

By: Senator(s) Robertson

To:

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2393

1 AN ACT TO REENACT SECTIONS 19-5-303, 19-5-313, 19-5-331  
2 THROUGH 19-5-341, 19-5-359 AND 19-5-361, MISSISSIPPI CODE OF 1972,  
3 WHICH PROVIDE FOR AN EMERGENCY TELEPHONE SERVICE CHARGE, CREATE A  
4 COMMERCIAL MOBILE RADIO SERVICE BOARD AND PRESCRIBE ITS POWERS AND  
5 DUTIES, PROVIDE FOR COLLECTION OF SERVICE CHARGES, REQUIRE  
6 CONFIDENTIALITY OF PROPRIETARY INFORMATION AND REQUIRE THE  
7 COMMERCIAL MOBILE RADIO SERVICE TO PROVIDE WIRELESS ENHANCED 911  
8 SERVICE; TO AMEND SECTION 12, CHAPTER 536, LAWS OF 1993, AS  
9 AMENDED BY SECTION 12, CHAPTER 531, LAWS OF 1998, TO EXTEND THE  
10 REPEALER ON WIRELESS EMERGENCY TELEPHONE SERVICE; AND FOR RELATED  
11 PURPOSES.

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

13 SECTION 1. Section 19-5-303, Mississippi Code of 1972, is  
14 reenacted as follows:

15 19-5-303. For purposes of Sections 19-5-301 through  
16 19-5-317, the following words and terms shall have the following  
17 meanings, unless the context clearly indicates otherwise:

18 (a) "Exchange access facilities" shall mean all lines  
19 provided by the service supplier for the provision of local  
20 exchange service as defined in existing general subscriber  
21 services tariffs.

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

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

31 (d) "Service supplier" shall mean any person providing  
32 exchange telephone service to any service user throughout the  
33 county.

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

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

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

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

61 (i) "Private Branch Exchange (PBX)" shall mean any  
62 telephone service operation supplied by a party other than a  
63 regulated local exchange telephone service supplier for which a

64 charge is not levied. Such services are those where tariffed  
65 telephone trunks or lines are terminated into a central switch  
66 which is used to supply dial tone to telephones operating within  
67 that system.

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

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

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

94 (m) "Telecommunicator" shall mean any person engaged in  
95 or employed as a telecommunications operator by any public safety,  
96 fire or emergency medical agency whose primary responsibility is

97 the receipt or processing of calls for emergency services provided  
98 by public safety, fire or emergency medical agencies or the  
99 dispatching of emergency services provided by public safety, fire  
100 or emergency medical agencies and who receives or disseminates  
101 information relative to emergency assistance by telephone or  
102 radio.

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

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

112 SECTION 2. Section 19-5-313, Mississippi Code of 1972, is  
113 reenacted as follows:

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

129 adjusted as outlined in Chapter 539, Laws of 1993, and within the  
130 limits set forth herein.

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

154 (3) No such service charge shall be imposed upon more than  
155 twenty-five (25) exchange access facilities per person per  
156 location. Trunks or service lines used to supply service to CMRS  
157 providers shall not have a service charge levied against them.  
158 Every billed service user shall be liable for any service charge  
159 imposed under this section until it has been paid to the service  
160 supplier. The duty of the service supplier to collect any such  
161 service charge shall commence upon the date of its implementation,

162 which shall be specified in the resolution for the installation of  
163 such service. Any such emergency telephone service charge shall  
164 be added to and may be stated separately in the billing by the  
165 service supplier to the service user.

166 (4) The service supplier shall have no obligation to take  
167 any legal action to enforce the collection of any emergency  
168 telephone service charge. However, the service supplier shall  
169 annually provide the board of supervisors and board of  
170 commissioners with a list of the amount uncollected, together with  
171 the names and addresses of those service users who carry a balance  
172 that can be determined by the service supplier to be nonpayment of  
173 such service charge. The service charge shall be collected at the  
174 same time as the tariff rate in accordance with the regular  
175 billing practice of the service supplier. Good faith compliance  
176 by the service supplier with this provision shall constitute a  
177 complete defense to any legal action or claim which may result  
178 from the service supplier's determination of nonpayment and/or the  
179 identification of service users in connection therewith.

180 (5) The amounts collected by the service supplier  
181 attributable to any emergency telephone service charge shall be  
182 due the county treasury monthly. The amount of service charge  
183 collected each month by the service supplier shall be remitted to  
184 the county no later than sixty (60) days after the close of the  
185 month. A return, in such form as the board of supervisors and the  
186 service supplier agree upon, shall be filed with the county,  
187 together with a remittance of the amount of service charge  
188 collected payable to the county. The service supplier shall  
189 maintain records of the amount of service charge collected for a  
190 period of at least two (2) years from date of collection. The  
191 board of supervisors and board of commissioners shall receive an  
192 annual audit of the service supplier's books and records with  
193 respect to the collection and remittance of the service charge.  
194 From the gross receipts to be remitted to the county, the service

195 supplier shall be entitled to retain as an administrative fee, an  
196 amount equal to one percent (1%) thereof. From and after March  
197 10, 1987, the service charge is a county fee and is not subject to  
198 any sales, use, franchise, income, excise or any other tax, fee or  
199 assessment and shall not be considered revenue of the service  
200 supplier for any purpose.

201 (6) In order to provide additional funding for the district,  
202 the board of commissioners may receive federal, state, county or  
203 municipal funds, as well as funds from private sources, and may  
204 expend such funds for the purposes of Section 19-5-301 et seq.

205 SECTION 3. Section 19-5-331, Mississippi Code of 1972, is  
206 reenacted as follows:

207 19-5-331. As used in Sections 19-5-331 through 19-5-341,  
208 unless the context clearly indicates otherwise:

209 (a) The terms "board" and "CMRS Board" mean the  
210 Commercial Mobile Radio Service Emergency Telephone Services  
211 Board.

212 (b) The term "automatic number identification" or "ANI"  
213 means an enhanced 911 service capability that enables the  
214 automatic display of the ten-digit wireless telephone number used  
215 to place a 911 call and includes "pseudo-automatic number  
216 identification" or "pseudo-ANI," which means an enhanced 911  
217 service capability that enables the automatic display of the  
218 number of the cell site and an identification of the CMRS  
219 provider.

220 (c) The term "commercial mobile radio service" or  
221 "CMRS" means commercial mobile radio service under Sections 3(27)  
222 and 332(d) of the Federal Telecommunications Act of 1996, 47 USCS  
223 Section 151 et seq., and the Omnibus Budget Reconciliation Act of  
224 1993, Pub. L. 103-66. The term includes the term "wireless" and  
225 service provided by any wireless real time two-way voice  
226 communication device, including radio-telephone communications  
227 used in cellular telephone service, personal communication

228 service, or the functional or competitive equivalent of a  
229 radio-telephone communications line used in cellular telephone  
230 service, a personal communication service, specialized mobile  
231 radio service, or a network radio access line. The term does not  
232 include service whose customers do not have access to 911 or to a  
233 911-like service, to a communication channel suitable only for  
234 data transmission, to a wireless roaming service or other nonlocal  
235 radio access line service, or to a private telecommunications  
236 system.

237 (d) The term "commercial mobile radio service provider"  
238 or "CMRS provider" or the plural thereof, as the context requires,  
239 means a person or entity who provides commercial mobile radio  
240 service or CMRS service.

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

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

248 (g) The term "CMRS service charge" or the plural  
249 thereof, as the context requires, means the CMRS emergency  
250 telephone service charge levied and maintained pursuant to Section  
251 19-5-333 and collected pursuant to Section 19-5-335.

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

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



260           (j) The term "enhanced 911," "E911," "enhanced E911  
261 system" or "E911 system" means an emergency telephone system that  
262 provides the caller with emergency 911 system service, that  
263 directs 911 calls to appropriate public safety answering points by  
264 selective routing based on the geographical location from which  
265 the call originated, and that provides the capability for  
266 automatic number identification and other features that the  
267 Federal Communications Commission (FCC) may require in the future.

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

271           (l) The term "FCC Order" means the Order of the Federal  
272 Communications Commission, FCC Docket No. 94-102, adopted on June  
273 12, 1996, and released on July 26, 1996.

274           (m) The term "service address" means the location  
275 address if the location address is known and accessible; however,  
276 if the location address is not known and accessible, the term  
277 shall mean the billing address.

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

281           (o) The term "technical proprietary information" means  
282 technology descriptions, technical information or trade secrets  
283 and the actual or developmental costs thereof which are developed,  
284 produced or received internally by a CMRS provider or by a CMRS  
285 provider's employees, directors, officers or agents.

286           SECTION 4. Section 19-5-333, Mississippi Code of 1972, is  
287 reenacted as follows:

288           19-5-333. (1) There is created a Commercial Mobile Radio  
289 Service (CMRS) Board, consisting of five (5) members. The members  
290 of the board shall be appointed as follows:

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

293           (b) One (1) member elected, in the manner provided in  
294 this paragraph, from each Public Service Commission district, as  
295 such districts exist on April 8, 1998. Each emergency  
296 communications district established under Section 19-5-305 or by  
297 local and private act in the Southern District shall submit a  
298 nominee for the board member from the Southern District to the  
299 President of the Mississippi Chapter of the National Emergency  
300 Number Association, who shall elect the member to represent the  
301 Southern District. Each emergency communications district  
302 established under Section 19-5-305 or by local and private act in  
303 the Central District shall submit a nominee for the board member  
304 from the Central District to the President of the American  
305 Association of Public Safety Communication Officers, who shall  
306 elect the member to represent the Central District. Each  
307 emergency communications district established under Section  
308 19-5-305 or by local and private act in the Northern District  
309 shall submit a nominee for the board member from the Northern  
310 District to the President of the Mississippi 911 Coordinators  
311 Association, who shall elect the member to represent the Northern  
312 District.

313           The initial terms of the board members shall be staggered as  
314 follows: the members selected under paragraph (a) shall serve a  
315 term of one (1) year; the member elected under paragraph (b) from  
316 the Northern District shall serve a term of two (2) years; the  
317 member elected under paragraph (b) from the Central District shall  
318 serve a term of three (3) years; and the member elected under  
319 paragraph (b) from the Southern District shall serve a term of one  
320 (1) year. After the expiration of the initial terms, the term for  
321 all members shall be two (2) years.

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

323           (a) To collect and distribute a CMRS emergency  
324 telephone service charge on each CMRS customer that has a billing  
325 address within the state. The rate of such CMRS service charge

326 shall be One Dollar (\$1.00) per month per CMRS connection  
327 beginning on April 8, 1998. The CMRS service charge shall have  
328 uniform application and shall be imposed throughout the state.  
329 The board is hereby authorized to receive all revenues derived  
330 from the CMRS service charge levied on CMRS connections in the  
331 state and collected pursuant to Section 19-5-335.

332 (b) To establish and maintain the CMRS Fund as an  
333 insured, interest-bearing account into which the board shall  
334 deposit all revenues derived from the CMRS service charge levied  
335 on CMRS connections in the state and collected pursuant to Section  
336 19-5-335. The revenues which are deposited into the CMRS Fund  
337 shall not be monies or property of the state and shall not be  
338 subject to appropriation by the Legislature.

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

342 (i) Out of the funds collected by the board,  
343 thirty percent (30%) shall be deposited into the CMRS Fund, and  
344 shall be used to defray the administrative expenses of the board  
345 in accordance with Section 19-5-335(3) and to pay the actual costs  
346 incurred by such CMRS providers in complying with the wireless  
347 E911 service requirements established by the FCC Order and any  
348 rules and regulations which are or may be adopted by the FCC  
349 pursuant to the FCC Order, including, but not limited to, costs  
350 and expenses incurred for designing, upgrading, purchasing,  
351 leasing, programming, installing, testing or maintaining all  
352 necessary data, hardware and software required in order to provide  
353 such service as well as the incremental costs of operating such  
354 service. Sworn invoices must be presented to the board in  
355 connection with any request for payment and approved by a majority  
356 vote of the board prior to any such disbursement, which approval  
357 shall not be withheld or delayed unreasonably. In no event shall  
358 any invoice for payment be approved for the payment of costs that

359 are not related to compliance with the wireless E911 service  
360 requirements established by the FCC Order and any rules and  
361 regulations which are or may be adopted by the FCC pursuant to the  
362 FCC Order.

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

369 (d) To obtain from an independent, third-party auditor  
370 retained by the board annual reports to the board no later than  
371 sixty (60) days after the close of each fiscal year, which shall  
372 provide an accounting for all CMRS service charges deposited into  
373 the CMRS Fund during the preceding fiscal year and all  
374 disbursements to ECDs during the preceding fiscal year. The board  
375 shall provide a copy of the annual reports to the Chairmen of the  
376 Public Utilities Committees of the House of Representatives and  
377 Senate.

378 (e) To conduct a cost study on or before October 1,  
379 1999, and to adjust the distribution formula to reflect actual  
380 costs to be incurred by each CMRS provider in order to comply with  
381 Phase One of the wireless E911 service requirements established by  
382 the FCC Order and any rules and regulations which are or may be  
383 adopted by the FCC pursuant to the FCC Order.

384 (f) To promulgate such rules and regulations as may be  
385 necessary to effect the provisions of Sections 19-5-331 through  
386 19-5-341.

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

389 (3) The CMRS service charge provided in Section  
390 19-5-333(2)(a) and the service charge provided in Section 19-5-357  
391 to fund the training of public safety telecommunicators shall be

392 the only charges assessed to CMRS customers relating to emergency  
393 telephone services.

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

400 SECTION 5. Section 19-5-335, Mississippi Code of 1972, is  
401 reenacted as follows:

402 19-5-335. (1) Each CMRS provider shall act as a collection  
403 agent for the CMRS Fund and shall, as part of the provider's  
404 normal monthly billing process, collect the CMRS service charges  
405 levied upon CMRS connections pursuant to Section 19-5-333(2)(a)  
406 from each CMRS connection to whom the billing provider provides  
407 CMRS service and shall, not later than thirty (30) days after the  
408 end of the calendar month in which such CMRS service charges are  
409 collected, remit to the board the net CMRS service charges so  
410 collected after deducting the fee authorized by subsection (2) of  
411 this section. Each billing provider shall list the CMRS service  
412 charge as a separate entry on each bill which includes a CMRS  
413 service charge.

414 (2) Each CMRS provider shall be entitled to deduct and  
415 retain from the CMRS service charges collected by such provider  
416 during each calendar month an amount not to exceed one percent  
417 (1%) of the gross aggregate amount of such CMRS service charges so  
418 collected as reimbursement for the costs incurred by such provider  
419 in collecting, handling and processing such CMRS service charges.

420 (3) The board shall be entitled to retain from the CMRS  
421 service charges collected during each calendar month an amount not  
422 to exceed two percent (2%) of the money allocated to the CMRS Fund  
423 as reimbursement for the costs incurred by the board in  
424 administering Sections 19-5-331 through 19-5-341 including, but

425 not limited to, retaining and paying the independent, third-party  
426 auditor to review and disburse the cost recovery funds and to  
427 prepare the reports contemplated by Sections 19-5-331 through  
428 19-5-341.

429 SECTION 6. Section 19-5-337, Mississippi Code of 1972, is  
430 reenacted as follows:

431 19-5-337. All technical proprietary information submitted to  
432 the board or to the independent, third-party auditor as provided  
433 by Section 19-5-333(2)(d) shall be retained by the board and such  
434 auditor in confidence and shall be subject to review only by the  
435 board. Further, notwithstanding any other provision of the law,  
436 no technical proprietary information so submitted shall be subject  
437 to subpoena or otherwise released to any person other than to the  
438 submitting CMRS provider, the board and the aforesaid independent,  
439 third-party auditor without the express permission of the  
440 administrator and the submitting CMRS provider. General  
441 information collected by the aforesaid independent, third-party  
442 auditor shall only be released or published in aggregate amounts  
443 which do not identify or allow identification of numbers of  
444 subscribers of revenues attributable to an individual CMRS  
445 provider.

446 SECTION 7. Section 19-5-339, Mississippi Code of 1972, is  
447 reenacted as follows:

448 19-5-339. In accordance with the Federal Communication  
449 Commission Order, no CMRS provider shall be required to provide  
450 wireless enhanced 911 service until such time as (a) the provider  
451 receives a request for such service from the administrator of a  
452 Public Safety Answering Point (PSAP) that is capable of receiving  
453 and utilizing the data elements associated with the service; (b)  
454 funds are available pursuant to Section 19-5-333; and (c) the  
455 local exchange carrier is able to support the wireless enhanced  
456 911 system.

457 SECTION 8. Section 19-5-341, Mississippi Code of 1972, is  
458 reenacted as follows:

459 19-5-341. Wireless emergency telephone service shall not be  
460 used for personal use and shall be used solely for the use of  
461 communications by the public. Any person who knowingly uses or  
462 attempts to use wireless emergency telephone service for a purpose  
463 other than obtaining public safety assistance, or who knowingly  
464 uses or attempts to use wireless emergency telephone service in an  
465 effort to avoid any CMRS charges, is guilty of a misdemeanor and  
466 shall be subject to a fine of not more than Five Hundred Dollars  
467 (\$500.00) or imprisonment of not more than thirty (30) days in the  
468 county jail, or both such fine and imprisonment. If the value of  
469 the CMRS charge or service obtained in a manner prohibited by this  
470 section exceeds One Hundred Dollars (\$100.00), the offense may be  
471 prosecuted as a felony and punishable by a fine of not more than  
472 Five Thousand Dollars (\$5,000.00) and imprisonment of not more  
473 than three (3) years, or both such fine and imprisonment.

474 SECTION 9. Section 19-5-359, Mississippi Code of 1972, is  
475 reenacted as follows:

476 19-5-359. (1) Any service supplier operating within the  
477 State of Mississippi shall be required to provide access to the  
478 locally designated PSAP by dialing the three (3) digits "911" from  
479 any telephone subscriber line within such service area. Where  
480 technically available, each service supplier shall, at a county's  
481 request, provide "Enhanced 911" services. Where this capability  
482 does not technically exist, "Basic 911" shall be available as a  
483 minimum.

484 (2) From and after December 31, 1993, any person,  
485 corporation or entity operating a "shared tenant service" type of  
486 telephone system shall be required to provide as a minimum the  
487 location and telephone number information for each and every  
488 extension or user on such "shared tenant" system to the regulated  
489 local exchange telephone service provider where the service

490 provider can utilize such information in the delivery of "Enhanced  
491 911" emergency telephone service. This information shall consist  
492 of data in a format that is compatible with the service supplier's  
493 requirements in order to provide such location and telephone  
494 number information automatically in the event a call to 911 is  
495 placed from such a system. It shall be the responsibility of the  
496 operator or provider of "STS" telephone services to maintain the  
497 data pertaining to each extension operating on such system.

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

504 (4) Any service suppliers engaged in the offering or  
505 operating of "Centrex" or "ESSX" telephone service within the  
506 State of Mississippi shall cause the actual location of all  
507 extensions operating in this service to be displayed at the PSAP  
508 whenever a 911 call is placed from said extension. This feature  
509 shall not be required in areas where Enhanced 911 is not in  
510 operation but shall be required should such area upgrade to  
511 Enhanced 911 service.

512 (5) Any local exchange telephone service suppliers offering  
513 "quick-serve" or "soft" dial tone shall provide address location  
514 information to the PSAP operating in the area where the  
515 "quick-serve" or "soft" dial tone is in operation so that the PSAP  
516 may have this address information displayed should a call to 911  
517 be placed from such location. It shall be the responsibility of  
518 the service supplier to determine in which emergency service  
519 number area the "quick-serve" or "soft" dial tone is located.

520 (6) Any service suppliers operating within the State of  
521 Mississippi and providing Enhanced 911 telephone service shall  
522 have a reasonable time period, not to exceed five (5) years, to



523 comply with data and operational standards as they are set forth  
524 by the National Emergency Number Association. This time period  
525 shall apply to data format, equipment supplied for PSAP use and  
526 for the length of time required for data updates relating to  
527 service user address information, emergency service number updates  
528 and other data updates as may be required.

529 SECTION 10. Section 19-5-361, Mississippi Code of 1972, is  
530 reenacted as follows:

531 19-5-361. Any Emergency 911 telephone service supplier and  
532 Emergency 911 CMRS provider operating within the State of  
533 Mississippi, its employees, directors, officers, agents and  
534 subcontractors, shall be entitled to receive the limitations of  
535 liability as provided to the state, or any agency or local  
536 government of the state, pursuant to Section 11-46-15, Mississippi  
537 Code of 1972.

538 SECTION 11. Section 12, Chapter 536, Laws of 1993, as  
539 amended by Section 12, Chapter 531, Laws of 1998, is amended as  
540 follows:

541 Section 12. This act shall stand repealed from and after  
542 July 1, 2002.

543 SECTION 12. This act shall take effect and be in force from  
544 and after July 1, 2001.