should be widely available, regardless of whether a 9-1-1 call is placed from a traditional
21 landline telephone or from a wireless telephone. It is also in the public interest that users
22 of wireless telephones should bear some of the cost of providing this life-saving service,
23 as users of landline telephones currently do. It is the intent of the General Assembly to
24 bring wireless telephone service within the scope of this part and to establish a means by
25 which local public safety agencies may provide enhanced 9-1-1 service to wireless
26 telephone users.

27 (c) The General Assembly further finds and declares that communication technology is
28 rapidly and constantly changing. It is in the public interest that as different means of
29 accessing 9-1-1 service emerge, that the users of such technology bear some of the cost of
30 providing this life-saving service, as users of landline and wireless telephones currently do.
31 It is the intent of the General Assembly to bring these new and emerging technologies
32 within the scope of this part and establish a means by which local public safety agencies
33 may provide 9-1-1 service to such users.

1 46-5-122.

2 As used in this part, the term:

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

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

10 (2.1) 'Call' means any communication, message, signal, or transmission of information.

11 (2.2) 'Department' means the Department of Community Affairs established pursuant to
12 Code Section 50-8-1.

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

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

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

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

30 (7) 'Exchange access facility' means the access from a particular telephone subscriber's
31 premises to the telephone system of a service supplier. Exchange access facilities include
32 service supplier provided access lines, PBX trunks, and Centrex network access registers,
33 all as defined by tariffs of the telephone companies as approved by the Georgia Public
34 Service Commission. The term 'exchange access facility,' also includes voice over
35 Internet Protocol service suppliers and any other communication, message, signal, or
36 information delivery system capable of initiating a 9-1-1 emergency call. Exchange
37 access facilities do not include service supplier owned and operated telephone pay station

1 lines, Wide Area Telecommunications Services (WATS), Foreign Exchange (FX), or
2 incoming only lines.

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

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

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

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

16 (11.1) '9-1-1 number' means the digits, address, Internet Protocol address, or other
17 information used to access or initiate a call to a public safety answering point.

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

21 (12.1) 'Prepaid wireless service' means any method pursuant to which a customer pays
22 a wireless service provider in advance for a wireless telecommunications connection.
23 Such term shall include, without limitation, calling or usage privileges included with the
24 purchase of a wireless telephone as well as additional calling or usage privileges
25 purchased by any means, including, without limitation, a calling card, a wireless
26 communication, or an Internet transaction.

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

31 (14) 'Public safety agency' means a functional division of a public agency which
32 provides fire-fighting, law enforcement, emergency medical, suicide prevention,
33 emergency management dispatching, poison control, drug prevention, child abuse, spouse
34 abuse, or other emergency services.

35 (15) 'Public safety answering point' means the public safety agency which receives
36 incoming 9-1-1 telephone calls and dispatches appropriate public safety agencies to
37 respond to such calls.

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

3 (16.1) 'Telephone service' means any method by which a 9-1-1 emergency call, message,
4 signal, communication, or information is initiated to a public safety answering point. The
5 term 'telephone service' shall include local exchange telephone service, wireless service,
6 prepaid wireless service, mobile telecommunications service, computer service, voice
7 over Internet Protocol service, or any technology capable of initiating a call, message,
8 signal, or communication or transmitting information to a public safety answering point.

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

16 (17.1) 'Voice over Internet Protocol' means a technology that permits a voice
17 conversation using a voice connection to a computer, whether through a microphone, a
18 telephone, or other device, which sends a digital signal over the Internet through a
19 broadband connection to be converted back to the human voice at a distant terminal.

20 (17.2) 'Voice over Internet Protocol service supplier' means a person or entity who
21 provides voice over Internet Protocol capabilities to subscribers for a fee.

22 (18) 'Wireless enhanced 9-1-1 charge' means a contribution to the local government for
23 the following:

24 (A) The costs to the local government of implementing or upgrading, and maintaining,
25 an emergency 9-1-1 system which is capable of receiving and utilizing the following
26 information, as it relates to 9-1-1 calls made from a wireless telecommunications
27 connection: automatic number identification, the location of the base station or cell site
28 which receives the 9-1-1 call, and the location of the wireless telecommunications
29 connection;

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

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

35 (19) 'Wireless service' means 'commercial mobile service' as defined under Section
36 332(D) of the federal Telecommunications Act of 1996 (47 U.S.C. Section 157, et seq.),
37 regulations of the Federal Communications Commission, and the Omnibus Budget

1 Reconciliation Act of 1993 (P.L. 103-66) and includes real-time, two-way interconnected
 2 voice service which is provided over networks which utilize intelligent switching
 3 capability and offer seamless handoff to customers. The term does not include one-way
 4 signaling service, data transmission service, nonlocal radio access line service, or a
 5 private telecommunications service. The term does include prepaid wireless service.

6 (20) 'Wireless service supplier' means a provider of wireless service.

7 (21) 'Wireless telecommunications connection' means any mobile station for wireless
 8 service that connects a provider of wireless service to a provider of local exchange
 9 telephone service.

10 46-5-123.

11 (a) For the purposes of the development and implementation of a plan for the state-wide
 12 emergency ~~telephone number~~ 9-1-1 system, there is created the 9-1-1 Advisory Committee
 13 to be composed of the director of emergency management, who shall serve as chairperson;
 14 the director of the Georgia Technology Authority or his or her designee; and 12 other
 15 members appointed by the Governor, as follows:

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

17 (2) Three members appointed from nominees of the Association County Commissioners
 18 of Georgia;

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

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

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

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

29 (d) The committee shall organize itself as it deems appropriate and may elect other officers
 30 from among its members.

31 (e) The committee shall hold meetings at the call of the chairperson; provided, however,
 32 that it shall meet at least three times a year. A quorum for transacting business shall be a
 33 majority of the members of the committee.

34 (f) The committee shall be assigned to the agency for administrative purposes only, as
 35 prescribed in Code Section 50-4-3.

36 (g) The committee shall have the following duties and responsibilities:

1 (1) Determine recipients of assistance grants provided for under 46-5-134.3;

2 (2) To study and evaluate the state-wide provision of 9-1-1 service;

3 (3) To identify any changes necessary to accomplish more effective and efficient 9-1-1
4 service across this state;

5 (4) To identify any changes necessary in the assessment and collection of 9-1-1 fees;

6 (5) To make recommendations to the agency as to training that should be provided to
7 directors of public safety answering points; and

8 (6) To provide an annual report which shall include proposed legislation, if any, to the
9 Governor and the General Assembly by December 1 of each year.

10 46-5-124.

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

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

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

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

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

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

30 (b) The agency shall be responsible for encouraging and promoting the planning,
31 development, and implementation of local 9-1-1 system plans. The agency shall develop
32 any necessary procedures to be followed by public agencies for implementing and
33 coordinating such plans and shall mediate whenever disputes arise or agreements cannot
34 be reached between the local political jurisdiction and other entities involving the 9-1-1
35 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 minimum training standards shall not be inconsistent with the training course or
4 certification required for communications officers under Code Section 35-8-23.
5 Notwithstanding any other law to the contrary, no communications officer hired to the staff
6 of a ~~9-1-1 communications center~~ public safety answering point shall be required to
7 complete his or her training pursuant to Code Section 35-8-23 prior to being hired or
8 employed for such position.

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

11 46-5-124.1.

12 (a) Any service supplier doing business in Georgia shall register the following information
13 with the director:

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

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

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

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

26 (b) After the initial submission by each service supplier doing business in this state, the
27 information required by subsection (a) of this Code section shall be updated and submitted
28 to the director by the tenth day of January and the tenth day of July of each year or such
29 other semiannual schedule as the director may establish.

30 (c) The director shall send a notice of delinquency to any service supplier which fails to
31 comply with subsection (b) of this Code section. Such notice shall be sent by certified mail
32 or statutory overnight delivery. Any service supplier which fails to register and provide
33 the information required by this Code section within 30 days after receipt of a notice of
34 delinquency shall not be eligible to receive cost recovery funds as provided in subsection
35 (e) of Code Section 46-5-134 until the service supplier is in compliance with subsection (b)
36 of this Code section.

1 46-5-125

2 Nothing in this part shall be construed to prohibit or discourage the formation of
3 multijurisdictional or regional 9-1-1 systems; and any system established pursuant to this
4 part may include the jurisdiction, or any portion thereof, of more than one public agency.

5 46-5-126.

6 The agency shall coordinate its activities with those of the Public Service Commission,
7 which shall encourage the Georgia telephone industry to activate facility modification plans
8 for a timely 9-1-1 implementation.

9 46-5-127.

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

14 46-5-128.

15 All public agencies shall assist the agency in its efforts to carry out the intent of this part;
16 and such agencies shall comply with the guidelines developed pursuant to Code Section
17 46-5-124 by furnishing a resolution of intent regarding an emergency ~~telephone number~~
18 9-1-1 system.

19 46-5-129

20 The agency may develop a 9-1-1 emblem which may be utilized on marked vehicles used
21 by public safety agencies participating in a local 9-1-1 system.

22 46-5-130

23 The agency is authorized to apply for and accept federal funding assistance in the
24 development and implementation of a state-wide emergency ~~telephone number~~ 9-1-1
25 system.

26 46-5-131

27 (a) Whether participating in a state-wide emergency 9-1-1 system or an emergency 9-1-1
28 system serving one or more local governments, neither the state nor any local government
29 of the state nor any emergency 9-1-1 system provider, its employees, directors, officers,
30 and agents, except in cases of wanton and willful misconduct or bad faith, shall be liable
31 for death or injury to the person or for damage to property as a result of either developing,

1 adopting, establishing, participating in, implementing, maintaining, or carrying out duties
2 involved in operating the ~~9-1-1 emergency telephone~~ emergency 9-1-1 system or in the
3 identification of the telephone number, address, or name associated with any person
4 accessing an emergency 9-1-1 system.

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

10 46-5-132

11 It shall be unlawful for any ~~wireless~~ service supplier to assess or charge any fee for an
12 emergency ~~telephone~~ call placed on a ~~9-1-1 emergency telephone~~ an emergency 9-1-1
13 system. The prohibition provided for in this Code section shall only apply to actual
14 emergency ~~telephone~~ calls made on such system and shall not apply to nor prohibit any fee
15 assessed or charged for the implementation or enhancement of such system.

16 46-5-133.

17 (a) Subject to the provisions of subsection (b) of this Code section, the governing authority
18 of any local government which operates or which contracts for the operation of an
19 emergency 9-1-1 system is authorized to adopt a resolution to impose a monthly 9-1-1
20 charge upon each exchange access facility subscribed to by telephone subscribers whose
21 exchange access lines are in the areas served or which would be served by the 9-1-1
22 service. Subject to the provisions of subsection (b) of this Code section and of
23 subparagraphs (a)(2)(A) and (a)(2)(B) of Code Section 46-5-134, the governing authority
24 of any local government which operates or contracts for the operation of an emergency
25 9-1-1 system which is capable of providing or provides enhanced 9-1-1 service to persons
26 or entities with a wireless telecommunications connection, excluding a military base, is
27 authorized to adopt a resolution to impose a monthly wireless enhanced 9-1-1 charge upon
28 each wireless telecommunications connection subscribed to by telephone subscribers
29 whose place of primary use is within the geographic area that is served by the local
30 government or that would be served by the local government for the purpose of such an
31 emergency 9-1-1 system. Such resolution, or any amendment to such resolution, shall fix
32 a date on which such resolution and the imposition and collection of the 9-1-1 charge or
33 wireless enhanced 9-1-1 charge, as provided in the resolution, shall become effective;
34 provided, however, that such effective date shall be at least 120 days following the date of
35 the adoption of such resolution or any amendment to such resolution by the local

1 government. The 9-1-1 charge must be uniform, may not vary according to the type of
 2 exchange access facility used, and may be billed on a monthly or quarterly basis. The
 3 wireless enhanced 9-1-1 charge must be uniform, not vary according to the type of wireless
 4 telecommunications connection used, and may be billed on a monthly or quarterly basis.

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

7 (A) A majority of the voters residing in that political subdivision who vote in an
 8 election called for such purpose shall vote to authorize the implementation of this Code
 9 section. Such election shall be called and conducted as other special elections are called
 10 and conducted in such local government when requested by such local government
 11 authority. The question or questions on the ballot shall be as prescribed by the election
 12 superintendent, provided that separate questions may be posed regarding
 13 implementation of a 9-1-1 charge and of a wireless enhanced 9-1-1 charge; or

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

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

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

23 46-5-134.

24 (a)(1) The subscriber of an exchange access facility may be billed for the monthly 9-1-1
 25 charge, if any, imposed with respect to that facility by the service supplier. Such 9-1-1
 26 charge may not exceed \$1.50 per month per exchange access facility provided to the
 27 telephone subscriber. All exchange access facilities billed to federal, state, or local
 28 governments shall be exempt from the 9-1-1 charge. Each service supplier shall, on
 29 behalf of the local government, collect the 9-1-1 charge from those telephone subscribers
 30 to whom it provides exchange telephone service in the area served by the emergency
 31 9-1-1 system. As part of its normal billing process, the service supplier shall collect the
 32 9-1-1 charge for each month an exchange access facility is in service, and it shall list the
 33 9-1-1 charge as a separate entry on each bill. If a service supplier receives a partial
 34 payment for a bill from a telephone subscriber, the service supplier shall apply the
 35 payment against the amount the telephone subscriber owes the service supplier first.

1 (2)(A) If the governing authority of a local government operates or contracts for the
2 operation of an emergency 9-1-1 system which is capable of providing or provides
3 automatic number identification of a wireless telecommunications connection and the
4 location of the base station or cell site which receives a 9-1-1 call from a wireless
5 telecommunications connection, the subscriber of a wireless telecommunications
6 connection whose billing address is within the geographic area that is served by the
7 local government or that would be served by the local government for the purpose of
8 such an emergency 9-1-1 system may be billed for the monthly wireless enhanced 9-1-1
9 charge, if any, imposed with respect to that connection by the wireless service supplier.
10 Such wireless enhanced 9-1-1 charge may not exceed the amount of the monthly 9-1-1
11 charge imposed upon subscribers of exchange access facilities pursuant to paragraph
12 (1) of this subsection nor exceed \$1.00 per month per wireless telecommunications
13 connection provided to the telephone subscriber.

14 (B) If the governing authority of a local government operates or contracts for the
15 operation of an emergency 9-1-1 system which is capable of providing or provides
16 automatic number identification and automatic location identification of a wireless
17 telecommunications connection, the subscriber of a wireless telecommunications
18 connection whose place of primary use is within the geographic area that is served by
19 the local government or that would be served by the local government for the purpose
20 of such an emergency 9-1-1 system may be billed for the monthly wireless enhanced
21 9-1-1 charge, if any, imposed with respect to that connection by the wireless service
22 supplier. Such wireless enhanced 9-1-1 charge may not exceed the amount of the
23 monthly 9-1-1 charge imposed upon subscribers of exchange access facilities pursuant
24 to paragraph (1) of this subsection and shall be imposed on a monthly basis for each
25 wireless telecommunications connection provided to the telephone subscriber.

26 (C) All wireless telecommunications connections billed to federal, state, or local
27 governments shall be exempt from the wireless enhanced 9-1-1 charge. Each wireless
28 service supplier shall, on behalf of the local government, collect the wireless enhanced
29 9-1-1 charge from those telephone subscribers whose place of primary use is within the
30 geographic area that is served by the local government or that would be served by the
31 local government for the purpose of such an emergency 9-1-1 system. As part of its
32 normal billing process, the wireless service supplier shall collect the wireless enhanced
33 9-1-1 charge for each month a wireless telecommunications connection is in service,
34 and it shall list the wireless enhanced 9-1-1 charge as a separate entry on each bill. If
35 a wireless service supplier receives partial payment for a bill from a telephone
36 subscriber, the wireless service supplier shall apply the payment against the amount the
37 telephone subscriber owes the wireless service supplier first.

1 (D) Notwithstanding the foregoing, the application of any 9-1-1 service charge with
 2 respect to a mobile telecommunications service, as defined in 4 U.S.C. Section
 3 124(7), shall be governed by the provisions of Code Section 48-8-6.

4 (b) Every telephone subscriber in the area served by the emergency 9-1-1 system shall be
 5 liable for the 9-1-1 charges and the wireless enhanced 9-1-1 charges imposed under this
 6 Code section until it has been paid to the service supplier. A service supplier shall have no
 7 obligation to take any legal action to enforce the collection of the 9-1-1 charge or wireless
 8 enhanced 9-1-1 charge. The service supplier shall provide the ~~governing authority~~
 9 department within 60 days with the name and address of each subscriber who has refused
 10 to pay the 9-1-1 charge or wireless enhanced 9-1-1 charge after such 9-1-1 charge or
 11 wireless enhanced 9-1-1 charge has become due. A collection action may be initiated by
 12 the department or the local government that imposed the charges, and reasonable costs and
 13 attorneys' fees associated with that collection action may be awarded to the local
 14 government collecting the 9-1-1 charge or wireless enhanced 9-1-1 charge.

15 (c) The local government contracting for the operation of an emergency 9-1-1 system shall
 16 remain ultimately responsible to the service supplier for all emergency 9-1-1 system
 17 installation, service, equipment, operation, and maintenance charges owed to the service
 18 supplier. Any taxes due on emergency 9-1-1 system service provided by the service
 19 supplier will be billed to the local government subscribing to the service. State and local
 20 taxes do not apply to the 9-1-1 charge or wireless enhanced 9-1-1 charge billed to
 21 telephone subscribers under this Code section.

22 (d)(1) Each service supplier that collects 9-1-1 charges or wireless enhanced 9-1-1
 23 charges on behalf of the local government shall remit such charge receipts to the
 24 department as provided for in Code Section 46-5-134.2 which is entitled to retain as an
 25 ~~administrative fee an amount equal to 3 percent of the gross 9-1-1 or wireless enhanced~~
 26 ~~9-1-1 charge receipts to be remitted to the local government; provided, however, that~~
 27 ~~such amount shall not exceed 3¢ for every dollar so remitted. The remaining amount~~
 28 shall be due quarterly ~~to the local government~~ and shall be remitted to it the department
 29 no later than 60 days after the close of a calendar quarter.

30 (2) The 9-1-1 charges and the wireless enhanced 9-1-1 charges collected by the service
 31 supplier, paid to the department, and forwarded to each local government on whose
 32 behalf the charges were collected shall be deposited and accounted for in a separate
 33 restricted revenue fund known as the Emergency Telephone System Fund maintained by
 34 the local government. The local government may invest the money in the fund in the
 35 same manner that other moneys of the local government may be invested and any income
 36 earned from such investment shall be deposited into the Emergency Telephone System
 37 Fund.

1 (3) On or before July 1, 2005, any funds that may have been deposited in a separate
2 restricted wireless reserve account required by this Code section prior to such date shall
3 be transferred to the Emergency Telephone System Fund required by paragraph (2) of
4 this subsection.

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

8 (5) Such monthly 9-1-1 charges and wireless enhanced 9-1-1 charges may be reduced
9 at any time by the governing authority by resolution; provided, however, that the said
10 governing authority shall be required to reduce such monthly 9-1-1 charge or wireless
11 enhanced 9-1-1 charge at any time the projected revenues from 9-1-1 charges or wireless
12 enhanced 9-1-1 charges will cause the unexpended revenues in the Emergency Telephone
13 System Fund at the end of the fiscal year to exceed by one and one-half times the
14 unexpended revenues in such fund at the end of the immediately preceding fiscal year or
15 at any time the unexpended revenues in such fund at the end of the fiscal year exceed by
16 one and one-half times the unexpended revenues in such fund at the end of the
17 immediately preceding fiscal year. Such reduction in the 9-1-1 charge or wireless
18 enhanced 9-1-1 charge shall be in an amount which will avert the accumulation of
19 revenues in such fund at the end of the fiscal year which will exceed by one and one-half
20 times the amount of revenues in the fund at the end of the immediately preceding fiscal
21 year.

22 (e) A wireless service supplier may recover its costs expended on the implementation and
23 provision of wireless enhanced 9-1-1 services to subscribers in an amount not to exceed
24 30¢ of each 9-1-1 charge collected from a place of primary use that is within the
25 geographic area that is served by the local government or would be served by the local
26 government for the purpose of such emergency 9-1-1 system; provided, however, that such
27 amount may be increased to 45¢ upon implementation of step two of the state plan
28 governing 9-1-1 enhanced communications as provided in subsection (g) of this Code
29 section. Such cost recovery amount shall be based on the actual cost incurred by the
30 wireless service supplier in providing wireless enhanced 9-1-1 services.

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

33 (1) The lease, purchase, or maintenance of emergency telephone equipment, including
34 necessary computer hardware, software, and data base provisioning; addressing; and
35 nonrecurring costs of establishing a 9-1-1 system;

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

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

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

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

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

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

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

15 (g) All 9-1-1 systems and communication systems provided pursuant to this part shall
16 conform to the two-step state plan governing ~~9-1-1 enhanced communications~~ enhanced
17 9-1-1 service as follows:

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

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

27 (h) The local government may contract with a service supplier for any term negotiated by
28 the service supplier and the local government for an emergency 9-1-1 system and may
29 make payments from the Emergency Telephone System Fund to provide any payments
30 required by the contract, subject to the limitations provided by subsection (e) of this Code
31 section.

32 (i) The service supplier shall maintain records of the amount of the 9-1-1 and wireless
33 enhanced 9-1-1 charges collected for a period of at least three years from the date of
34 collection. The local government may, at its expense, require an annual audit of the service
35 supplier's books and records with respect to the collection and remittance of the 9-1-1
36 charges and wireless enhanced 9-1-1 charges.

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

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

7 (l) In the event the local government is a federal military base providing emergency
 8 services to local exchange telephone subscribers residing on the base, a local exchange
 9 telephone service supplier is authorized to apply the 9-1-1 charges collected to the bill for
 10 9-1-1 service rather than remit the funds to an Emergency Telephone System Fund.

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

19 (2) Any local government which makes expenditures not in compliance with this Code
 20 section may be held liable for pro rata reimbursement to telephone and wireless
 21 telecommunications subscribers of amounts improperly expended. Such liability may be
 22 established in judicial proceedings by any aggrieved party. The noncompliant local
 23 government shall be solely financially responsible for the reimbursement and for any
 24 costs associated with the reimbursement. Such reimbursement shall be accomplished by
 25 the service suppliers abating the imposition of the 9-1-1 charges and ~~9-1-1~~ wireless
 26 enhanced 9-1-1 charges until such abatement equals the total amount of the rebate.

27 46-5-134.1.

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

32 (b) A wireless service supplier may certify to any of the governing authorities described
 33 in subsection (a) of this Code section that the wireless service supplier is unable to
 34 determine whether the billing addresses of its subscribers are within the geographic area
 35 that is served by such local government. Upon such certification, the wireless service
 36 supplier shall be authorized to collect the wireless enhanced 9-1-1 charge from any of its

1 subscribers whose billing address is within the county and is within an area that is as close
 2 as reasonably possible to the geographic area that is served by such local government. The
 3 wireless service supplier shall notify such subscribers that if such subscriber's billing
 4 address is not within the geographic area served by such local government, such subscriber
 5 is not obligated to pay the wireless enhanced 9-1-1 charge.

6 (c) Unless otherwise provided in an agreement among the governing authorities described
 7 in subsection (a) of this Code section, the charges collected by a wireless service supplier
 8 pursuant to this Code section shall be remitted to the department on behalf of such
 9 governing authorities based upon the number of calls from wireless telecommunications
 10 connections that each such individual local government receives and counts relative to the
 11 total number of calls from wireless telecommunications connections that are received and
 12 counted by all of such local governments.

13 (d) The authority granted to a wireless service supplier pursuant to this Code section shall
 14 terminate;

15 (1) ~~on~~ On the date that the wireless service supplier certifies to a governing authority
 16 described in subsection (a) of this Code section that the wireless service supplier is able
 17 to determine whether the billing addresses of its subscribers are within the geographic
 18 area that is served by such governing authority; or

19 (2) ~~on~~ On the date which is 180 days from the date that any of its subscribers were first
 20 billed under this Code section, whichever is earlier.

21 Upon termination of such authority, the wireless service supplier shall collect the wireless
 22 enhanced 9-1-1 charge as provided in Code Section 46-5-134.

23 46-5-134.2.

24 (a) All fees which a service supplier collects on behalf of a local government pursuant to
 25 Code Sections 46-5-134, 46-5-134.1, and 46-5-138.1 shall be paid to the department. A
 26 service supplier may pay all such fees it collects throughout the state in a single remittance.
 27 Such fees shall be paid not later than the twentieth day of the month following the month
 28 in which they are collected. Any fees not paid in a timely manner shall accrue interest at
 29 the rate of 15 percent per annum, compounded daily, until the date they are paid. If the
 30 service supplier fails to pay such fees for more than 180 days after such fees are due, then
 31 in addition to the 15 percent per annum, the service supplier shall pay a civil penalty of not
 32 less than \$10,000.00 per each 30 day period thereafter in which full payment of any
 33 outstanding fees has not been made.

34 (b) The service supplier shall also provide the department with an accounting of such fees
 35 collected for each local government. Such accounting may, at the discretion of the
 36 commissioner of community affairs, be in electronic or paper form or both.

1 (c) The department shall receive the remittances as provided in subsection (a) of this Code
2 section and shall forward to each local government the fees collected on behalf of such
3 local government. Such fees shall be paid not later than the twentieth day of the month
4 following the month in which they are received. The department shall be entitled to retain
5 an administrative fee of 1 percent of the amount so received to cover the cost of such
6 service.

7 (d) The department may audit or cause to be audited the financial and business records of
8 any service supplier to the extent necessary to ensure proper collection and remittances in
9 accordance with this Code section. Failure of the service supplier to comply with an audit
10 request by the department shall result in a civil penalty of not less than \$1,000.00 per day
11 the service supplier refuses compliance.

12 46-5-134.3.

13 (a) A 9-1-1 charge shall be imposed on all prepaid wireless service subscriptions as
14 provided in this Code section.

15 (b) A prepaid wireless service supplier shall:

16 (1) Charge 3 percent of each block of prepaid wireless service purchased from each
17 customer with prepaid wireless service, whether such service is included with the initial
18 purchase of a wireless telephone or other device or is recorded on a wireless telephone
19 or other device by the purchase of a calling card, through an Internet transaction, by
20 means of a wireless communication directly to the customer's telephone, or by any other
21 means; or

22 (2) Divide the total prepaid wireless service revenue earned and received in this state in
23 a calendar month by \$50.00 and multiply the quotient by \$1.50.

24 (c) All fees provided for in this Code section shall be remitted monthly to the department
25 not later than the twentieth day of the month following the month in which they are
26 collected. Any fee not paid in a timely manner shall accrue interest at the rate of 15 percent
27 per annum, compounded daily, until the date they are paid. The department shall deposit
28 all funds received into the general fund of the state treasury in compliance with Article 4
29 of Chapter 12 of Title 45, the 'Budget Act.'

30 (d) There is created the Emergency 9-1-1 Assistance Fund to be administered by the
31 department. It is the intention of the General Assembly that an amount equal to the amount
32 deposited into the general fund of the state treasury as provided in subsection (c) of this
33 Code section be appropriated each year to the fund; provided, however, that any such funds
34 unused at the end of each fiscal year shall lapse back into the state treasury as required by
35 Article III, Section IX, Paragraph IV of the Constitution. Any governmental entity which
36 operates or is in the process of implementing an emergency 9-1-1 system may apply to the

1 department for an assistance grant for the purchase or upgrade of equipment and for the
 2 professional training of employees. The department shall by rule or regulation provide for
 3 the application process and for the administration of the fund. Decisions on the issuance
 4 of assistance grants shall be made by the 9-1-1 Advisory Committee established by Code
 5 Section 46-5-123.

6 46-5-135.

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

14 46-5-136.

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

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

21 (1) Reviewing and analyzing the progress by public safety agencies in developing 9-1-1
 22 system requirements;

23 (2) Recommending steps of action to effect the necessary coordination, regulation, and
 24 development of a 9-1-1 system;

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

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

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

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

32 46-5-137.

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

1 46-5-138.

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

4 (A) Any two or more municipal corporations;

5 (B) Any two or more counties; or

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

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

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

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

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

23 (1) To bring and defend actions;

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

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

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

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

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

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

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

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

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

13 (f) Notwithstanding subsection (i) of Code Section 46-5-134, if the joint authority and each
14 local governing body activating the joint authority certify to the service provider in writing
15 prior to the end of the 18 month period in advance of the date on which the 9-1-1 ~~service~~
16 system was to have become fully operational that the system cannot be placed in operation
17 on the 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 9-1-1 charge for an additional period of 18 months or until the 9-1-1 ~~service~~
20 system becomes fully operational, whichever occurs first.

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

32 46-5-138.1.

33 (a) Notwithstanding any provision of paragraph (1) of subsection (a) of Code Section
34 46-5-134 to the contrary, where two or more counties, none of which offers emergency
35 9-1-1 system services on May 1, 1998, and any participating municipalities within such
36 counties, if any, agree by intergovernmental contract to initiate or contract for the joint

1 operation of an emergency 9-1-1 system for the first time after May 1, 1998, such local
2 governments may impose a monthly 9-1-1 charge which exceeds \$1.50 per exchange
3 access facility but only so long as the following procedure is followed:

4 (1) The participating local governments shall, with input from a local exchange service
5 supplier, prepare an estimated budget for the implementation of the joint emergency
6 9-1-1 system with costs limited to items eligible for funding through the Emergency
7 Telephone System Fund;

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

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

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

28 Nothing in this subsection shall be construed to authorize the imposition of any charge
29 upon a wireless telecommunications connection. Except as otherwise provided in this
30 subsection, the requirements of Code Section 46-5-134 which relate to monthly 9-1-1
31 charges on exchange access facilities shall apply to charges imposed pursuant to this
32 subsection.

33 (b) The increased monthly 9-1-1 charge authorized by subsection (a) of this Code section
34 shall also be available to any joint 9-1-1 authority created pursuant to Code Section
35 46-5-138 after May 1, 1998.

1 46-5-138.2.

2 (a) As used in this Code Section, the term 'director' means any person having direct
 3 operational control of a public safety answering point, any person who has as part of his
 4 or her duties supervisory responsibility for one or more communication officers or other
 5 employees who answer 9-1-1 calls received by a public safety answering point, or any
 6 person who has system management responsibility for the public safety answering point.

7 (b) In addition to any training required under federal or state law, any persons serving as
 8 a director shall enroll in, attend, and complete satisfactorily a course of training and
 9 instruction of at least 16 hours on matters pertaining to comprehensive emergency
 10 preparedness and response. Such course of training and instruction shall include, but not
 11 be limited to, appropriate 9-1-1 local response to any calls received by the public safety
 12 answering point, instruction in the subjects of leadership development, planning, and skills
 13 development in personnel supervision, oral and written communication, business
 14 management succession management, collaboration with public officials, public
 15 information dissemination, and such other matters as may be deemed necessary and
 16 appropriate by the agency. The course of instruction shall be approved and made available
 17 by the agency."

18 **SECTION 3.**

19 Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone and
 20 telegraph service, is amended by adding a new article to read as follows:

21 "ARTICLE 8A

22 46-5-250.

23 This article shall be known and may be cited as the 'Wireless Communications Security
 24 Act.'

25 46-5-251.

26 As used in this article, the term 'prepaid wireless communication device' means a wireless
 27 telephone, memory card, or other device by which a person may obtain wireless service
 28 which, except for as provided for in the provisions of this article, is incapable of being
 29 linked to the name and personal information of the customer.

1 46-5-252.

2 (a) Any person who markets or sells prepaid wireless communication devices shall not sell
3 more than ten such devices to any person without obtaining valid identification from such
4 person. Valid identification shall include the following documents:

5 (1) A valid driver's license which was properly issued by the appropriate agency of a
6 state or the District of Columbia;

7 (2) A valid identification card issued by a branch, department, agency, or entity of the
8 State of Georgia, any other state, or the United States authorized by law to issue personal
9 identification, provided that such identification card contains a photograph of the person;

10 (3) A valid United States passport;

11 (4) A valid employee identification card containing a photograph of the person and
12 issued by any branch, department, agency, or entity of the United States government;

13 (5) A valid United States military identification card, provided that such identification
14 card contains a photograph of the person; or

15 (6) A valid tribal identification card containing a photograph of the person.

16 (b) Any marketer or seller of prepaid wireless communication devices shall keep a record
17 of each sale subject to subsection (a) of this Code section, including, at a minimum, the
18 date and location of the transaction, the number of devices sold, the model and serial
19 numbers of the devices, the form of information provided, and the personal information of
20 the purchaser including, without limitation, his or her name, gender, age, and address. If
21 the purchaser is a corporation or partnership, such information shall be obtained from a
22 corporate officer or partner, and the name and registered address of the corporation or
23 partnership shall be noted. The records required by this subsection shall be maintained for
24 not less than three years.

25 46-5-253.

26 Each marketer or seller of prepaid wireless communication devices shall provide a copy
27 of the records required by subsection (b) of Code Section 46-5-252 to the Georgia Bureau
28 of Investigation in such manner as required by the Georgia Bureau of Investigation by rule
29 or regulation.

30 46-5-254.

31 (a) The first call made from a prepaid wireless communication device by the customer
32 shall be to the service provider of the prepaid wireless communication device, and the
33 customer shall provide his or her full legal name and the street address of his or her primary
34 residence.

- 1 (b) The service provider shall keep a record of each call along with the model and serial
2 numbers of the device from which the call is made. The records required by this subsection
3 shall be maintained by the service provider for not less than three years.
4 (c) Any person who fails to call the service provider as required by this Code section or
5 who knowingly provides false information as part of the verbal affidavit shall be guilty of
6 a felony, and, upon conviction, shall pay a fine of no more than \$1,000.00 or be sentenced
7 to imprisonment of no more than one year."

8 **SECTION 4.**

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