

By: Senator(s) King

To: Public Utilities

SENATE BILL NO. 2395

1 AN ACT TO REENACT SECTIONS 19-5-303, 19-5-313, 19-5-319,  
2 19-5-331, 19-5-333, 19-5-335, 19-5-337, 19-5-339, 19-5-341,  
3 19-5-359 AND 19-5-361, MISSISSIPPI CODE OF 1972, WHICH REGULATE  
4 THE E911 WIRELESS EMERGENCY TELEPHONE SERVICE; TO AMEND SECTION  
5 19-5-371, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER; AND  
6 FOR RELATED PURPOSES.

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

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

10 19-5-303. For purposes of Sections 19-5-301 through  
11 19-5-317, the following words and terms shall have the following  
12 meanings, unless the context clearly indicates otherwise:

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

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

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

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

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

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

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

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

56           (i) "Private branch exchange (PBX)" shall mean any  
57 telephone service operation supplied by a party other than a  
58 regulated local exchange telephone service supplier for which a  
59 charge is not levied. Such services are those where tariffed  
60 telephone trunks or lines are terminated into a central switch

61 which is used to supply dial tone to telephones operating within  
62 that system.

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

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

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

89 (m) "Telecommunicator" shall mean any person engaged in  
90 or employed as a telecommunications operator by any public safety,  
91 fire or emergency medical agency whose primary responsibility is  
92 the receipt or processing of calls for emergency services provided  
93 by public safety, fire or emergency medical agencies or the

94 dispatching of emergency services provided by public safety, fire  
95 or emergency medical agencies and who receives or disseminates  
96 information relative to emergency assistance by telephone or  
97 radio.

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

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

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

109           19-5-313. (1) The board of supervisors may levy an  
110 emergency telephone service charge in an amount not to exceed One  
111 Dollar (\$1.00) per residential telephone subscriber line per month  
112 and Two Dollars (\$2.00) per commercial telephone subscriber line  
113 per month for exchange telephone service. Any emergency telephone  
114 service charge shall have uniform application and shall be imposed  
115 throughout the entirety of the district to the greatest extent  
116 possible in conformity with availability of such service in any  
117 area of the district. Those districts which exist on the date of  
118 enactment of Chapter 539, Laws of 1993, shall convert to the  
119 following structure for service charge levy: If the current  
120 charge is five percent (5%) of the basic tariff service rate, the  
121 new collection shall be Eighty Cents (\$.80) per month per  
122 residential subscriber line and One Dollar and Sixty Cents (\$1.60)  
123 per month per commercial subscriber line. The collections may be  
124 adjusted as outlined in Chapter 539, Laws of 1993, and within the  
125 limits set forth herein.

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

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

159 be added to and may be stated separately in the billing by the  
160 service supplier to the service user.

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

175 (5) The amounts collected by the service supplier  
176 attributable to any emergency telephone service charge shall be  
177 due the county treasury monthly. The amount of service charge  
178 collected each month by the service supplier shall be remitted to  
179 the county no later than sixty (60) days after the close of the  
180 month. A return, in such form as the board of supervisors and the  
181 service supplier agree upon, shall be filed with the county,  
182 together with a remittance of the amount of service charge  
183 collected payable to the county. The service supplier shall  
184 maintain records of the amount of service charge collected for a  
185 period of at least two (2) years from date of collection. The  
186 board of supervisors and board of commissioners shall receive an  
187 annual audit of the service supplier's books and records with  
188 respect to the collection and remittance of the service charge.  
189 From the gross receipts to be remitted to the county, the service  
190 supplier shall be entitled to retain as an administrative fee, an  
191 amount equal to one percent (1%) thereof. From and after March

192 10, 1987, the service charge is a county fee and is not subject to  
193 any sales, use, franchise, income, excise or any other tax, fee or  
194 assessment and shall not be considered revenue of the service  
195 supplier for any purpose.

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

200 **SECTION 3.** Section 19-5-319, Mississippi Code of 1972, is  
201 reenacted as follows:

202 19-5-319. (1) Automatic number identification (ANI),  
203 automatic location identification (ALI) and geographic automatic  
204 location identification (GeoALI) information that consist of the  
205 name, address and telephone number of telephone or wireless  
206 subscribers shall be confidential, and the dissemination of the  
207 information contained in the 911 automatic number and location  
208 data base is prohibited except for the following purpose: the  
209 information will be provided to the Public Safety Answering Point  
210 (PSAP) on a call-by-call basis only for the purpose of handling  
211 emergency calls or for training, and any permanent record of the  
212 information shall be secured by the Public Safety Answering Point  
213 (PSAP) and disposed of in a manner which will retain that  
214 security, except upon court order or subpoena from a court of  
215 competent jurisdiction or as otherwise provided by law.

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

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

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

241 19-5-331. As used in Sections 19-5-331 through 19-5-341, the  
242 following words and phrases have the meanings ascribed in this  
243 section unless the context clearly indicates otherwise:

244 (a) The terms "board" and "CMRS Board" mean the  
245 Commercial Mobile Radio Service Emergency Telephone Services  
246 Board.

247 (b) The term "automatic number identification" or "ANI"  
248 means an Enhanced 911 Service capability that enables the  
249 automatic display of the ten-digit wireless telephone number used  
250 to place a 911 call and includes "pseudo-automatic number  
251 identification" or "pseudo-ANI," which means an Enhanced 911  
252 Service capability that enables the automatic display of the  
253 number of the cell site and an identification of the CMRS  
254 provider.

255 (c) The term "commercial mobile radio service" or  
256 "CMRS" means commercial mobile radio service under Sections 3(27)



257 and 332(d) of the Federal Telecommunications Act of 1996, 47 USCS  
258 Section 151 et seq., and the Omnibus Budget Reconciliation Act of  
259 1993, Public Law 103-66. The term includes the term "wireless"  
260 and service provided by any wireless real time two-way voice  
261 communication device, including radio-telephone communications  
262 used in cellular telephone service, personal communication  
263 service, or the functional or competitive equivalent of a  
264 radio-telephone communications line used in cellular telephone  
265 service, a personal communication service, specialized mobile  
266 radio service, or a network radio access line. The term does not  
267 include service whose customers do not have access to 911 or to a  
268 911-like service, to a communication channel suitable only for  
269 data transmission, to a wireless roaming service or other nonlocal  
270 radio access line service, or to a private telecommunications  
271 system.

272 (d) The term "commercial mobile radio service provider"  
273 or "CMRS provider" means a person or entity who provides  
274 commercial mobile radio service or CMRS service.

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

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

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

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

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

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

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

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

305 (m) The term "place of primary use" means the street  
306 address representative of where the customer's use of mobile  
307 telecommunications services primarily occurs, which must be either  
308 the residential street address or the primary business street  
309 address of the customer.

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

312 (o) The term "technical proprietary information" means  
313 technology descriptions, technical information or trade secrets  
314 and the actual or developmental costs thereof which are developed,  
315 produced or received internally by a CMRS provider or by a CMRS  
316 provider's employees, directors, officers or agents.

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

319 19-5-333. (1) There is created a Commercial Mobile Radio  
320 Service (CMRS) Board, consisting of seven (7) members to be

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

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

326 (b) One (1) member from the Central Public Service  
327 Commission District selected from two (2) nominees submitted to  
328 the Governor by the Mississippi Chapter of the Association of  
329 Public Safety Communication Officers;

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

333 (d) Two (2) members who are wireless provider  
334 representatives;

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

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

341 The initial terms of the board members, as appointed after  
342 July 1, 2002, shall be staggered as follows: the members  
343 appointed under paragraph (d) shall serve a term of two (2) years;  
344 the member appointed under paragraph (e) shall serve a term of one  
345 (1) year. After the expiration of the initial terms, the term for  
346 all members shall be four (4) years.

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

348 (a) To collect and distribute a CMRS emergency  
349 telephone service charge on each CMRS customer whose place of  
350 primary use is within the state. The rate of such CMRS service  
351 charge shall be One Dollar (\$1.00) per month per CMRS connection.  
352 The CMRS service charge shall have uniform application and shall  
353 be imposed throughout the state. The board is authorized to

354 receive all revenues derived from the CMRS service charge levied  
355 on CMRS connections in the state and collected pursuant to Section  
356 19-5-335.

357 (b) To establish and maintain the CMRS Fund as an  
358 insured, interest-bearing account into which the board shall  
359 deposit all revenues derived from the CMRS service charge levied  
360 on CMRS connections in the state and collected pursuant to Section  
361 19-5-335. The revenues which are deposited into the CMRS Fund  
362 shall not be monies or property of the state and shall not be  
363 subject to appropriation by the Legislature. Interest derived  
364 from the CMRS Fund shall be divided equally to pay reasonable  
365 costs incurred by providers in compliance with the requirements of  
366 Sections 19-5-331 through 19-5-341 and to compensate those  
367 persons, parties or firms employed by the CMRS Board as  
368 contemplated in paragraph (d) of this subsection. The interest  
369 income is not subject to the two percent (2%) cap on  
370 administrative spending established in Section 19-5-335(3).

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

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

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

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

406 An ECD board that has within its jurisdiction zip code  
407 designations that do not adhere to county lines shall assist CMRS  
408 providers in determining the appropriate county to which funds  
409 should be distributed.

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

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

420 shall provide a copy of the annual reports to the Chairmen of the  
421 Public Utilities Committees of the House of Representatives and  
422 Senate.

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

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

435 (h) To promulgate such rules and regulations as may be  
436 necessary to effect the provisions of Sections 19-5-331 through  
437 19-5-341.

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

440 (j) To maintain a registration database of all CMRS  
441 providers and to impose an administrative fine on any provider  
442 that fails to comply with the registration requirements in Section  
443 19-5-335.

444 (3) The CMRS service charge provided in subsection (2)(a) of  
445 this section and the service charge provided in Section 19-5-357  
446 to fund the training of public safety telecommunicators shall be  
447 the only charges assessed to CMRS customers relating to emergency  
448 telephone services.

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

453 officers and employees in Section 25-3-41, Mississippi Code of  
454 1972.

455 (5) It is the Legislature's intent to ensure that the State  
456 of Mississippi shall be Phase I compliant by July 1, 2005. For  
457 purposes of this subsection, Phase I compliant means the mandate  
458 by the FCC that requires any carrier when responding to a PSAP to  
459 define and deliver data related to the cell site location and the  
460 caller's call-back number.

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  
500 the information prescribed in paragraphs (a) through (e). The  
501 board may suspend the disbursement of cost recovery funds to, and  
502 may 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 19-5-371, Mississippi Code of 1972, is  
615 reenacted and amended as follows:

616 19-5-371. Sections 19-5-303, 19-5-313, 19-5-319, 19-5-331,  
617 19-5-333, 19-5-335, 19-5-337, 19-5-339, 19-5-341, 19-5-359 and  
618 19-5-361, shall stand repealed from and after July 1, 2012.

619 **SECTION 13.** This act shall take effect and be in force from  
620 and after July 1, 2007.