

DRAFT TRAILER BILL LANGUAGE
911 Sustainment

Section 41020(f) of the Revenue and Taxation Code is amended to read:

(f) For the purposes of this section:

(1) “Charges for mobile telecommunications services” means any charge for, or associated with, the provision of commercial mobile radio service, as defined in Section 20.3 of Title 47 of the Code of Federal Regulations, as in effect on June 1, 1999, or any charge for, or associated with, a service provided as an adjunct to a commercial mobile radio service, that is billed to the customer by or for the customer’s home service provider, regardless of whether individual transmissions originate or terminate within the licensed service area of the home service provider.

(2) “Customer” means (A) the person or entity that contracts with the home service provider for mobile telecommunications services, or with a VoIP service provider for VoIP service, or (B) if the end user of mobile telecommunications services or VoIP services is not the contracting party, the end user of the mobile telecommunications service or VoIP service. This paragraph applies only for the purpose of determining the place of primary use. The term “customer” does not include (A) a reseller of mobile telecommunications service or VoIP communication service, or (B) a service carrier under an arrangement to serve the mobile customer outside the home service provider’s licensed service area.

(3) “Access Line” means any apparatus or system, including but not limited to wireline phone, VoIP phone, cellular phone, telemetry, emergency calling system used in automobiles, and medical alert system that can dial in to or otherwise access the 911 system.

~~(3)~~(4) “Home service provider” means the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications service.

~~(4)~~(5) “Licensed service area” means the geographical area in which the home service provider is authorized by law or contract to provide commercial mobile radio service to the customer.

~~(5)~~(6) “Mobile telecommunications service” means commercial mobile radio service, as defined in Section 20.3 of Title 47 of the Code of Federal Regulations, as in effect on June 1, 1999.

~~(6)~~(7) “Place of primary use” means the street address representative of where the customer’s use of the mobile telecommunications service or VoIP service primarily occurs, that must be:

- (A) The residential street address or the primary business street address of the customer.
- (B) With respect to mobile telecommunications service, within the licensed service area of the home service provider.

~~(7)~~(8) (A) “Reseller” means a provider who purchases telecommunications services or VoIP service from another telecommunications service provider or VoIP service and then resells the services, or uses the services as a component part of, or integrates the purchased services into, a mobile telecommunications service or VoIP service.

(B) “Reseller” does not include a servicing carrier with which a home service provider arranges for the services to its customers outside the home service provider’s licensed service area.

~~(8)~~(9) “Servicing carrier” means a facilities-based carrier providing mobile telecommunications service to a customer outside a home service provider’s or reseller’s licensed area.

~~(9)~~(10) “Taxing jurisdiction” means any of the several states, the District of Columbia, or any territory or possession of the United States, any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other political subdivision within the territorial limits of the United States with the authority to impose a tax, charge, or fee.

~~(10)~~(11) “VoIP service provider” means that provider of VoIP service with whom the end user customer contracts for the provisions of VoIP services for the customer’s own use and not for resale.

~~(11)~~(12) “Prepaid mobile telephony services” has the same meaning as in subdivision (k) of Section 42004.

Section 41030 of the Revenue and Taxation Code is amended to read:

(b) The surcharge rate shall be determined by dividing the costs (including incremental costs) the Office of Emergency Services estimates for the current fiscal year of 911 plans approved pursuant to Article 6 (commencing with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, less the available balance in the State Emergency Telephone Number Account in the General Fund, by its estimate of the charges for intrastate telephone communications services and VoIP service to which the surcharge will apply for the period of January 1, 2018, to December 31, inclusive, of the next succeeding calendar year, but in no event shall such surcharge rate in any year be greater than 60 Cents per access line ~~three-quarters of 1 percent~~ nor less than 10 Cents per access line ~~one-half of 1 percent~~.

Section 41040.5 is added to the Revenue and Taxation Code to read:

All service suppliers/providers capable of providing a connection between a user and a PSAP are required to report the number of access lines per plan to the Office of Emergency Services by June 30 of every year for the purpose of identifying the surcharge amount needed for necessary funding of the 911 system.

For purposes of this section, “access line” has the same meaning as defined in Section 41020(f)(3).