

RÉSUMÉ DIGEST

ACT 665 (HB 805)

2016 Regular Session

Broadwater

Prior law provided a definition for "exchange access facilities". New law redefines prior law and adds the terms "exchange access lines" and "lines" to the prior law definition.

Prior law defined the term "exchange access facilities" to mean all lines, provided by the service supplier for the provision of local exchange service, as defined in existing general subscriber services tariffs.

New law changes prior law and additionally provides that the term shall include all lines as defined in federal law (47 C.F.R. 9.3) interconnected Voice over Internet Protocol (VoIP).

New law redefines the prior law definitions of "service supplier" and "service user".

Prior law provided that the Federal Communications Commission (FCC) has issued rulings requiring that suppliers of cellular and other forms of wireless telecommunications services capable of accessing the 911 emergency telephone number provide certain enhancements to their services when requested by a communications district. Prior law provided that these enhancements automatically provided the number and location of the wireless caller to the communications district when a caller accesses 911. New law deletes prior law.

New law provides that the FCC has outlined a plan that will require the public safety community to field a new generation of 911 emergency call services which will allow the use of additional and widely used digital media to contact Public Safety Answering Points (PSAPs). New law provides that Next Generation 911 (NG911) will permit the public use of text messages, data, videos, as well as voice to transmit emergency information to the servicing PSAP and will allow this data to be further shared with first responders for their use enroute to and at emergency scenes. New law requires specific technological enhancements to be made within each PSAP in order to receive and utilize this information from wireless devices.

New law retains provisions of existing law that provide for civil immunity for the provision of 911 services by wireless service suppliers and all communications districts.

Prior law defined the term "CMRS" to mean commercial mobile radio service under provisions of federal law (Section 3(27) and 332(d) of the Telecommunications Act of 1996, 47 U.S.C. Section 151 et seq., and the Omnibus Budget Reconciliation Act of 1993, Pub L. 103-66). Prior law provided that the term includes "wireless" and includes service provided by any wireless real time two-way voice communication device, including a radio-telephone communications line used in cellular telephone service, a personal communication service, specialized mobile radio service, or a network radio access line.

New law removes prior law and provides that such term shall be as defined by provisions of federal law (47 C.F.R. 20.3).

Prior law defined the term "FCC" to mean the order of the Federal Communications Commission, FCC Docket No. 94-102, adopted on June 12, 1996, and released on July 26, 1996. New law removes prior law.

Prior law defined the term "wireless E911 service" to mean E911 service that provides automatic number identification of wireless subscribers as required by the FCC order. New law removes prior law.

Existing law authorizes each communications district to levy a service charge on CMRS.

- (1) Existing law provides that the service charge shall be levied on all CMRS service which enables a user to access 911.
- (2) Prior law provided that the service charge shall not exceed 85 cents per month per connection or the rate the district levies or is authorized to levy on July 9, 1999, whichever is higher.

- (3) Prior law provided that the service charge shall be levied by resolution or ordinance, provided however, that if the district levies an emergency telephone service charge, tax, charge, surcharge or fee on July 9, 1999, then it is not required to adopt a new ordinance or resolution except to change the rate thereof.

New law provides that the service charge shall not exceed \$1.25 per month per connection or the rate the district levies or is authorized to levy on Aug. 1, 2016, whichever is higher. New law provides that if the district levies an emergency telephone service charge, tax, charge, surcharge or fee on Aug. 1, 2016, then it is not required to adopt a new ordinance or resolution except to change the rate thereof. New law corrects certain statutory references. New law otherwise retains existing law.

Prior law provided that any person or entity otherwise exempt from taxation shall be exempt from the service charge. New law removes prior law.

Prior law, relative to districts with a population of not less than 20,000, required that the proceeds of the service charge collected after July 9, 1999, may have been used for the payment of service suppliers' and district's costs associated with enhancements required by federal law and for any lawful purpose of the district. Prior law provided for cooperative endeavors between the district and service suppliers for paying such costs. Prior law required that once the district determines that funds are sufficient for implementation of enhancements by the district and all suppliers in the district, the district must have requested that the suppliers make the enhancements. Prior law required that all enhancements be made within one year of the initial levy of the service charge in a district having a population of 30,000 or more and within 18 months in a district with a population of between 20,000 and 30,000. Prior law provided that if a district required to make the enhancements failed to begin making such enhancements within the required time after requesting that the service suppliers collect the service charge, the service suppliers must have ceased collecting the charge. Prior law, relative to districts with a population of less than 20,000, provided that the proceeds may have been used for any lawful purpose of the district.

New law removes prior law.

Existing law provides that districts are subject to financial audit. Existing law requires that each district submit an annual report to the legislative auditor, which report shall include information on the revenues derived from the service charge and the uses thereof. Existing law requires that such report also include the status of implementation of wireless E911 service.

Prior law provides that the district shall be audited pursuant to the provisions of R.S. 24:513. Existing law further provides that each district shall submit an annual report to the legislative auditor which includes information on the revenues derived from the service charge authorized by new law and the use of such revenues.

Prior law required that each "wireless" service supplier establish a mechanism to permit a district to have full-time access to customer data needed to assist in emergency response. Existing law prohibits any other use of such information and requires that it remain confidential and not be subject to existing law relative to disclosure of public records. Prior law further required that "wireless" suppliers adhere to standards as may be established by the National Emergency Number Association. Prior law required that until promulgation of such standards, a "wireless" supplier shall adhere to common industry standards.

New law changes prior law by removing reference to the term "wireless" and otherwise retains existing law.

New law requires all revenues collected from the assessment of 911 surcharge fees to be used for the sole purpose of providing 911 emergency response communications services and operations. New law prohibits diversion of the revenues for use by any other entity or for any other purpose other than those outlined in the existing law and new law.

Effective August 1, 2016.

(Amends R.S. 33:9106(A)(3)-(5) and 9109; Adds R.S. 33:9109.2)

