

Senate Bill 482

By: Senators Tate of the 38th and Jackson of the 2nd

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia  
2 Annotated, relating to emergency telephone number 9-1-1 system, so as to revise the fees for  
3 9-1-1 service; to change what the money from the Emergency Telephone System Fund may  
4 be used to pay for; to provide for related matters; to provide an effective date; to repeal  
5 conflicting laws; and for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated,  
9 relating to emergency telephone number 9-1-1 system, is amended by revising Code Section  
10 46-5-134, relating to billing of subscribers, liability of subscriber for service charge, taxes  
11 on service, establishment of Emergency Telephone System Fund, records, and use of federal,  
12 state, municipal, or private funds, as follows:

13 "46-5-134.

14 (a)(1)(A) The telephone subscriber of any telephone service may be billed for the  
15 monthly 9-1-1 charge, if any, imposed with respect to such telephone service by the  
16 service supplier. Such 9-1-1 charge may not exceed \$1.50 the actual cost, according  
17 to generally accepted accounting principles, or \$4.00 per month per telephone service  
18 provided to the telephone subscriber, whichever is less. In the event that any telephone  
19 service supplier, due to its normal billing practices, is unable to charge differing  
20 amounts set by each local government as the 9-1-1 charge, such telephone service  
21 supplier shall collect on behalf of local governments that have authorized a 9-1-1  
22 charge \$1.50 \$4.00 per month per telephone service provided to the telephone  
23 subscribers to whom it provides telephone service in every area served by the  
24 emergency 9-1-1 system.

25 (B) All telephone services billed to federal, state, or local governments shall be exempt  
26 from the 9-1-1 charge. Each service supplier shall, on behalf of the local government,  
27 collect the 9-1-1 charge from those telephone subscribers to whom it provides  
28 telephone service in the area served by the emergency 9-1-1 system. As part of its

29 normal billing process, the service supplier shall collect the 9-1-1 charge for each  
30 month a telephone service is in service, and it shall list the 9-1-1 charge as a separate  
31 entry on each bill. If a service supplier receives a partial payment for a bill from a  
32 telephone subscriber, the service supplier shall apply the payment against the amount  
33 the telephone subscriber owes the service supplier first.

34 (C) This paragraph shall not apply to wireless service or prepaid wireless service or the  
35 telephone subscribers or service suppliers of such services.

36 (2)(A) If the governing authority of a local government operates or contracts for the  
37 operation of an emergency 9-1-1 system which is capable of providing or provides  
38 automatic number identification of a wireless telecommunications connection and the  
39 location of the base station or cell site which receives a 9-1-1 call from a wireless  
40 telecommunications connection, the subscriber of a wireless telecommunications  
41 connection whose billing address is within the geographic area that is served by the  
42 local government or that would be served by the local government for the purpose of  
43 such an emergency 9-1-1 system may be billed for the monthly wireless enhanced 9-1-1  
44 charge, if any, imposed with respect to that connection by the wireless service supplier.  
45 Such wireless enhanced 9-1-1 charge may not exceed the amount of the monthly 9-1-1  
46 charge imposed upon other telephone subscribers pursuant to paragraph (1) of this  
47 subsection ~~nor exceed \$1.00 per month per wireless telecommunications connection~~  
48 ~~provided to the telephone subscriber.~~

49 (B) If the governing authority of a local government operates or contracts for the  
50 operation of an emergency 9-1-1 system which is capable of providing or provides  
51 automatic number identification and automatic location identification of a wireless  
52 telecommunications connection, the subscriber of a wireless telecommunications  
53 connection whose place of primary use is within the geographic area that is served by  
54 the local government or that would be served by the local government for the purpose  
55 of such an emergency 9-1-1 system may be billed for the monthly wireless enhanced  
56 9-1-1 charge, if any, imposed with respect to that connection by the wireless service  
57 supplier. Such wireless enhanced 9-1-1 charge may not exceed the amount of the  
58 monthly 9-1-1 charge imposed upon other telephone subscribers pursuant to paragraph  
59 (1) of this subsection and shall be imposed on a monthly basis for each wireless  
60 telecommunications connection provided to the telephone subscriber.

61 (C) All wireless telecommunications connections billed to federal, state, or local  
62 governments shall be exempt from the wireless enhanced 9-1-1 charge. Each wireless  
63 service supplier shall, on behalf of the local government, collect the wireless enhanced  
64 9-1-1 charge from those telephone subscribers whose place of primary use is within the  
65 geographic area that is served by the local government or that would be served by the

local government for the purpose of such an emergency 9-1-1 system. As part of its normal billing process, the wireless service supplier shall collect the wireless enhanced 9-1-1 charge for each month a wireless telecommunications connection is in service, and it shall list the wireless enhanced 9-1-1 charge as a separate entry on each bill. If a wireless service supplier receives partial payment for a bill from a telephone subscriber, the wireless service supplier shall apply the payment against the amount the telephone subscriber owes the wireless service supplier first.

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

(E) This paragraph shall not apply to prepaid wireless service or the telephone subscribers or service suppliers of such service.

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

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

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

103       (2) The 9-1-1 charges and the wireless enhanced 9-1-1 charges collected by the service  
104       supplier shall be deposited and accounted for in a separate restricted revenue fund known  
105       as the Emergency Telephone System Fund maintained by the local government. The  
106       local government may invest the money in the fund in the same manner that other  
107       moneys of the local government may be invested and any income earned from such  
108       investment shall be deposited into the Emergency Telephone System Fund.

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

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

116       (5) Such monthly 9-1-1 charges and wireless enhanced 9-1-1 charges may be reduced  
117       at any time by the governing authority by resolution; provided, however, that said  
118       governing authority shall be required to reduce such monthly 9-1-1 charge or wireless  
119       enhanced 9-1-1 charge at any time the projected revenues from 9-1-1 charges or wireless  
120       enhanced 9-1-1 charges will cause the unexpended revenues in the Emergency Telephone  
121       System Fund at the end of the fiscal year to exceed by one and one-half times the  
122       unexpended revenues in such fund at the end of the immediately preceding fiscal year or  
123       at any time the unexpended revenues in such fund at the end of the fiscal year exceed by  
124       one and one-half times the unexpended revenues in such fund at the end of the  
125       immediately preceding fiscal year. Such reduction in the 9-1-1 charge or wireless  
126       enhanced 9-1-1 charge shall be in an amount which will avert the accumulation of  
127       revenues in such fund at the end of the fiscal year which will exceed by one and one-half  
128       times the amount of revenues in the fund at the end of the immediately preceding fiscal  
129       year.

130       (e) A wireless service supplier may recover its costs expended on the implementation and  
131       provision of wireless enhanced 9-1-1 services to subscribers in an amount not to exceed  
132       30¢ of each 9-1-1 charge collected from a place of primary use that is within the  
133       geographic area that is served by the local government or would be served by the local  
134       government for the purpose of such emergency 9-1-1 system; provided, however, that such  
135       amount may be increased to 45¢ upon implementation of step two of the state plan  
136       governing 9-1-1 enhanced communications as provided in subsection (g) of this Code  
137       section. Such cost recovery amount shall be based on the actual cost incurred by the  
138       wireless service supplier in providing wireless enhanced 9-1-1 services.

- 139 (f)(1) In addition to cost recovery as provided in subsection (e) of this Code section,  
140 money from the Emergency Telephone System Fund shall be used only to pay for:  
141 (A) The lease, purchase, or maintenance of emergency telephone equipment, including  
142 necessary computer hardware, software, and data base provisioning; addressing; and  
143 nonrecurring costs of establishing a 9-1-1 system;  
144 (B) The rates associated with the service supplier's 9-1-1 service and other service  
145 supplier's recurring charges;  
146 (C) The actual cost, according to generally accepted accounting principles, of salaries  
147 and employee benefits incurred by the local government for employees hired by the  
148 local government solely for the operation and maintenance of the emergency 9-1-1  
149 system and employees who work as directors as that term is defined in Code Section  
150 46-5-138.2, whether such employee benefits are purchased directly from a third-party  
151 insurance carrier, funded by the local government's self-funding risk program, or  
152 funded by the local government's participation in a group self-insurance fund. As used  
153 in this paragraph, the term 'employee benefits' means health benefits, disability benefits,  
154 death benefits, accidental death and dismemberment benefits, pension benefits,  
155 retirement benefits, workers' compensation, and such other benefits as the local  
156 government may provide. Said term shall also include any post-employment benefits  
157 the local government may provide;  
158 (D) The actual cost, according to generally accepted accounting principles, of training  
159 employees hired by the local government solely for the operation and maintenance of  
160 the emergency 9-1-1 system and employees who work as directors as that term is  
161 defined in Code Section 46-5-138.2;  
162 (E) Office supplies of the public safety answering points used directly in providing  
163 emergency 9-1-1 system services;  
164 (F) The cost of leasing or purchasing a building used as a public safety answering  
165 point. Moneys from the fund shall not be used for the construction or lease of an  
166 emergency 9-1-1 system building until the local government has completed its street  
167 addressing plan;  
168 (G) The lease, purchase, or maintenance of computer hardware and software used at  
169 a public safety answering point, including computer-assisted dispatch systems and  
170 automatic vehicle location systems;  
171 (H) Supplies directly related to providing emergency 9-1-1 system services, including  
172 the cost of printing emergency 9-1-1 system public education materials; and  
173 (I) The lease, purchase, or maintenance of logging recorders used at a public safety  
174 answering point to record telephone and radio traffic; and

175       (J) The cost of providing 9-1-1 services by the local government as authorized in  
176       subparagraphs (A) through (I) of this paragraph not paid for by revenues from 9-1-1  
177       charges or wireless enhanced 9-1-1 charges at the end of any fiscal year beginning with  
178       fiscal year 2007.

179       (2)(A) In addition to cost recovery as provided in subsection (e) of this Code section,  
180       money from the Emergency Telephone System Fund may be used to pay for those  
181       purposes set forth in subparagraph (B) of this paragraph, if:

- 182           (i) The local government's 9-1-1 system provides enhanced 9-1-1 service;
- 183           (ii) The revenues from the 9-1-1 charges or wireless enhanced 9-1-1 charges in the  
184       local government's Emergency Telephone System Fund at the end of any fiscal year  
185       shall be projected to exceed the cost of providing enhanced 9-1-1 services as  
186       authorized in subparagraphs (A) through (I) of paragraph (1) of this subsection and  
187       the cost of providing enhanced 9-1-1 services as authorized in subparagraphs (A)  
188       through (I) of paragraph (1) of this subsection includes a reserve amount equal to at  
189       least 10 percent of the previous year's expenditures; and
- 190           (iii) Funds for such purposes are distributed pursuant to an intergovernmental  
191       agreement between the local governments whose citizens are served by the  
192       emergency 9-1-1 system proportionately by population as determined by the most  
193       recent decennial census published by the United States Bureau of the Census at the  
194       time such agreement is entered into.

195       (B) Pursuant to subparagraph (A) of this paragraph, the Emergency Telephone System  
196       Fund may be used to pay for:

- 197           (i) The actual cost, according to generally accepted accounting principles, of  
198       insurance purchased by the local government to insure against the risks and liability  
199       in the operation and maintenance of the emergency 9-1-1 system on behalf of the  
200       local government or on behalf of employees hired by the local government solely for  
201       the operation and maintenance of the emergency 9-1-1 system and employees who  
202       work as directors as that term is defined in Code Section 46-5-138.2, whether such  
203       insurance is purchased directly from a third-party insurance carrier, funded by the  
204       local government's self-funding risk program, or funded by the local government's  
205       participation in a group self-insurance fund. As used in this division, the term 'cost  
206       of insurance' shall include, but shall not be limited to, any insurance premiums, unit  
207       fees, and broker fees paid for insurance obtained by the local government;
- 208           (ii) The lease, purchase, or maintenance of a mobile communications vehicle and  
209       equipment, if the primary purpose and designation of such vehicle is to function as  
210       a backup 9-1-1 system center;

211       (iii) The allocation of indirect costs associated with supporting the 9-1-1 system  
212       center and operations as identified and outlined in an indirect cost allocation plan  
213       approved by the local governing authority that is consistent with the costs allocated  
214       within the local government to both governmental and business-type activities;  
215       (iv) The lease, purchase, or maintenance of mobile public safety voice and data  
216       equipment, geo-targeted text messaging alert systems, or towers necessary to carry  
217       out the function of 9-1-1 system operations; and  
218       (v) The lease, purchase, or maintenance of public safety voice and data  
219       communications systems located in the 9-1-1 system facility that further the  
220       legislative intent of providing the highest level of emergency response service on a  
221       local, regional, and state-wide basis, including equipment and associated hardware  
222       and software that ~~supports~~ support the use of public safety wireless voice and data  
223       communication systems.

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

- 226       (1) In step one, the governing authority of a local government shall operate or contract  
227       for the operation of an emergency 9-1-1 system that provides or is capable of providing  
228       automatic number identification of a wireless telecommunications connection and the  
229       location of the base station or cell site which received a 9-1-1 call from a wireless  
230       telecommunications connection; and
- 231       (2) In step two, the governing authority of a local government shall operate or contract  
232       for the operation of an emergency 9-1-1 system that provides or is capable of providing  
233       automatic number identification and automatic location of a wireless telecommunications  
234       connection.

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

240       (i) The service supplier shall maintain records of the amount of the 9-1-1 charges and  
241       wireless enhanced 9-1-1 charges collected for a period of at least three years from the date  
242       of collection. The local government may, at its expense, require an annual audit of the  
243       service supplier's books and records with respect to the collection and remittance of the  
244       9-1-1 charges and wireless enhanced 9-1-1 charges.

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

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

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

255 (m)(1) Any local government collecting or expending any 9-1-1 charges or wireless  
256 enhanced 9-1-1 charges in any fiscal year beginning on or after July 1, 2005, shall  
257 document the amount of funds collected and expended from such charges. Any local  
258 government collecting or expending 9-1-1 funds shall certify in their its audit, as required  
259 under Code Section 36-81-7, that 9-1-1 funds were expended in compliance with the  
260 expenditure requirements of this Code section.

261 (2) Any local government which makes expenditures not in compliance with this Code  
262 section may be held liable for pro rata reimbursement to telephone and wireless  
263 telecommunications subscribers of amounts improperly expended. Such liability may be  
264 established in judicial proceedings by any aggrieved party. The noncompliant local  
265 government shall be solely financially responsible for the reimbursement and for any  
266 costs associated with the reimbursement. Such reimbursement shall be accomplished by  
267 the service suppliers abating the imposition of the 9-1-1 charges and wireless enhanced  
268 9-1-1 charges until such abatement equals the total amount of the rebate."

## 269 SECTION 2.

270 Said part is further amended by revising Code Section 46-5-138.1, relating to guidelines  
271 pertaining to additional charges involving contracts between two or more counties, as  
272 follows:

273 "46-5-138.1.

274 (a) Notwithstanding any provision of paragraph (1) of subsection (a) of Code Section  
275 46-5-134 to the contrary, where two or more counties, none of which offers emergency  
276 9-1-1 system services on May 1, 1998, and any participating municipalities within such  
277 counties, if any, agree by intergovernmental contract to initiate or contract for the joint  
278 operation of an emergency 9-1-1 system for the first time after May 1, 1998, such local  
279 governments may impose a monthly 9-1-1 charge which exceeds \$1.50 \$4.00 per telephone  
280 service but only so long as the following procedure shall be followed:

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

283       9-1-1 system with costs limited to items eligible for funding through the Emergency  
284       Telephone System Fund;

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

(3) If the total amount necessary for implementation of the emergency 9-1-1 system in paragraph (1) of this subsection exceeds the estimated revenue from imposition of the 9-1-1 charge specified in paragraph (2) of this subsection, the monthly 9-1-1 charge per telephone service may be increased on a pro rata basis during the first 18 months of collection to the extent necessary to provide revenue sufficient to pay the amount specified in paragraph (1) of this subsection, but in no case shall such monthly charge be greater than \$2.50 \$5.00 per telephone service. Notwithstanding subsection (i) of Code Section 46-5-134, if each local governing body which is a party to an intergovernmental contract certifies to the service provider in writing prior to the end of the 18 month period in advance of the date on which the 9-1-1 system was to have become fully operational that the system cannot be placed in operation on the date originally projected but that all parties are proceeding in a diligent and timely fashion to implement such service, the service provider shall continue to collect the monthly 9-1-1 charge for an additional period of 18 months or until the 9-1-1 system becomes fully operational, whichever occurs first; and

303 (4) Such local governments shall comply with the requirements of Code Section  
304 46-5-133 which relate to the imposition of a monthly 9-1-1 charge.

Nothing in this subsection shall be construed to authorize the imposition of any charge upon a wireless service. Except as otherwise provided in this subsection, the requirements of Code Section 46-5-134 which relate to monthly 9-1-1 charges on telephone services shall apply to charges imposed pursuant to this subsection.

309 (b) The increased monthly 9-1-1 charge authorized by subsection (a) of this Code section  
310 shall also be available to any joint 9-1-1 authority created pursuant to Code Section  
311 46-5-138 after May 1, 1998."

### SECTION 3.

313 This Act shall become effective on July 1, 2012.

## **SECTION 4.**

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