

JAN 22 2008

---

---

**A BILL FOR AN ACT**

RELATING TO ENHANCED 911 SERVICES FOR MOBILE PHONES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 138-4, Hawaii Revised Statutes is  
2 amended to read as follows:

3           " ~~[+]§138-4[+]~~ **Surcharge.** (a) A monthly wireless enhanced  
4 911 surcharge, subject to this chapter, shall be imposed upon  
5 each commercial mobile radio service connection.

6           (b) ~~[The effective date of the surcharge shall be July 1,~~  
7 ~~2004.]~~ The rate of the surcharge shall be set at ~~[66]~~ 43 cents  
8 per month for each commercial mobile radio service connection.

9 The surcharge shall have uniform application and shall be  
10 imposed on each commercial mobile radio service connection  
11 operating within the State except:

12           (1) Connections billed to federal, state, and county  
13 government entities; and

14           (2) Prepaid connections.

15           (c) All wireless providers and resellers shall bill to and  
16 collect from each of their customers a monthly surcharge at the  
17 rate established for each commercial mobile radio service  
18 connection. The wireless provider or reseller may list the

1 surcharge as a separate line item on each bill. If a wireless  
2 provider or reseller receives a partial payment for a monthly  
3 bill from a commercial mobile radio service customer, the  
4 wireless provider or reseller shall apply the payment against  
5 the amount the customer owes the wireless provider or reseller,  
6 before applying the partial payment against the surcharge.

7 (d) A wireless provider that:

8 (1) Is collecting the surcharge and remitting appropriate  
9 portions of the surcharge to the fund pursuant to this  
10 chapter; and

11 (2) Has been requested by a public safety answering point  
12 to provide phase I or phase II wireless enhanced 911  
13 service in a particular county or counties, may  
14 recover wireless enhanced 911 commercial mobile radio  
15 service costs as provided in this chapter.

16 (e) Each wireless provider or reseller may retain two per  
17 cent of the amount of surcharges collected to offset  
18 administrative expenses associated with billing and collecting  
19 the surcharge.

20 (f) A wireless provider or reseller shall remit to the  
21 wireless enhanced 911 fund, within sixty days after the end of  
22 the calendar month in which the surcharge is collected, an

1 amount that represents the surcharges collected less amounts  
2 retained for administrative expenses incurred by the wireless  
3 provider or reseller, as provided in subsection (e).

4 (g) The surcharges collected by the wireless provider or  
5 reseller pursuant to this section shall not be subject to any  
6 tax, fee, or assessment, nor are they considered revenue of the  
7 provider or reseller.

8 (h) Each customer who is subject to this chapter shall be  
9 liable to the State for the surcharge until it has been paid to  
10 the wireless provider. Wireless providers shall have no  
11 liability to remit surcharges that have not been paid by  
12 customers. A wireless provider or reseller shall have no  
13 obligation to take any legal action to enforce the collection of  
14 the surcharge for which any customer is billed. However, the  
15 board may initiate a collection action against the customer. If  
16 the board prevails in such a collection action, reasonable  
17 attorney's fees and costs shall be awarded.

18 (i) At any time the members deem it necessary and  
19 appropriate, the board may meet to make recommendations to the  
20 legislature as to whether the surcharge and fund should be  
21 discontinued, continued as is, or amended.

S.B. NO. 2958

1 (j) When considering whether to discontinue, continue as  
2 is, or amend the fund or surcharge, the board's recommendations  
3 shall be based on the latest available information concerning  
4 costs associated with providing wireless enhanced 911 service in  
5 accordance with the Federal Communications Commission order."


6 SECTION 2. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.

9

10

INTRODUCED BY:

  
\_\_\_\_\_  
BY REQUEST

11

**Report Title:**

Wireless Enhanced 911; surcharge.

**Description:**

Decreases from \$0.66 to \$0.43 cents per month the surcharge customers pay on each mobile phone for E911 emergency mobile phone services.

JUSTIFICATION SHEET

DEPARTMENT: Accounting and General Services

TITLE: RELATING TO ENHANCED 911 SERVICES FOR MOBILE PHONES.

PURPOSE: To reduce the surcharge imposed on every commercial mobile radio service connection for the Wireless Enhanced 911 Fund.

MEANS: Amend Section 138-1, Hawaii Revised Statutes.

JUSTIFICATION: The amount of funds required to implement Phase I and Phase II wireless enhanced 911 services is less than originally forecasted. Because certain wireless service providers have chosen not to seek reimbursement for wireless 911 deployment costs from the Wireless Enhanced 911 Fund ("Fund"), a reduction to the surcharge is being proposed.

The reduction in the surcharge amount will take into account the amount of funds needed to complete statewide deployment, operate, and maintain the wireless enhanced 911 system, and allow for future enhancements to the system due to technological advances.

Impact on the public: The reduced surcharges collected from wireless subscribers will continue to:

1. Exclusively reimburse the public safety answering points and wireless service providers for providing this service;
2. Fund the administrative costs of the board.

Impact on the department and other agencies: There will be adequate funds available to reimburse the public safety answering points and wireless service providers to ensure they continue to provide wireless enhanced

911 service to the State. This service enhances public safety by allowing the public safety answering points to identify the wireless caller's phone number, and locations automatically.

GENERAL FUND: None.

OTHER FUNDS: Wireless Enhanced 911 Fund.

PPBS PROGRAM  
DESIGNATION: AGS 891

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon approval.