

By: Representative Ishee

To: Public Utilities

HOUSE BILL NO. 446

1 AN ACT TO REENACT SECTIONS 19-5-303, 19-5-313, 19-5-319,  
 2 19-5-331 THROUGH 19-5-341, 19-5-359 AND 19-5-361, MISSISSIPPI CODE  
 3 OF 1972, WHICH PROVIDE FOR AN EMERGENCY TELEPHONE SERVICE CHARGE,  
 4 CREATE A COMMERCIAL MOBILE RADIO SERVICE BOARD AND PRESCRIBE ITS  
 5 POWERS AND DUTIES, PROVIDE FOR COLLECTION OF SERVICE CHARGES,  
 6 REQUIRE CONFIDENTIALITY OF PROPRIETARY INFORMATION AND REQUIRE THE  
 7 COMMERCIAL MOBILE RADIO SERVICE TO PROVIDE WIRELESS ENHANCED 911  
 8 SERVICE; TO AMEND SECTION 12, CHAPTER 531, LAWS OF 1998, AS  
 9 AMENDED BY SECTION 11, CHAPTER 569, LAWS OF 2001, AS AMENDED BY  
 10 SECTION 12, CHAPTER 626, LAWS OF 2002, TO EXTEND THE REPEALER ON  
 11 WIRELESS EMERGENCY TELEPHONE SERVICE FROM JULY 1, 2004, 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, Public Law 103-66. The term includes the term "wireless"  
84 and 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 19-5-319, Mississippi Code of 1972, is  
207 reenacted as follows:

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

222 (2) All emergency telephone calls and telephone call  
223 transmissions received pursuant to Section 19-5-301 et seq., and  
224 all recordings of the emergency telephone calls, shall remain  
225 confidential and shall be used only for the purposes as may be  
226 needed for law enforcement, fire, medical rescue or other  
227 emergency services. These recordings shall not be released to any



228 other parties without court order or subpoena from a court of  
229 competent jurisdiction.

230 (3) PSAP and emergency response entities shall maintain and,  
231 upon request, release a record of the date of call, time of call,  
232 the time the emergency response entity was notified, and the  
233 identity of the emergency response entity. The emergency response  
234 entity shall maintain and, upon request, release a record of the  
235 date and time the call was received by the emergency response  
236 entity and the time the emergency response entity arrived on the  
237 scene. Requests for release of records must be made in writing  
238 and must specify the information desired. Requestors shall pay  
239 the cost of providing the information requested in accordance with  
240 the Mississippi Public Records Act of 1983, Section 25-61-1 et  
241 seq. The identity of any caller or person or persons who are the  
242 subject of any call, or the address, phone number or other  
243 identifying information about any such person, shall not be  
244 released except as provided in subsection (2) of this section.

245 **SECTION 4.** Section 19-5-331, Mississippi Code of 1972, is  
246 reenacted as follows:

247 19-5-331. As used in Sections 19-5-331 through 19-5-341, the  
248 following words and phrases have the meanings ascribed in this  
249 section unless the context clearly indicates otherwise:

250 (a) The terms "board" and "CMRS Board" mean the  
251 Commercial Mobile Radio Service Emergency Telephone Services  
252 Board.

253 (b) The term "automatic number identification" or "ANI"  
254 means an Enhanced 911 Service capability that enables the  
255 automatic display of the ten-digit wireless telephone number used  
256 to place a 911 call and includes "pseudo-automatic number  
257 identification" or "pseudo-ANI," which means an Enhanced 911  
258 Service capability that enables the automatic display of the  
259 number of the cell site and an identification of the CMRS  
260 provider.





261 (c) The term "commercial mobile radio service" or  
262 "CMRS" means commercial mobile radio service under Sections 3(27)  
263 and 332(d) of the Federal Telecommunications Act of 1996, 47 USCS  
264 Section 151 et seq., and the Omnibus Budget Reconciliation Act of  
265 1993, Public Law 103-66. The term includes the term "wireless"  
266 and service provided by any wireless real time two-way voice  
267 communication device, including radio-telephone communications  
268 used in cellular telephone service, personal communication  
269 service, or the functional or competitive equivalent of a  
270 radio-telephone communications line used in cellular telephone  
271 service, a personal communication service, specialized mobile  
272 radio service, or a network radio access line. The term does not  
273 include service whose customers do not have access to 911 or to a  
274 911-like service, to a communication channel suitable only for  
275 data transmission, to a wireless roaming service or other nonlocal  
276 radio access line service, or to a private telecommunications  
277 system.

278 (d) The term "commercial mobile radio service provider"  
279 or "CMRS provider" means a person or entity who provides  
280 commercial mobile radio service or CMRS service.

281 (e) The term "CMRS connection" means each mobile  
282 handset telephone number assigned to a CMRS customer with a place  
283 of primary use in the State of Mississippi.

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

287 (g) The term "CMRS service charge" means the CMRS  
288 emergency telephone service charge levied and maintained pursuant  
289 to Section 19-5-333 and collected pursuant to Section 19-5-335.

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



294 (i) The term "ECD" means an emergency communications  
295 district created pursuant to Section 19-5-301 et seq., or by local  
296 and private act of the State of Mississippi.

297 (j) The term "Enhanced 911," "E911," "Enhanced E911  
298 system" or "E911 system" means an emergency telephone system that  
299 provides the caller with emergency 911 system service, that  
300 directs 911 calls to appropriate public safety answering points by  
301 selective routing based on the geographical location from which  
302 the call originated, and that provides the capability for  
303 automatic number identification and other features that the  
304 Federal Communications Commission (FCC) may require in the future.

305 (k) The term "exchange access facility" means an  
306 "exchange access facility" as defined by Section 19-5-303.

307 (l) The term "FCC Order" means Federal Communications  
308 Commission orders, rules and regulations issued with respect to  
309 implementation of Basic 911 or Enhanced 911 and other emergency  
310 communication services.

311 (m) The term "place of primary use" means the street  
312 address representative of where the customer's use of mobile  
313 telecommunications services primarily occurs, which must be either  
314 the residential street address or the primary business street  
315 address of the customer.

316 (n) The term "service supplier" means a "service  
317 supplier" as defined by Section 19-5-303.

318 (o) The term "technical proprietary information" means  
319 technology descriptions, technical information or trade secrets  
320 and the actual or developmental costs thereof which are developed,  
321 produced or received internally by a CMRS provider or by a CMRS  
322 provider's employees, directors, officers or agents.

323 **SECTION 5.** Section 19-5-333, Mississippi Code of 1972, is  
324 reenacted as follows:

325 19-5-333. (1) There is created a Commercial Mobile Radio  
326 Service (CMRS) Board, consisting of seven (7) members to be



327 appointed by the Governor with the advice and consent of the  
328 Senate. The members of the board shall be appointed as follows:

329 (a) One (1) member from the Northern Public Service  
330 Commission District selected from two (2) nominees submitted to  
331 the Governor by the Mississippi 911 Coordinators Association;

332 (b) One (1) member from the Central Public Service  
333 Commission District selected from two (2) nominees submitted to  
334 the Governor by the Mississippi Chapter of the Association of  
335 Public Safety Communication Officers;

336 (c) One (1) member from the Southern Public Service  
337 Commission District selected from two (2) nominees submitted to  
338 the Governor by the National Emergency Numbering Association;

339 (d) Two (2) members who are wireless provider  
340 representatives;

341 (e) One (1) member who is a consumer representing the  
342 state at large with no affiliation to the three (3) trade  
343 associations or the wireless providers; and

344 (f) One (1) member who is a member of the Mississippi  
345 Law Enforcement Officers Association selected from two (2)  
346 nominees submitted to the Governor by the association.

347 The initial terms of the board members, as appointed after  
348 July 1, 2002, shall be staggered as follows: the members  
349 appointed under paragraph (d) shall serve a term of two (2) years;  
350 the member appointed under paragraph (e) shall serve a term of one  
351 (1) year. After the expiration of the initial terms, the term for  
352 all members shall be four (4) years.

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

354 (a) To collect and distribute a CMRS emergency  
355 telephone service charge on each CMRS customer whose place of  
356 primary use is within the state. The rate of such CMRS service  
357 charge shall be One Dollar (\$1.00) per month per CMRS connection.  
358 The CMRS service charge shall have uniform application and shall  
359 be imposed throughout the state. The board is authorized to



360 receive all revenues derived from the CMRS service charge levied  
361 on CMRS connections in the state and collected pursuant to Section  
362 19-5-335.

363           (b) To establish and maintain the CMRS Fund as an  
364 insured, interest-bearing account into which the board shall  
365 deposit all revenues derived from the CMRS service charge levied  
366 on CMRS connections in the state and collected pursuant to Section  
367 19-5-335. The revenues which are deposited into the CMRS Fund  
368 shall not be monies or property of the state and shall not be  
369 subject to appropriation by the Legislature. Interest derived  
370 from the CMRS Fund shall be divided equally to pay reasonable  
371 costs incurred by providers in compliance with the requirements of  
372 Sections 19-5-331 through 19-5-341 and to compensate those  
373 persons, parties or firms employed by the CMRS Board as  
374 contemplated in paragraph (d) of this subsection. The interest  
375 income is not subject to the two percent (2%) cap on  
376 administrative spending established in Section 19-5-335(3).

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

380           (i) Out of the funds collected by the board,  
381 thirty percent (30%) shall be deposited into the CMRS Fund, and  
382 shall be used to defray the administrative expenses of the board  
383 in accordance with Section 19-5-335(3) and to pay the actual costs  
384 incurred by such CMRS providers in complying with the wireless  
385 E911 service requirements established by the FCC Order and any  
386 rules and regulations which are or may be adopted by the FCC  
387 pursuant to the FCC Order, including, but not limited to, costs  
388 and expenses incurred for designing, upgrading, purchasing,  
389 leasing, programming, installing, testing or maintaining all  
390 necessary data, hardware and software required in order to provide  
391 such service as well as the incremental costs of operating such  
392 service. Sworn invoices must be presented to the board in



393 connection with any request for payment and approved by a majority  
394 vote of the board prior to any such disbursement, which approval  
395 shall not be withheld or delayed unreasonably. In no event shall  
396 any invoice for payment be approved for the payment of costs that  
397 are not related to compliance with the wireless E911 service  
398 requirements established by the FCC Order and any rules and  
399 regulations which are or may be adopted by the FCC pursuant to the  
400 FCC Order, and any rules and regulations which may be adopted by  
401 the FCC with respect to implementation of wireless E911 services.

402 (ii) The remainder of all funds collected by the  
403 board, which shall not be less than seventy percent (70%) of the  
404 total funds collected by the board, shall be distributed by the  
405 board monthly based on the number of CMRS connections in each ECD  
406 for use in providing wireless E911 service, including capital  
407 improvements, and in their normal operations. For purposes of  
408 distributing the funds to each ECD, every CMRS provider shall  
409 identify to the CMRS Board the ECD to which funds should be  
410 remitted based on zip code plus four (4) designation, as required  
411 by the federal Uniform Sourcing Act.

412 An ECD board that has within its jurisdiction zip code  
413 designations that do not adhere to county lines shall assist CMRS  
414 providers in determining the appropriate county to which funds  
415 should be distributed.

416 (d) To contract for the services of accountants,  
417 attorneys, consultants, engineers and any other persons, firms or  
418 parties the board deems necessary to effectuate the purposes of  
419 Sections 19-5-331 through 19-5-341.

420 (e) To obtain from an independent, third-party auditor  
421 retained by the board annual reports to the board no later than  
422 sixty (60) days after the close of each fiscal year, which shall  
423 provide an accounting for all CMRS service charges deposited into  
424 the CMRS Fund during the preceding fiscal year and all  
425 disbursements to ECDs during the preceding fiscal year. The board



426 shall provide a copy of the annual reports to the Chairmen of the  
427 Public Utilities Committees of the House of Representatives and  
428 Senate.

429 (f) To retain an independent, third-party accountant  
430 who shall audit CMRS providers at the discretion of the CMRS Board  
431 to verify the accuracy of each CMRS providers' service charge  
432 collection. The information obtained by the audits shall be used  
433 solely for the purpose of verifying that CMRS providers accurately  
434 are collecting and remitting the CMRS service charge and may be  
435 used for any legal action initiated by the board against CMRS  
436 providers.

437 (g) To levy interest charges at the legal rate of  
438 interest established in Section 75-17-1 on any amount due and  
439 outstanding from any CMRS provider who fails to remit service  
440 charges in accordance with Section 19-5-335(1).

441 (h) To promulgate such rules and regulations as may be  
442 necessary to effect the provisions of Sections 19-5-331 through  
443 19-5-341.

444 (i) To make the determinations and disbursements as  
445 provided by Section 19-5-333(2)(c).

446 (j) To maintain a registration database of all CMRS  
447 providers and to impose an administrative fine on any provider  
448 that fails to comply with the registration requirements in Section  
449 19-5-335.

450 (3) The CMRS service charge provided in subsection (2)(a) of  
451 this section and the service charge provided in Section 19-5-357  
452 to fund the training of public safety telecommunicators shall be  
453 the only charges assessed to CMRS customers relating to emergency  
454 telephone services.

455 (4) The board shall serve without compensation; however,  
456 members of the board shall be entitled to be reimbursed for actual  
457 expenses and travel costs associated with their service in an  
458 amount not to exceed the reimbursement authorized for state



459 officers and employees in Section 25-3-41, Mississippi Code of  
460 1972.

461 **SECTION 6.** Section 19-5-335, Mississippi Code of 1972, is  
462 reenacted as follows:

463 19-5-335. (1) Each CMRS provider shall act as a collection  
464 agent for the CMRS Fund and shall, as part of the provider's  
465 normal monthly billing process, collect the CMRS service charges  
466 levied upon CMRS connections pursuant to Section 19-5-333(2)(a)  
467 from each CMRS connection to whom the billing provider provides  
468 CMRS service and shall, not later than thirty (30) days after the  
469 end of the calendar month in which such CMRS service charges are  
470 collected, remit to the board the net CMRS service charges so  
471 collected after deducting the fee authorized by subsection (2) of  
472 this section. Each billing provider shall list the CMRS service  
473 charge as a separate entry on each bill which includes a CMRS  
474 service charge.

475 (2) Each CMRS provider shall be entitled to deduct and  
476 retain from the CMRS service charges collected by such provider  
477 during each calendar month an amount not to exceed one percent  
478 (1%) of the gross aggregate amount of such CMRS service charges so  
479 collected as reimbursement for the costs incurred by such provider  
480 in collecting, handling and processing such CMRS service charges.

481 (3) The board shall be entitled to retain from the CMRS  
482 service charges collected during each calendar month an amount not  
483 to exceed two percent (2%) of the money allocated to the CMRS Fund  
484 as reimbursement for the costs incurred by the board in  
485 administering Sections 19-5-331 through 19-5-341 including, but  
486 not limited to, retaining and paying the independent, third-party  
487 auditor to review and disburse the cost recovery funds and to  
488 prepare the reports contemplated by Sections 19-5-331 through  
489 19-5-341.

490 (4) Each CMRS provider shall register with the CMRS Board  
491 and shall provide the following information upon registration:



- 492 (a) The company name of the provider;  
493 (b) The marketing name of the provider;  
494 (c) The publicly traded name of the provider;  
495 (d) The physical address of the company headquarters  
496 and of the main office located in the State of Mississippi; and  
497 (e) The names and addresses of the providers' board of  
498 directors/owners.

499 Each CMRS provider shall notify the board of any change in the  
500 information prescribed in paragraphs (a) through (e). The board  
501 may suspend the disbursement of cost recovery funds to, and may  
502 impose an administrative fine in an amount not to exceed Ten  
503 Thousand Dollars (\$10,000.00) on any provider which fails to  
504 comply with the provisions of this subsection.

505 **SECTION 7.** Section 19-5-337, Mississippi Code of 1972, is  
506 reenacted as follows:

507 19-5-337. All technical proprietary information submitted to  
508 the board or to the independent, third-party auditor as provided  
509 by Section 19-5-333(2)(d) shall be retained by the board and such  
510 auditor in confidence and shall be subject to review only by the  
511 board. Further, notwithstanding any other provision of the law,  
512 no technical proprietary information so submitted shall be subject  
513 to subpoena or otherwise released to any person other than to the  
514 submitting CMRS provider, the board and the aforesaid independent,  
515 third-party auditor without the express permission of the  
516 administrator and the submitting CMRS provider. General  
517 information collected by the aforesaid independent, third-party  
518 auditor shall only be released or published in aggregate amounts  
519 which do not identify or allow identification of numbers of  
520 subscribers of revenues attributable to an individual CMRS  
521 provider.

522 **SECTION 8.** Section 19-5-339, Mississippi Code of 1972, is  
523 reenacted as follows:





524 19-5-339. In accordance with the Federal Communication  
525 Commission Order, no CMRS provider shall be required to provide  
526 wireless Enhanced 911 Service until such time as (a) the provider  
527 receives a request for such service from the administrator of a  
528 Public Safety Answering Point (PSAP) that is capable of receiving  
529 and utilizing the data elements associated with the service; (b)  
530 funds are available pursuant to Section 19-5-333; and (c) the  
531 local exchange carrier is able to support the wireless Enhanced  
532 911 system.

533 **SECTION 9.** Section 19-5-341, Mississippi Code of 1972, is  
534 reenacted as follows:

535 19-5-341. Wireless emergency telephone service shall not be  
536 used for personal use and shall be used solely for the use of  
537 communications by the public. Any person who knowingly uses or  
538 attempts to use wireless emergency telephone service for a purpose  
539 other than obtaining public safety assistance, or who knowingly  
540 uses or attempts to use wireless emergency telephone service in an  
541 effort to avoid any CMRS charges, is guilty of a misdemeanor and  
542 shall be subject to a fine of not more than Five Hundred Dollars  
543 (\$500.00) or imprisonment of not more than thirty (30) days in the  
544 county jail, or both such fine and imprisonment. If the value of  
545 the CMRS charge or service obtained in a manner prohibited by this  
546 section exceeds One Hundred Dollars (\$100.00), the offense may be  
547 prosecuted as a felony and punishable by a fine of not more than  
548 Five Thousand Dollars (\$5,000.00) and imprisonment of not more  
549 than three (3) years, or both such fine and imprisonment.

550 **SECTION 10.** Section 19-5-359, Mississippi Code of 1972, is  
551 reenacted as follows:

552 19-5-359. (1) Any service supplier operating within the  
553 State of Mississippi shall be required to provide access to the  
554 locally designated PSAP by dialing the three (3) digits "911" from  
555 any telephone subscriber line within such service area. Where  
556 technically available, each service supplier shall, at a county's



557 request, provide "Enhanced 911" services. Where this capability  
558 does not technically exist, "Basic 911" shall be available as a  
559 minimum.

560 (2) From and after December 31, 1993, any person,  
561 corporation or entity operating a "shared tenant service" type of  
562 telephone system shall be required to provide as a minimum the  
563 location and telephone number information for each and every  
564 extension or user on such "shared tenant" system to the regulated  
565 local exchange telephone service provider where the service  
566 provider can utilize such information in the delivery of "Enhanced  
567 911" emergency telephone service. This information shall consist  
568 of data in a format that is compatible with the service supplier's  
569 requirements in order to provide such location and telephone  
570 number information automatically in the event a call to 911 is  
571 placed from such a system. It shall be the responsibility of the  
572 operator or provider of "STS" telephone services to maintain the  
573 data pertaining to each extension operating on such system.

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

580 (4) Any service suppliers engaged in the offering or  
581 operating of "Centrex" or "ESSX" telephone service within the  
582 State of Mississippi shall cause the actual location of all  
583 extensions operating in this service to be displayed at the PSAP  
584 whenever a 911 call is placed from said extension. This feature  
585 shall not be required in areas where Enhanced 911 is not in  
586 operation but shall be required should such area upgrade to  
587 Enhanced 911 service.

588 (5) Any local exchange telephone service suppliers offering  
589 "quick-serve" or "soft" dial tone shall provide address location



590 information to the PSAP operating in the area where the  
591 "quick-serve" or "soft" dial tone is in operation so that the PSAP  
592 may have this address information displayed should a call to 911  
593 be placed from such location. It shall be the responsibility of  
594 the service supplier to determine in which emergency service  
595 number area the "quick-serve" or "soft" dial tone is located.

596 (6) Any service suppliers operating within the State of  
597 Mississippi and providing Enhanced 911 telephone service shall  
598 have a reasonable time period, not to exceed five (5) years, to  
599 comply with data and operational standards as they are set forth  
600 by the National Emergency Number Association. This time period  
601 shall apply to data format, equipment supplied for PSAP use and  
602 for the length of time required for data updates relating to  
603 service user address information, emergency service number updates  
604 and other data updates as may be required.

605 **SECTION 11.** Section 19-5-361, Mississippi Code of 1972, is  
606 reenacted as follows:

607 19-5-361. Any Emergency 911 telephone service supplier and  
608 Emergency 911 CMRS provider operating within the State of  
609 Mississippi, its employees, directors, officers, agents and  
610 subcontractors, shall be entitled to receive the limitations of  
611 liability as provided to the state, or any agency or local  
612 government of the state, pursuant to Section 11-46-15, Mississippi  
613 Code of 1972.

614 **SECTION 12.** Section 12, Chapter 531, Laws of 1998, as  
615 amended by Section 11, Chapter 569, Laws of 2001, as amended by  
616 Section 12, Chapter 626, Laws of 2002, is amended as follows:

617 Section 12. Sections 19-5-303, 19-5-313, 19-5-319, 19-5-331,  
618 19-5-333, 19-5-335, 19-5-337, 19-5-339, 19-5-341, 19-5-359 and  
619 19-5-361, shall stand repealed from and after July 1, 2007.

620 **SECTION 13.** Section 12 of this act shall be codified as a  
621 new section in Title 19, Chapter 5, Mississippi Code of 1972.



622           **SECTION 14.** This act shall take effect and be in force from  
623 and after July 1, 2003.

