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COMMITTEE REPORT

April 30, 2019

**H. 3586**

Introduced by Reps. Sandifer and Forrester

S. Printed 4/30/19--S.

Read the first time March 7, 2019.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3586) to amend Section 23‑47‑10, Code of Laws of South Carolina, 1976, relating to certain terms and their definitions regarding the Public Safety Communications Center, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting therein the following:

/ SECTION 1. Section 23‑47‑10 of the 1976 Code, is amended by adding the following appropriately numbered items at the end to read:

“( ) ‘Board’ means the board of the Revenue and Fiscal Affairs Office.

( ) ‘Call’ means any information, written communication, video, data, or voice that is delivered to the PSAP initiating an emergency response.

( ) ‘IP‑Enabled Services’ means services and applications making use of Internet Protocol (IP) including, but not limited to, voice over IP and other services and applications provided through wireline, cable, wireless and satellite facilities, and any other facility that is capable of connecting users dialing or entering the digits 911 to public safety answering points.

( ) ‘NextGen 9‑1‑1 (NG9‑1‑1)’ includes the delivery of 911 calls over an IP‑based network and provides multimedia data capabilities for PSAPs and other emergency service organizations.

( ) ‘Communications service’ means a service capable of accessing, connecting with, or interfacing with a 911 system by dialing, initializing, or otherwise activating the system exclusively through the digits 911 by means of a local telephone device or wireless communications device.

( ) ‘Communications service provider’ means a service provider, public or private, that transports information electronically via landline, wireless, internet, cable, or satellite, including, but not limited to, wireless communications service providers, personal communications service, telematics, and Voice over Internet Protocol (VoIP).

( ) ‘Wireless communications service’ means commercial mobile radio service. ‘Wireless communications service’ includes any wireless two‑way communications used in cellular telephone service, a personal communications service, or a network access line. ‘Wireless communications service’ does not include a service whose customers do not have access to 911 or 911‑like services.

( ) ‘Wireless communications provider’ means a company that offers wireless communication service to users of wireless devices including, but not limited to, cellular, personal communications services, mobile satellite services, and enhanced specialized mobile radio.

( ) ‘ESInet’ means an Emergency Services IP Network. An ESInet can be one or many networks, including local, regional, statewide, nationwide, or international.

( ) ‘VoIP Network’ or ‘Voice over Internet Protocol Network’ means a method in which voice communications are delivered via digital internet connections.

( ) ‘Legacy systems’ means any 911 system, whether basic or enhanced, operating in South Carolina prior to the board establishing an NG9‑1‑1 or subsequent systems.

( ) ‘Strategic plan’ means the defined strategy of South Carolina’s 911 goals and objectives and the steps necessary to achieve those goals and objectives.

SECTION 2. Section 23‑47‑20 of the 1976 Code is amended to read:

“Section 23‑47‑20. (A)(1) The Revenue and Fiscal Affairs Office shall be responsible for creating, updating, and implementing a comprehensive strategic plan, including operating standards for a coordinated statewide 911 system to address changing technology, services, and operating efficiency and effectiveness. The standards must be developed and updated with comments and recommendations from the South Carolina 911 Advisory Committee, local officials, service providers, and the public. The plan must be approved by the board and may be amended as necessary.

Service available through a local 911 system includes law enforcement, fire, and emergency medical services. Other emergency and emergency personnel services may be incorporated into the 911 system at the discretion of the local government being served by the system. Public safety agencies within a local government 911 system, in all cases, must be notified by the PSAP of a request for service in their area. Written guidelines must be established to govern the assignment of calls for assistance to the appropriate public safety agency. There must be written agreements among state, county, and local public safety agencies with concurrent jurisdiction for a clear understanding of which specific calls for assistance will be referred to individual public safety agencies.

(2) The Revenue and Fiscal Affairs Office may request written verification from PSAPs regarding compliance with current or updated standards and may develop policies to address noncompliance.

(B)(1) A 911 system must include all of the territory of the local government, either county, municipality, or multi‑jurisdictional government. A 911 system may be ~~a basic or~~ an enhanced 911 system until the board establishes NG9‑1‑1 or another subsequent system.

(2) Public safety agencies that provide emergency service within the territory of a 911 system shall participate in the countywide system. Each PSAP must be operated twenty‑four hours a day, seven days a week.

(C) ~~As a minimum, the 911 systems implemented in South Carolina must include:~~

~~(1)~~ ~~a minimum of two lines from each serving telephone central office to the enhanced 911 tandem (controlling central office). A minimum of two lines from the enhanced 911 tandem to the PSAP. The grade of service must have sufficient lines to ensure no more than one busy signal per one hundred calls;~~

~~(2)~~ ~~equipment to connect the PSAP to all law enforcement, fire protection, and emergency medical or rescue agencies, or both within the boundaries of the system;~~

~~(3)~~ ~~first priority to answering 911 calls;~~

~~(4)~~ ~~electronic recording of all 911 calls and retained for a minimum of sixty days;~~

~~(5)~~ ~~immediate playback capability of all 911 calls;~~

~~(6)~~ ~~equipment connected by dedicated telephone lines to all adjacent PSAP’s where there is a telephone exchange not covered by selective routing;~~

~~(7)~~ ~~adequate physical security to minimize the possibility of intentional disruption of the operation. This includes equipment safeguards;~~

~~(8)~~ ~~standby emergency power to operate the PSAP during power failures;~~

~~(9)~~ ~~written operational procedures;~~

~~(10)~~ ~~a minimum of one telecommunication device for the deaf (TDD) available in each PSAP;~~

~~(11)~~ ~~capability to answer eighty percent of calls within ten seconds;~~

~~(12)~~ ~~coin free dialing. Pay or coin telephones classified as such by a class of service code will be identified on the automatic location identification display in enhanced 911 systems;~~

~~(13)~~ ~~contingency plans for rerouting or relocating the PSAP in the event of a disaster or equipment failures;~~

~~(14)~~ ~~routing and capabilities to receive and process CMRS service and VoIP service capable of making 911 calls;~~

~~(15)~~ ~~telecommunication operators or dispatchers trained and certified by the Law Enforcement Training Council (Criminal Justice Academy). The Law Enforcement Training Council shall promulgate regulations to provide for this training. Expense of the training must be paid by the local government by which that person is employed and the department is authorized to establish and collect a fee for this training;~~

~~(16)~~ ~~all 911 lines have both audio and light indicators on incoming calls;~~

~~(17)~~ ~~a public safety agency whose services are available on the 911 system must maintain a separate secondary backup number for emergency calls and a separate number for nonemergency telephone calls;~~

~~(18)~~ ~~the primary published emergency number will be 911. The PSAP must have additional local telephone exchange service in addition to the 911 service. This nonemergency telephone number should be published directly below the ‘emergency dial 911’ listing;~~

~~(19)~~ ~~911 is furnished for emergency reporting only. Nonemergency calls, whether by the general public or agency employees, should not be made to the 911 system;~~

~~(20)~~ ~~a designated person or 911 office staffed by a sufficient number of personnel to maintain data bases;~~

~~(21)~~ ~~an initial and continual plan for public education which must include the following:~~

~~(a)~~ ~~to make the public aware 911 is available;~~

~~(b) to have the majority of emergency calls received on 911 rather than the seven‑digit emergency number;~~

~~(c)~~ ~~to make the public aware of the definition of an emergency;~~

~~(d)~~ ~~to make the public aware of what is a nonemergency.~~

~~(D)~~ ~~Enhanced 911 shall incorporate the following features:~~

~~(1)~~ ~~automatic location identification (ALI)‑automatically displays the addresses of the calling telephone during the course of the emergency call at the PSAP;~~

~~(2)~~ ~~automatic number identification (ANI)‑automatically displays the number of the caller’s telephone at the PSAP;~~

~~(3)~~ ~~central office identification—when a PSAP serves more than one central office, dedicated lines or trunks are used to identify each central office;~~

~~(4)~~ ~~called party hold—enables the PSAP to control the connection for confirmation and tracing of the call;~~

~~(5)~~ ~~distinct tone—tone generated by equipment which alerts the PSAP personnel that calling party has disconnected;~~

~~(6)~~ ~~selective routing—will automatically route a predetermined geographical area to a PSAP serving that area regardless of municipal and wire center boundary alignments.~~

~~(7)~~ ~~All enhanced 911 systems must be configured so as to disallow subsequent search of the address data base.~~

At a minimum, the legacy 911 or NG9‑1‑1 systems implemented in South Carolina must include:

(1) for legacy, a minimum of two lines from each serving telephone central office to the enhanced 911 tandem (controlling central office) and a minimum of two lines from the enhanced 911 tandem to the PSAP. For both legacy and NG9‑1‑1, the grade of service must have sufficient lines to ensure no more than one busy signal per one hundred calls;

(2) for both legacy and NG9‑1‑1, equipment within the PSAP to connect the PSAP to all law enforcement, fire protection, and emergency medical or rescue agencies, as well as to emergency responders;

(3) for both legacy and NG9‑1‑1, first priority to answering 911 calls;

(4) for both legacy and NG9‑1‑1, electronic recording of all 911 calls that are retained for a minimum of sixty days;

(5) for both legacy and NG9‑1‑1, immediate playback capability of all 911 calls;

(6) for legacy, equipment connected by dedicated telephone lines to all adjacent PSAPs where there is a telephone exchange not covered by selective routing;

(7) for both legacy and NG9‑1‑1, necessary physical security to minimize the possibility of intentional disruption of the operation. This includes equipment safeguards such as key fobs and biometrics as well as cyber security safeguards to prevent Denial of Service attacks and general ‘hacking’ of systems;

(8) for both legacy and NG9‑1‑1, standby emergency power to operate the PSAP during power failures;

(9) for both legacy and NG9‑1‑1, written operational procedures;

(10) for legacy and NG9‑1‑1, a minimum of one telecommunication device for the deaf (TDD) available in each PSAP;

(11) for both legacy and NG9‑1‑1, capability to answer ninety‑five percent of calls within fifteen seconds and ninety‑nine percent in forty seconds;

(12) for both legacy and NG9‑1‑1, coin‑free dialing. Pay or coin telephones classified as such by a class of service code will be identified on the automatic location identification display in enhanced 911 systems;

(13) for both legacy and NG9‑1‑1, contingency plans for rerouting or relocating the PSAP in the event of a disaster or equipment failures;

(14) for both legacy and NG9‑1‑1, routing and capabilities to receive and process CMRS service and VoIP service capable of making 911 calls;

(15) for both legacy and NG9‑1‑1, telecommunication operators or dispatchers trained, or certified by the Law Enforcement Training Council (Criminal Justice Academy). The Law Enforcement Training Council shall promulgate regulations to provide for this training and/or certification. Expense of the training must be paid by the local government by which that person is employed. The Law Enforcement Training Council is authorized to establish, collect, and retain a fee not to exceed actual costs for this training or certification, or both;

(16) for both legacy and NG9‑1‑1, all 911 lines have both audio and visual indicators on incoming calls;

(17) for both legacy and NG9‑1‑1, a public safety agency whose services are available on the 911 system must maintain a separate secondary backup number for emergency calls and a separate number for nonemergency telephone calls;

(18) for both legacy and NG9‑1‑1, the primary published emergency number will be 911. The PSAP must have additional local telephone exchange service in addition to the 911 service. This nonemergency telephone number should be published directly below the ‘emergency dial 911’ listing;

(19) for both legacy and NG9‑1‑1, 911 is furnished for emergency reporting only. Nonemergency calls, whether by the general public or agency employees, should not be made to the 911 system;

(20) for both legacy and NG9‑1‑1, a designated person or 911 office staffed by a sufficient number of personnel to maintain databases and 911 network; and

(21) for both legacy and NG9‑1‑1, an initial and continual plan for public education, which must include:

(a) making the public aware 911 is available;

(b) making the majority of emergency calls received on 911 rather than the seven‑digit emergency number;

(c) making the public aware of the definition of an emergency;

(d) making the public aware of what is a nonemergency;

(e) texting to 911 and other aspects of NG9‑1‑1 as they become available to the public;

(22) for NG9‑1‑1, the requirements contained in this section shall apply to all manner of devices capable of communicating requests for emergency assistance to PSAPs.

(D) Enhanced 911 shall incorporate the following features:

(1) for legacy, automatic location identification (ALI) ‑ automatically displays the addresses of the calling telephone during the course of the emergency call at the PSAP;

(2) for legacy, automatic number identification (ANI) ‑ automatically displays the number of the caller’s telephone at the PSAP;

(3) for legacy, central office identification ‑ when a PSAP serves more than one central office, dedicated lines or trunks are used to identify each central office;

(4) for both legacy and NG9‑1‑1, called party hold ‑ enables the PSAP to control the connection for confirmation and tracing of the call;

(5) for both legacy and NG9‑1‑1, distinct tone ‑ tone generated by equipment which alerts the PSAP personnel that the calling party has disconnected;

(6) for legacy, selective routing ‑ will automatically route calls from a predetermined geographical area to a PSAP serving that area regardless of municipal and wire center boundary alignments; and

(7) for legacy, all enhanced 911 systems must be configured so as to disallow subsequent search of the address database.

(E) All systems also must include applicable services identified in the strategic plan to ensure comprehensive and coordinated statewide operations in accordance with Section 23‑47‑20(A), including, but not limited to:

(1) integration and standardization of local mapping data; and

(2) aerial imagery services that will support the strategic plan and public safety on an on‑going basis. Aerial imagery also may be shared for other local and state governmental purposes including, but not limited to, South Carolina Code of Regulations R117‑1740.2.C.5.”

SECTION 3. Section 23‑47‑40 of the 1976 Code is amended to read:

“Section 23‑47‑40. (A) The local government is authorized to adopt an ordinance to impose a monthly 911 landline charge upon each local exchange access facility subscribed to by telephone subscribers whose local exchange access lines are in the area served or which would be served by the 911 service. The 911 landline charge must be uniform and may not vary according to the type of local exchange access facility used.

The ordinance must be adopted in the same fashion as ordinances that levy taxes under South Carolina law. No collection of charges may be commenced before adoption of the ordinance.

(B) ~~Funding~~ Landline funding must be used only to pay for the following enumerated items:

(1) the lease, purchase, lease‑purchase, or maintenance of emergency telephone equipment, including necessary recording equipment, computer hardware, software and data base provisioning, addressing, mapping, and nonrecurring costs of establishing a 911 system;

(2) the rates associated with the service supplier’s 911 service and other suppliers recurring charges;

(3) the cost of establishing and maintaining a county 911 office or maintaining as currently staffed a county 911 office for the purpose of operating and maintaining the data base of the 911 system. Costs are limited to salaries and compensations and those items necessary in the operation of the 911 office and normal operating costs;

(4) items enumerated may be subscriber billed for a period not to exceed thirty months before activation of the 911 service;

(5) items necessary to meet the standards outlined in this chapter, specifically in Section 23‑47‑20(C);

(6) enhancements either currently available or available in the future offered by service suppliers and approved by the Public Service Commission;

(7) a local government may contract to implement and establish a 911 system as set forth in this chapter.

(C) ~~Funding~~ Landline funding must not be used for:

(1) purchasing or leasing of real estate, cosmetic or remodeling of communications centers, except those building modifications necessary to maintain the security and environmental integrity of the PSAP;

(2) hiring or compensating dispatchers or call takers other than initial and in‑service training;

(3) mobile communications vehicles, fire engines, law enforcement vehicles, ambulances, or other emergency vehicles, or other vehicles;

(4) ~~consultants or consultant fees for studies of ‑implementation;~~ communications, or other equipment used by first responders or other public safety agents, such as radios, radio towers, and computers; and

(5) ~~aerial photography~~ consultants or consultant fees for studies of implementation not related to NG9‑1‑1.

(D) A local government may contract with a service supplier for any term negotiated by the service supplier and the local government and may make payments through subscriber billing to provide any payments required by the contract.”

SECTION 4. Section 23‑47‑50 of the 1976 Code is amended to read:

“Section 23‑47‑50. (A) The maximum 911 landline charge that a subscriber may be billed for an individual local exchange access facility must be in accordance with the following scale:

Tier I—1,000 to 40,999 access lines— $1.50 for start‑up costs, $1.00 for on‑going costs.

Tier II—41,000 to 99,999 access lines— $1.00 for start‑up costs, $.60 for on‑going costs.

Tier III—more than 100,000 access lines— $.75 for start‑up costs, $.50 for on‑going costs.

Start‑up includes a combination of recurring and nonrecurring costs and up to a maximum of fifty local exchange lines per account. For bills rendered on or after the effective date of this act, for any individual local exchange access facility that is capable of simultaneously carrying multiple voice and data transmissions, a subscriber must be billed a number of 911 charges equal to: (a) the number of outward voice transmission paths activated on such a facility in cases where the number of activated outward voice transmission paths can be modified by the subscriber only with the assistance of the service supplier; or (b) five, where the number of activated outward voice transmission paths can be modified by the subscriber without the assistance of the service supplier. The total number of 911 charges remains subject to the maximum of fifty 911 charges per account set forth above.

(B) Every local telephone subscriber served by the 911 system is liable for the 911 landline charge imposed. A service supplier has no obligation to take any legal action to enforce the collection of the 911 charges for which a subscriber is billed. However, a collection action may be initiated by the local government that imposed the charges. Reasonable costs and attorneys’ fees associated with that collection action may be awarded to the local government collecting the 911 landline charges.

(C) The local government subscribing to 911 service is ultimately responsible to the service supplier for all 911 installation, service, equipment, operation, and maintenance charges owed to the service supplier. Upon request by the local government, the service supplier shall provide a list of amounts uncollected along with the names and addresses of telephone subscribers who have identified themselves as refusing to pay the 911 landline charges. Taxes due on a 911 system service provided by the service supplier must be billed to the local government subscribing to the service. State and local taxes do not apply to the 911 charge billed to the telephone subscriber.

(D) Service suppliers that collect 911 landline charges on behalf of the local government are entitled to retain two percent of the gross 911 landline charges remitted to the local government as an administrative fee. The service supplier shall remit the remainder of charges collected during the month to the fiscal offices of the local government. The 911 landline charges collected by the service supplier must be remitted to the local government within forty‑five days of the end of the month during which such charges were collected and must be deposited by and accounted for by the local government in a separate restricted fund known as the ‘emergency telephone system fund’ maintained by the local government. The local government may invest the money in the fund in the same manner that other monies of the local government are invested and income earned from the investment must be deposited into the fund. Monies from this fund are totally restricted to use in the 911 system.

(E)(1) ~~The~~ In order to ensure compliance with the provisions of this chapter and with generally accepted accounting standards, the ‘emergency telephone system’ fund must be included in the annual audit of the local government ~~in accordance with generally accepted auditing standards~~. The audit must include a review of the accounting controls over the collection, reporting, and disbursement of 911 funds and a supplementary schedule detailing revenue and expenses by category as authorized in this chapter. If the annual audit contains a finding of any inappropriate use of 911 funds, the local government must restore these funds within ninety days of the completion of the audit.

(2) The local government must provide the Revenue and Fiscal Affairs Office a copy of the audit report regarding this compliance within sixty days of the completion of the audit. The Revenue and Fiscal Affairs Office shall review these audits on a regular basis and report to the board any findings or concerns. In conducting this review, the Revenue and Fiscal Affairs Office may request additional information from the local government. If a local government fails to provide a copy of the audit or any requested additional information, or correct any findings identified in the audit, the board may withhold funding pursuant to subsection (G).

(F) Fees collected by the service supplier pursuant to this section are not subject to any tax, fee, or assessment, nor are they considered revenue of the service supplier. ~~A monthly CMRS 911 charge is levied for each CMRS connection for which there is a mobile identification numbe~~r ~~containing an area code assigned to South Carolina by the North American Numbering Plan Administrator~~

A monthly 911 charge is levied for each Commercial Mobile Radio Service (CMRS) connection with a place of primary use in South Carolina as defined by the Federal Mobile Telecommunications Sourcing Act (4 U.S.C. 124C8), to include: (a) the residential street address or the primary business street address of the customer, and (b) within the licensed service area of the home service provider. The amount of the levy must be approved annually by the Revenue and Fiscal Affairs Office at a level not to exceed the average monthly landline telephone (local exchange access facility) 911 charges paid in South Carolina. The Revenue and Fiscal Affairs Office and the committee may calculate the CMRS 911 charge based upon a review of one or more months during the year preceding the calculation of landline telephone (local exchange access facility) charges paid in South Carolina. The CMRS 911 wireless charge must have uniform application and must be imposed throughout the State; however, trunks or service lines used to supply service to CMRS providers shall not be subject to a CMRS 911 levy. Prepaid wireless telecommunications service is subject to the 911 charge set forth in Section 23‑47‑68 and not to the CMRS 911 wireless charge set forth in this subsection. On or before the twentieth day of the second month succeeding each monthly collection of the CMRS 911 wireless charges, every CMRS provider shall file with the Department of Revenue a return under oath, in a form prescribed by the department, showing the total amount of fees collected for the month and, at the same time, shall remit to the department the fees collected for that month. The department shall place the collected fees on deposit with the State Treasurer. The funds collected pursuant to this subsection are not general fund revenue of the State and must be kept by the State Treasurer in a fund separate and apart from the general fund to be expended as provided in Section 23‑47‑65.

(G)(1) Fees collected by the service supplier pursuant to this section are not subject to any tax, fee, or assessment, nor are they considered revenue of the service supplier.

(2) Except as provided in Section 23‑47‑68(B), a 911 charge imposed under this chapter shall be added to the billing by the service supplier to the service subscriber and ~~may~~ must be stated separately.

(3) A billed subscriber shall be liable for any 911 charge imposed under this chapter until it has been paid to the service supplier.”

SECTION 5. Section 23‑47‑60 of the 1976 Code is amended by adding the following appropriately lettered subsection at the end to read:

“( ) To help ensure these standards are implemented successfully throughout an entire county, the Revenue and Fiscal Affairs Office shall designate one office within each county as the addressing official.”

SECTION 6. Section 23‑47‑65 of the 1976 Code, as last amended by Act 246 of 2018, is further amended to read:

“Section 23‑47‑65. (A)(1) The South Carolina 911 Advisory Committee is created to assist the Revenue and Fiscal Affairs Office in carrying out its responsibilities in implementing, maintaining, and updating an efficient ~~a~~ wireless ~~enhanced~~ 911 system ~~consistent with FCC Docket Number 94‑102~~. ~~The committee shall consist of: an individual with technical or operational knowledge of E‑911 systems who is appointed by the Executive Director of the Revenue and Fiscal Affairs Office; the Executive Director of the Revenue and Fiscal Affairs Office or his designee; two employees of CMRS providers licensed to do business in the State appointed by the Governor; two 911 system employees appointed by the Governor; and one employee of a telephone (local exchange access facility) service supplier licensed to do business in the State appointed by the Governor; and one consumer appointed by the Governor. Local governments and related organizations such as the National Emergency Number Association may recommend PSAP Committee members, and industry representatives may recommend wireline and CMRS Committee members to the Governor. There is no expense reimbursement or per diem payment from the fund created by the CMRS surcharge made to members of the committee~~ The committee must be comprised of twelve members and appointed as follows: eight members appointed by the Governor of which two must be employees of a local 911 system recommended by the South Carolina Association of Public Safety Communication Officials, two must be employees of a local 911 system recommended by the South Carolina National Emergency Number Association, two must be employees of CMRS providers licensed to do business in the State, one must be an employee of a telephone (local exchange access facility) service supplier licensed to do business in the State, and one consumer; and four members appointed by the Executive Director of the Revenue and Fiscal Affairs Office of which one must be its Executive Director or his designee, one must be an individual with GIS expertise, one must be an individual with knowledge of communication operations or technology, and one county administrator recommended by the South Carolina Association of Counties. There is no expense reimbursement or per diem payment made to members of the committee for attendance in committee or subcommittee meeting. However, upon prior approval by the Executive Director of the Revenue and Fiscal Affairs Office, members of the committee may be reimbursed by the Revenue and Fiscal Affairs Office, pursuant to state travel guidelines, for travel associated with their service on the committee.

(2) All committee members, except the ~~ex officio members~~ executive director or his designee, must be appointed for a three‑year term ~~by the Governor~~. These eleven committee members may be appointed to one ~~subsequent~~ consecutive term. A member may not be reappointed in a different capacity in order to circumvent the two consecutive term limitation. A member who has served the maximum consecutive terms is eligible for reappointment to a subsequent term after three years absence from the committee.

(3) In the event a vacancy arises, it must be filled for the remainder of the term in the manner of the original appointment. A partial term does not count toward the term limits; however, service for three‑fourths or more of a term constitutes service for a term.

(4) Any committee member who terminates his holding of the office or employment which qualified him for appointment shall cease immediately to be a member of the committee; the person appointed to fill the vacancy shall do so for the unexpired term of the member whom he succeeds.

(5) The committee shall establish its own procedures with respect to the selection of officers, quorum, place, and conduct of meetings. The committee may create special committees or subcommittees as it deems necessary and may invite other knowledgeable individuals to participate on these special committees or subcommittees. However, the committee may not delegate any statutory duty to such other committees.

(B) The responsibilities of the committee with respect to CMRS emergency telephone services are to:

(1) advise the Revenue and Fiscal Affairs Office on technical, operational, and training issues regarding the development, implementation, and continuing evolution of a comprehensive wireless 911 system, especially matters concerning appropriate systems and equipment to be acquired by CMRS providers and PSAPs to assure the compatibility of the systems and equipment and the ability of the systems and equipment to comply with the ~~requirements of FCC Docket Number 94‑102~~ strategic plan and operating model approved by the board;

(2) recommend systems and equipment for which reimbursement may be allowed to CMRS providers and PSAPs under the provisions of this chapter, which are compatible with each other as needed for the public’s safety, and will not result in wasteful spending on inappropriate or redundant technology; and

(3) review and approve continuing education training courses for which reimbursement may be allowed to CMRS providers and PSAPs under the provisions of this chapter.

(C) The responsibilities of the Revenue and Fiscal Affairs Office with respect to CMRS emergency telephone services are to:

(1) develop and oversee a strategic plan and manage or contract up to ten years for a 9‑1‑1 operating system in accordance with the provisions of the strategic plan as outlined in this chapter and as approved by the Board. In order to effectively manage the plan and system, the office in accordance with State procurement guidelines is authorized to:

(a) hire employees or contract for services and equipment to achieve all or parts of the model; and

(b) provide for statewide contracts for equipment and services identified in the plan for PSAPs to utilize;

(2) ~~direct the State Treasurer in the management and disbursal of the~~ manage and disburse funds in and from an interest‑bearing account in the following manner:

(a) hold and distribute not more than thirty‑nine and eight‑tenths percent of the total monthly revenues in the interest‑bearing account to PSAP administrators based on CMRS 911 wireless call volume for expenses incurred for the answering, routing, and proper disposition of CMRS 911 calls;

(b) hold and distribute not more than fifty‑eight and two‑tenths percent of the total monthly revenues in the interest‑bearing account solely for the purposes of complying with ~~applicable requirements of FCC Docket Number 94‑102~~ the provisions of this chapter and the strategic plan. These funds may be utilized by the office, ~~PSAP~~ the PSAPs, and the CMRS providers licensed to do business in this State for the following purposes in connection with compliance with ~~the FCC requirements~~ this chapter and the strategic plan including, but not limited to: ~~upgrading,~~ acquiring, upgrading, maintaining, programming, and installing necessary data, networks, services, hardware, and software. Invoices detailing specific expenses for these purposes must be presented for approval to the Revenue and Fiscal Affairs Office in connection with any request for reimbursement, and the request must be approved by the Revenue and Fiscal Affairs Office, upon recommendation of the committee. Any invoices presented to the Revenue and Fiscal Affairs Office for reimbursements of costs not described by this section may be ~~approved only by a unanimous vote of the committee~~ considered by the board, but only upon unanimous approval of the committee, but in no event shall reimbursement be made for costs ~~unrelated to compliance with applicable requirements of FCC Docket Number 94‑102~~ inconsistent with the strategic plan; and

(c) hold and distribute not more than two percent of the total monthly revenues in the interest‑bearing account to compensate the independent auditor provided for herein and for expenses which the Revenue and Fiscal Affairs Office is authorized to incur by contract, or otherwise, for provision of any administrative, legal, support, or other services to assist the Revenue and Fiscal Affairs Office in fulfilling its responsibilities under this act;

~~(2)~~(3) ~~with the State Treasurer,~~ prepare annual reports outlining fees collected and monies disbursed to PSAP and CMRS providers, and monies disbursed for operations of the Revenue and Fiscal Affairs Office, and submit annual reports ~~outlining monies disbursed for operations of the Revenue and Fiscal Affairs Office~~ to the South Carolina 911 Advisory Committee and the State Treasurer’s Office;

~~(3)~~(4) retain an independent, private auditor, as necessary in carrying out its responsibilities and as provided in the Consolidated Procurement Code, such as for the purposes of receiving, maintaining, and verifying the accuracy of proprietary information submitted to the Revenue and Fiscal Affairs Office by CMRS providers or PSAPs, and assisting the committee in its duties including its annual calculation of the average 911 charges pursuant to Section 23‑47‑50(F) and in cost studies it may conduct. Due to the confidential and proprietary nature of the information submitted by CMRS providers, the information may not be released to a party other than the independent private auditor and is expressly exempt from disclosure pursuant to Chapter 4, Title 30. The information collected by the auditor may be released only in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual CMRS provider;

~~(4)~~(5) conduct a cost study to be submitted to the House Ways and Means Committee and Senate Finance Committee one year from the effective date of this section and thereafter at the Revenue and Fiscal Affairs Office’s discretion. The Revenue and Fiscal Affairs Office may include any information it considers appropriate to assist the General Assembly in determining whether future legislation is necessary or appropriate, but the report must include information to assist in determining whether to adjust the CMRS 911 charge to reflect actual costs incurred by PSAPs or CMRS providers for compliance with applicable requirements of ~~FCC Docket Number 94‑102~~ the strategic plan;

~~(5)~~(6) convene the committee and consult with it concerning the performance of the responsibilities assigned to the Revenue and Fiscal Affairs Office and to the committee in this chapter, and the development and maintenance of the state’s CMRS emergency telephone services and system;

~~(6)~~(7) report as required or suggested by this chapter, promulgate any regulations, and take further actions as are appropriate in implementing it;

(8) work with the Department of Revenue to ensure all reporting requirements are being met; and

(9) act as the State 9‑1‑1 coordinator for the purposes of any relevant state or federal law or program requirements.

(D) The Revenue and Fiscal Affairs Office and committee must:

(1) annually calculate the average 911 charge as provided in Section 23‑47‑50(F); and

(2) take appropriate measures to maintain the confidentiality of the proprietary information described in this section. This information may be disclosed to Revenue and Fiscal Affairs Office and committee members only in the event a dispute arises with respect to the Revenue and Fiscal Affairs Office’s and committee’s discharge of their responsibilities under Section 23‑47‑65(B)(2) which necessitates such disclosure. The information also shall be exempt from disclosure pursuant to Chapter 4, Title 30. Members of the Revenue and Fiscal Affairs Office may not disclose the information to any third parties, including their employers~~;~~

~~(3)~~ ~~take appropriate measures to see that all prepaid wireless sellers comply with the requirements of Section 23‑47‑68(F) and that all other CMRS service suppliers comply with the requirements of Section 23‑47‑50(F)~~.

(E) CMRS providers are entitled to retain two percent of the fees collected as reimbursement for collection and handling of the CMRS 911 charge.”

SECTION 7. Section 23‑47‑75 of the 1976 Code is amended to read:

“Section 23‑47‑75. (A) CMRS location information obtained by safety personnel or for public safety personnel for public safety purposes is not public information under the Freedom of Information Act.

(B) A person may not disclose or use, for any purpose other than for the 911 or other emergency calling system, information contained in the data base of the telephone network portion of a 911 or other emergency calling system established pursuant to this chapter.

(C) For all information not covered by subsections (A) and (B), a local government may exempt from disclosure:

(1) individual identifying information of an individual calling a 911 center, individual identifying information of a victim, or individual identifying information of a witness; or

(2) images or video from a place where the 911 caller would have a reasonable expectation of privacy as defined in Section 16‑17‑470(D)(1).

The local government is responsible for the release of its information.

(D) This section shall not apply if the local government or a court order determines that the public interest in disclosure outweighs the interest in nondisclosure.

(E) As used in this section, the term ‘identifying information’ includes name, telephone number, and home address. The term does not include:

(1) the location of the incident, unless the location is the caller’s, victim’s, or witness’ home address or the disclosure of the location would compromise the identity of the caller, victim, or witness; or

(2) the street block identifier, the cross street, or the mile marker nearest the scene of the incident, which shall be public.”

SECTION 8. Section 23‑47‑80 of the 1976 Code is amended to read:

“Section 23‑47‑80. It is unlawful for a person anonymously or otherwise to:

(1) use any words or language of a profane, vulgar, lewd, lascivious, or indecent nature on an emergency 911 number with the intent to intimidate or harass a dispatcher;

(2) ~~telephone~~ contact the emergency 911 number, whether or not conversation ensues for the purpose of annoying or harassing the dispatcher or interfering with or disrupting emergency 911 service;

(3) make ~~a telephone call to~~ contact with a 911 dispatcher and intentionally fail to hang up or disengage the connection for the purpose of interfering with or disrupting emergency service;

(4) ~~telephone~~ contact the emergency 911 number and intentionally make a false report.

A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not more than two hundred dollars, or both.”

SECTION 9. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

LUKE A. RANKIN for Committee.

**A** **BILL**

TO AMEND SECTION 23‑47‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE PUBLIC SAFETY COMMUNICATIONS CENTER, SO AS TO PROVIDE ADDITIONAL TERMS AND THEIR DEFINITIONS; TO AMEND SECTION 23‑47‑20, RELATING TO REQUIREMENTS THAT PERTAIN TO A 911 SYSTEM, SO AS TO PROVIDE THAT THE REVENUE AND FISCAL AFFAIRS OFFICE IS RESPONSIBLE FOR CREATING AND UPDATING A COMPREHENSIVE STRATEGIC 911 AND NEXTGEN 9‑1‑1 (NG9‑1‑1) SYSTEM, AND TO REVISE THE STANDARDS THAT GOVERN THE OPERATION OF 911 AND NG9‑1‑1 SYSTEMS; TO AMEND SECTION 23‑47‑40, RELATING TO 911 CHARGES THAT MAY BE IMPOSED UPON EACH LOCAL EXCHANGE ACCESS FACILITY SUBSCRIBED TO BY TELEPHONE SUBSCRIBERS WHOSE LOCAL EXCHANGE ACCESS LINES ARE IN THE AREA SERVED OR WHICH WOULD BE SERVED BY THE 911 SERVICE, SO AS TO REVISE THE LIST OF ITEMS THAT MAY BE FUNDED WITH THESE CHARGES; TO AMEND SECTION 23‑47‑50, RELATING TO SUBSCRIBER BILLING FOR THE PROVISION OF 911 SERVICE, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT THE “EMERGENCY TELEPHONE SYSTEM” FUND MUST BE INCLUDED IN THE ANNUAL AUDIT OF THE LOCAL GOVERNMENT, TO PROVIDE THAT UPON THE FINDING OF INAPPROPRIATE USE OF 911 FUNDS PURSUANT TO AN AUDIT, THE LOCAL GOVERNMENT MUST RESTORE THOSE FUNDS WITHIN NINETY DAYS, TO PROVIDE THAT THE LOCAL GOVERNMENT MUST PROVIDE THE REVENUE AND FISCAL AFFAIRS OFFICE A COPY OF THE AUDITED REPORT, TO PROVIDE THAT FUNDS MAY BE WITHHELD FROM A LOCAL GOVERNMENT THAT FAILS TO COMPLY WITH THE AUDIT PROVISIONS, AND TO REVISE THE PURPOSE FOR LEVYING A CMRS 911 CHARGE; TO AMEND SECTION 23‑47‑60, RELATING TO A LOCAL GOVERNMENT PROVIDING STANDARD ADDRESSES FOR THEIR RESIDENTS BEFORE ENHANCED 911 IS PLACED IN SERVICE, SO AS TO PROVIDE THAT THE REVENUE AND FISCAL AFFAIRS OFFICE SHALL DESIGNATE ONE OFFICE WITHIN EACH COUNTY AS THE ADDRESSING OFFICIAL; TO AMEND SECTION 23‑47‑65, AS AMENDED, RELATING TO THE CREATION AND RESPONSIBILITIES OF THE SOUTH CAROLINA 911 ADVISORY COMMITTEE, SO AS TO INCREASE ITS RESPONSIBILITIES, TO INCREASE THE SIZE OF ITS MEMBERSHIP, TO REVISE THE PROCESS OF APPOINTING MEMBERS, TO PROVIDE ITS MEMBERS COMPENSATION FOR CERTAIN EXPENSES, TO INCREASE AND REVISE THE RESPONSIBILITIES OF THE REVENUE AND FISCAL AFFAIRS OFFICE AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23‑47‑75, RELATING TO CERTAIN 911 INFORMATION THAT IS NOT SUBJECT TO THE FREEDOM OF INFORMATION ACT OR DISCLOSURE, SO AS TO MAKE A TECHNICAL CHANGE, TO PROVIDE THAT CERTAIN LOCATION INFORMATION IS NOT CONSIDERED A RECORD OF THE LOCAL 911 SYSTEM, AND TO PROVIDE RESTRICTIONS ON THE RELEASE OF CERTAIN DATA AND TELEPHONE CALLS TO CERTAIN AGENCIES AND THE PUBLIC; AND TO AMEND SECTION 23‑47‑80, RELATING TO PENALTIES ASSOCIATED WITH UNLAWFULLY PLACING A 911 CALL, SO AS MAKE TECHNICAL CHANGES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 23‑47‑10 of the 1976 Code, is amended by adding the following appropriately numbered items at the end to read:

“( ) ‘Board’ means the board of the Revenue and Fiscal Affairs Office.

( ) ‘Call’ means any information, written communication, video, data, or voice that is delivered to the PSAP initiating an emergency response.

( ) ‘IP‑Enabled Services’ means services and applications making use of Internet Protocol (IP) including, but not limited to, voice over IP and other services and applications provided through wireline, cable, wireless and satellite facilities, and any other facility that is capable of connecting users dialing or entering the digits 911 to public safety answering points.

( ) ‘NextGen 9‑1‑1 (NG9‑1‑1)’ includes the delivery of 911 calls over an IP‑based network and provides multimedia data capabilities for PSAPs and other emergency service organizations.

( ) ‘Communications service’ means a service capable of accessing, connecting with, or interfacing with a 911 system by dialing, initializing, or otherwise activating the system exclusively through the digits 911 by means of a local telephone device or wireless communications device.

( ) ‘Communications service provider’ means a service provider, public or private, that transports information electronically via landline, wireless, internet, cable, or satellite, including but not limited to wireless communications service providers, personal communications service, telematics, and Voice over Internet Protocol (VoIP).

( ) ‘Wireless communications service’ means commercial mobile radio service. ‘Wireless communications service’ includes any wireless two‑way communications used in cellular telephone service, a personal communications service, or a network access line. ‘Wireless communications service’ does not include a service whose customers do not have access to 911 or 911‑like services.

( ) ‘Wireless communications provider’ means a company that offers wireless communication service to users of wireless devices including, but not limited to, cellular, personal communications services, mobile satellite services, and enhanced specialized mobile radio.

( ) ‘ESInet’ means an Emergency Services IP Network. An ESInet can be one or many networks, including local, regional, statewide, nationwide, or international.

( ) ‘VoIP Network’ or ‘Voice over Internet Protocol Network’ means a method in which voice communications are delivered via digital Internet connections.

( ) ‘Legacy systems’ means any 911 system, whether basic or enhanced, operating in South Carolina prior to the board establishing an NG9‑1‑1 or subsequent systems.

( ) ‘Strategic plan’ means the defined strategy of South Carolina’s 911 goals and objectives and the steps necessary to achieve those goals and objectives in the transition from legacy 911 to NextGen 9‑1‑1.”

SECTION 2. Section 23‑47‑20 of the 1976 Code is amended to read:

“Section 23‑47‑20. (A)(1) The Revenue and Fiscal Affairs Office shall be responsible for creating, updating, and implementing a comprehensive strategic plan, including operating standards for a coordinated statewide 911 system to address changing technology, services, and operating efficiency and effectiveness. The standards must be developed and updated with comments and recommendations from the South Carolina 911 Advisory Committee, local officials, service providers, and the public. The plan must be approved by the board and may be amended as necessary.

Service available through a local 911 system includes law enforcement, fire, and emergency medical services. Other emergency and emergency personnel services may be incorporated into the 911 system at the discretion of the local government being served by the system. Public safety agencies within a local government 911 system, in all cases, must be notified by the PSAP of a request for service in their area. Written guidelines must be established to govern the assignment of calls for assistance to the appropriate public safety agency. There must be written agreements among state, county, and local public safety agencies with concurrent jurisdiction for a clear understanding of which specific calls for assistance will be referred to individual public safety agencies.

(2) The Revenue and Fiscal Affairs Office may request written verification from PSAPs regarding compliance with current or updated standards and may develop policies to address noncompliance.

(B)(1) A 911 system must include all of the territory of the local government, either county, municipality, or multi‑jurisdictional government. A 911 system may be ~~a basic or~~ an enhanced 911 system until the board establishes NG9‑1‑1 or another subsequent system.

(2) Public safety agencies that provide emergency service within the territory of a 911 system shall participate in the countywide system. Each PSAP must be operated twenty‑four hours a day, seven days a week.

(C) ~~As a minimum, the 911 systems implemented in South Carolina must include:~~

~~(1)~~ ~~a minimum of two lines from each serving telephone central office to the enhanced 911 tandem (controlling central office). A minimum of two lines from the enhanced 911 tandem to the PSAP. The grade of service must have sufficient lines to ensure no more than one busy signal per one hundred calls;~~

~~(2)~~ ~~equipment to connect the PSAP to all law enforcement, fire protection, and emergency medical or rescue agencies, or both within the boundaries of the system;~~

~~(3)~~ ~~first priority to answering 911 calls;~~

~~(4)~~ ~~electronic recording of all 911 calls and retained for a minimum of sixty days;~~

~~(5)~~ ~~immediate playback capability of all 911 calls;~~

~~(6)~~ ~~equipment connected by dedicated telephone lines to all adjacent PSAP’s where there is a telephone exchange not covered by selective routing;~~

~~(7)~~ ~~adequate physical security to minimize the possibility of intentional disruption of the operation. This includes equipment safeguards;~~

~~(8)~~ ~~standby emergency power to operate the PSAP during power failures;~~

~~(9)~~ ~~written operational procedures;~~

~~(10)~~ ~~a minimum of one telecommunication device for the deaf (TDD) available in each PSAP;~~

~~(11)~~ ~~capability to answer eighty percent of calls within ten seconds;~~

~~(12)~~ ~~coin free dialing. Pay or coin telephones classified as such by a class of service code will be identified on the automatic location identification display in enhanced 911 systems;~~

~~(13)~~ ~~contingency plans for rerouting or relocating the PSAP in the event of a disaster or equipment failures;~~

~~(14)~~ ~~routing and capabilities to receive and process CMRS service and VoIP service capable of making 911 calls;~~

~~(15)~~ ~~telecommunication operators or dispatchers trained and certified by the Law Enforcement Training Council (Criminal Justice Academy). The Law Enforcement Training Council shall promulgate regulations to provide for this training. Expense of the training must be paid by the local government by which that person is employed and the department is authorized to establish and collect a fee for this training;~~

~~(16)~~ ~~all 911 lines have both audio and light indicators on incoming calls;~~

~~(17)~~ ~~a public safety agency whose services are available on the 911 system must maintain a separate secondary backup number for emergency calls and a separate number for nonemergency telephone calls;~~

~~(18)~~ ~~the primary published emergency number will be 911. The PSAP must have additional local telephone exchange service in addition to the 911 service. This nonemergency telephone number should be published directly below the ‘emergency dial 911’ listing;~~

~~(19)~~ ~~911 is furnished for emergency reporting only. Nonemergency calls, whether by the general public or agency employees, should not be made to the 911 system;~~

~~(20)~~ ~~a designated person or 911 office staffed by a sufficient number of personnel to maintain data bases;~~

~~(21)~~ ~~an initial and continual plan for public education which must include the following:~~

~~(a)~~ ~~to make the public aware 911 is available;~~

~~(b) to have the majority of emergency calls received on 911 rather than the seven‑digit emergency number;~~

~~(c)~~ ~~to make the public aware of the definition of an emergency;~~

~~(d)~~ ~~to make the public aware of what is a nonemergency.~~

~~(D)~~ ~~Enhanced 911 shall incorporate the following features:~~

~~(1)~~ ~~automatic location identification (ALI)‑automatically displays the addresses of the calling telephone during the course of the emergency call at the PSAP;~~

~~(2)~~ ~~automatic number identification (ANI)‑automatically displays the number of the caller’s telephone at the PSAP;~~

~~(3)~~ ~~central office identification—when a PSAP serves more than one central office, dedicated lines or trunks are used to identify each central office;~~

~~(4)~~ ~~called party hold—enables the PSAP to control the connection for confirmation and tracing of the call;~~

~~(5)~~ ~~distinct tone—tone generated by equipment which alerts the PSAP personnel that calling party has disconnected;~~

~~(6)~~ ~~selective routing—will automatically route a predetermined geographical area to a PSAP serving that area regardless of municipal and wire center boundary alignments.~~

~~(7)~~ ~~All enhanced 911 systems must be configured so as to disallow subsequent search of the address data base.~~

At a minimum, the legacy 911 or NG9‑1‑1 systems implemented in South Carolina must include:

(1) for legacy, a minimum of two lines from each serving telephone central office to the enhanced 911 tandem (controlling central office). For legacy, a minimum of two lines from the enhanced 911 tandem to the PSAP. For both legacy and NG9‑1‑1, the grade of service must have sufficient lines to ensure no more than one busy signal per one hundred calls;

(2) for both legacy and NG9‑1‑1, equipment within the PSAP to connect the PSAP to all law enforcement, fire protection, and emergency medical or rescue agencies, as well as to emergency responders;

(3) for both legacy and NG9‑1‑1, first priority to answering 911 calls;

(4) for both legacy and NG9‑1‑1, electronic recording of all 911 calls and retained for a minimum of sixty days;

(5) for both legacy and NG9‑1‑1, immediate playback capability of all 911 calls;

(6) for legacy, equipment connected by dedicated telephone lines to all adjacent PSAPs where there is a telephone exchange not covered by selective routing;

(7) for both legacy and NG9‑1‑1, necessary physical security to minimize the possibility of intentional disruption of the operation. This includes equipment safeguards such as key fobs and biometrics as well as cyber security safeguards to prevent Denial of Service attacks and general ‘hacking’ of systems;

(8) for both legacy and NG9‑1‑1, standby emergency power to operate the PSAP during power failures;

(9) for both legacy and NG9‑1‑1, written operational procedures;

(10) for legacy and NG9‑1‑1, a minimum of one telecommunication device for the deaf (TDD) available in each PSAP;

(11) for both legacy and NG9‑1‑1, capability to answer ninety‑five percent of calls within fifteen seconds and ninety‑nine percent in forty seconds;

(12) for both legacy and NG9‑1‑1, coin‑free dialing. Pay or coin telephones classified as such by a class of service code will be identified on the automatic location identification display in enhanced 911 systems;

(13) for both legacy and NG9‑1‑1, contingency plans for rerouting or relocating the PSAP in the event of a disaster or equipment failures;

(14) for both legacy and NG9‑1‑1, routing and capabilities to receive and process CMRS service and VoIP service capable of making 911 calls;

(15) for both legacy and NG9‑1‑1, telecommunication operators or dispatchers trained, or certified by the Law Enforcement Training Council (Criminal Justice Academy). The Law Enforcement Training Council shall promulgate regulations to provide for this training and/or certification. Expense of the training must be paid by the local government by which that person is employed. The Law Enforcement Training Council is authorized to establish, collect, and retain a fee not to exceed actual costs for this training or certification, or both;

(16) for both legacy and NG9‑1‑1, all 911 lines have both audio and visual indicators on incoming calls;

(17) for both legacy and NG9‑1‑1, a public safety agency whose services are available on the 911 system must maintain a separate secondary backup number for emergency calls and a separate number for nonemergency telephone calls;

(18) for both legacy and NG9‑1‑1, the primary published emergency number will be 911. The PSAP must have additional local telephone exchange service in addition to the 911 service. This nonemergency telephone number should be published directly below the ‘emergency dial 911’ listing;

(19) for both legacy and NG9‑1‑1, 911 is furnished for emergency reporting only. Nonemergency calls, whether by the general public or agency employees, should not be made to the 911 system;

(20) for both legacy and NG9‑1‑1, a designated person or 911 office staffed by a sufficient number of personnel to maintain databases and 911 network; and

(21) for both legacy and NG9‑1‑1, an initial and continual plan for public education, which must include:

(a) making the public aware 911 is available;

(b) making the majority of emergency calls received on 911 rather than the seven‑digit emergency number;

(c) making the public aware of the definition of an emergency;

(d) making the public aware of what is a nonemergency;

(e) texting to 911 and other aspects of NG9‑1‑1 as they become available to the public;

(f) for NG9‑1‑1, the requirements contained herein shall apply to all manner of devices capable of communicating requests for emergency assistance to PSAPs.

(D) Enhanced 911 shall incorporate the following features:

(1) for legacy, automatic location identification (ALI) ‑ automatically displays the addresses of the calling telephone during the course of the emergency call at the PSAP;

(2) for legacy, automatic number identification (ANI) ‑ automatically displays the number of the caller’s telephone at the PSAP;

(3) for legacy, central office identification ‑ when a PSAP serves more than one central office, dedicated lines or trunks are used to identify each central office;

(4) for both legacy and NG9‑1‑1, called party hold ‑ enables the PSAP to control the connection for confirmation and tracing of the call;

(5) for both legacy and NG9‑1‑1, distinct tone ‑ tone generated by equipment which alerts the PSAP personnel that the calling party has disconnected;

(6) for legacy, selective routing ‑ will automatically route calls from a predetermined geographical area to a PSAP serving that area regardless of municipal and wire center boundary alignments; and

(7) for legacy, all enhanced 911 systems must be configured so as to disallow subsequent search of the address database.

(E) All systems also must include applicable services identified in the strategic plan to ensure comprehensive and coordinated statewide operations in accordance with Section 23‑47‑20(A), including, but not limited to:

(1) integration and standardization of local mapping data; and

(2) aerial imagery services that will support the strategic plan and public safety on an on‑going basis. Aerial imagery also may be shared for other local and state governmental purposes including, but not limited to, South Carolina Code of Regulations R117‑1740.2.C.5.”

SECTION 3. Section 23‑47‑40 of the 1976 Code is amended to read:

“Section 23‑47‑40. (A) The local government is authorized to adopt an ordinance to impose a monthly 911 landline charge upon each local exchange access facility subscribed to by telephone subscribers whose local exchange access lines are in the area served or which would be served by the 911 service. The 911 landline charge must be uniform and may not vary according to the type of local exchange access facility used.

The ordinance must be adopted in the same fashion as ordinances that levy taxes under South Carolina law. No collection of charges may be commenced before adoption of the ordinance.

(B) ~~Funding~~ Landline funding must be used only to pay for the following enumerated items:

(1) the lease, purchase, lease‑purchase, or maintenance of emergency telephone equipment, including necessary recording equipment, computer hardware, software and data base provisioning, addressing, mapping, and nonrecurring costs of establishing a 911 system;

(2) the rates associated with the service supplier’s 911 service and other suppliers recurring charges;

(3) the cost of establishing and maintaining a county 911 office or maintaining as currently staffed a county 911 office for the purpose of operating and maintaining the data base of the 911 system. Costs are limited to salaries and compensations and those items necessary in the operation of the 911 office and normal operating costs;

(4) items enumerated may be subscriber billed for a period not to exceed thirty months before activation of the 911 service;

(5) items necessary to meet the standards outlined in this chapter, specifically in Section 23‑47‑20(C);

(6) enhancements either currently available or available in the future offered by service suppliers and approved by the Public Service Commission;

(7) a local government may contract to implement and establish a 911 system as set forth in this chapter.

(C) ~~Funding~~ Landline funding must not be used for:

(1) purchasing or leasing of real estate, cosmetic or remodeling of communications centers, except those building modifications necessary to maintain the security and environmental integrity of the PSAP;

(2) hiring or compensating dispatchers or call takers other than initial and in‑service training;

(3) mobile communications vehicles, fire engines, law enforcement vehicles, ambulances, or other emergency vehicles, or other vehicles;

(4) ~~consultants or consultant fees for studies of ‑implementation;~~ communications, or other equipment used by first responders or other public safety agents such as radios, radio towers, and computers; and

(5) ~~aerial photography~~ consultants or consultant fees for studies of implementation not related to NG9‑1‑1.

(D) A local government may contract with a service supplier for any term negotiated by the service supplier and the local government and may make payments through subscriber billing to provide any payments required by the contract.”

SECTION 4. Section 23‑47‑50 of the 1976 Code is amended to read:

“Section 23‑47‑50. (A) The maximum 911 landline charge that a subscriber may be billed for an individual local exchange access facility must be in accordance with the following scale:

Tier I—1,000 to 40,999 access lines— $1.50 for start‑up costs, $1.00 for on‑going costs.

Tier II—41,000 to 99,999 access lines— $1.00 for start‑up costs, $.60 for on‑going costs.

Tier III—more than 100,000 access lines— $.75 for start‑up costs, $.50 for on‑going costs.

Start‑up includes a combination of recurring and nonrecurring costs and up to a maximum of fifty local exchange lines per account. For bills rendered on or after the effective date of this act, for any individual local exchange access facility that is capable of simultaneously carrying multiple voice and data transmissions, a subscriber must be billed a number of 911 charges equal to: (a) the number of outward voice transmission paths activated on such a facility in cases where the number of activated outward voice transmission paths can be modified by the subscriber only with the assistance of the service supplier; or (b) five, where the number of activated outward voice transmission paths can be modified by the subscriber without the assistance of the service supplier. The total number of 911 charges remains subject to the maximum of fifty 911 charges per account set forth above.

(B) Every local telephone subscriber served by the 911 system is liable for the 911 landline charge imposed. A service supplier has no obligation to take any legal action to enforce the collection of the 911 charges for which a subscriber is billed. However, a collection action may be initiated by the local government that imposed the charges. Reasonable costs and attorneys’ fees associated with that collection action may be awarded to the local government collecting the 911 landline charges.

(C) The local government subscribing to 911 service is ultimately responsible to the service supplier for all 911 installation, service, equipment, operation, and maintenance charges owed to the service supplier. Upon request by the local government, the service supplier shall provide a list of amounts uncollected along with the names and addresses of telephone subscribers who have identified themselves as refusing to pay the 911 landline charges. Taxes due on a 911 system service provided by the service supplier must be billed to the local government subscribing to the service. State and local taxes do not apply to the 911 charge billed to the telephone subscriber.

(D) Service suppliers that collect 911 landline charges on behalf of the local government are entitled to retain two percent of the gross 911 landline charges remitted to the local government as an administrative fee. The service supplier shall remit the remainder of charges collected during the month to the fiscal offices of the local government. The 911 landline charges collected by the service supplier must be remitted to the local government within forty‑five days of the end of the month during which such charges were collected and must be deposited by and accounted for by the local government in a separate restricted fund known as the ‘emergency telephone system fund’ maintained by the local government. The local government may invest the money in the fund in the same manner that other monies of the local government are invested and income earned from the investment must be deposited into the fund. Monies from this fund are totally restricted to use in the 911 system.

(E)(1) ~~The~~ In order to ensure compliance with the provisions of this chapter and with generally accepted accounting standards, the ‘emergency telephone system’ fund must be included in the annual audit of the local government ~~in accordance with generally accepted auditing standards~~. The audit must include a review of the accounting controls over the collection, reporting, and disbursement of 911 funds and a supplementary schedule detailing revenue and expenses by category as authorized in this chapter. If the annual audit contains a finding of any inappropriate use of 911 funds, the local government must restore these funds within ninety days of the completion of the audit.

(2) The local government must provide the Revenue and Fiscal Affairs Office a copy of the audited report regarding this compliance within sixty days of the completion of the audit. The Revenue and Fiscal Affairs Office shall review these audits on a regular basis and report to the board any findings or concerns. In conducting this review, the Revenue and Fiscal Affairs Office may request additional information from the local government. If a local government fails to provide a copy of the audit or any requested additional information, or correct any findings identified in the audit, the board may withhold funding pursuant to subsection (G).

(F) Fees collected by the service supplier pursuant to this section are not subject to any tax, fee, or assessment, nor are they considered revenue of the service supplier. ~~A monthly CMRS 911 charge is levied for each CMRS connection for which there is a mobile identification numbe~~r ~~containing an area code assigned to South Carolina by the North American Numbering Plan Administrator~~

(G) A monthly 911 charge is levied for each Commercial Mobile Radio Service (CMRS) connection with a place of primary use in South Carolina as defined by the Federal Mobile Telecommunications Sourcing Act (4 U.S.C. 124C8), to include: (a) the residential street address or the primary business street address of the customer, and (b) within the licensed service area of the home service provider. The amount of the levy must be approved annually by the Revenue and Fiscal Affairs Office at a level not to exceed the average monthly landline telephone (local exchange access facility) 911 charges paid in South Carolina. The Revenue and Fiscal Affairs Office and the committee may calculate the CMRS 911 charge based upon a review of one or more months during the year preceding the calculation of telephone (local exchange access facility) charges paid in South Carolina. The CMRS 911 wireless charge must have uniform application and must be imposed throughout the State; however, trunks or service lines used to supply service to CMRS providers shall not be subject to a CMRS 911 levy. Prepaid wireless telecommunications service is subject to the 911 charge set forth in Section 23‑47‑68 and not to the CMRS 911 wireless charge set forth in this subsection. On or before the twentieth day of the second month succeeding each monthly collection of the CMRS 911 charges, every CMRS provider shall file with the Department of Revenue a return under oath, in a form prescribed by the department, showing the total amount of fees collected for the month and, at the same time, shall remit to the department the fees collected for that month. The department shall place the collected fees on deposit with the State Treasurer. The funds collected pursuant to this subsection are not general fundrevenue of the State and must be kept by the State Treasurer in a fund separate and apart from the general fund to be expended as provided in Section 23‑47‑65.

~~(G)~~(H)(1) Fees collected by the service supplier pursuant to this section are not subject to any tax, fee, or assessment, nor are they considered revenue of the service supplier.

(2) Except as provided in Section 23‑47‑68(B), a 911 charge imposed under this chapter shall be added to the billing by the service supplier to the service subscriber and ~~may~~ must be stated separately.

(3) A billed subscriber shall be liable for any 911 charge imposed under this chapter until it has been paid to the service supplier.”

SECTION 5. Section 23‑47‑60 of the 1976 Code is amended by adding the following appropriately lettered subsection at the end to read:

“( ) To help ensure these standards are implemented successfully throughout an entire county, the Revenue and Fiscal Affairs Office shall designate one office within each county as the addressing official.”

SECTION 6. Section 23‑47‑65 of the 1976 Code, as last amended by Act 246 of 2018, is further amended to read:

“Section 23‑47‑65. “(A)(1) The South Carolina 911 Advisory Committee is created to assist the Revenue and Fiscal Affairs Office in carrying out its responsibilities in implementing, maintaining, and updating an efficient ~~a~~ wireless ~~enhanced~~ 911 system ~~consistent with FCC Docket Number 94‑102~~. ~~The committee shall consist of: an individual with technical or operational knowledge of E‑911 systems who is appointed by the Executive Director of the Revenue and Fiscal Affairs Office; the Executive Director of the Revenue and Fiscal Affairs Office or his designee; two employees of CMRS providers licensed to do business in the State appointed by the Governor; two 911 system employees appointed by the Governor; and one employee of a telephone (local exchange access facility) service supplier licensed to do business in the State appointed by the Governor; and one consumer appointed by the Governor. Local governments and related organizations such as the National Emergency Number Association may recommend PSAP Committee members, and industry representatives may recommend wireline and CMRS Committee members to the Governor. There is no expense reimbursement or per diem payment from the fund created by the CMRS surcharge made to members of the committee~~ The committee must be comprised of twelve members and appointed as follows: eight members appointed by the Governor of which two must be employees of a local 911 system recommended by the South Carolina Association of Public Safety Communication Officials, two must be employees of a local 911 system recommended by the South Carolina National Emergency Number Association, two must be employees of CMRS providers licensed to do business in the State, one must be an employee of a telephone (local exchange access facility) service supplier licensed to do business in the State, and one consumer; and four members appointed by the Executive Director of the Revenue and Fiscal Affairs Office of which one must be its Executive Director or his designee, one must be an individual with GIS expertise, one must be an individual with knowledge of communication operations or technology, and one county administrator recommended by the South Carolina Association of Counties. There is no expense reimbursement or per diem payment made to members of the committee for attendance in committee or subcommittee meeting. However, upon prior approval by the Executive Director of the Revenue and Fiscal Affairs Office, members of the committee may be reimbursed by the Revenue and Fiscal Affairs Office, pursuant to state travel guidelines, for travel associated with their service on the committee.

(2) All committee members, except the ~~ex officio members~~ executive director or his designee, must be appointed for a three‑year term ~~by the Governor~~. These eleven committee members may be appointed to one ~~subsequent~~ consecutive term. A member may not be reappointed in a different capacity in order to circumvent the two consecutive term limitation. A member who has served the maximum consecutive terms is eligible for reappointment to a subsequent term after three years absence from the committee.”

(3) In the event a vacancy arises, it must be filled for the remainder of the term in the manner of the original appointment. A partial term does not count toward the term limits; however, service for three‑fourths or more of a term constitutes service for a term.

(4) Any committee member who terminates his holding of the office or employment which qualified him for appointment shall cease immediately to be a member of the committee; the person appointed to fill the vacancy shall do so for the unexpired term of the member whom he succeeds.

(5) The committee shall establish its own procedures with respect to the selection of officers, quorum, place, and conduct of meetings. The committee may create special committees or subcommittees as it deems necessary and may invite other knowledgeable individuals to participate on these special committees or subcommittees. However, the committee may not delegate any statutory duty to such other committees.

(B) The responsibilities of the committee with respect to CMRS emergency telephone services are to:

(1) advise the Revenue and Fiscal Affairs Office on technical, operational, and training issues regarding the development, implementation, and continuing evolution of a comprehensive wireless 911 system, especially matters concerning appropriate systems and equipment to be acquired by CMRS providers and PSAPs to assure the compatibility of the systems and equipment and the ability of the systems and equipment to comply with the ~~requirements of FCC Docket Number 94‑102~~ strategic plan and operating model approved by the board;

(2) recommend systems and equipment for which reimbursement may be allowed to CMRS providers and PSAPs under the provisions of this chapter, which are compatible with each other as needed for the public’s safety, and will not result in wasteful spending on inappropriate or redundant technology; and

(3) review and approve continuing education training courses for which reimbursement may be allowed to CMRS providers and PSAPs under the provisions of this chapter.

(C) The responsibilities of the Revenue and Fiscal Affairs Office with respect to CMRS emergency telephone services are to:

(1) develop and oversee a strategic plan and manage or contract for a 9‑1‑1 operating system in accordance with the provisions of the strategic plan as outlined in this chapter and as approved by the Board. In order to effectively manage the plan and system, the office in accordance with State procurement guidelines, is authorized to:

(a) hire employees or contract for services and equipment to achieve all or parts of the model; and

(b) provide for statewide contracts for equipment and services identified in the plan for PSAPs to utilize;

(2) ~~direct the State Treasurer in the management and disbursal of the~~ manage and disburse funds in and from an interest‑bearing account in the following manner:

(a) hold and distribute not more than thirty‑nine and eight‑tenths percent of the total monthly revenues in the interest‑bearing account to PSAP administrators based on CMRS 911 wireless call volume for expenses incurred for the answering, routing, and proper disposition of CMRS 911 calls;

(b) hold and distribute not more than fifty‑eight and two‑tenths percent of the total monthly revenues in the interest‑bearing account solely for the purposes of complying with ~~applicable requirements of FCC Docket Number 94‑102~~ the provisions of this chapter and the strategic plan. These funds may be utilized by the office, ~~PSAP~~ the PSAPs, and the CMRS providers licensed to do business in this State for the following purposes in connection with compliance with ~~the FCC requirements~~ this chapter and the strategic plan including, but not limited to: ~~upgrading,~~ acquiring, upgrading, maintaining, programming, and installing necessary data, networks, services, hardware, and software. Invoices detailing specific expenses for these purposes must be presented for approval to the Revenue and Fiscal Affairs Office in connection with any request for reimbursement, and the request must be approved by the Revenue and Fiscal Affairs Office, upon recommendation of the committee. Any invoices presented to the Revenue and Fiscal Affairs Office for reimbursements of costs not described by this section may be ~~approved only by a unanimous vote of the committee~~ considered by the board, but only upon unanimous approval of the committee, but in no event shall reimbursement be made for costs ~~unrelated to compliance with applicable requirements of FCC Docket Number 94‑102~~ inconsistent with the strategic plan;

(c) hold and distribute not more than two percent of the total monthly revenues in the interest‑bearing account to compensate the independent auditor provided for herein and for expenses which the Revenue and Fiscal Affairs Office is authorized to incur by contract, or otherwise, for provision of any administrative, legal, support, or other services to assist the Revenue and Fiscal Affairs Office in fulfilling its responsibilities under this act;

~~(2)~~(3) ~~with the State Treasurer,~~ prepare annual reports outlining fees collected and monies disbursed to PSAP and CMRS providers, and ~~submit annual reports outlining~~ monies disbursed for operations of the Revenue and Fiscal Affairs Office;

~~(3)~~(4) retain an independent, private auditor, as necessary in carrying out its responsibilities and as provided in the Consolidated Procurement Code, such as for the purposes of receiving, maintaining, and verifying the accuracy of proprietary information submitted to the Revenue and Fiscal Affairs Office by CMRS providers or PSAPs, and assisting the committee in its duties including its annual calculation of the average 911 charges pursuant to Section 23‑47‑50(F) and in cost studies it may conduct. Due to the confidential and proprietary nature of the information submitted by CMRS providers, the information may not be released to a party other than the independent private auditor and is expressly exempt from disclosure pursuant to Chapter 4, Title 30. The information collected by the auditor may be released only in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual CMRS provider;

~~(4)~~(5) conduct a cost study to be submitted to the House Ways and Means Committee and Senate Finance Committee one year from the effective date of this section and thereafter at the Revenue and Fiscal Affairs Office’s discretion. The Revenue and Fiscal Affairs Office may include any information it considers appropriate to assist the General Assembly in determining whether future legislation is necessary or appropriate, but the report must include information to assist in determining whether to adjust the CMRS 911 charge to reflect actual costs incurred by PSAPs or CMRS providers for compliance with applicable requirements of ~~FCC Docket Number 94‑102~~ the strategic plan;

~~(5)~~(6) convene the committee and consult with it concerning the performance of the responsibilities assigned to the Revenue and Fiscal Affairs Office and to the committee in this chapter, and the development and maintenance of the state’s CMRS emergency telephone services and system;

~~(6)~~(7) report as required or suggested by this chapter, promulgate any regulations, and take further actions as are appropriate in implementing it;

(8) work with the Department of Revenue to ensure all reporting requirements are being met;

(9) act as the State 9‑1‑1 coordinator for the purposes of any relevant state or federal law or program requirements.

(D) The Revenue and Fiscal Affairs Office and committee must:

(1) annually calculate the average 911 charge as provided in Section 23‑47‑50(F); and

(2) take appropriate measures to maintain the confidentiality of the proprietary information described in this section. This information may be disclosed to Revenue and Fiscal Affairs Office and committee members only in the event a dispute arises with respect to the Revenue and Fiscal Affairs Office’s and committee’s discharge of their responsibilities under Section 23‑47‑65(B)(2) which necessitates such disclosure. The information also shall be exempt from disclosure pursuant to Chapter 4, Title 30. Members of the Revenue and Fiscal Affairs Office may not disclose the information to any third parties, including their employers~~;~~

~~(3)~~ ~~take appropriate measures to see that all prepaid wireless sellers comply with the requirements of Section 23‑47‑68(F) and that all other CMRS service suppliers comply with the requirements of Section 23‑47‑50(F)~~.

(E) CMRS providers are entitled to retain two percent of the fees collected as reimbursement for collection and handling of the CMRS 911 charge.”

SECTION 7. Section 23‑47‑75 of the 1976 Code is amended to read:

“Section 23‑47‑75. (A) CMRS location information obtained by safety personnel or for public safety personnel for public safety purposes is not public information under the Freedom of Information Act.

(B) A person may not disclose or use, for any purpose other than for the 911 or other emergency calling system, information contained in the data base of the telephone network portion of a 911 or other emergency calling system established pursuant to this chapter.

(C) For all information not covered by subsections (A) and (B), a PSAP may exempt from disclosure:

(1) individual identifying information of an individual calling a 911 center, victim, or witness; or

(2) images or video from a place where the 911 caller would have a reasonable expectation of privacy as defined in Section 16‑17‑470(D)(1).

The local government is responsible for the release of its information.

(D) This section shall not apply if the PSAP or a court order determines that the public interest in disclosure outweighs the interest in nondisclosure.

(E) As used in this section, the term ‘identifying information’ includes name, telephone number, and home address. The term does not include:

(1) the location of the incident, unless the location is the caller’s, victim’s, or witness’ home address or the disclosure of the location would compromise the identity of the caller, victim, or witness; or

(2) the street block identifier, the cross street, or the mile marker nearest the scene of the incident, which shall be public.”

SECTION 8. Section 23‑47‑80 of the 1976 Code is amended to read:

“Section 23‑47‑80. It is unlawful for a person anonymously or otherwise to:

(1) use any words or language of a profane, vulgar, lewd, lascivious, or indecent nature on an emergency 911 number with the intent to intimidate or harass a dispatcher;

(2) ~~telephone~~ contact the emergency 911 number, whether or not conversation ensues for the purpose of annoying or harassing the dispatcher or interfering with or disrupting emergency 911 service;

(3) make ~~a telephone call to~~ contact with a 911 dispatcher and intentionally fail to hang up or disengage the connection for the purpose of interfering with or disrupting emergency service;

(4) ~~telephone~~ contact the emergency 911 number and intentionally make a false report.

A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not more than two hundred dollars, or both.”

SECTION 9. This act takes effect upon approval by the Governor.

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