

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1430

By: Morgan

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 2001, Section 2843.1, which relates to the Nine-One-One Wireless Emergency Number Act; modifying the method by which subscribers are identified; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2001, Section 2843.1, is amended to read as follows:

Section 2843.1 A. To provide for processing nine-one-one emergency wireless calls, including when possible automatic number identification and automatic location identification of wireless nine-one-one calls and selective routing of such calls, the board of county commissioners of a county may by resolution submit to the voters of the county the question of the imposition of a nine-one-one emergency wireless telephone fee for each wireless connection in the county as determined by the ~~zip code~~ billing address of the subscriber. The resolution shall propose the amount of the fee which may not be more than fifty cents (\$0.50) per month for each wireless connection, and shall call for an election to be held within one (1) year from the date the resolution is adopted. If a majority of the votes cast in an election held approve the imposition of an emergency telephone fee, the fee shall be imposed. A political subdivision may not impose another fee on a wireless service provider or subscriber for nine-one-one emergency service. The proceeds of the fee shall be utilized to pay for the operation

of emergency wireless telephone service as specified in this section.

B. A wireless service provider shall collect the emergency wireless telephone fee in an amount equal to the amount approved as provided for in subsection A of this section for each wireless telecommunications connection from each of its subscribers of wireless telephone service within the boundaries of the county as determined by the ~~zip code~~ billing address of the subscriber and shall pay the money collected to the substate planning district that represents that county not later than thirty (30) days after the last day of the month during which the fees were collected. The wireless service provider may retain an administrative fee of three percent (3%) of the amount collected.

C. Money collected under subsection B of this section shall be used only for services related to nine-one-one emergency wireless telephone services, including automatic number identification and automatic location information services. The substate planning districts shall distribute the money collected for each county which has approved the emergency wireless telephone fee to each public agency within that county which has established emergency wireless telephone service or has sent a written request for installation, maintenance, and operation of an emergency wireless telephone service to a wireless service provider. The money shall be distributed to each eligible public agency as a proportionate share based on the number of subscribers of wireless telephone service within the boundaries of the public agency as determined by the ~~zip code~~ billing address of the subscriber. From the emergency wireless telephone fee, the substate planning districts shall also pay other public agencies in the county their proportionate costs attributable to emergency wireless telephone services as determined by local agreement. Remittance of the fee to a public agency may begin at any time if an existing emergency telephone service is already

operative or upon written request by the local governing body to the provider for installation, maintenance, and operation of a nine-one-one emergency wireless telephone service and related equipment. Amounts not used within a given year shall be carried forward.

D. Every billed service user shall be liable for any emergency wireless telephone fee imposed pursuant to this section until it has been paid to the wireless service provider.

E. The duty to collect any emergency wireless telephone fee imposed pursuant to the authority of the Nine-One-One Wireless Emergency Number Act from a service user shall commence within sixty (60) days following approval of the fee by the voters in a county. Fees imposed pursuant to this section that are required to be collected by the wireless service provider shall be added to and shall be stated separately in the billings to the service user.

F. The wireless service provider shall have no obligation to take any legal action to enforce the collection of any emergency wireless telephone fee imposed pursuant to the authority of this section; however, should any service user tender a payment insufficient to satisfy all charges, tariffs, fees, and taxes for wireless telephone service, the amount tendered shall be credited to the emergency wireless telephone fee in the same manner as other taxes and fees.

G. Any emergency wireless telephone fee imposed pursuant to the authority provided by this section shall be collected insofar as practicable at the same time as, and along with, the charges for wireless telephone service in accordance with the regular billing practice of the wireless telephone service.

H. On receipt of an invoice from a wireless service provider for reasonable expenses for network facilities, including equipment, installation, maintenance, software, and associated implementation costs, the public agency shall reimburse the wireless service provider in accordance with the local agreement for all agreed to

expenses related to wireless nine-one-one service. Reimbursement shall be made on a competitively neutral basis.

SECTION 2. This act shall become effective November 1, 2002.

48-2-2771

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