



January 27, 2020

HOUSE BILL No. 1235

DIGEST OF HB 1235 (Updated January 23, 2020 4:06 pm - DI 135)

Citations Affected: IC 36-8.

Synopsis: 911 fees. Provides that the statewide 911 board may increase an enhanced prepaid wireless charge not more than one time in a calendar year in an amount not to exceed \$0.10. Revises the definition of "statewide 911 system". Provides that the statewide 911 board may adjust the statewide 911 fee not more than one time in a calendar year in an amount not to exceed \$0.10.

Effective: July 1, 2020.

Karickhoff

January 13, 2020, read first time and referred to Committee on Ways and Means.
January 27, 2020, reported — Do Pass.

HB 1235—LS 6877/DI 113



January 27, 2020

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1235

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-8-16.6-11, AS AMENDED BY P.L.36-2016,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 11. (a) The board shall impose an enhanced
4 prepaid wireless charge on each retail transaction. The charge is not
5 required to be paid by an eligible telecommunications carrier that is
6 required to pay the monthly statewide 911 fee under IC 36-8-16.7-32
7 for the same transaction. The amount of the charge is one dollar (\$1).
8 The board may increase the enhanced prepaid wireless charge to ensure
9 adequate revenue for the board to fulfill its duties and obligations under
10 this chapter and IC 36-8-16.7. The following apply to an increase in the
11 enhanced prepaid wireless charge:

- 12 (1) The board may increase the charge ~~only~~ **not more than one**
13 (1) time ~~after June 30, 2015, and before July 1, 2020.~~ **in a**
14 **calendar year in an amount not to exceed ten cents (\$0.10).**
15 (2) The board may increase the charge only after review by the
16 budget committee.
17 (3) ~~If the board increases the charge, the amount of the increase~~

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1 ~~must be ten cents (\$0.10):~~

2 (b) A consumer that is the federal government or an agency of the
3 federal government is exempt from the enhanced prepaid wireless
4 charge imposed under this section.

5 (c) This subsection applies to an eligible telecommunications carrier
6 for purposes of receiving Lifeline reimbursement from the universal
7 service fund through the administrator designated by the Federal
8 Communications Commission. An eligible telecommunications carrier:

9 (1) is not considered an agency of the federal government for
10 purposes of the exemption set forth in subsection (b); and

11 (2) with respect to prepaid wireless telecommunications service
12 provided to end users by the eligible telecommunications carrier
13 in its capacity as an eligible telecommunications carrier, is liable
14 for the charge imposed under subsection (d).

15 (d) Beginning September 1, 2015, and on the first day of each
16 month thereafter, an eligible telecommunications carrier described in
17 subsection (c) shall pay to the board a charge equal to the product of
18 the following factors:

19 (1) The enhanced prepaid wireless charge established under
20 subsection (a).

21 (2) The number of unique end users for which the eligible
22 telecommunications carrier received reimbursement from the
23 universal service fund during the immediately preceding month.

24 The eligible telecommunications carrier may bill and collect from each
25 end user the charges calculated under this subsection with respect to
26 the end user. The eligible telecommunications carrier shall determine
27 the manner in which the eligible telecommunications carrier bills and
28 collects the charges. Except as provided in section 15 of this chapter,
29 an eligible telecommunications carrier may not bill and collect from an
30 end user an amount greater than the charges paid by the eligible
31 telecommunications carrier to the board with respect to the end user.

32 SECTION 2. IC 36-8-16.7-22, AS ADDED BY P.L.132-2012,
33 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2020]: Sec. 22. ~~(a)~~ As used in this chapter, "statewide 911
35 system" means a communications system that uses the three (3) digit
36 number 911 to send:

37 **(1) an emergency call for assistance from the public by voice,**
38 **text message, or other communication method or a functional**
39 **equivalent or successor;**

40 ~~(+)~~ **(2) automatic number identification or its functional**
41 **equivalent or successor; and**

42 ~~(2)~~ **(3) automatic location information or its functional equivalent**



1 or successor;
2 for reporting police, fire, medical, or other emergency situations.

3 (b) The term includes the following:

4 (1) A wireless 911 emergency telephone system funded under
5 IC 36-8-16.5 (before its repeal on July 1, 2012).

6 (2) An emergency notification system.

7 (c) The term does not include a wireline enhanced emergency
8 telephone system funded under IC 36-8-16 (before its repeal on July 1,
9 2012).

10 SECTION 3. IC 36-8-16.7-32, AS AMENDED BY P.L.85-2017,
11 SECTION 127, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2020]: Sec. 32. (a) Except as provided in
13 subsections (b) and (d), and subject to section 48(e) of this chapter, the
14 board shall assess a monthly statewide 911 fee on each standard user
15 that is a customer having a place of primary use in Indiana at a rate that
16 ensures full recovery of the amount needed for the board to make
17 distributions to county treasurers consistent with this chapter and that
18 provides for the proper development, operation, and maintenance of a
19 statewide 911 system. The amount of the fee assessed under this
20 subsection is one dollar (\$1). The board may adjust the statewide 911
21 fee to ensure adequate revenue for the board to fulfill the board's duties
22 and obligations under this chapter, subject to the following:

23 (1) The following apply to an increase in the fee:

24 (A) The board may increase the fee ~~only~~ **not more than one**
25 (1) time ~~after June 30, 2015, and before July 1, 2020: in a~~
26 **calendar year in an amount not to exceed ten cents (\$0.10).**

27 (B) The board may increase the fee only after review by the
28 budget committee.

29 ~~(C) If the board increases the fee, the amount of the increase~~
30 ~~must be ten cents (\$0.10):~~

31 (2) The fee may not be lowered more than one (1) time in a
32 calendar year.

33 (3) The fee may not be lowered by an amount that is more than
34 ten cents (\$0.10) without legislative approval.

35 (b) The fee assessed under this section does not apply to a prepaid
36 user in a retail transaction under IC 36-8-16.6.

37 (c) An additional fee relating to the provision of 911 service may
38 not be levied by a state agency or local unit of government. An
39 enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is not
40 considered an additional fee relating to the provision of wireless 911
41 service for purposes of this section.

42 (d) A user is exempt from the fee if the user is any of the following:



- 1 (1) The federal government or an agency of the federal
 2 government.
 3 (2) The state or an agency or instrumentality of the state.
 4 (3) A political subdivision (as defined in IC 36-1-2-13) or an
 5 agency of a political subdivision.
 6 (4) A user that accesses communications service solely through
 7 a wireless data only service plan.
 8 (e) This subsection applies to an eligible telecommunications carrier
 9 for purposes of receiving Lifeline reimbursement from the universal
 10 service fund through the administrator designated by the Federal
 11 Communications Commission. An eligible telecommunications carrier:
 12 (1) is not considered an agency of the federal government for
 13 purposes of the exemption set forth in subsection (d); and
 14 (2) with respect to communications service provided to end users
 15 by the eligible telecommunications carrier in its capacity as an
 16 eligible telecommunications carrier, is liable for the fee assessed
 17 under subsection (f).
 18 (f) Beginning September 1, 2015, and on the first day of each month
 19 thereafter, an eligible telecommunications carrier described in
 20 subsection (e) shall pay to the board a fee equal to the product of the
 21 following factors:
 22 (1) The monthly statewide 911 fee established under subsection
 23 (a).
 24 (2) The number of unique end users for which the eligible
 25 telecommunications carrier received reimbursement from the
 26 universal service fund during the immediately preceding month.
 27 The eligible telecommunications carrier may bill and collect from each
 28 end user the fees calculated under this subsection with respect to the
 29 end user. The eligible telecommunications carrier shall determine the
 30 manner in which the eligible telecommunications carrier bills and
 31 collects the fees. Except as provided in section 33(c) of this chapter, an
 32 eligible telecommunications carrier may not bill and collect from an
 33 end user an amount greater than the fees paid by the eligible
 34 telecommunications carrier to the board with respect to the end user.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1235, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1235 as introduced.)

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Committee Vote: Yeas 21, Nays 0

