

House Bill 1182

By: Representatives Neal of the 1st, Williams of the 4th, Dickson of the 6th, Mitchell of the 88th, England of the 108th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 46 of the Official Code of Georgia Annotated, relating to public utilities and
2 public transportation, so as to provide for the regulation of private emergency warning point
3 to multipoint systems by the Public Service Commission; to define certain terms; to provide
4 for audits; to provide for immunity from liability for failure to deliver information over an
5 emergency warning point to multipoint system; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
10 transportation, is amended by revising paragraph (5.1) of Code Section 46-1-1, relating to
11 definitions, exclusions, and certain rules, as follows:

12 "(5.1) ~~'Exempt rideshare'~~ means:

13 ~~(A) Government endorsed rideshare programs;~~

14 ~~(B) Rideshare programs in which a rideshare driver seeks reimbursement for, or the~~
15 ~~rideshare participants pool or otherwise share, rideshare costs such as fuel; or~~

16 ~~(C) The leasing or rental of a vehicle, in the ordinary course of the lessor's or rentor's~~
17 ~~business, for rideshare purposes as part of a government endorsed rideshare program,~~
18 ~~or for rideshare under a contract requiring compliance with subparagraph (B) of this~~
19 ~~paragraph. 'Emergency warning point to multipoint system' means an emergency~~
20 ~~warning point to multipoint, geographic messaging system that is:~~

21 ~~(A) Owned, controlled, or offered by a private company, individual, firm, partnership,~~
22 ~~or association; and~~

23 ~~(B) Operated in whole or in part in this state utilizing:~~

24 ~~(i) The FM 57 kHz Radio Broadcast Data System standard and a codeable,~~
25 ~~programmable receiver; or~~

26 ~~(ii) The FM broadcast band generally and a codeable, programmable receiver."~~

27 **SECTION 2.**

28 Said title is further amended by adding new paragraphs to Code Section 46-1-1, relating to
 29 definitions, exclusions, and Georgia Forest Products Trucking Rules, to read as follows:

30 "(5.2) 'Emergency warning point to multipoint system provider' means a private company
 31 providing emergency warning point to multipoint system services to the public.

32 (5.3) 'Emergency warning point to multipoint system services' means the provision of
 33 an emergency warning point to multipoint system to the public including but not limited
 34 to the wireless addresses for delivery, testing, and monitoring over the FM broadcast
 35 band.

36 (5.4) 'Exempt rideshare' means:

37 (A) Government endorsed rideshare programs;

38 (B) Rideshare programs in which a rideshare driver seeks reimbursement for, or the
 39 rideshare participants pool or otherwise share, rideshare costs such as fuel; or

40 (C) The leasing or rental of a vehicle, in the ordinary course of the lessor's or rentor's
 41 business, for rideshare purposes as part of a government endorsed rideshare program,
 42 or for rideshare under a contract requiring compliance with subparagraph (B) of this
 43 paragraph."

44 **SECTION 3.**

45 Said title is further amended by adding a new Code section to read as follows:

46 "46-2-22.1.

47 All emergency warning point to multipoint systems shall be under the jurisdiction and
 48 control of the commission, which shall have full power to regulate and determine just and
 49 reasonable rates and charges to be made by any emergency warning point to multipoint
 50 system provider for any service performed by such provider."

51 **SECTION 4.**

52 Said title is further amended by adding a new chapter to read as follows:

53 "CHAPTER 12

54 46-12-1.

55 (a) At least once every five years, the commission shall cause to be performed a
 56 management audit of each emergency warning point to multipoint system provider to
 57 determine whether it is being managed in an efficient and effective manner.

58 (b) The management audit provided for in this Code section shall be performed by a
 59 qualified and reputable management auditor of national reputation, to be selected by the

60 commission from a list of not less than three such auditors, which list shall be made up by
61 mutual agreement of the commission and the emergency warning point to multipoint
62 system provider. The management auditor shall report the results of the audit to the
63 commission.

64 (c) In the event that the commission and the emergency warning point to multipoint system
65 provider are unable to agree on a list of management auditors, either party may petition the
66 Superior Court of Fulton County to select, within 30 days of filing, such a list after a
67 hearing on the petition.

68 (d) The audited emergency warning point to multipoint system provider shall pay for the
69 management audit. The cost of the management audit shall be recognized by the
70 commission as an operating expense of the emergency warning point to multipoint system
71 provider; and the emergency warning point to multipoint system provider's rates shall be
72 fixed by the commission to recover this retail expense amortized over such period as the
73 commission may direct.

74 46-12-2.

75 Municipal corporations, counties, consolidated governments, or any other political
76 subdivision of the state or any department or agency thereof and emergency warning point
77 to multipoint system providers shall not be liable for failure to deliver information over an
78 emergency warning point to multipoint system."

79 **SECTION 5.**

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