

By: Representative Wells-Smith

To: Public Utilities

HOUSE BILL NO. 1333

1 AN ACT TO BRING FORWARD SECTIONS 19-5-303, 19-5-313,
2 19-5-319, 19-5-331, 19-5-333, 19-5-335, 19-5-339, 19-5-341,
3 19-5-359 AND 19-5-361, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
4 E911 SERVICE AND REGULATION OF SUCH SERVICE; TO AMEND SECTION
5 19-5-337, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
6 CONFIDENTIALITY SHALL NOT SHIELD LIABILITY FOR NEGLIGENCE; AND FOR
7 RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. Section 19-5-303, Mississippi Code of 1972, is
10 brought forward as follows:

11 19-5-303. For purposes of Sections 19-5-301 through
12 19-5-317, the following words and terms shall have the following
13 meanings, unless the context clearly indicates otherwise:

14 (a) "Exchange access facilities" shall mean all lines
15 provided by the service supplier for the provision of local
16 exchange service as defined in existing general subscriber
17 services tariffs.

18 (b) "Tariff rate" shall mean the rate or rates billed
19 by a service supplier as stated in the service supplier's tariffs
20 and approved by the Public Service Commission, which represent the
21 service supplier's recurring charges for exchange access
22 facilities, exclusive of all taxes, fees, licenses or similar
23 charges whatsoever.

24 (c) "District" shall mean any communications district
25 created pursuant to Sections 19-5-301 et seq., or by local and
26 private act of the State of Mississippi.

27 (d) "Service supplier" shall mean any person providing
28 exchange telephone service to any service user throughout the
29 county.

30 (e) "Service user" shall mean any person, not otherwise
31 exempt from taxation, who is provided exchange telephone service
32 in the county or state.

33 (f) "E911" shall mean Enhanced Universal Emergency
34 Number Service or Enhanced 911 Service, which is a telephone
35 exchange communications service whereby a Public Safety Answering
36 Point (PSAP) designated by the county or local communications
37 district may receive telephone calls dialed to the telephone
38 number 911. E911 Service includes lines and equipment necessary
39 for the answering, transferring and dispatching of public
40 emergency telephone calls originated by persons within the serving
41 area who dial 911. Enhanced 911 Service includes the displaying
42 of the name, address and other pertinent caller information as may
43 be supplied by the service supplier.

44 (g) "Basic 911" shall mean a telephone service
45 terminated in designated Public Safety Answering Points accessible
46 by the public through telephone calls dialed to the telephone
47 number 911. Basic 911 is a voice service and does not display
48 address or telephone number information.

49 (h) "Shared Tenant Services (STS)" shall mean any
50 telephone service operation supplied by a party other than a
51 regulated local exchange telephone service supplier for which a
52 charge is levied. Such services shall include, but not be limited
53 to, apartment building systems, hospital systems, office building
54 systems and other systems where dial tone is derived from
55 connection of tariffed telephone trunks or lines connected to a
56 private branch exchange telephone system.

57 (i) "Private Branch Exchange (PBX)" shall mean any
58 telephone service operation supplied by a party other than a
59 regulated local exchange telephone service supplier for which a
60 charge is not levied. Such services are those where tariffed
61 telephone trunks or lines are terminated into a central switch
62 which is used to supply dial tone to telephones operating within
63 that system.

64 (j) "Off-Premise Extension" shall mean any telephone
65 connected to a private branch exchange or a shared tenant service
66 which is in a different building or location from the main
67 switching equipment and, therefore, has a different physical
68 address.

69 (k) "Centrex" or "ESSX" shall mean any variety of
70 services offered in connection with any tariffed telephone service
71 in which switching services and other dialing features are
72 provided by the regulated local exchange telephone service
73 supplier.

74 (l) "Commercial mobile radio service" or "CMRS" shall
75 mean commercial mobile radio service under Sections 3(27) and
76 332(d) of the Federal Telecommunications Act of 1996, 47 USCS
77 Section 151 et seq., and the Omnibus Budget Reconciliation Act of
78 1993, Public Law 103-66. The term includes the term "wireless"
79 and service provided by any wireless real time two-way voice
80 communication device, including radio-telephone communications
81 used in cellular telephone service, personal communication
82 service, or the functional or competitive equivalent of a
83 radio-telephone communications line used in cellular telephone
84 service, a personal communication service, or a network radio
85 access line. The term does not include service whose customers do
86 not have access to 911 or to a 911-like service, to a
87 communication channel suitable only for data transmission, to a
88 wireless roaming service or other non-local radio access line
89 service, or to a private telecommunications system.

90 (m) "Telecommunicator" shall mean any person engaged in
91 or employed as a telecommunications operator by any public safety,
92 fire or emergency medical agency whose primary responsibility is
93 the receipt or processing of calls for emergency services provided
94 by public safety, fire or emergency medical agencies or the
95 dispatching of emergency services provided by public safety, fire
96 or emergency medical agencies and who receives or disseminates
97 information relative to emergency assistance by telephone or

98 radio.

99 (n) "Public Safety Answering Point (PSAP)" shall mean
100 any point of contact between the public and the emergency services
101 such as a 911 answering point or, in the absence of 911 emergency
102 telephone service, any other point of contact where emergency
103 telephone calls are routinely answered and dispatched or
104 transferred to another agency.

105 (o) "Local exchange telephone service" shall mean all
106 lines provided by a service supplier as defined in existing
107 general subscriber tariffs.

108 SECTION 2. Section 19-5-313, Mississippi Code of 1972, is
109 brought forward as follows:

110 19-5-313. (1) The board of supervisors may levy an
111 emergency telephone service charge in an amount not to exceed One
112 Dollar (\$1.00) per residential telephone subscriber line per month
113 and Two Dollars (\$2.00) per commercial telephone subscriber line
114 per month for exchange telephone service. Any emergency telephone
115 service charge shall have uniform application and shall be imposed
116 throughout the entirety of the district to the greatest extent
117 possible in conformity with availability of such service in any
118 area of the district. Those districts which exist on the date of
119 enactment of Chapter 539, Laws of 1993, shall convert to the
120 following structure for service charge levy: If the current
121 charge is five percent (5%) of the basic tariff service rate, the
122 new collection shall be Eighty Cents (\$.80) per month per
123 residential subscriber line and One Dollar and Sixty Cents (\$1.60)
124 per month per commercial subscriber line. The collections may be
125 adjusted as outlined in Chapter 539, Laws of 1993, and within the
126 limits set forth herein.

127 (2) If the proceeds generated by the emergency telephone
128 service charge exceed the amount of monies necessary to fund the
129 service, the board of supervisors may authorize such excess funds
130 to be expended by the county and the municipalities in the
131 counties to perform the duties and pay the costs relating to

132 identifying roads, highways and streets, as provided by Section
133 65-7-143. The board of supervisors shall determine how the funds
134 are to be distributed in the county and among municipalities in
135 the county for paying the costs relating to identifying roads,
136 highways and streets. The board of supervisors may temporarily
137 reduce the service charge rate or temporarily suspend the service
138 charge if the proceeds generated exceed the amount that is
139 necessary to fund the service and/or to pay costs relating to
140 identifying roads, highways and streets. Such excess funds may
141 also be used in the development of county or district
142 communications and paging systems when used primarily for the
143 alerting and dispatching of public safety entities and for other
144 administrative costs such as management personnel, maintenance
145 personnel and related building and operational requirements. Such
146 excess funds may be placed in a depreciation fund for emergency
147 and obsolescence replacement of equipment necessary for the
148 operation of the overall 911 emergency telephone and alerting
149 systems.

150 (3) No such service charge shall be imposed upon more than
151 twenty-five (25) exchange access facilities per person per
152 location. Trunks or service lines used to supply service to CMRS
153 providers shall not have a service charge levied against them.
154 Every billed service user shall be liable for any service charge
155 imposed under this section until it has been paid to the service
156 supplier. The duty of the service supplier to collect any such
157 service charge shall commence upon the date of its implementation,
158 which shall be specified in the resolution for the installation of
159 such service. Any such emergency telephone service charge shall
160 be added to and may be stated separately in the billing by the
161 service supplier to the service user.

162 (4) The service supplier shall have no obligation to take
163 any legal action to enforce the collection of any emergency
164 telephone service charge. However, the service supplier shall
165 annually provide the board of supervisors and board of

166 commissioners with a list of the amount uncollected, together with
167 the names and addresses of those service users who carry a balance
168 that can be determined by the service supplier to be nonpayment of
169 such service charge. The service charge shall be collected at the
170 same time as the tariff rate in accordance with the regular
171 billing practice of the service supplier. Good faith compliance
172 by the service supplier with this provision shall constitute a
173 complete defense to any legal action or claim which may result
174 from the service supplier's determination of nonpayment and/or the
175 identification of service users in connection therewith.

176 (5) The amounts collected by the service supplier
177 attributable to any emergency telephone service charge shall be
178 due the county treasury monthly. The amount of service charge
179 collected each month by the service supplier shall be remitted to
180 the county no later than sixty (60) days after the close of the
181 month. A return, in such form as the board of supervisors and the
182 service supplier agree upon, shall be filed with the county,
183 together with a remittance of the amount of service charge
184 collected payable to the county. The service supplier shall
185 maintain records of the amount of service charge collected for a
186 period of at least two (2) years from date of collection. The
187 board of supervisors and board of commissioners shall receive an
188 annual audit of the service supplier's books and records with
189 respect to the collection and remittance of the service charge.
190 From the gross receipts to be remitted to the county, the service
191 supplier shall be entitled to retain as an administrative fee, an
192 amount equal to one percent (1%) thereof. From and after March
193 10, 1987, the service charge is a county fee and is not subject to
194 any sales, use, franchise, income, excise or any other tax, fee or
195 assessment and shall not be considered revenue of the service
196 supplier for any purpose.

197 (6) In order to provide additional funding for the district,
198 the board of commissioners may receive federal, state, county or
199 municipal funds, as well as funds from private sources, and may

200 expend such funds for the purposes of Section 19-5-301 et seq.

201 SECTION 3. Section 19-5-319, Mississippi Code of 1972, is
202 brought forward as follows:

203 19-5-319. (1) Automatic number identification (ANI),
204 automatic location identification (ALI), and geographic automatic
205 location identification (GeoALI) information that consist of the
206 name, address, and telephone number of telephone or wireless
207 subscribers shall be confidential and the dissemination of the
208 information contained in the 911 automatic number and location
209 data base is prohibited except for the following purpose: the
210 information will be provided to the Public Safety Answering Point
211 (PSAP) on a call-by-call basis only for the purpose of handling
212 emergency calls or for training, and any permanent record of the
213 information shall be secured by the Public Safety Answering Point
214 (PSAP) and disposed of in a manner which will retain that
215 security, except upon court order or subpoena from a court of
216 competent jurisdiction or as otherwise provided by law.

217 (2) All emergency telephone calls and telephone call
218 transmissions received pursuant to Section 19-5-301 et seq., and
219 all tapes containing records of the emergency telephone calls,
220 shall remain confidential and used only for the purposes as may be
221 needed for law enforcement, fire medical rescue or other emergency
222 services. These calls shall not be released to any other parties
223 without court order or subpoena from a court of competent
224 jurisdiction.

225 SECTION 4. Section 19-5-331, Mississippi Code of 1972, is
226 brought forward as follows:

227 19-5-331. As used in Sections 19-5-331 through 19-5-341,
228 unless the context clearly indicates otherwise:

229 (a) The terms "board" and "CMRS Board" mean the
230 Commercial Mobile Radio Service Emergency Telephone Services
231 Board.

232 (b) The term "automatic number identification" or "ANI"
233 means an enhanced 911 service capability that enables the

234 automatic display of the ten-digit wireless telephone number used
235 to place a 911 call and includes "pseudo-automatic number
236 identification" or "pseudo-ANI," which means an enhanced 911
237 service capability that enables the automatic display of the
238 number of the cell site and an identification of the CMRS
239 provider.

240 (c) The term "commercial mobile radio service" or
241 "CMRS" means commercial mobile radio service under Sections 3(27)
242 and 332(d) of the Federal Telecommunications Act of 1996, 47 USCS
243 Section 151 et seq., and the Omnibus Budget Reconciliation Act of
244 1993, Public Law 103-66. The term includes the term "wireless"
245 and service provided by any wireless real time two-way voice
246 communication device, including radio-telephone communications
247 used in cellular telephone service, personal communication
248 service, or the functional or competitive equivalent of a
249 radio-telephone communications line used in cellular telephone
250 service, a personal communication service, specialized mobile
251 radio service, or a network radio access line. The term does not
252 include service whose customers do not have access to 911 or to a
253 911-like service, to a communication channel suitable only for
254 data transmission, to a wireless roaming service or other nonlocal
255 radio access line service, or to a private telecommunications
256 system.

257 (d) The term "commercial mobile radio service provider"
258 or "CMRS provider" or the plural thereof, as the context requires,
259 means a person or entity who provides commercial mobile radio
260 service or CMRS service.

261 (e) The term "CMRS connection" or the plural thereof,
262 as the context requires, means each mobile handset telephone
263 number assigned to a CMRS customer with a service address in the
264 State of Mississippi.

265 (f) The term "CMRS Fund" means the Commercial Mobile
266 Radio Service Fund required to be established and maintained
267 pursuant to Section 19-5-333.

268 (g) The term "CMRS service charge" or the plural
269 thereof, as the context requires, means the CMRS emergency
270 telephone service charge levied and maintained pursuant to Section
271 19-5-333 and collected pursuant to Section 19-5-335.

272 (h) The term "distribution formula" means the formula
273 specified in Section 19-5-333(c) by which monies generated from
274 the CMRS service charge are distributed on a percentage basis to
275 emergency communications districts and to the CMRS Fund.

276 (i) The term "ECD" means an emergency communications
277 district created pursuant to Section 19-5-301 et seq., Mississippi
278 Code of 1972, or by local and private act of the State of
279 Mississippi.

280 (j) The term "enhanced 911," "E911," "enhanced E911
281 system" or "E911 system" means an emergency telephone system that
282 provides the caller with emergency 911 system service, that
283 directs 911 calls to appropriate public safety answering points by
284 selective routing based on the geographical location from which
285 the call originated, and that provides the capability for
286 automatic number identification and other features that the
287 Federal Communications Commission (FCC) may require in the future.

288 (k) The term "exchange access facility" means an
289 "exchange access facility" as defined by Section 19-5-303,
290 Mississippi Code of 1972.

291 (l) The term "FCC Order" means the Order of the Federal
292 Communications Commission, FCC Docket No. 94-102, adopted on June
293 12, 1996, and released on July 26, 1996.

294 (m) The term "service address" means the location
295 address if the location address is known and accessible; however,
296 if the location address is not known and accessible, the term
297 shall mean the billing address.

298 (n) The term "service supplier" or the plural thereof,
299 as the context requires, means a "service supplier" as defined by
300 Section 19-5-303, Mississippi Code of 1972.

301 (o) The term "technical proprietary information" means

302 technology descriptions, technical information or trade secrets
303 and the actual or developmental costs thereof which are developed,
304 produced or received internally by a CMRS provider or by a CMRS
305 provider's employees, directors, officers or agents.

306 SECTION 5. Section 19-5-333, Mississippi Code of 1972, is
307 brought forward as follows:

308 19-5-333. (1) There is created a Commercial Mobile Radio
309 Service (CMRS) Board, consisting of five (5) members. The members
310 of the board shall be appointed as follows:

311 (a) Two (2) members designated by the Mississippi
312 Association of CMRS Providers; and

313 (b) One (1) member elected, in the manner provided in
314 this paragraph, from each Public Service Commission district, as
315 such districts exist on April 8, 1998. Each emergency
316 communications district established under Section 19-5-305 or by
317 local and private act in the Southern District shall submit a
318 nominee for the board member from the Southern District to the
319 President of the Mississippi Chapter of the National Emergency
320 Number Association, who shall elect the member to represent the
321 Southern District. Each emergency communications district
322 established under Section 19-5-305 or by local and private act in
323 the Central District shall submit a nominee for the board member
324 from the Central District to the President of the American
325 Association of Public Safety Communication Officers, who shall
326 elect the member to represent the Central District. Each
327 emergency communications district established under Section
328 19-5-305 or by local and private act in the Northern District
329 shall submit a nominee for the board member from the Northern
330 District to the President of the Mississippi 911 Coordinators
331 Association, who shall elect the member to represent the Northern
332 District.

333 The initial terms of the board members shall be staggered as
334 follows: the members selected under paragraph (a) shall serve a
335 term of one (1) year; the member elected under paragraph (b) from

336 the Northern District shall serve a term of two (2) years; the
337 member elected under paragraph (b) from the Central District shall
338 serve a term of three (3) years; and the member elected under
339 paragraph (b) from the Southern District shall serve a term of one
340 (1) year. After the expiration of the initial terms, the term for
341 all members shall be two (2) years.

342 (2) The board shall have the following powers and duties:

343 (a) To collect and distribute a CMRS emergency
344 telephone service charge on each CMRS customer that has a billing
345 address within the state. The rate of such CMRS service charge
346 shall be One Dollar (\$1.00) per month per CMRS connection
347 beginning on April 8, 1998. The CMRS service charge shall have
348 uniform application and shall be imposed throughout the state.
349 The board is hereby authorized to receive all revenues derived
350 from the CMRS service charge levied on CMRS connections in the
351 state and collected pursuant to Section 19-5-335.

352 (b) To establish and maintain the CMRS Fund as an
353 insured, interest-bearing account into which the board shall
354 deposit all revenues derived from the CMRS service charge levied
355 on CMRS connections in the state and collected pursuant to Section
356 19-5-335. The revenues which are deposited into the CMRS Fund
357 shall not be monies or property of the state and shall not be
358 subject to appropriation by the Legislature.

359 (c) To establish a distribution formula by which the
360 board will make disbursements of the CMRS service charge in the
361 following amounts and in the following manner:

362 (i) Out of the funds collected by the board,
363 thirty percent (30%) shall be deposited into the CMRS Fund, and
364 shall be used to defray the administrative expenses of the board
365 in accordance with Section 19-5-335(3) and to pay the actual costs
366 incurred by such CMRS providers in complying with the wireless
367 E911 service requirements established by the FCC Order and any
368 rules and regulations which are or may be adopted by the FCC
369 pursuant to the FCC Order, including, but not limited to, costs

370 and expenses incurred for designing, upgrading, purchasing,
371 leasing, programming, installing, testing or maintaining all
372 necessary data, hardware and software required in order to provide
373 such service as well as the incremental costs of operating such
374 service. Sworn invoices must be presented to the board in
375 connection with any request for payment and approved by a majority
376 vote of the board prior to any such disbursement, which approval
377 shall not be withheld or delayed unreasonably. In no event shall
378 any invoice for payment be approved for the payment of costs that
379 are not related to compliance with the wireless E911 service
380 requirements established by the FCC Order and any rules and
381 regulations which are or may be adopted by the FCC pursuant to the
382 FCC Order.

383 (ii) The remainder of all funds collected by the
384 board, which shall not be less than seventy percent (70%) of the
385 total funds collected by the board, shall be distributed by the
386 board monthly based on the number of CMRS connections in each ECD
387 for use in providing wireless E911 service, including capital
388 improvements, and in their normal operations.

389 (d) To obtain from an independent, third-party auditor
390 retained by the board annual reports to the board no later than
391 sixty (60) days after the close of each fiscal year, which shall
392 provide an accounting for all CMRS service charges deposited into
393 the CMRS Fund during the preceding fiscal year and all
394 disbursements to ECDs during the preceding fiscal year. The board
395 shall provide a copy of the annual reports to the Chairmen of the
396 Public Utilities Committees of the House of Representatives and
397 Senate.

398 (e) To conduct a cost study on or before October 1,
399 1999, and to adjust the distribution formula to reflect actual
400 costs to be incurred by each CMRS provider in order to comply with
401 Phase One of the wireless E911 service requirements established by
402 the FCC Order and any rules and regulations which are or may be
403 adopted by the FCC pursuant to the FCC Order.

404 (f) To promulgate such rules and regulations as may be
405 necessary to effect the provisions of Sections 19-5-331 through
406 19-5-341.

407 (g) To make the determinations and disbursements as
408 provided by Section 19-5-333(2)(c).

409 (3) The CMRS service charge provided in Section
410 19-5-333(2)(a) and the service charge provided in Section 19-5-357
411 to fund the training of public safety telecommunicators shall be
412 the only charges assessed to CMRS customers relating to emergency
413 telephone services.

414 (4) The board shall serve without compensation; provided,
415 however, that members of the board shall be entitled to be
416 reimbursed for actual expenses and travel costs associated with
417 their service in an amount not to exceed the reimbursement
418 authorized for state officers and employees in Section 25-3-41,
419 Mississippi Code of 1972.

420 SECTION 6. Section 19-5-335, Mississippi Code of 1972, is
421 brought forward as follows:

422 19-5-335. (1) Each CMRS provider shall act as a collection
423 agent for the CMRS Fund and shall, as part of the provider's
424 normal monthly billing process, collect the CMRS service charges
425 levied upon CMRS connections pursuant to Section 19-5-333(2)(a)
426 from each CMRS connection to whom the billing provider provides
427 CMRS service and shall, not later than thirty (30) days after the
428 end of the calendar month in which such CMRS service charges are
429 collected, remit to the board the net CMRS service charges so
430 collected after deducting the fee authorized by subsection (2) of
431 this section. Each billing provider shall list the CMRS service
432 charge as a separate entry on each bill which includes a CMRS
433 service charge.

434 (2) Each CMRS provider shall be entitled to deduct and
435 retain from the CMRS service charges collected by such provider
436 during each calendar month an amount not to exceed one percent
437 (1%) of the gross aggregate amount of such CMRS service charges so

438 collected as reimbursement for the costs incurred by such provider
439 in collecting, handling and processing such CMRS service charges.

440 (3) The board shall be entitled to retain from the CMRS
441 service charges collected during each calendar month an amount not
442 to exceed two percent (2%) of the money allocated to the CMRS Fund
443 as reimbursement for the costs incurred by the board in
444 administering Sections 19-5-331 through 19-5-341 including, but
445 not limited to, retaining and paying the independent, third-party
446 auditor to review and disburse the cost recovery funds and to
447 prepare the reports contemplated by Sections 19-5-331 through
448 19-5-341.

449 SECTION 7. Section 19-5-337, Mississippi Code of 1972, is
450 amended as follows:

451 19-5-337. All technical proprietary information submitted to
452 the board or to the independent, third-party auditor as provided
453 by Section 19-5-333(2)(d) shall be retained by the board and such
454 auditor in confidence and shall be subject to review only by the
455 board. Further, notwithstanding any other provision of the law,
456 no technical proprietary information so submitted shall be subject
457 to subpoena or otherwise released to any person other than to the
458 submitting CMRS provider, the board and the aforesaid independent,
459 third-party auditor without the express permission of the
460 administrator and the submitting CMRS provider. General
461 information collected by the aforesaid independent, third-party
462 auditor shall only be released or published in aggregate amounts
463 which do not identify or allow identification of numbers of
464 subscribers of revenues attributable to an individual CMRS
465 provider. The confidentiality provided by this section shall not
466 be construed to shield any person, firm or corporation from
467 liability for negligence.

468 SECTION 8. Section 19-5-339, Mississippi Code of 1972, is
469 brought forward as follows:

470 19-5-339. In accordance with the Federal Communication
471 Commission Order, no CMRS provider shall be required to provide

472 wireless enhanced 911 service until such time as (a) the provider
473 receives a request for such service from the administrator of a
474 Public Safety Answering Point (PSAP) that is capable of receiving
475 and utilizing the data elements associated with the service; (b)
476 funds are available pursuant to Section 19-5-333; and (c) the
477 local exchange carrier is able to support the wireless enhanced
478 911 system.

479 SECTION 9. Section 19-5-341, Mississippi Code of 1972, is
480 brought forward as follows:

481 19-5-341. Wireless emergency telephone service shall not be
482 used for personal use and shall be used solely for the use of
483 communications by the public. Any person who knowingly uses or
484 attempts to use wireless emergency telephone service for a purpose
485 other than obtaining public safety assistance, or who knowingly
486 uses or attempts to use wireless emergency telephone service in an
487 effort to avoid any CMRS charges, is guilty of a misdemeanor and
488 shall be subject to a fine of not more than Five Hundred Dollars
489 (\$500.00) or imprisonment of not more than thirty (30) days in the
490 county jail, or both such fine and imprisonment. If the value of
491 the CMRS charge or service obtained in a manner prohibited by this
492 section exceeds One Hundred Dollars (\$100.00), the offense may be
493 prosecuted as a felony and punishable by a fine of not more than
494 Five Thousand Dollars (\$5,000.00) and imprisonment of not more
495 than three (3) years, or both such fine and imprisonment.

496 SECTION 10. Section 19-5-359, Mississippi Code of 1972, is
497 brought forward as follows:

498 19-5-359. (1) Any service supplier operating within the
499 State of Mississippi shall be required to provide access to the
500 locally designated PSAP by dialing the three (3) digits "911" from
501 any telephone subscriber line within such service area. Where
502 technically available, each service supplier shall, at a county's
503 request, provide "Enhanced 911" services. Where this capability
504 does not technically exist, "Basic 911" shall be available as a
505 minimum.

506 (2) From and after December 31, 1993, any person,
507 corporation or entity operating a "shared tenant service" type of
508 telephone system shall be required to provide as a minimum the
509 location and telephone number information for each and every
510 extension or user on such "shared tenant" system to the regulated
511 local exchange telephone service provider where the service
512 provider can utilize such information in the delivery of "Enhanced
513 911" emergency telephone service. This information shall consist
514 of data in a format that is compatible with the service supplier's
515 requirements in order to provide such location and telephone
516 number information automatically in the event a call to 911 is
517 placed from such a system. It shall be the responsibility of the
518 operator or provider of "STS" telephone services to maintain the
519 data pertaining to each extension operating on such system.

520 (3) Any CMRS providers operating within the State of
521 Mississippi shall be required to have all trunks or service lines
522 supplying all cellular sites and personal communications network
523 sites contain the word "cellular" in the service supplier listing
524 for each trunk or service line to facilitate operator
525 identification of cellular and PCN telephone calls placed to 911.

526 (4) Any service suppliers engaged in the offering or
527 operating of "Centrex" or "ESSX" telephone service within the
528 State of Mississippi shall cause the actual location of all
529 extensions operating in this service to be displayed at the PSAP
530 whenever a 911 call is placed from said extension. This feature
531 shall not be required in areas where Enhanced 911 is not in
532 operation but shall be required should such area upgrade to
533 Enhanced 911 service.

534 (5) Any local exchange telephone service suppliers offering
535 "quick-serve" or "soft" dial tone shall provide address location
536 information to the PSAP operating in the area where the
537 "quick-serve" or "soft" dial tone is in operation so that the PSAP
538 may have this address information displayed should a call to 911
539 be placed from such location. It shall be the responsibility of

540 the service supplier to determine in which emergency service
541 number area the "quick-serve" or "soft" dial tone is located.

542 (6) Any service suppliers operating within the State of
543 Mississippi and providing Enhanced 911 telephone service shall
544 have a reasonable time period, not to exceed five (5) years, to
545 comply with data and operational standards as they are set forth
546 by the National Emergency Number Association. This time period
547 shall apply to data format, equipment supplied for PSAP use and
548 for the length of time required for data updates relating to
549 service user address information, emergency service number updates
550 and other data updates as may be required.

551 SECTION 11. Section 19-5-361, Mississippi Code of 1972, is
552 brought forward as follows:

553 19-5-361. Any Emergency 911 telephone service supplier and
554 Emergency 911 CMRS provider operating within the State of
555 Mississippi, its employees, directors, officers, agents and
556 subcontractors, shall be entitled to receive the limitations of
557 liability as provided to the state, or any agency or local
558 government of the state, pursuant to Section 11-46-15, Mississippi
559 Code of 1972.

560 SECTION 12. This act shall take effect and be in force from
561 and after July 1, 1999.