
A BILL FOR AN ACT

RELATING TO ENHANCED 911 SERVICES.

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

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

3 " [{}]CHAPTER 138 [{}]

4 **ENHANCED 911 SERVICES [FOR MOBILE PHONES]**

5 [{}]**§138-1 [{}]** **Definitions.** As used in this chapter, unless
6 the context requires otherwise:

7 "911" means the digits, address, Internet protocol address,
8 or other information used to access or initiate a call to a
9 public safety answering point.

10 "911 Coordinator" means the person designated to carry out
11 the responsibilities of coordinating 911 services as required in
12 Section 3(b) of the Wireless Telecommunications Act of 1999.

13 "911 system" means an emergency communications system that:

14 (1) Enables the user of a voice communications service
15 connection such as telephone, computer, or commercial
16 mobile radio service, Interconnected Voice over
17 Internet Protocol service or a data communications
18 service connection that transmits data exclusively,



1 such as text messaging, to reach a public safety
2 answering point by accessing 911, or via a
3 service/relay bureau or accessing a 911 system through
4 some other means; and

5 (2) Provides enhanced 911 service.

6 "Automatic location identification" means [~~a wireless~~] an
7 enhanced 911 service capability that enables the automatic
8 display of information indicating the address or approximate
9 geographic location of the [~~wireless telephone~~] communication
10 device used to place a 911 call [~~in accordance with the Federal~~
11 ~~Communications Commission Order~~].

12 "Automatic number identification" means [~~a wireless~~] an
13 enhanced 911 service capability that enables the automatic
14 display of the ten-digit [~~wireless~~] telephone number [~~used to~~
15 ~~place a 911 call in accordance with the Federal Communications~~
16 ~~Commission order.~~] or some other unique identifier of the device
17 from which a 911 call is placed.

18 "Board" means the [~~wireless~~] enhanced 911 board established
19 under this chapter.

20 "Call" means any communication, message, signal, or
21 transmission.



1 "Commercial mobile radio service" means commercial mobile
2 radio service under ~~[sections]~~ Sections 3(27) and 332(d) of the
3 Federal Telecommunications Act of 1996, 47 ~~[U.S.C.]~~ United
4 States Code 151 et seq., and the Omnibus Budget Reconciliation
5 Act of 1993, P.L. 103-66, August 10, 1993, 107 Stat. 312.

6 "Commercial mobile radio service connection" means each
7 active wireless telephone number assigned to a commercial mobile
8 radio service customer, including end-users of resellers whose
9 place of primary use is within the State.

10 ~~["Federal Communications Commission order" means the~~
11 ~~original order issued in the Federal Communications Commission~~
12 ~~Docket No. 94-102 governing wireless enhanced 911 service and~~
13 ~~any other Federal [Communications] Commission orders related to~~
14 ~~the provision of wireless enhanced 911 service.]~~

15 "Communication service" means a service capable of
16 accessing, connecting with, or interfacing with a 911 system, by
17 dialing, initializing, or otherwise activating the 911 system by
18 means of a local telephone device, commercial mobile radio
19 service device, interconnected voice over Internet protocol
20 (VoIP) device, indirect communication through a service bureau
21 or call relay service, such as alarm companies or any other
22 means.



1 "Communications service connection" means each telephone
2 number or device's unique identifier assigned to a residential
3 or commercial subscriber by a communications service provider,
4 without regard to technology deployed.

5 "Communications service provider" means an entity that
6 provides communications service to a subscriber.

7 "Competitive Local Exchange Carrier" means an alternative
8 provider of local communication services other than the
9 Incumbent Local Exchange Carrier.

10 "Database service provider" means a service supplier who
11 maintains and supplies or contracts to maintain and supply an
12 automatic information location database or master street address
13 guide.

14 "Enhanced 911 fund" or "fund" means the special fund
15 established by section 138-3.

16 "Enhanced 911 service costs" means all capital,
17 nonrecurring, and recurring costs directly related to the
18 implementation, operation, and administration of enhanced 911
19 services.

20 "Interconnected Voice over Internet Protocol" means a
21 service that:

22 (1) Enables real-time, two-way voice communications;



- 1 (2) Requires a broadband connection from the user's
2 location;
- 3 (3) Requires Internet protocol-compatible customer
4 premises equipment; and
- 5 (4) Permits users generally to receive calls that
6 originate on the public switched telephone network and
7 to terminate calls to the public switched telephone
8 network.

9 "Interconnected Voice over Internet Protocol service
10 provider" means an entity that provides interconnected voice
11 over Internet protocol service.

12 "Prepaid connections" means the sale of a communications
13 service that is paid for in advance or sold in predetermined
14 units of which the number of units declines with use of the
15 services.

16 "Proprietary information" means customer lists and other
17 related information (including the number of customers),
18 technology descriptions, technical information, or trade
19 secrets, and the actual or developmental costs of [~~wireless~~]
20 enhanced 911 service that are developed, produced, or received
21 internally by a [~~wireless~~] communications service provider or by
22 a provider's employees, directors, officers, or agents.



1 "Public safety agency" means a functional division of [~~the~~
2 ~~State or county~~] a governmental entity that provides or has
3 authority to provide, or a private entity contracted by a [~~State~~
4 ~~or county agency~~] governmental entity that provides,
5 firefighting, law enforcement, ambulance, medical, or other
6 emergency services.

7 "Public safety answering point" means the public safety
8 agency that receives incoming 911 calls and dispatches
9 appropriate public safety agencies to respond to those calls.

10 "Reseller" means a person or entity that purchases
11 [~~commercial mobile radio service~~] communications services from a
12 [~~wireless~~] communications service provider for the purpose of
13 reselling [~~commercial mobile radio service~~] communications
14 services to end-users.

15 [~~"Wireless enhanced 911 commercial mobile radio service~~
16 ~~costs" means all capital, nonrecurring, and recurring costs~~
17 ~~directly related to the implementation and operation of phase I~~
18 ~~or phase II wireless enhanced 911 services pursuant to the~~
19 ~~Federal Communications Commission order.~~

20 "~~Wireless enhanced 911 fund" or "fund" means the statewide~~
21 ~~special fund established to ensure adequate cost recovery for~~



1 ~~the deployment of phase I and phase II wireless enhanced 911~~
2 ~~service in Hawaii.~~

3 ~~"Wireless provider" means a person or entity that is~~
4 ~~authorized by the Federal Communications Commission to provide~~
5 ~~facilities based commercial mobile radio service within the~~
6 ~~State.]~~

7 "Universal emergency number service" or "911 service" means
8 public communications service that provides service users with
9 the ability to reach a public safety answering point by
10 accessing a 911 system.

11 ~~[+]§138-2[+]~~ ~~[Wireless enhanced]~~ Enhanced 911 board. (a)

12 There is created within the department of accounting and general
13 services, for administrative purposes, ~~[a wireless]~~ an enhanced
14 911 board consisting of ~~[eleven]~~ Thirteen voting members;
15 provided that the membership shall consist of:

- 16 (1) The comptroller or the comptroller's designee;
- 17 (2) Three representatives from the wireless communications
18 service providers, who shall be appointed by the
19 governor as provided in section 26-34~~[, except as~~
20 ~~otherwise provided by law]~~;
- 21 (3) ~~[One representative each from the]~~ Each county public
22 safety answering [points for] point will be



1 represented by one (1) employee or manager, with the
2 exception of Oahu, [Hawaii, Kauai, Maui, and Molokai,]
3 with two (2) individuals, whose first representative
4 will be an employee or manager from the Oahu primary
5 Primary Service Answering Point, and a second
6 representative, chosen by the mayor of the city and
7 county of Honolulu, who shall be appointed by the
8 governor, as provided in section 26-34 [except as
9 otherwise provided by law, from a list of five names
10 submitted by each respective public safety answering
11 point];

12 (4) The consumer advocate or the consumer advocate's
13 designee; [and]

14 (5) One representative from a communications service
15 company that offers Interconnected Voice over Internet
16 Protocol services, who shall be appointed by the
17 governor as provided in section 26-34; and

18 [+5+] (6) One representative of the current [wireless
19 provider of enhanced 911] local exchange carrier.

20 (b) [~~Six members~~] A simple majority shall constitute a
21 quorum, whose affirmative vote shall be necessary for all
22 actions by the board.



1 (c) The chairperson of the board shall be elected by the
2 members of the board by simple majority and shall serve a term
3 of one year.

4 (d) The board shall meet upon the call of the chairperson,
5 but not less than quarterly.

6 (e) The members representing wireless, local exchange
7 carrier, and Interconnected Voice over Internet Protocol
8 service providers shall be appointed by the governor for terms
9 of two years [~~except that terms of the two members initially~~
10 ~~appointed shall be for eighteen months~~].

11 (f) Each member shall hold office until the member's
12 successor is appointed and qualified. Section 26-34 shall apply
13 only insofar as it relates to succession, vacancies, and
14 suspension of board members, and as provided in subsection (a).

15 (g) The board has the authority to adopt, administer, and
16 enforce rules to carry out the purposes of this chapter.

17 [~~(g)~~] (h) The members shall serve without compensation.
18 Members shall be entitled to reimbursements from the [~~wireless~~]
19 enhanced 911 fund for reasonable traveling expenses incurred in
20 connection with the performance of board duties.



1 [~~(h)~~] (i) The board or its chairperson, with the approval
2 of the board, may retain independent, third-party accounting
3 firms, consultants, or other third party to:

4 (1) Create reports, make payments into the fund, process
5 checks, and make distributions from the fund, as
6 directed by the board and as allowed by this chapter;
7 and

8 (2) Perform administrative duties necessary to administer
9 the fund or oversee operations of the board, including
10 providing technical advisory support[-]; provided that
11 no third-party accounting firm, consultant, or other
12 third party hired to perform these administrative
13 duties may be retained if the accounting firm,
14 consultant, or other third party, either directly or
15 indirectly, has a conflict of interest or is
16 affiliated with the management of or owns a pecuniary
17 interest in any entity subject to the provisions of
18 this chapter.

19 [~~(i)~~] (j) The board shall develop reasonable procedures to
20 ensure that all [~~wireless providers~~] members receive adequate
21 notice of board meetings and information concerning board
22 decisions.



1 (k) The board shall fund the development, deployment, and
2 sustaining of enhanced 911 service, including funding future
3 Enhanced 911 technologies.

4 (l) The Governor will appoint and designate the state 911
5 coordinator as required by section 3(b) of the federal Wireless
6 Telecommunications and Public Safety Act of 1999 who will
7 coordinate with the board on matters related to 911 services.

8 The state 911 coordinator shall serve without compensation
9 from the fund. The state 911 coordinator shall be entitled to
10 reimbursements from the fund for reasonable traveling expenses
11 incurred in connection with the performance of board duties.

12 ~~[+]§138-3[+ Wireless enhanced]~~ Enhanced 911 fund. There
13 is established outside the state treasury a special fund, to be
14 known as the ~~[wireless]~~ enhanced 911 fund, to be administered by
15 the board. The fund shall consist of amounts collected under
16 section 138-4. Moneys paid into the fund are not general fund
17 revenues of the State. The board shall place the funds in an
18 interest-bearing account at any federally insured financial
19 institution, separate and apart from the general fund of the
20 State. Moneys in the fund shall be expended exclusively by the
21 board for the purposes of ensuring adequate ~~cost recovery for~~
22 ~~the deployment of phase I and phase II wireless]~~ for funding to



1 deploy and sustain enhanced 911 service and develop and fund
2 future enhanced 911 technologies and for expenses of
3 administering the fund. [~~Any funds that accumulate in the~~
4 wireless enhanced 911 fund shall be retained in the fund unless
5 determined by the legislature to be in excess.]

6 **[+]§138-4[+]** **Surcharge** (a) A monthly [~~wireless~~] enhanced
7 911 surcharge, subject to this chapter, shall be imposed upon
8 each [~~commercial mobile radio~~] communications service
9 connection[-] except connections of the local exchange carrier
10 providing land line enhanced 911 services under section 269-
11 16.95.

12 (b) [~~The effective date of the surcharge shall be July 1,~~
13 ~~2004.~~] The rate of the surcharge shall be set at 66 cents per
14 month for each [~~commercial mobile radio~~] communications service
15 connection. The surcharge shall have uniform application and
16 shall be imposed on each [~~commercial mobile radio~~]
17 communications service connection operating within the State
18 except:

- 19 (1) Connections billed to federal, state, and county
20 governmental entities; [~~and~~]
21 (2) Prepaid connections.



1 (c) All [~~wireless~~] communications service providers and
2 resellers shall bill to and collect from each of their customers
3 a monthly surcharge at the rate established for each [~~commercial~~
4 ~~mobile radio~~] communications service connection. The [~~wireless~~]
5 communications service provider or reseller may list the
6 surcharge as a separate line item on each bill. If a [~~wireless~~]
7 communications service provider or reseller receives a partial
8 payment for a monthly bill from a [~~commercial mobile radio~~]
9 communications service customer, the [~~wireless~~] communications
10 service provider or reseller shall apply the payment against the
11 amount the customer owes the [~~wireless~~] communications service
12 provider or reseller, before applying the partial payment
13 against the surcharge.

14 (d) A [~~wireless~~] communications service provider that:
15 (1) Is collecting the surcharge and remitting appropriate
16 portions of the surcharge to the fund pursuant to this
17 chapter; and
18 (2) Has been requested by a public safety answering point
19 to provide [~~phase I or phase II wireless~~] enhanced 911
20 service in a particular county or counties[7];
21 may recover [~~wireless~~] enhanced 911 [~~commercial mobile radio~~]
22 service costs as provided in this chapter.



1 (e) Each ~~[wireless]~~ communications service provider or
2 reseller may retain two per cent of the amount of surcharges
3 collected to offset administrative expenses associated with
4 billing and collecting the surcharge.

5 (f) A ~~[wireless]~~ communications service provider or
6 reseller shall remit to the ~~[wireless]~~ enhanced 911 fund, within
7 sixty days after the end of the calendar month in which the
8 surcharge is collected, an amount that represents the surcharges
9 collected less amounts retained for administrative expenses
10 incurred by the ~~[wireless]~~ communications service provider or
11 reseller, as provided in subsection (e).

12 (g) A public utility providing local exchange enhanced 911
13 communication services for its customer base and other service
14 providers using the wire line provider's enhanced 911 service
15 may collect and keep the surcharge at the established rate set
16 forth by section 269-16.95.

17 ~~[(g)]~~(h) The surcharges collected by the ~~[wireless]~~
18 communications service provider or reseller pursuant to this
19 section shall not be subject to any tax, fee, or assessment, nor
20 are they considered revenue of the provider or reseller.

21 ~~[(h)]~~(i) Each customer who is subject to this chapter
22 shall be liable to the State for the surcharge until it has been



1 paid to the [wireless] communications service provider.
2 [Wireless] Communications service providers shall have no
3 liability to remit surcharges that have not been paid by
4 customers. A [wireless] communications service provider or
5 reseller shall have no obligation to take any legal action to
6 enforce the collection of the surcharge for which any customer
7 is billed. However, the board may initiate a collection action
8 against the customer. If the board prevails in such a
9 collection action, reasonable attorney's fees and costs shall be
10 awarded.

11 [(+i)] (j) At any time the members deem it necessary and
12 appropriate, the board may meet to make recommendations to the
13 legislature as to whether the surcharge and fund should be
14 discontinued, continued as is, or amended.

15 [(+j)] (k) When considering whether to discontinue,
16 continue as is, or amend the fund or surcharge, the board's
17 recommendations shall be based on the latest available
18 information concerning costs associated with providing
19 [wireless] enhanced 911 service [~~in accordance with the Federal~~
20 ~~Communications Commission order~~].

21 [(+)] \$138-5 [(+)] ~~Recovery~~ Disbursements from the fund. (a)
22 [~~After January 1, 2005, every~~] Every public safety answering



1 point shall be eligible to seek [~~reimbursement~~] disbursements
2 from the fund [~~solely~~] to pay for the reasonable costs to lease,
3 purchase, or maintain all necessary equipment, including
4 computer hardware, software, and database provisioning, required
5 by the public safety answering point to provide technical
6 functionality for the [~~wireless~~] enhanced 911 service [~~pursuant~~
7 ~~to the Federal Communications Commission order.~~] , including any
8 expenses directly associated with the planning phases and
9 training of personnel in any new and emerging technologies
10 involving enhanced 911. All other expenses necessary to operate
11 the public safety answering point, including [~~but not limited~~
12 ~~to~~] those expenses related to overhead, staffing, and other day-
13 to-day operational expenses, shall continue to be paid through
14 the general funding of the respective counties.

15 (b) Every public safety answering point shall be eligible
16 to seek disbursements from the fund to pay for the reasonable
17 costs associated with having representatives, other than
18 enhanced 911 board members, on enhanced 911 board committees to
19 include, established and investigative committees.

20 [~~(b) After January 1, 2005, each wireless~~] (c) Each
21 communications service provider may request reimbursement from



1 the fund of [~~wireless~~] enhanced 911 [~~commercial mobile radio~~]
2 service costs incurred; provided that the costs:

3 (1) Are recoverable under section 138-4(d); and

4 (2) Have not already been reimbursed to the [~~wireless~~]
5 communications service provider from the fund.

6 In no event shall a [~~wireless~~] communications service provider
7 be reimbursed for any amount above its actual [~~wireless~~]
8 enhanced 911 [~~commercial mobile radio~~] communications service
9 costs allowed to be recovered under section 138-4(d).

10 (d) Every communications service provider shall be
11 eligible to seek disbursements from the fund to pay for the
12 reasonable costs associated with having representatives, other
13 than board members, on board committees to including,
14 established and investigative committees.

15 [~~(e)~~] (e) After the expenses of the board are paid, the
16 public safety answering points shall be allocated two-thirds of
17 the remaining balance of the fund. The remaining one-third
18 shall be available for [~~wireless~~] communications service
19 provider cost recovery. The board shall determine the
20 reimbursement amounts for the public safety answering points,
21 based on the limitations set forth in section 138-5(a). The



1 reimbursement level for each [~~wireless~~] communications service
2 provider shall be limited:

3 (1) To one third of the total contribution made by the
4 [~~wireless~~] individual communications service provider
5 [~~to the wireless provider cost recovery portion of~~]
6 into the fund[+]. Direct reimbursement shall not be
7 available to the provider of wire line enhanced 911;
8 and

9 (2) As provided in section 138-5[~~(b)~~](c).

10 **[+]§138-6[+]** **Report to the legislature.** The board shall
11 submit an annual report to the legislature, including:

12 (1) The total aggregate surcharge collected by the State
13 in the last fiscal year;

14 (2) The amount of disbursement from the fund;

15 (3) The recipient of each disbursement and a description
16 of the project for which the money was disbursed;

17 (4) The conditions, if any, placed by the board on
18 disbursements from the fund;

19 (5) The planned expenditures from the fund in the next
20 fiscal year;

21 (6) The amount of any unexpended funds carried forward for
22 the next fiscal year;



- 1 (7) A cost study to guide the legislature towards
2 necessary adjustments to the fund and the monthly
3 surcharge; and
- 4 (8) A [~~progress~~] status report of jurisdictional readiness
5 for [~~wireless E911~~] enhanced 911 services, including
6 public safety answering points[, ~~wireless providers,~~]
7 and [~~wireline~~] communications service providers. [~~The~~
8 ~~report shall include the status of requirements~~
9 ~~outlined in the Federal Communications Commission~~
10 ~~Order 94-102 and subsequent supporting orders related~~
11 ~~to phase I and phase II wireless 911 services.~~

12 ~~{[§138-7 Audits.]{}~~ (a) During any period in which [~~a~~
13 ~~wireless~~] an enhanced 911 surcharge is imposed upon customers,
14 the board may request an audited report prepared by an
15 independent certified public accountant that demonstrates that
16 the request for cost recovery from public safety answering
17 points and [~~wireless~~] communications service providers recovers
18 only costs and expenses directly related to the provision of
19 [~~phase I or phase II wireless~~] enhanced 911 service as
20 authorized by this chapter. The cost of the audited reports
21 shall be considered expenses of the board. The board shall
22 prevent public disclosure of proprietary information contained



1 in the audited report, unless required by court order or
2 appropriate administrative agency decision.

3 (b) The board shall select an independent third party to
4 audit the fund every two years to determine whether the fund is
5 being managed in accordance with this chapter. The board may
6 use the audit to determine whether the amount of the surcharge
7 assessed on each [~~commercial mobile radio~~] communications
8 service connection is required to be adjusted. The costs of the
9 audit shall be an administrative cost of the board recoverable
10 from the fund.

11 **[+]§138-8[+] Proprietary information.** (a) All
12 proprietary information submitted to the board by any third
13 party used by the board in connection with its duties or any
14 public safety answering point in deploying [~~wireless~~] enhanced
15 911 service shall be retained in confidence. Proprietary
16 information submitted pursuant to this chapter shall not be
17 released to any person, other than to the submitting [~~wireless~~]
18 communications service provider or reseller, the board, or any
19 independent, third-party accounting firm retained by the board,
20 without the express permission of the submitting [~~wireless~~]
21 communications service provider or reseller. General
22 information collected by the board shall be released or



1 published only in aggregate amounts that do not identify or
2 allow identification of numbers of subscribers or revenues
3 attributable to an individual [~~wireless~~] communications service
4 provider.

5 (b) The board, any third parties it may retain, and any
6 public safety answering point shall take appropriate measures to
7 maintain the confidentiality of the proprietary information that
8 may be submitted by a [~~wireless~~] communications service
9 provider. The board shall hold all propriety information in
10 confidence and shall adopt reasonable procedures to prevent
11 disclosure or providing access to the proprietary information to
12 the public and competitors, including members of the board
13 representing other [~~wireless~~] communications service providers.
14 Members of the board shall not disclose the information to any
15 third parties, including their employers, without the written
16 consent of the [~~wireless~~] communications service provider whose
17 proprietary information is to be disclosed.

18 (c) A committee consisting of all board members, except
19 the [~~three-wireless~~] communications service provider
20 representatives, shall have the power to act for the board on
21 the specific matters defined by the board, when at least two-
22 thirds of the members of the board determine that a board action



1 may be conducted by the committee to prevent disclosure of
2 proprietary information to the [~~wireless~~] communications service
3 provider representatives.

4 **[+]§138-9[+]** **Limitation of liability.** (a)

5 Notwithstanding any law to the contrary, in no event shall any
6 [~~wireless~~] communications service provider, reseller,
7 independent, third-party accounting firms, consultants, or other
8 third party retained by the State under section 138-2(h), or
9 their respective employees, directors, officers, assigns,
10 affiliates, or agents, except in cases of gross negligence or
11 wanton and wilful misconduct, be liable for any civil damages or
12 criminal liability resulting from death or injury to a person or
13 from damage to property incurred by any person in connection
14 with any act or omission in developing, designing, adopting,
15 establishing, installing, participating in, implementing,
16 maintaining, or providing access to [~~phase I or phase II~~
17 ~~wireless~~] enhanced 911 or any other [~~wireless~~] communications
18 service intended to help persons obtain emergency assistance.
19 In addition, no [~~wireless~~] communications service provider,
20 reseller, independent, third-party accounting firms,
21 consultants, or other third party retained by the State under
22 section 138-2(i), or their respective employees, directors,



1 officers, assigns, affiliates, or agents shall be liable for
2 civil damages or criminal liability in connection with the
3 release of customer information to any governmental entity,
4 including any public safety answering point, as required under
5 this chapter.

6 (b) In no event shall any public safety answering point,
7 or its employees, assigns, or agents, or emergency response
8 personnel, except in cases of gross negligence or wanton and
9 wilful misconduct, be liable for any civil damages or criminal
10 liability resulting from death or injury to the person or from
11 damage to property incurred by any person in connection with any
12 act or omission in the development, installation, maintenance,
13 operation, or provision of [~~phase I or phase II wireless~~]
14 enhanced 911 service.

15 **[+]§138-10[+]** **Database or location information.** (a) Any
16 [~~commercial mobile radio~~] communications service location
17 information obtained by any public safety answering point or
18 public safety agency or its personnel for public safety purposes
19 is not a government record open to disclosure under chapter 92F.

20 (b) A person shall not disclose or use, for any purpose
21 other than the [~~wireless~~] enhanced 911 calling system,
22 information contained in the database of the [~~wireless~~]



1 communications service provider's network portion of the
2 [~~wireless~~] enhanced 911 calling system established pursuant to
3 this chapter, without the prior written consent of the
4 [~~wireless~~] communications service provider.

5 **[+]§138-11[+]** **Dispute resolution.** (a) Any [~~wireless~~]
6 communications service provider, reseller, independent, third-
7 party accounting firms, consultants, or other third party
8 retained by the State under section 138-2(i), or public safety
9 answering point aggrieved by a decision of the board shall have
10 the right to petition the board for reconsideration within ten
11 days following the rendering of the board's decision. As part
12 of its petition for reconsideration, the aggrieved party may
13 present any reasonable evidence or information for the board to
14 consider. The board shall render its decision on the
15 reconsideration petition as soon as reasonably possible, but no
16 later than thirty days after the reconsideration request is
17 made.

18 (b) An aggrieved party, following the completion of the
19 reconsideration petition process, upon agreement of the other
20 party, may have the dispute resolved through final and binding
21 arbitration by a single arbitrator in accordance with the
22 [~~wireless~~] Industry Arbitration Rules of the American



1 Arbitration Association. The costs of the arbitration,
2 including the fees and expenses of the arbitrator, shall be
3 borne by the nonprevailing party of any arbitration proceeding.
4 The arbitrator's decision shall be final and binding and may be
5 confirmed and enforced in any court of competent jurisdiction.

6 (c) Nothing in this section shall preclude any [wireless]
7 communications service provider, reseller, independent, third-
8 party accounting firms, consultants, or other third party
9 retained by the State under section 138-2(i), or public safety
10 answering point from pursuing any existing right or remedy to
11 which it is entitled in any court having jurisdiction thereof.

12 **[+]§138-12[+] Service contracts.** A [wireless]
13 communications service provider shall not be required to provide
14 [wireless] enhanced 911 service until the [wireless]
15 communications service provider and the public safety answering
16 point providing [wireless] enhanced 911 service in the county or
17 counties in which the [wireless] communications service provider
18 is licensed to provide [~~commercial mobile radio~~] communications
19 service have entered into a written agreement setting forth the
20 basic terms of service to be provided."



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

3 SECTION 3. This Act shall take effect on July 1, 2020.



Report Title:

Enhanced 911 Services; Surcharge; Fund; Board

Description:

Establishes a single entity to administer enhanced 911 services for the State and expands the membership and responsibilities of the Wireless Enhanced 911 Board. Effective July 1, 2020.

(HD1000 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

