

By: Representative Ishee

To: Public Utilities

HOUSE BILL NO. 1099

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, AS AMENDED BY  
 10 SECTION 11, CHAPTER 569, LAWS OF 2001, TO EXTEND THE REPEALER ON  
 11 WIRELESS EMERGENCY TELEPHONE SERVICE FROM JULY 1, 2001, TO JULY 1,  
 12 2007; AND FOR RELATED PURPOSES.

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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



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

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

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



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

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

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

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

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

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

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



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

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

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

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

249 (g) The term "CMRS service charge" or the plural  
250 thereof, as the context requires, means the CMRS emergency  
251 telephone service charge levied and maintained pursuant to Section  
252 19-5-333 and collected pursuant to Section 19-5-335.

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

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





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

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

272 (l) The term "FCC Order" means the Order of the Federal  
273 Communications Commission, FCC Docket No. 94-102, adopted on June  
274 12, 1996, and released on July 26, 1996.

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

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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

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

385 (f) To promulgate such rules and regulations as may be  
386 necessary to effect the provisions of Sections 19-5-331 through  
387 19-5-341.

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

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



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

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

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

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

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

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



426 not limited to, retaining and paying the independent, third-party  
427 auditor to review and disburse the cost recovery funds and to  
428 prepare the reports contemplated by Sections 19-5-331 through  
429 19-5-341.

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

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

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

449       19-5-339. In accordance with the Federal Communication  
450 Commission Order, no CMRS provider shall be required to provide  
451 wireless enhanced 911 service until such time as (a) the provider  
452 receives a request for such service from the administrator of a  
453 Public Safety Answering Point (PSAP) that is capable of receiving  
454 and utilizing the data elements associated with the service; (b)  
455 funds are available pursuant to Section 19-5-333; and (c) the  
456 local exchange carrier is able to support the wireless enhanced  
457 911 system.



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

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

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

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

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



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

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

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

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

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





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

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

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

539       **SECTION 11.** Section 12, Chapter 536, Laws of 1993, as  
540 amended by Section 12, Chapter 531, Laws of 1998, as amended by  
541 Section 11, Chapter 569, Laws of 2001, is amended as follows:

542       Section 12. This act shall stand repealed from and after  
543 July 1, 2007.

544       **SECTION 12.** This act shall take effect and be in force from  
545 and after July 1, 2002.

