

House Bill 463

By: Representative Gilliard of the 162nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia
2 Annotated, relating to emergency telephone number 9-1-1 system, so as to increase the
3 amount of the 9-1-1 charge that may be imposed by counties and municipalities; to provide
4 for related matters; to provide for an effective date; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated,
9 relating to emergency telephone number 9-1-1 system, is amended by revising
10 division (a)(1)(A)(i) of Code Section 46-5-134, relating to billing of subscribers, liability of
11 subscriber for service charge, taxes on service, establishment of Emergency Telephone
12 System Fund, cost recovery fee, records, and use of funds, as follows:

13 "(a)(1)(A)(i) Unless exempt, the telephone subscriber of any telephone service shall
14 be billed for the monthly 9-1-1 charge, if any, imposed with respect to such telephone
15 service by the service supplier. Such 9-1-1 charge shall be ~~\$1.50~~ \$2.00 per month per

16 telephone service provided to the telephone subscriber except as reduced pursuant to
17 paragraph (4) of subsection (d) of this Code section."

18 **SECTION 2.**

19 Said part is further amended by revising paragraph (1) of subsection (b) of Code
20 Section 46-5-134.2, relating to prepaid wireless 9-1-1 charge, definitions, imposition of fee
21 by localities, collection and remission of charges, and distribution of funds, as follows:

22 "(b)(1) Counties and municipalities that operate a 9-1-1 public safety answering point,
23 including counties and municipalities that operate multijurisdictional or regional
24 9-1-1 systems or have created a joint authority pursuant to Code Section 46-5-138, are
25 authorized to impose by ordinance or resolution a prepaid wireless 9-1-1 charge in the
26 amount of ~~\$1.50~~ \$2.00 per retail transaction. Imposition of the charge authorized by this
27 Code section by a county or municipality shall be contingent upon compliance with the
28 requirements of paragraph (1) of subsection (j) of this Code section."

29 **SECTION 3.**

30 Said part is further amended by revising Code Section 46-5-138.1, relating to guidelines
31 pertaining to additional charges involving contracts between two or more counties, as
32 follows:

33 "46-5-138.1.

34 (a) Notwithstanding any provision of paragraph (1) of subsection (a) of Code
35 Section 46-5-134 to the contrary, where two or more counties, none of which offers
36 emergency 9-1-1 system services on May 1, 1998, and any participating municipalities
37 within such counties, if any, agree by intergovernmental contract to initiate or contract for
38 the joint operation of an emergency 9-1-1 system for the first time after May 1, 1998, such
39 local governments may impose a monthly 9-1-1 charge which exceeds ~~\$1.50~~ \$2.00 per
40 telephone service but only so long as the following procedure shall be followed:

41 (1) The participating local governments shall, with input from a telephone service
42 supplier, prepare an estimated budget for the implementation of the joint emergency
43 9-1-1 system with costs limited to items eligible for funding through the Emergency
44 Telephone System Fund;

45 (2) An estimate of the revenue to be generated by the 9-1-1 charge authorized by
46 paragraph (1) of subsection (a) of Code Section 46-5-134 during the first 18 months of
47 collection shall be prepared;

48 (3) If the total amount necessary for implementation of the emergency 9-1-1 system in
49 paragraph (1) of this subsection exceeds the estimated revenue from imposition of the
50 9-1-1 charge specified in paragraph (2) of this subsection, the monthly 9-1-1 charge per
51 telephone service may be increased on a pro rata basis during the first 18 months of
52 collection to the extent necessary to provide revenue sufficient to pay the amount
53 specified in paragraph (1) of this subsection, but in no case shall such monthly charge be
54 greater than \$2.50 per telephone service. Notwithstanding subsection (i) of Code
55 Section 46-5-134, if each local governing body which is a party to an intergovernmental
56 contract certifies to the service provider in writing prior to the end of the 18 month period
57 in advance of the date on which the 9-1-1 system was to have become fully operational
58 that the system cannot be placed in operation on the date originally projected but that all
59 parties are proceeding in a diligent and timely fashion to implement such service, the
60 service provider shall continue to collect the monthly 9-1-1 charge for an additional
61 period of 18 months or until the 9-1-1 system becomes fully operational, whichever
62 occurs first; and

63 (4) Such local governments shall comply with the requirements of Code
64 Section 46-5-133 which relate to the imposition of a monthly 9-1-1 charge.

65 Nothing in this subsection shall be construed to authorize the imposition of any charge
66 upon a wireless service. Except as otherwise provided in this subsection, the requirements

67 of Code Section 46-5-134 which relate to monthly 9-1-1 charges on telephone services
68 shall apply to charges imposed pursuant to this subsection.

69 (b) The increased monthly 9-1-1 charge authorized by subsection (a) of this Code section
70 shall also be available to any joint 9-1-1 authority created pursuant to Code
71 Section 46-5-138 after May 1, 1998."

72 **SECTION 4.**

73 This Act shall become effective upon its approval by the Governor or upon its becoming law
74 without such approval.

75 **SECTION 5.**

76 All laws and parts of laws in conflict with this Act are repealed.