

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH10171-LMf-151A (4/5)

Short Title: Coordinate Statewide Enhanced 911 System. (Public)

Sponsors: Representatives Saunders, Brubaker, Holliman, and Howard (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO MODERNIZE AND IMPROVE THE ADMINISTRATION OF THE
3 STATE'S 911 SYSTEM THROUGH A STATEWIDE 911 EMERGENCY
4 LOCATING BOARD, ENSURING THAT ALL VOICE SERVICES
5 CONTRIBUTE TO THE 911 SYSTEM, AND PROVIDING PARITY IN THE
6 QUALITY OF SERVICE AND THE LEVEL OF 911 CHARGES ACROSS VOICE
7 COMMUNICATIONS SERVICE PROVIDERS.

8 Whereas, maintaining an efficient Enhanced 911 system across the State
9 benefits all citizens and not just certain localities; and

10 Whereas, the Wireless 911 Board has successfully administered the statewide
11 wireless Enhanced 911 system for many years; and

12 Whereas, local governments have administered a similar wireline Enhanced
13 911 system for their local jurisdictions; and

14 Whereas, the average monthly 911 service charges paid to local governments
15 by local exchange company customers exceeds the average monthly 911 service charges
16 paid to the Wireless 911 Board by wireless company customers, thereby creating an
17 unfair competitive advantage for wireless companies; and

18 Whereas, some VoIP-enabled providers do not currently support the
19 Enhanced 911 system by collecting 911 service charges; and

20 Whereas, the consolidation of the State's Enhanced 911 system under a single
21 board with a uniform 911 service charge will improve the integration of the State's 911
22 system, enhance efficiency and accountability, and create a level competitive playing
23 field among voice communications technologies; Now, therefore,

24 The General Assembly of North Carolina enacts:

25 **SECTION 1.** G.S. 62A-1 through G.S. 62A-12 are repealed.

26 **SECTION 2.** G.S. 62A-21 reads as rewritten:

1 "§ 62A-21. Definitions.

2 ...

3 (6) ~~"Eligible PSAPs" means those public safety answering points that have~~
4 ~~opted to provide wireless Enhanced 911 service and have submitted~~
5 ~~written notice to their CMRS providers and to the Wireless 911~~
6 ~~Board, provide or operate Enhanced 911 systems.~~7 (6a) "Enhanced 911 State plan" means a document prepared, maintained,
8 and updated by the 911 Board that provides for all aspects of the
9 State's integrated Enhanced 911 system, including the Board's
10 determination of permitted uses of moneys from the 911 Fund and the
11 amounts disbursed from the Fund to voice communications service
12 providers and PSAPs.13 (6b) "Enhanced 911 system" means an emergency telephone system that
14 provides the user of the voice communications service connection with
15 911 system service and, in addition, with respect to wireless 911
16 service, directs 911 calls to appropriate PSAPs by selective routing
17 based on the geographical location from which the call originated and
18 provides the capability for ANI (or Pseudo-ANI) and ALI features, in
19 accordance with the requirements of the FCC Order.20 (6c) "Exchange access facility" means the access from a subscriber's
21 premises to the telephone system of a service supplier. The term
22 includes service supplier provided access lines, PBX trunks, and
23 centrex network access registers, as defined by tariffs of telephone
24 companies as approved by the North Carolina Utilities Commission.
25 The term does not include service supplier owned and operated
26 telephone pay station lines, or Wide Area Telecommunications Service
27 (WATS), Foreign Exchange (FX), or incoming only lines.

28 ...

29 (10) "Proprietary information" means customer lists and other related
30 information, technology descriptions, technical information, or trade
31 secrets, including the term "trade secrets" as defined by the North
32 Carolina Trade Secrets Protection Act, G.S. 66-152, and the actual or
33 developmental costs of ~~wireless~~ Enhanced 911 systems that are
34 developed, produced, or received internally by a ~~CMRS~~ voice
35 communications service provider or by a ~~CMRS~~ voice
36 communications service provider's employees, directors, officers, or
37 agents.

38 ...

39 (13a) ~~"Shared resources" means any element that is used for both receiving~~
40 ~~wire line 911 calls and wireless 911 calls and is an eligible expense~~
41 ~~under G.S. 62A-8 and G.S. 62A-25.~~42 (13b) "Subscriber" means a person who subscribes to a ~~CMRS~~ voice
43 communications service or prepaid wireless service.
44

- 1 (13c) "Voice communications service" means a service that includes: (i) the
2 transmission, conveyance, or routing of real-time, two-way
3 communications to a point or between or among points by or through
4 any electronic, radio, satellite, cable, optical, microwave, wireline,
5 wireless, or other medium or method now in existence or hereafter
6 devised, regardless of the protocol used for the transmission or
7 conveyance, and (ii) the ability to receive and terminate voice calls to
8 and from the public switched telephone network. The term also
9 includes the transmission, conveyance, or routing of voice
10 communications services in which computer processing applications
11 are used to act on the form, code, or protocol of the content for
12 purposes of transmission, conveyance, or routing without regard to
13 whether the service is referred to as voice-over-Internet-protocol
14 service or is classified by the Federal Communications Commission as
15 enhanced or value-added.
- 16 (13d) "Voice communications service provider" means any person or entity
17 that provides voice communications service as defined in this Article.
18 The term does not include any person or entity that resells voice
19 communications service and was assessed the 911 service charge by its
20 resale supplier.
- 21 (13e) "VoIP provider" means a voice communications service provider that
22 enables voice messages to be sent over the Internet.
- 23 (14) ~~"Wireless 911 system"~~ "911 system" means an emergency telephone
24 system that provides the user of a CMRS-voice communications
25 service connection the ability to reach a PSAP by dialing the digits 911
26 and complements a wireless-an Enhanced 911 system.
- 27 (14a) ~~"Wireless Enhanced 911 State plan" means a document prepared,~~
28 ~~maintained, and updated by the Wireless 911 Board that provides for~~
29 ~~all aspects of the State's integrated wireless Enhanced 911 system,~~
30 ~~including the Board's determination of permitted uses of moneys from~~
31 ~~the Wireless Fund and the amounts disbursed from the Fund to CMRS~~
32 ~~providers and PSAPs.~~
- 33 (15) ~~"Wireless Enhanced 911 system" means an emergency telephone~~
34 ~~system that provides the user of the CMRS connection with wireless~~
35 ~~911 service and, in addition, directs 911 calls to appropriate PSAPs by~~
36 ~~selective routing based on the geographical location from which the~~
37 ~~call originated and provides the capability for ANI (or Pseudo ANI)~~
38 ~~and ALI features, in accordance with the requirements of the FCC~~
39 ~~Order.~~
- 40 (16) ~~"Wireless Fund"~~ "911 Fund" means the Wireless Emergency
41 Telephone System North Carolina 911 Fund required to be established
42 and maintained pursuant to G.S. 62A-22(c)."

43 **SECTION 3.** G.S. 62A-22 reads as rewritten:

44 **"§ 62A-22. Wireless 911 Board.**

1 (a) There is created a ~~Wireless 911 Board~~ 911 Emergency Locating Board
2 ("Board"), consisting of ~~13-17~~ members as follows:

3 (1) ~~Two-Four~~ members appointed by the Governor, one upon the
4 recommendation of the North Carolina League of ~~Municipalities~~
5 and Municipalities, one upon the recommendation of the North
6 Carolina Association of County ~~Commissioners~~; Commissioners, one
7 representing a VoIP provider, and one representing the North Carolina
8 chapter of the National Emergency Number Association (NENA);

9 (2) ~~Five-Six~~ members appointed by the General Assembly upon the
10 recommendation of the Speaker of the House of Representatives, one
11 of whom shall be a sheriff, ~~three-two~~ representing CMRS providers
12 licensed to do business in North ~~Carolina~~ and Carolina, one
13 representing the North Carolina Chapter of the Association of Public
14 Safety Communications Officials (~~APCO~~); (APCO), and two
15 representing local exchange carriers licensed to do business in North
16 Carolina, one of whom shall represent a local exchange carrier with
17 less than 50,000 access lines;

18 (3) ~~Five-Six~~ members appointed by the General Assembly upon the
19 recommendation of the President Pro Tempore of the Senate, one of
20 whom shall be a chief of police, two representing CMRS providers
21 licensed to do business in North Carolina, ~~one-two~~ representing local
22 exchange carriers licensed to do business in North ~~Carolina~~; Carolina,
23 one of whom shall represent a local exchange carrier with less than
24 200,000 access lines, and one representing the North Carolina Chapter
25 of the National Emergency Number Association (NENA); and

26 (4) The State Chief Information Officer or the Chief Information Officer's
27 designee, who shall serve as the chair.

28 A quorum of the Board shall consist of ~~seven-nine~~ members. The Board shall meet
29 upon the call of the chair.

30 ...

31 (c) There is established with the Treasurer the ~~Wireless-911~~ Fund into which the
32 Board shall deposit all revenues derived from the service charge levied on exchange
33 access facility, VoIP, and CMRS connections in the State and collected pursuant to
34 G.S. 62A-23. The ~~Wireless-911~~ Fund shall be a separate fund restricted to the uses set
35 forth in this Article.

36 (d) **(Effective until July 1, 2007)** Consistent with the provisions of G.S. 143-3.2,
37 the Board shall disburse the revenues remitted to the ~~Wireless-911~~ Fund in the manner
38 set forth in G.S. 62A-25. The Board shall establish procedures for disbursement of these
39 revenues and advise the ~~CMRS-voice communications service~~ providers and eligible
40 ~~counties-PSAPs~~ of ~~such~~ the procedures within 60 days after all members are appointed
41 pursuant to G.S. 62A-22(a).

42 (d) **(Effective July 1, 2007)** Consistent with the provisions of
43 G.S. 143B-426.40G, the Board shall disburse the revenues remitted to the ~~Wireless-911~~
44 Fund in the manner set forth in G.S. 62A-25. The Board shall establish procedures for

1 disbursement of these revenues and advise the ~~CMRS~~ voice communications service
2 providers and eligible ~~counties~~ PSAPs of ~~such the~~ procedures within 60 days after all
3 members are appointed pursuant to G.S. 62A-22(a).

4"

5 **SECTION 4.** G.S. 62A-22.1 reads as rewritten:

6 **"§ 62A-22.1. Powers and duties of the Board.**

7 The ~~Wireless~~ 911 Board shall have the following powers and duties:

8 (1) To levy a monthly ~~wireless~~ Enhanced 911 service charge on each
9 ~~CMRS connection~~ voice communications service connection in the
10 amount provided in G.S. 62A-23. The service charge is not a tax.

11 (2) To make and enter into contracts and agreements necessary or
12 incidental to the performance of its duties and powers under this
13 Article, including purchase agreements that are paid with funds from
14 the administrative fee allowed under G.S. 62A-26 and other moneys
15 appropriated to or received by the Board for the ~~wireless~~ Enhanced
16 911 system.

17 (3) To accept gifts, grants, or other ~~moneys~~ moneys, and to make grants
18 for purposes of furthering the intent of this Article.

19 (4) To develop a comprehensive ~~wireless~~—Enhanced 911
20 ~~telecommunications~~ State plan for communicating Enhanced 911 call
21 information across networks and among PSAPs. In constructing and
22 periodically updating the plan, the Board shall monitor trends and
23 advances in ~~wireless~~—Enhanced 911 ~~telecommunications~~—voice
24 communications service technology, investigate and utilize
25 development of other resources within the State as part of the ~~wireless~~
26 Enhanced 911 State plan, including GIS mapping and Voice over
27 Internet Protocol (VoIP), and formulate strategies for the efficient and
28 effective delivery of ~~wireless~~—Enhanced 911 ~~telecommunications~~
29 ~~services~~ voice communications service.

30 ...

31 (6) To advocate for issues related to ~~wireless~~—Enhanced 911 system
32 functions, features, and operations to improve the delivery of ~~wireless~~
33 Enhanced 911 services to residents of and visitors to the State.

34 (6a) To audit PSAPs to ensure that revenues received from the 911 Fund
35 are being used in accordance with the provisions of this Article.

36 (6b) To undertake its duties in a manner that is competitively and
37 technologically neutral as to all voice communications service
38 providers.

39"

40 **SECTION 5.** G.S. 62A-23 reads as rewritten:

41 **"§ 62A-23. Amount of service charge.**

42 (a) The rate of the monthly ~~wireless~~—Enhanced 911 service charge shall be set at
43 seventy cents (70¢) per month per each ~~CMRS~~ voice communications service provider
44 connection beginning October 1, ~~2005~~ 2007. The service charge shall have uniform

1 application and shall be imposed throughout the ~~State~~ State as a charge to end user
2 customers.

3 (b) The Board may adjust the service charge on July 1 of every even-numbered
4 year year, but the service charge shall not exceed the amount set in subsection (a) of this
5 section. The Board is to set the service charge at such a rate as to ensure full recovery
6 for ~~CMRS~~ voice communications service providers and for primary PSAPs, over a
7 reasonable period of time, of the costs allowed in ~~G.S. 62A-25(b)~~ G.S. 62A-25(a) and
8 (e) and associated with developing and maintaining a ~~wireless~~ Enhanced 911 system.
9 If necessary to ensure full recovery of costs for both ~~CMRS~~ voice communications
10 service providers and eligible primary PSAPs over a reasonable period of time, the
11 Board may annually adjust the allocation percentages set forth in G.S. 62A-25(a) and
12 G.S. 62A-25(b), or reallocate funds comprising the ~~Wireless-911~~ Fund, provided,
13 however, that any adjustment or reallocation shall be consistent with the requirements
14 of the FCC Order.

15 (b1) The service charge shall also be imposed upon prepaid wireless telephone
16 service subscribers. ~~CMRS~~ Voice communications service providers of prepaid wireless
17 telephone service shall collect and remit to the Board the service charge under one of
18 the following methods:

19 (1) The ~~CMRS~~ voice communications service provider shall collect, on a
20 monthly basis, the service charge from each active prepaid wireless
21 telephone service customer whose account balance is equal to or
22 greater than the amount of the service charge; or

23 (2) The ~~CMRS~~ voice communications service provider shall divide the
24 total earned prepaid wireless telephone service revenue received by the
25 ~~CMRS~~ voice communications service provider with respect to each
26 active prepaid wireless telephone service customer in the State within
27 the monthly 911 reporting period by fifty dollars (\$50.00) and multiply
28 the quotient by the service charge amount.

29 ~~(e) The service charge shall not exceed eighty cents (80¢) per month.~~

30 (d) The Board may adopt other rules and procedures as may be necessary to
31 effect the provisions of this act but may not regulate any other aspect of the provision of
32 ~~wireless~~ Enhanced 911 service, such as technical standards.

33 (e) No other State agency or local government may levy any additional surcharge
34 or fee relating to the provision of wireless-911 service or Enhanced 911 service."

35 **SECTION 6.** G.S. 62A-24 reads as rewritten:

36 "**§ 62A-24. Management of funds.**

37 (a) Except for prepaid wireless telephone service, each ~~CMRS~~ voice
38 communications service provider, as a part of its monthly billing process, shall collect
39 from its subscribers the ~~wireless~~ Enhanced 911 service charge described in
40 ~~G.S. 62A-23~~ G.S. 62A-23(a). The ~~CMRS~~ voice communications service provider may
41 list the service charge as a separate entry on each bill. If a ~~CMRS~~ voice communications
42 service provider receives a partial payment for a monthly bill from a subscriber, the
43 provider shall apply the payment first against the amount the subscriber owes the
44 provider.

1 (b) A ~~CMRS~~ voice communications service provider has no obligation to take
2 any legal action to enforce the collection of the service charges for which any subscriber
3 is billed. However, a collection action may be initiated by the Board or a local
4 governmental unit, and reasonable costs and attorneys' fees associated with that
5 collection action may be ~~awarded~~ assessed against the subscriber. Upon the request of a
6 PSAP or the 911 Board, the voice communications service provider shall provide to the
7 911 Board the name, address, and telephone number of any telephone subscriber who
8 has disclosed to the voice communications service provider their refusal to pay the 911
9 service charge.

10 (c) Each ~~CMRS~~ voice communications service provider shall be entitled to
11 deduct a ~~one percent (1%)~~ an administrative fee from the total service charges
12 ~~collected~~ collected that is equal to one percent (1%) or fifty dollars (\$50.00) per month,
13 whichever is greater.

14 (d) All service charges collected by the ~~CMRS~~ voice communications service
15 providers, less the administrative fee described in subsection (c) of this section, are to be
16 remitted to the ~~Wireless~~ 911 Fund, not later than 30 days after the end of the calendar
17 month in which such service charges are collected.

18 (e) The fiscal officer to whom 911 distributions are made under G.S. 62A-25
19 shall deposit the funds in a special revenue fund, as defined in G.S. 159-26(b)(2). The
20 special revenue fund shall be known as the Emergency Telephone System Fund, and the
21 fiscal officer may invest money in the Fund in the same manner that other money of the
22 local government may be invested. The fiscal officer shall deposit any income earned
23 from the invested money in the Emergency Telephone System Fund. Moneys deposited
24 into the Fund shall be used only as permitted in G.S. 62A-25."

25 **SECTION 7.** Article 2 of Chapter 62A of the General Statutes is amended
26 by adding the following new section to read:

27 **§ 62A-24.1. Nature of funds.**

28 The General Assembly finds that for purposes of Section 5(3) of Article III of the
29 North Carolina Constitution the funds maintained in and distributed from the 911 Fund
30 is local revenue and not a State expenditure, and therefore the Governor may not reduce
31 or withhold distributions from the 911 Fund."

32 **SECTION 8.** G.S. 62A-25 reads as rewritten:

33 **§ 62A-25. Use of funds.911 Fund; uses.**

34 (a) Fifty-three percent (53%) of the funds ~~in the Wireless~~ remitted by CMRS
35 providers to the 911 Fund established in G.S. 62A-22(c) shall be used to reimburse
36 CMRS providers, in response to sworn invoices submitted to the Board, for the actual
37 costs incurred by the CMRS providers in complying with the wireless 911 requirements
38 established by the FCC Order and any rules and regulations which are or may be
39 adopted by the FCC pursuant to the FCC Order, including costs and expenses incurred
40 for designing, upgrading, purchasing, leasing, programming, installing, testing, or
41 maintaining all necessary data, hardware, and software required in order to provide such
42 service as well as the recurring and nonrecurring costs of operating such service. All
43 costs and expenses must be commercially reasonable.

1 (a1) Sworn invoices shall be presented by CMRS providers in connection with
2 any request for reimbursement under this section. In no event shall any invoice for
3 reimbursement be approved for the payment of costs that are not related to compliance
4 with the wireless Enhanced 911 service requirements established by the FCC Order and
5 any rules and regulations which are or may be adopted by the FCC pursuant to the FCC
6 Order.

7 (a2) In no event shall any invoice for reimbursement be approved for payment of
8 costs of any CMRS provider exceeding the lesser of one hundred percent (100%) of the
9 eligible costs allowed under G.S. 62A-25(e) or one hundred twenty-five percent (125%)
10 of the service charges remitted by the CMRS provider unless prior approval for the
11 expenditures is received from the Board. If the total amount of invoices submitted to the
12 Board and approved for payment exceeds the amount in the 911 Fund in any month,
13 CMRS providers that have invoices approved for payment shall receive a pro rata share
14 of the 911 Fund, based on the relative amount of their approved invoices available that
15 month, and the balance of the payments will be carried over to the following month or
16 months and shall include interest at a rate equal to the rate earned by the 911 Fund until
17 all of the approved payments are made.

18 (b) ~~Forty-seven percent (47%) of the funds in the Wireless remitted by CMRS~~
19 ~~providers to the 911 Fund established in G.S. 62A-22(c) shall be used to make monthly~~
20 ~~distributions to eligible primary PSAPs (the "PSAP Fund").(the "PSAP Fund"), as~~
21 ~~provided in subsection (d) of this section. Money from the PSAP Fund shall be used~~
22 ~~only to pay for the lease, purchase, or maintenance of emergency telephone equipment~~
23 ~~for the wireless Enhanced 911 system, including necessary computer hardware,~~
24 ~~software and database provisioning, nonrecurring costs of establishing a wireless~~
25 ~~Enhanced 911 system, and expenses related to shared resources. For purposes of this~~
26 ~~section, shared resources expenses are limited to those expenses identified in this~~
27 ~~section and G.S. 62A 8 and shall not exceed an amount determined reasonable by the~~
28 ~~Board. Money from the PSAP Fund shall also be used to pay the rates associated with~~
29 ~~the local telephone companies' charges related to the operation of the wireless Enhanced~~
30 ~~911 system. The PSAP Fund shall be distributed as follows:~~

31 (1) ~~Fifty percent (50%) of it shall be divided equally among the total~~
32 ~~number of eligible primary PSAPs in North Carolina. However,~~
33 ~~monthly distribution shall be made only to those eligible primary~~
34 ~~PSAPs that have complied with the provisions of this Article.~~
35 ~~Distribution to each eligible primary PSAP will begin the month~~
36 ~~following its compliance with the provisions of this Article. All~~
37 ~~monies remaining in this portion of the PSAP Fund on June 30 of each~~
38 ~~year will then be evenly distributed to each of the eligible primary~~
39 ~~PSAPs.~~

40 (2) ~~The other fifty percent (50%) shall be divided pro rata among the~~
41 ~~eligible primary PSAPs based on the population served by the PSAP.~~
42 ~~However, monthly distribution shall be made only to those primary~~
43 ~~PSAPs that have complied with the provisions of this Article.~~
44 ~~Distribution to each eligible primary PSAP will begin the month~~

1 following its compliance with the provisions of this Article. The
2 population data to be used shall be the latest certified county and
3 official municipal estimates of population published by the Office of
4 State Budget and Management. All monies remaining in this portion of
5 the PSAP Fund on June 30 of each year will then be distributed to each
6 of the eligible primary PSAPs based on the population served by the
7 primary PSAP.

8 (b1) The funds remitted by exchange access facility providers and VoIP providers
9 to the 911 Fund shall be used to make monthly distributions to primary eligible PSAPs
10 as provided in subsection (b2) of this section.

11 (b2) The 911 Fund shall distribute funds remitted under subsection (b) of this
12 section by CMRS providers, under subsection (b1) by exchange access facility
13 providers and VoIP providers, and under this Article by other voice communications
14 service providers only as follows:

15 (1) Each eligible primary PSAP shall receive the same amount of funds
16 the PSAP collected in the previous fiscal year from the total funds
17 available for distribution to PSAPs that was reported to the State
18 Treasurer, Local Government Division, as being in the special revenue
19 fund known as the Emergency Telephone System Fund.

20 (2) A percentage of any additional funds remitted by voice
21 communications service providers shall be divided pro rata among
22 eligible primary PSAPs based upon the population served by the
23 PSAPs, and a percentage shall be distributed to primary eligible
24 PSAPs in rural and other high-cost areas to provide facility and service
25 enhancements.

26 (b3) Funds in the 911 Fund available for primary eligible PSAPs (the "PSAP
27 Fund") shall be used only to pay for:

28 (1) The lease, purchase, or maintenance of emergency telephone
29 equipment, including necessary computer hardware, software and
30 database provisioning, addressing, and nonrecurring costs of
31 establishing a 911 system.

32 (2) Reasonable expenditures required to provide in-State training of 911
33 personnel regarding the maintenance and operation of the 911 system.
34 Allowable training expenses include the cost of instructors, initial
35 certifications, quality assurance and improvement programs, including
36 emergency medical, fire, or law enforcement. Training shall be
37 provided within the State of North Carolina unless the training is
38 unavailable in the State, or the PSAP is able to document that the
39 training costs would be less by traveling out-of-state. Training specific
40 to the receipt of 911 calls shall be allowed only for intake and related
41 call taking quality assurance and improvement. Instructor certification
42 costs and course required prerequisites, including physicals,
43 psychological exams, and drug testing are not allowable expenditures.

1 (3) Rates associated with the service supplier's 911 service and other
2 service supplier recurring charges. The PSAP providing 911 service
3 shall be responsible to the voice communications service provider for
4 all 911 installation, service, equipment, operation, and maintenance
5 charges owed to the voice communications service provider, and any
6 taxes due on 911 service provided by a voice communications service
7 provider shall be billed to the PSAP providing the service. A PSAP
8 may contract with a service supplier on terms agreed to by the PSAP
9 and the service supplier.

10 (b4) Funds in the PSAP Fund shall not be used to pay for the lease or purchase of
11 real estate, cosmetic remodeling of emergency dispatch centers, hiring or compensating
12 dispatchers, or the purchase of mobile communications vehicles, ambulances, fire
13 engines, or other emergency vehicles.

14 ~~(e) Sworn invoices shall be presented by CMRS providers in connection with~~
15 ~~any request for reimbursement under this section. In no event shall any invoice for~~
16 ~~reimbursement be approved for the payment of costs that are not related to compliance~~
17 ~~with the wireless Enhanced 911 service requirements established by the FCC Order and~~
18 ~~any rules and regulations which are or may be adopted by the FCC pursuant to the FCC~~
19 ~~Order.~~

20 ~~(d) In no event shall any invoice for reimbursement be approved for payment of~~
21 ~~costs of any CMRS provider exceeding the lesser of one hundred percent (100%) of the~~
22 ~~eligible costs allowed under G.S. 62A-25(b) or one hundred twenty five percent (125%)~~
23 ~~of the service charges remitted by such CMRS provider unless prior approval for such~~
24 ~~expenditures is received from the Board. If the total amount of invoices submitted to the~~
25 ~~Board and approved for payment exceeds the amount in the Wireless Fund in any~~
26 ~~month, CMRS providers that have invoices approved for payment shall receive a pro~~
27 ~~rata share of the Wireless Fund, based on the relative amount of their approved invoices~~
28 ~~available that month, and the balance of the payments will be carried over to the~~
29 ~~following month or months and shall include interest at a rate equal to the rate earned by~~
30 ~~the Wireless Fund until all of the approved payments are made.~~

31 ~~(e) In January-July of each year every participating PSAP will submit to the~~
32 ~~Board a copy of its governing agency's approved budget detailing the PSAP's revenues~~
33 ~~and expenditures associated with the operation of its wireless Enhanced 911 system.~~
34 ~~PSAPs must comply with all requests by the Board for financial information related to~~
35 ~~the operation of the wireless Enhanced 911 system. The PSAP budget shall identify~~
36 ~~revenues and expenditures for eligible expense reimbursements as provided in~~
37 ~~G.S. 62A-25(b) in this Article and rules adopted by the 911 Board.~~

38 ~~(f) On February 15, 2000, 2009, and every two years thereafter the 911 Board~~
39 ~~shall report to the Joint Legislative Commission on Governmental Operations and the~~
40 ~~Revenue Laws Study Committee. The report shall contain complete information~~
41 ~~regarding receipts and expenditures of all funds received by the 911 Board during the~~
42 ~~period covered by the report as well as the status of wireless Enhanced the 911 systems~~
43 ~~in North Carolina at the time of the report. The first report shall cover the period from~~

1 the formation of the Board to December 31, 1999. Each succeeding report shall cover
2 the two-year period of time from the ending date of the previous report.

3"

4 **SECTION 9.** G.S. 62A-25.1 reads as rewritten:

5 **"§ 62A-25.1. Unauthorized use of funds.**

6 The Board shall give written notice of violation to any ~~CMRS~~ voice communications
7 service provider or PSAP found by the Board to be using moneys from the ~~Wireless-911~~
8 Fund for purposes not authorized by this Article. Upon receipt of notice, the ~~CMRS~~
9 voice communications service provider or PSAP shall cease making any unauthorized
10 expenditures. The ~~CMRS~~ voice communications service provider or PSAP may petition
11 the Board for a hearing on the question of whether the expenditures were unauthorized,
12 and the Board shall grant the request within a reasonable period of time. If, after the
13 hearing, the Board concludes the expenditures were in fact unauthorized, the Board may
14 require the ~~CMRS~~ voice communications service provider or PSAP to refund the
15 moneys improperly spent within 90 days, and the moneys shall be deposited into the
16 ~~Wireless-911~~ Fund. If a ~~CMRS~~ voice communications service provider or PSAP does
17 not cease making unauthorized expenditures or refuses to refund improperly spent
18 moneys, the Board may suspend funding to the provider or PSAP until corrective action
19 is taken."

20 **SECTION 10.** G.S. 62A-26 reads as rewritten:

21 **"§ 62A-26. Administrative fee.**

22 The Board shall be entitled to deduct a one percent (1%) administrative fee from the
23 total service charges remitted by the ~~CMRS~~ voice communications service providers for
24 its expenses."

25 **SECTION 11.** G.S. 62A-27 reads as rewritten:

26 **"§ 62A-27. Provision of wireless services.**

27 In accordance with the FCC Order, no CMRS provider shall be required to provide
28 wireless Enhanced 911 service until such time as (i) the provider receives a request for
29 such service from the administrator of a PSAP that is capable of receiving and utilizing
30 the data elements associated with the service; (ii) funds are available pursuant to
31 G.S. 62A-24; and (iii) the local exchange carrier is able to support the wireless
32 Enhanced 911 system."

33 **SECTION 12.** G.S. 62A-28 reads as rewritten:

34 **"§ 62A-28. Audit.**

35 The State Auditor may perform audits pursuant to Article 5A of Chapter 147 of the
36 General Statutes to ensure that funds in the ~~Wireless-911~~ Fund are being managed in
37 accordance with the provisions of this Article and shall perform an audit at least every
38 two years. The State Auditor shall provide the audit to the Board when it meets to
39 consider adjusting the service charge pursuant to G.S. 62A-23. The cost of audits shall
40 be reimbursed to the State Auditor by the Board."

41 **SECTION 13.** G.S. 62A-29 reads as rewritten:

42 **"§ 62A-29. Customer records.**

43 Each CMRS provider shall provide its 10,000 number groups to the PSAPs upon
44 request. This information shall remain the property of the disclosing CMRS provider

1 and shall be used only in providing emergency response services to 911 calls. ~~CMRS~~
2 Voice communications service provider connection information obtained by PSAP
3 personnel for public safety purposes is not public information under Chapter 132 of the
4 General Statutes. No person shall disclose or use, for any purpose other than for the
5 ~~wireless~~-911 calling system, information contained in the database of the telephone
6 network portion of a ~~wireless~~-911 calling system established pursuant to this Article."

7 **SECTION 14.** G.S. 62A-30 reads as rewritten:

8 "**§ 62A-30. Proprietary information.**

9 All proprietary information submitted to the Board or the State Auditor shall be
10 retained in confidence. Proprietary information submitted pursuant to this Article shall
11 not be subject to disclosure under Chapter 132 of the General Statutes, or otherwise
12 released to any person other than to the submitting ~~CMRS~~-voice communications
13 service provider, the Board, and the independent, third-party auditor retained pursuant
14 to ~~G.S. 62A-26~~, G.S. 62A-22.1 and G.S. 62A-28 without the express permission of the
15 submitting ~~CMRS~~-voice communications service provider. Further, proprietary
16 information shall constitute trade secrets as defined by the North Carolina Trade Secrets
17 Protection Act, Article 24 of Chapter 66 of the General Statutes. General information
18 collected by the Board or the State Auditor shall be released or published only in
19 aggregate amounts that do not identify or allow identification of numbers of subscribers
20 or revenues attributable to an individual ~~CMRS~~-voice communications service
21 provider."

22 **SECTION 15.** G.S. 62A-31 reads as rewritten:

23 "**§ 62A-31. Limitation of liability.**

24 A CMRS provider, local exchange company, VoIP provider, service supplier, or
25 their employees, directors, officers, or agents, except in cases of wanton or willful
26 misconduct, shall not be liable for any damages in a civil action resulting from death or
27 injury to any person or from damage to property incurred by any person in connection
28 with developing, adopting, implementing, maintaining, or operating any ~~wireless~~-911
29 system or ~~wireless~~-Enhanced 911 system. This section shall not apply to actions arising
30 out of the operation or ownership of a motor vehicle."

31 **SECTION 16.** G.S. 62A-32 reads as rewritten:

32 "**§ 62A-32. Misuse of ~~wireless~~-911 system; penalty.**

33 ~~Wireless~~-911 emergency telephone service shall be used solely for emergency
34 communications by the public. Any person who knowingly uses or attempts to use
35 wireless emergency telephone service or information for a purpose other than obtaining
36 public safety assistance, or who knowingly uses or attempts to use ~~wireless~~-911
37 emergency telephone service in an effort to avoid any ~~CMRS~~-voice communications
38 service charges, is guilty of a Class 3 misdemeanor. If the value of the ~~CMRS~~-voice
39 communications service charge or service obtained in a manner prohibited by this
40 section exceeds one hundred dollars (\$100.00), the person is guilty of a Class 1
41 misdemeanor."

42 **SECTION 17.** This act is effective when it becomes law.