

# HOUSE BILL 779

E4  
HB 1145/11 – HGO

2lr0076

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By: **Chair, Health and Government Operations Committee (By Request –  
Departmental – Public Safety and Correctional Services)**

Introduced and read first time: February 9, 2012

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – 9–1–1 Emergency Telephone Systems – Prepaid Service –**  
3 **Collection of Surcharge**

4 FOR the purpose of establishing that the surcharge on wireless telecommunication  
5 services applies to prepaid service; establishing the amount of the prepaid  
6 wireless E 9–1–1 fee; allowing for the collection of the fee for the purpose of  
7 contributing to the 9–1–1 Trust Fund; authorizing certain proportions of the  
8 money collected from the fee to be used for certain purposes; providing that the  
9 fee shall be collected for certain transactions; authorizing a seller to deduct and  
10 retain certain percentages of the fee under certain circumstances; establishing  
11 certain procedures for the collection of the fee; authorizing a seller to  
12 demonstrate a certain exemption from the fee in a certain manner; authorizing  
13 the Comptroller to adopt certain regulations; establishing certain immunity  
14 provisions; establishing that certain procedures apply to this Act; prohibiting  
15 certain charges from being imposed; defining certain terms; making technical  
16 changes; and generally relating to 9–1–1 emergency telephone systems and the  
17 collection of fees to support the systems.

18 BY repealing and reenacting, with amendments,  
19 Article – Public Safety  
20 Section 1–301 through 1–303 and 1–308 through 1–311  
21 Annotated Code of Maryland  
22 (2003 Volume and 2011 Supplement)

23 BY adding to  
24 Article – Public Safety  
25 Section 1–313  
26 Annotated Code of Maryland  
27 (2003 Volume and 2011 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Public Safety**

4 1–301.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) “Additional charge” means the charge imposed by a county in accordance  
7 with § 1–311 of this subtitle.

8 (c) “Board” means the Emergency Number Systems Board.

9 (d) “Commercial mobile radio service” or “CMRS” means mobile  
10 telecommunications service that is:

11 (1) provided for profit with the intent of receiving compensation or  
12 monetary gain;

13 (2) an interconnected, two-way voice service; and

14 (3) available to the public.

15 (e) “Commercial mobile radio service provider” or “CMRS provider” means a  
16 person authorized by the Federal Communications Commission to provide CMRS in  
17 the State.

18 (f) “County plan” means a plan for a 9–1–1 system or enhanced 9–1–1  
19 system, or an amendment to the plan, developed by a county or several counties  
20 together under this subtitle.

21 (g) (1) “Customer” means:

22 (i) the person that contracts with a home service provider for  
23 CMRS; or

24 (ii) the end user of the CMRS if the end user of the CMRS is not  
25 the contracting party.

26 (2) “Customer” does not include:

27 (i) a reseller of CMRS; or

28 (ii) a serving carrier under an arrangement to serve the  
29 customer outside the home service provider’s licensed service area.

1 (h) “Enhanced 9–1–1 system” means a 9–1–1 system that provides:

2 (1) automatic number identification;

3 (2) automatic location identification; and

4 (3) any other technological advancements that the Board requires.

5 (i) “FCC order” means an order issued by the Federal Communications  
6 Commission under proceedings regarding the compatibility of enhanced 9–1–1  
7 systems and delivery of wireless enhanced 9–1–1 service.

8 (j) “Home service provider” means the facilities–based carrier or reseller  
9 that contracts with a customer to provide CMRS.

10 (k) “9–1–1–accessible service” means telephone service or another  
11 communications service that connects an individual dialing the digits 9–1–1 to an  
12 established public safety answering point.

13 (l) “9–1–1 fee” means the fee imposed in accordance with § 1–310 of this  
14 subtitle.

15 (m) (1) “9–1–1 service carrier” means a provider of CMRS or other  
16 9–1–1–accessible service.

17 (2) “9–1–1 service carrier” does not include a telephone company.

18 (n) (1) “9–1–1 system” means telephone service that:

19 (i) meets the planning guidelines established under this  
20 subtitle; and

21 (ii) automatically connects an individual dialing the digits  
22 9–1–1 to an established public safety answering point.

23 (2) “9–1–1 system” includes:

24 (i) equipment for connecting and outswitching 9–1–1 calls  
25 within a telephone central office;

26 (ii) trunking facilities from a telephone central office to a public  
27 safety answering point; and

28 (iii) equipment to connect 9–1–1 calls to the appropriate public  
29 safety agency.

1 (o) "9-1-1 Trust Fund" means the fund established under § 1-308 of this  
2 subtitle.

3 (P) "PREPAID WIRELESS E 9-1-1 FEE" MEANS THE FEE THAT IS  
4 REQUIRED TO BE COLLECTED BY A SELLER FROM A CONSUMER IN THE AMOUNT  
5 ESTABLISHED UNDER § 1-313 OF THIS SUBTITLE.

6 (Q) "PREPAID WIRELESS TELECOMMUNICATIONS SERVICE" MEANS A  
7 COMMERCIAL MOBILE RADIO SERVICE THAT:

8 (1) ALLOWS A CONSUMER TO DIAL 9-1-1 TO ACCESS THE 9-1-1  
9 SYSTEM;

10 (2) MUST BE PAID FOR IN ADVANCE; AND

11 (3) IS SOLD IN PREDETERMINED UNITS THAT DECLINE WITH USE  
12 IN A KNOWN AMOUNT.

13 [(p)] (R) "Public safety agency" means:

14 (1) a functional division of a public agency that provides fire fighting,  
15 police, medical, or other emergency services; or

16 (2) a private entity that provides fire fighting, police, medical, or other  
17 emergency services on a voluntary basis.

18 [(q)] (S) "Public safety answering point" means a communications facility  
19 that:

20 (1) is operated on a 24-hour basis;

21 (2) first receives 9-1-1 calls in a 9-1-1 service area; and

22 (3) as appropriate, dispatches public safety services directly, or  
23 transfers 9-1-1 calls to appropriate public safety agencies.

24 [(r)] (T) "Secretary" means the Secretary of Public Safety and Correctional  
25 Services.

26 (U) "SELLER" MEANS A PERSON THAT SELLS PREPAID WIRELESS  
27 TELECOMMUNICATIONS SERVICE TO ANOTHER PERSON.

28 [(s)] (V) "Wireless enhanced 9-1-1 service" means enhanced 9-1-1 service  
29 under an FCC order.

1 1-302.

2 (a) The General Assembly:

3 (1) recognizes the paramount importance of the safety and well-being  
4 of the public;

5 (2) recognizes that timely and appropriate assistance must be  
6 provided when the lives or property of the public [is] ARE in imminent danger;

7 (3) recognizes that emergency assistance usually is summoned by  
8 telephone, and that a multiplicity of emergency telephone numbers existed throughout  
9 the State and within each county;

10 (4) was concerned that avoidable delays in reaching appropriate  
11 emergency assistance were occurring to the jeopardy of life and property; [and]

12 (5) acknowledges that the three digit number, 9-1-1, is a nationally  
13 recognized and applied telephone number that may be used to summon emergency  
14 assistance and to eliminate delays caused by lack of familiarity with emergency  
15 numbers and by confusion in circumstances of crisis; AND

16 **(6) RECOGNIZES THAT ALL END USER CUSTOMERS OF**  
17 **9-1-1-ACCESSIBLE SERVICES, INCLUDING CONSUMERS OF PREPAID WIRELESS**  
18 **TELECOMMUNICATIONS SERVICE, SHOULD CONTRIBUTE IN A FAIR AND**  
19 **EQUITABLE MANNER TO THE 9-1-1 TRUST FUND.**

20 (b) The purposes of this subtitle are to:

21 (1) establish the three digit number, 9-1-1, as the primary emergency  
22 telephone number for the State; and

23 (2) provide for the orderly installation, maintenance, and operation of  
24 9-1-1 systems in the State.

25 1-303.

26 (a) (1) This subtitle does not require a public service company to provide  
27 any equipment or service other than in accordance with tariffs approved by the Public  
28 Service Commission.

29 (2) The provision of services, the rates, and the extent of liability of a  
30 public service company are governed by the tariffs approved by the Public Service  
31 Commission.

1 (b) (1) This subtitle does not require a 9-1-1 service carrier to provide  
2 any equipment or service other than the equivalent of the equipment and service  
3 required of a telephone company under subsection (a) of this section.

4 (2) This subtitle does not extend any liability to a 9-1-1 service carrier  
5 **OR SELLER OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE.**

6 1-308.

7 (a) There is a 9-1-1 Trust Fund.

8 (b) The purposes of the 9-1-1 Trust Fund are to:

9 (1) reimburse counties for the cost of enhancing a 9-1-1 system;

10 (2) pay contractors in accordance with § 1-306(b)(12) of this subtitle;  
11 and

12 (3) fund the coordinator position and staff to handle the increased  
13 duties related to wireless enhanced 9-1-1 service under § 1-305 of this subtitle, as an  
14 administrative cost.

15 (c) The 9-1-1 Trust Fund consists of:

16 (1) money from the 9-1-1 fee collected and remitted to the  
17 Comptroller under § 1-310 of this subtitle;

18 (2) money from the additional charge collected and remitted to the  
19 Comptroller under § 1-311 of this subtitle; [and]

20 **(3) MONEY FROM THE PREPAID WIRELESS E 9-1-1 FEE**  
21 **COLLECTED AND REMITTED TO THE COMPTROLLER UNDER § 1-313 OF THIS**  
22 **SUBTITLE; AND**

23 **[(3)] (4)** investment earnings of the 9-1-1 Trust Fund.

24 (d) Money in the 9-1-1 Trust Fund shall be held in the State Treasury.

25 (e) The Secretary shall administer the 9-1-1 Trust Fund, subject to the  
26 guidelines for financial management and budgeting established by the Department of  
27 Budget and Management.

28 (f) The Secretary shall direct the Comptroller to establish separate accounts  
29 in the 9-1-1 Trust Fund for the payment of administrative expenses and for each  
30 county.

1 (g) (1) Any investment earnings shall be credited to the 9-1-1 Trust  
2 Fund.

3 (2) The Comptroller shall allocate the investment income among the  
4 accounts in the 9-1-1 Trust Fund, prorated on the basis of the total fees collected in  
5 each county.

6 1-309.

7 (a) On recommendation of the Board, each year the Secretary shall request  
8 an appropriation from the 9-1-1 Trust Fund in an amount sufficient to:

9 (1) carry out the purposes of this subtitle;

10 (2) pay the administrative costs chargeable to the 9-1-1 Trust Fund;  
11 and

12 (3) reimburse counties for the cost of enhancing a 9-1-1 system.

13 (b) (1) Subject to the limitations under subsection (e) of this section, the  
14 Comptroller shall disburse the money in the 9-1-1 Trust Fund as provided in this  
15 subsection.

16 (2) Each July 1, the Comptroller shall allocate sufficient money from  
17 the 9-1-1 fee to pay the costs of administering the 9-1-1 Trust Fund.

18 (3) As directed by the Secretary and in accordance with the State  
19 budget, the Comptroller, from the appropriate account, shall:

20 (i) reimburse counties for the cost of enhancing a 9-1-1 system;  
21 and

22 (ii) pay contractors in accordance with § 1-306(b)(12) of this  
23 subtitle.

24 (4) (i) The Comptroller shall pay to each county from its account  
25 the money requested by the county to pay the maintenance and operation costs of the  
26 county's 9-1-1 system in accordance with the State budget.

27 (ii) The Comptroller shall pay the money for maintenance and  
28 operation costs on September 30, December 31, March 31, and June 30 of each year.

29 (c) (1) Money accruing to the 9-1-1 Trust Fund may be used as provided  
30 in this subsection.

31 (2) Money collected from the 9-1-1 fee may be used to:

1 (i) reimburse counties for the cost of enhancing a 9-1-1 system;  
2 and

3 (ii) pay contractors in accordance with § 1-306(b)(12) of this  
4 subtitle.

5 (3) Money collected from the additional charge may be used by the  
6 counties for the maintenance and operation costs of the 9-1-1 system.

7 **(4) MONEY COLLECTED FROM THE PREPAID WIRELESS E 9-1-1**  
8 **FEE MAY BE USED AS FOLLOWS:**

9 **(I) 25% FOR THE SAME PURPOSE AS THE 9-1-1 FEE UNDER**  
10 **PARAGRAPH (2) OF THIS SUBSECTION; AND**

11 **(II) 75% FOR THE SAME PURPOSE AS THE ADDITIONAL**  
12 **CHARGE UNDER PARAGRAPH (3) OF THIS SUBSECTION, PRORATED ON THE**  
13 **BASIS OF THE TOTAL FEES COLLECTED IN EACH COUNTY.**

14 (d) (1) Reimbursement may be made only to the extent that county money  
15 was used to enhance the 9-1-1 system.

16 (2) Reimbursement for the enhancement of 9-1-1 systems shall  
17 include the installation of equipment for automatic number identification, automatic  
18 location identification, and other technological advancements that the Board requires.

19 (3) Reimbursement from money collected from the 9-1-1 fee may be  
20 used only for 9-1-1 system enhancements approved by the Board.

21 (e) (1) The Board may direct the Comptroller to withhold from a county  
22 money for 9-1-1 system expenditures if the county violates this subtitle or a  
23 regulation of the Board.

24 (2) (i) The Board shall state publicly in writing its reason for  
25 withholding money from a county and shall record its reason in the minutes of the  
26 Board.

27 (ii) On reaching its decision to withhold money, the Board shall  
28 notify the county.

29 (iii) The county has 30 days after the date of notification to  
30 respond in writing to the Board.

31 (3) (i) On notification by the Board, the Comptroller shall hold  
32 money for the county in the county's account in the 9-1-1 Trust Fund.



1 (ii) Money held by the Comptroller under subparagraph (i) of  
2 this paragraph does not accrue interest for the county.

3 (iii) Interest income earned on money held by the Comptroller  
4 under subparagraph (i) of this paragraph accrues to the 9-1-1 Trust Fund.

5 (4) County money withheld by the Comptroller shall be withheld until  
6 the Board directs the Comptroller to release the money.

7 (f) (1) The Legislative Auditor shall conduct fiscal/compliance audits of  
8 the 9-1-1 Trust Fund and of the appropriations and disbursements made for purposes  
9 of this subtitle.

10 (2) The cost of the fiscal portion of the audits shall be paid from the  
11 9-1-1 Trust Fund as an administrative cost.

12 1-310.

13 (A) THIS SECTION DOES NOT APPLY TO PREPAID WIRELESS  
14 TELECOMMUNICATIONS SERVICE.

15 [(a)] (B) Each subscriber to [switched] SWITCH local exchange access  
16 service or CMRS or other 9-1-1-accessible service shall pay a 9-1-1 fee.

17 [(b)] (C) The 9-1-1 fee is 25 cents per month, payable when the bill for the  
18 telephone service or CMRS or other 9-1-1-accessible service is due.

19 [(c)] (D) (1) The Public Service Commission shall direct each telephone  
20 company to add the 9-1-1 fee to all current bills rendered for switched local exchange  
21 access service in the State.

22 (2) Each telephone company:

23 (i) shall act as a collection agent for the 9-1-1 Trust Fund with  
24 respect to the 9-1-1 fees;

25 (ii) shall remit all money collected to the Comptroller on a  
26 monthly basis; and

27 (iii) is entitled to credit, against the money from the 9-1-1 fees  
28 to be remitted to the Comptroller, an amount equal to 0.75% of the 9-1-1 fees to cover  
29 the expenses of billing, collecting, and remitting the 9-1-1 fees and any additional  
30 charges.

31 (3) The Comptroller shall deposit the money remitted in the 9-1-1  
32 Trust Fund.

1           **[(d)] (E)**     (1)     Each 9-1-1 service carrier shall add the 9-1-1 fee to all  
2 current bills rendered for CMRS or other 9-1-1-accessible service in the State.

3                     (2)     Each 9-1-1 service carrier:

4                             (i)     shall act as a collection agent for the 9-1-1 Trust Fund with  
5 respect to the 9-1-1 fees;

6                             (ii)    shall remit all money collected to the Comptroller on a  
7 monthly basis; and

8                             (iii)  is entitled to credit, against the money from the 9-1-1 fees  
9 to be remitted to the Comptroller, an amount equal to 0.75% of the 9-1-1 fees to cover  
10 the expenses of billing, collecting, and remitting the 9-1-1 fees and any additional  
11 charges.

12                   (3)     The Comptroller shall deposit the money remitted in the 9-1-1  
13 Trust Fund.

14                   (4)     The Board shall adopt procedures for auditing surcharge collection  
15 and remittance by CMRS providers.

16                   (5)     On request of a CMRS provider, and except as otherwise required  
17 by law, the information that the CMRS provider reports to the Board shall be  
18 confidential, privileged, and proprietary and may not be disclosed to any person other  
19 than the CMRS provider.

20           **[(e)] (F)**     Notwithstanding any other provision of this subtitle, the 9-1-1 fee  
21 does not apply to an intermediate service line used exclusively to connect a CMRS or  
22 other 9-1-1-accessible service, other than a switched local access service, to another  
23 telephone system or switching device.

24           **[(f)] (G)**     A CMRS provider that pays or collects 9-1-1 fees under this  
25 section has the same immunity from liability for transmission failures as that  
26 approved by the Public Service Commission for local exchange telephone companies  
27 that are subject to regulation by the Commission under the Public Utilities Article.

28     1-311.

29           **(A)   THIS SECTION DOES NOT APPLY TO PREPAID WIRELESS**  
30 **TELECOMMUNICATIONS SERVICE.**

31           **[(a)] (B)**     In addition to the 9-1-1 fee, the governing body of each county, by  
32 ordinance or resolution enacted or adopted after a public hearing, may impose an  
33 additional charge to be added to all current bills rendered for switched local exchange  
34 access service or CMRS or other 9-1-1-accessible service in the county.

1           **[(b)] (C)**     (1)    The additional charge imposed by a county may not exceed  
2 75 cents per month per bill.

3           (2)    The amount of the additional charges may not exceed a level  
4 necessary to cover the total eligible maintenance and operation costs of the county.

5           **[(c)] (D)**     The additional charge continues in effect until repealed or modified  
6 by a subsequent county ordinance or resolution.

7           **[(d)] (E)**     After imposing, repealing, or modifying an additional charge, the  
8 county shall certify the amount of the additional charge to the Public Service  
9 Commission.

10          **[(e)] (F)**     The Public Service Commission shall direct each telephone  
11 company that provides service in a county that imposed an additional charge to add,  
12 within 60 days, the full amount of the additional charge to all current bills rendered  
13 for switched local exchange access service in the county.

14          **[(f)] (G)**     Within 60 days after a county enacts or adopts an ordinance or  
15 resolution that imposes, repeals, or modifies an additional charge, each 9-1-1 service  
16 carrier that provides service in the county shall add the full amount of the additional  
17 charge to all current bills rendered for CMRS or other 9-1-1-accessible service in the  
18 county.

19          **[(g)] (H)**     (1)    Each telephone company and each 9-1-1 service carrier  
20 shall:

21                         (i)    act as a collection agent for the 9-1-1 Trust Fund with  
22 respect to the additional charge imposed by each county;

23                         (ii)   collect the money from the additional charge on a county  
24 basis; and

25                         (iii)  remit all money collected to the Comptroller on a monthly  
26 basis.

27           (2)    The Comptroller shall deposit the money remitted in the 9-1-1  
28 Trust Fund account maintained for the county that imposed the additional charge.

29 **1-313.**

30          **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
31 **MEANINGS INDICATED.**

1           **(2) “CONSUMER” MEANS A PERSON THAT PURCHASES PREPAID**  
2 **WIRELESS TELECOMMUNICATIONS SERVICE IN A RETAIL TRANSACTION.**

3           **(3) “PROVIDER” MEANS A PERSON THAT PROVIDES PREPAID**  
4 **WIRELESS TELECOMMUNICATIONS SERVICE UNDER A LICENSE ISSUED BY THE**  
5 **FEDERAL COMMUNICATIONS COMMISSION.**

6           **(4) “RETAIL TRANSACTION” MEANS THE PURCHASE OF PREPAID**  
7 **WIRELESS TELECOMMUNICATIONS SERVICE FROM A SELLER FOR ANY PURPOSE**  
8 **OTHER THAN RESALE.**

9           **(B) THERE IS A PREPAID WIRELESS E 9-1-1 FEE OF 60 CENTS PER**  
10 **RETAIL TRANSACTION.**

11           **(C) (1) THE PREPAID WIRELESS E 9-1-1 FEE SHALL BE COLLECTED**  
12 **BY THE SELLER FROM THE CONSUMER FOR EACH RETAIL TRANSACTION IN THE**  
13 **STATE.**

14           **(2) A RETAIL TRANSACTION OCCURS IN THE STATE IF:**

15                   **(I) THE SALE OR RECHARGE TAKES PLACE AT THE**  
16 **SELLER’S PLACE OF BUSINESS LOCATED IN THE STATE;**

17                   **(II) THE CONSUMER’S SHIPPING ADDRESS IS IN THE STATE;**  
18 **OR**

19                   **(III) NO ITEM IS SHIPPED, BUT THE CONSUMER’S BILLING**  
20 **ADDRESS OR THE LOCATION ASSOCIATED WITH THE CONSUMER’S MOBILE**  
21 **TELEPHONE NUMBER IS IN THE STATE.**

22           **(D) THE AMOUNT OF THE PREPAID WIRELESS E 9-1-1 FEE SHALL BE**  
23 **DISCLOSED TO THE CONSUMER AT THE TIME OF THE RETAIL TRANSACTION.**

24           **(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
25 **SUBSECTION, THE PREPAID WIRELESS E 9-1-1 FEE IS THE LIABILITY OF THE**  
26 **CONSUMER AND NOT OF THE SELLER OR OF ANY PROVIDER.**

27           **(2) THE SELLER IS LIABLE FOR REMITTING ALL PREPAID**  
28 **WIRELESS E 9-1-1 FEES THAT THE SELLER COLLECTS FROM CONSUMERS AS**  
29 **PROVIDED IN THIS SECTION.**

1           **(F) (1) BEFORE DECEMBER 28, 2012, A SELLER MAY DEDUCT AND**  
2 **RETAIN 50% OF PREPAID WIRELESS E 9-1-1 FEES COLLECTED FROM**  
3 **CONSUMERS FOR DIRECT START-UP COSTS.**

4           **(2) ON OR AFTER DECEMBER 28, 2012, A SELLER MAY DEDUCT**  
5 **AND RETAIN 3% OF PREPAID WIRELESS E 9-1-1 FEES COLLECTED FROM**  
6 **CONSUMERS.**

7           **(G) A SELLER SHALL REPORT AND REMIT TO THE COMPTROLLER ALL**  
8 **PREPAID WIRELESS E 9-1-1 FEES COLLECTED BY THE SELLER IN THE MANNER**  
9 **PROVIDED FOR THE REMITTING OF THE SALES AND USE TAX UNDER TITLES 11**  
10 **AND 13 OF THE TAX – GENERAL ARTICLE.**

11           **(H) THE COMPTROLLER SHALL DEPOSIT ALL REPORTED AND**  
12 **REMITTED PREPAID WIRELESS E 9-1-1 FEES INTO THE 9-1-1 TRUST FUND**  
13 **WITHIN 30 DAYS OF RECEIPT.**

14           **(I) A SELLER MAY DEMONSTRATE THAT A SALE IS NOT A RETAIL**  
15 **TRANSACTION IN A MANNER ESTABLISHED BY THE COMPTROLLER THAT IS**  
16 **SUBSTANTIALLY SIMILAR TO THE PROCEDURES FOR DEMONSTRATING A RESALE**  
17 **FOR EXEMPTION FROM THE SALES AND USE TAX UNDER TITLES 11 AND 13 OF**  
18 **THE TAX – GENERAL ARTICLE.**

19           **(J) FOR THE PURPOSE OF THIS SECTION, THE AUDIT AND APPEAL**  
20 **PROCEDURES ESTABLISHED FOR THE SALES AND USE TAX UNDER TITLES 11**  
21 **AND 13 OF THE TAX – GENERAL ARTICLE APPLY.**

22           **(K) A SELLER THAT IS NOT A PROVIDER OF PREPAID WIRELESS**  
23 **TELECOMMUNICATIONS SERVICE IS NOT LIABLE FOR DAMAGES IN CONNECTION**  
24 **WITH:**

25           **(1) THE PROVISION OF, OR FAILURE OF, 9-1-1 OR E 9-1-1**  
26 **SERVICE;**

27           **(2) IDENTIFYING, OR FAILING TO IDENTIFY, THE TELEPHONE**  
28 **NUMBER, ADDRESS, LOCATION, OR NAME ASSOCIATED WITH ANY PERSON OR**  
29 **DEVICE THAT IS ACCESSING OR ATTEMPTING TO ACCESS 9-1-1 OR E 9-1-1**  
30 **SERVICE; OR**

31           **(3) THE PROVISION OF ANY LAWFUL ASSISTANCE TO ANY**  
32 **INVESTIGATIVE OR LAW ENFORCEMENT OFFICER.**

1           **(L) PROVIDERS AND SELLERS OF PREPAID WIRELESS**  
2 **TELECOMMUNICATIONS SERVICE HAVE THE SAME IMMUNITY FROM LIABILITY**  
3 **FOR TRANSMISSION FAILURES AS THAT APPROVED BY THE PUBLIC SERVICE**  
4 **COMMISSION FOR LOCAL EXCHANGE TELEPHONE COMPANIES THAT ARE**  
5 **SUBJECT TO REGULATION BY THE COMMISSION UNDER THE PUBLIC UTILITIES**  
6 **ARTICLE.**

7           **(M) A TAX, FEE, SURCHARGE, OR OTHER CHARGE MAY NOT BE IMPOSED**  
8 **BY THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, OR ANY**  
9 **INTERGOVERNMENTAL AGENCY, FOR E 9-1-1 FUNDING PURPOSES, ON ANY**  
10 **PROVIDER, SELLER, OR CONSUMER WITH RESPECT TO THE SALE, PURCHASE,**  
11 **USE, OR PROVISION OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE.**

12           **(N) THE COMPTROLLER SHALL ADOPT REGULATIONS TO CARRY OUT**  
13 **THE PROVISIONS OF THIS SECTION.**

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 July 1, 2012.