

§ 12-10-318. Emergency telephone service charges--Imposition--Special election--Liability

(a) (1) (A) When so authorized by a majority of the persons voting within the political subdivision in accordance with the law, the governing authority of each political subdivision may levy an emergency telephone service charge in the amount assessed by the political subdivision on a per-access-line basis as of January 1, 1997, or the amount up to five percent (5%) of the tariff rate, except that any political subdivision with a population of fewer than twenty-seven thousand five hundred (27,500) according to the 1990 Federal Decennial Census may, by a majority vote of the electors voting on the issue, levy an emergency telephone charge in an amount assessed by the political subdivision on a per-access-line basis as of January 1, 1997, or an amount up to twelve percent (12%) of the tariff rate.

(B) The governing authority of a political subdivision that has been authorized under subdivision (a)(1)(A) of this section to levy an emergency telephone service charge in an amount up to twelve percent (12%) of the tariff rate may decrease the percentage rate to not less than four percent (4%) of the tariff rate for those telephone service users that are served by a telephone company with fewer than two hundred (200) access lines in this state as of the date of the election conducted under subdivision (a)(1)(A) of this section.

(2) Upon its own initiative, the governing authority of the political subdivision may call such a special election to be held in accordance with § 7-11-201 et seq.

(b) (1)(A)(i) There is levied a commercial mobile radio service emergency telephone service charge in an amount of sixty-five cents (65¢) per month per commercial mobile radio service connection that has a place of primary use within the State of Arkansas.

(ii) (a) A commercial mobile radio service provider may determine, bill, collect, and retain an additional amount to reimburse the commercial mobile radio service provider for enabling and providing 911 and enhanced 911 services and capability in the network and for the facilities and associated equipment.

(b) The commercial mobile radio service provider may add any amounts implemented under this subdivision (b)(1)(A)(ii) to the sixty-five cents (65¢) levied in subdivision (b)(1)(A)(i) of this section so that the commercial mobile radio service emergency telephone service charges appear as a single line item on a subscriber's bill.

(B) There is levied a voice over internet protocol emergency telephone service charge in an amount of sixty-five cents (65¢) per month per voice over internet protocol connection that has a place of primary use within the State of Arkansas.

(C) There is levied a nontraditional telephone service charge in an amount of sixty-five cents (65¢) per month per nontraditional service connection that has a place of primary use within the State of Arkansas.

(D) The service charge levied in subdivision (b)(1)(A) of this section and collected by commercial mobile radio service providers that provide mobile telecommunications services

as defined by the Mobile Telecommunications Sourcing Act, [Pub. L. No. 106-252](#), as in effect on January 1, 2001, shall be collected pursuant to the Mobile Telecommunications Sourcing Act, [Pub. L. No. 106-252](#).

(2) (A) The service charges collected under subdivision (b)(1)(A) of this section, less administrative fees under subdivision (c)(3) of this section, shall be remitted to the Arkansas Emergency Telephone Services Board within sixty (60) days after the end of the month in which the fees are collected.

(B) The funds collected pursuant to subdivision (b)(1)(A) of this section shall not be deemed revenues of the state and shall not be subject to appropriation by the General Assembly.

(c) (1) There is established the Arkansas Emergency Telephone Services Board, consisting of the following:

(A) The Auditor of State or his or her designated representative;

(B) Two (2) representatives selected by a majority of the commercial mobile radio service providers licensed to do business in the state;

(C) Two (2) 911 system employees selected by a majority of the public safety answering point administrators in the state;

(D) The Director of the Arkansas Department of Emergency Management or the director's designee;

(E) One (1) consumer member to be appointed by the President Pro Tempore of the Senate; and

(F) One (1) consumer member to be appointed by the Speaker of the House of Representatives.

(2) The responsibilities of the board shall be as follows:

(A) To establish and maintain an interest-bearing account into which shall be deposited revenues from the service charges levied under subdivision (b)(1)(A) of this section and prepaid wireless E911 charges under [§ 12-10-326](#);

(B) To manage and disburse the funds from the interest-bearing account established under subdivision (c)(2)(A) of this section in the following manner:

(i)(a) Not less than eighty-three and five-tenths percent (83.5%) of the total monthly revenues collected and remitted under subdivision (b)(1)(A) of this section and prepaid wireless E911 charges under [§ 12-10-326](#) shall be distributed on a population basis to each political subdivision operating a 911 public safety communications center that

has the capability of receiving commercial mobile radio service 911 calls on dedicated 911 trunk lines for expenses incurred for the answering, routing, and proper disposition of 911 calls, including payroll costs, readiness costs, and training costs associated with wireless, voice over internet protocol, and nontraditional 911 calls.

(b) Each state fiscal year, two hundred thousand dollars (\$200,000) of the total monthly revenues collected and remitted under subdivision (c)(2)(B)(i)(a) of this section shall be transferred and deposited to the credit of the books of the Treasurer of State and the Auditor of State for the Miscellaneous Agencies Fund Account for the Arkansas Commission on Law Enforcement Standards and Training, to be used exclusively for training and all related costs under [§ 12-10-325](#);

(ii) (a) Not more than fifteen percent (15%) of the total monthly revenues collected and remitted under subdivision (b)(1)(A) of this section and prepaid wireless E911 charges under [§ 12-10-326](#) shall be held in the interest-bearing account. The board shall report to the Legislative Council in the event the sum held under this subdivision (c)(2)(B)(ii)(a) becomes less than three million five hundred thousand dollars (\$3,500,000).

(b) These funds may be utilized by the public safety answering points for the following purposes in connection with compliance with the Federal Communications Commission requirements: upgrading, purchasing, programming, installing, and maintaining necessary data, basic 911 geographic information system mapping, hardware, and software, including any network elements required to supply enhanced 911 phase II cellular, voice over internet protocol, and other nontraditional telephone service.

(c) Invoices must be presented to the board in connection with any request for reimbursement and be approved by a majority vote of the board to receive reimbursement.

(d) Any invoices presented to the board for reimbursements of costs not described by this section may be approved only by a unanimous vote of the board;

(iii) Not more than five-tenths percent (0.5%) of the fees collected under subdivision (b)(1)(A) of this section and prepaid wireless E911 charges under [§ 12-10-326](#) may be utilized by the board to compensate the independent auditor and for administrative expenses;

(iv) All interest received on funds in the interest-bearing account shall be disbursed as prescribed in subdivision (c)(2)(B)(i) of this section; and

(v)(a)(1) All cities and counties operating a public safety answering point or a secondary public safety answering point shall submit to the board no later than April 1 of each year:

- (A) An explanation and accounting of the funds received and expenditures of those funds for the previous calendar year, along with a copy of the budget for the previous year and a copy of the year-end appropriation and expenditure analysis of any participating or supporting counties, cities, or agencies; and
- (B) Any information requested by the board concerning local 911 public safety answering point operations, facilities, equipment, personnel, network, interoperability, call volume, dispatcher training, and supervisor training.

(2) The chief executive for each public safety answering point or secondary public safety answering point shall gather the information necessary for the report under subdivision (c)(2)(B)(v)(a)(1) of this section and provide it to the official responsible for the submission of the report to the board and the county intergovernmental coordination council.

(3) Beginning January 1, 2016, a public safety answering point or a secondary public safety answering point shall submit within its information under subdivision (c)(2)(B)(v)(a)(1) of this section the name of each dispatcher, the dispatcher's date of hire, the dispatcher's date of termination if applicable, and approved courses by the Arkansas Commission on Law Enforcement Standards and Training that were completed by the dispatcher, including without limitation "train the trainer" courses.

(4) Beginning January 1, 2017, the board shall withhold quarterly disbursement from a public safety answering point or a secondary public safety answering point until fifty percent (50%) of the dispatchers for the city or county have completed dispatcher training and dispatcher continuing education approved by the Arkansas Commission on Law Enforcement Standards and Training.

(b) The chief executive for each public safety answering point and secondary public safety answering point shall provide a copy of its certification to the county intergovernmental coordination council for use in conducting the annual review of services under [§ 14-27-104](#).

(c) Failure to submit a report under subdivision (c)(2)(B)(v)(a)(1) of this section or a certification under (c)(2)(B)(v)(b) of this section shall result in the withholding of quarterly disbursements by the board until the public safety answering point and secondary public safety answering point have submitted the report or certification.

(d) (1) The board may require any other information necessary under this section.

(2) All cities and counties receiving funds under this section also shall submit to the board no later than April 1 of each year a copy of all documents reflecting the 911 funds received for the previous calendar year, including without limitation wireless, wireline, general revenues, sales taxes, and other sources used by the city or county for 911 services.

(e) Failure to submit the proper accounting information and failure to utilize the funds in a proper manner may result in the suspension or reduction of funding until corrected;

(C) (i) To promulgate rules necessary to perform its duties prescribed by this subchapter.

(ii) In determining the population basis for distribution of funds under subdivision (c)(2)(B)(i) of this section, the board shall determine, based on the latest federal decennial census, the population of all unincorporated areas of counties operating a 911 public safety communications center that has the capacity of receiving commercial mobile radio service, voice over internet protocol service, or nontraditional 911 calls on dedicated 911 trunk lines, and the population of all incorporated areas operating a 911 public safety communications center that has the capability of receiving commercial mobile radio service, voice over internet protocol service, or nontraditional 911 calls on dedicated 911 trunk lines and compare the population of each of those political subdivisions to the total population;

(D) To submit annual reports to the office of the Auditor of State outlining fees collected and moneys disbursed to public safety answering points from service charges under subdivision (b)(1)(A) of this section and prepaid wireless E911 charges under [§ 12-10-326](#); and

(E) (i) To retain an independent third-party auditor for the purposes of receiving, maintaining, and verifying the accuracy of any proprietary information submitted to the board by commercial mobile radio service providers.

(ii) Due to the confidential and proprietary nature of the information submitted by commercial mobile radio service providers, the information shall be retained by the independent auditor in confidence, shall be subject to review only by the Auditor of State, and shall not be subject to the Freedom of Information Act of 1967, [§ 25-19-101 et seq.](#), nor released to any third party.

(iii) The information collected by the independent auditor shall be released only in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual commercial mobile radio service provider.

(3) Commercial mobile radio service providers, voice over internet protocol, or other nontraditional communications providers shall be entitled to retain one percent (1%) of the fees

collected under subdivision (b)(1)(A) of this section as reimbursement for collection and handling of the charges.

(d)(1) Notwithstanding any other provision of the law, in no event shall any commercial mobile radio, voice over internet protocol service, or nontraditional service provider, or its officers, employees, assigns, or agents be liable for civil damages or criminal liability in connection with the development, design, installation, operation, maintenance, performance, or provision of 911 service.

(2) Nor shall any commercial mobile radio, voice over internet protocol, or nontraditional service provider, its officers, employees, assigns, or agents be liable for civil damages or be criminally liable in connection with the release of subscriber information to any governmental entity as required under the provisions of this subchapter.

(e) The service charge shall have uniform application and shall be imposed throughout the political subdivision to the greatest extent possible in conformity with availability of the service in any area of the political subdivision.

(f) (1) An emergency telephone service charge, except with regard to the commercial mobile radio service emergency telephone service charge, shall be imposed only upon the amount received from the tariff rate exchange access lines.

(2) (A) If there is no separate exchange access charge stated in the service supplier's tariffs, the governing authority shall, except with regard to the commercial mobile radio service emergency telephone service charge, determine a uniform percentage not in excess of eighty-five percent (85%) of the tariff rate for basic exchange telephone service.

(B) This percentage shall be deemed to be the equivalent of tariff rate exchange access lines and shall be used until such time as the service supplier establishes such a tariff rate.

(3) (A) No service charge shall be imposed upon more than one hundred (100) exchange access facilities per person per location.

(B) No service charge shall be imposed upon more than one hundred (100) voice over internet protocol connections per person per location.

(C) Trunks or service lines used to supply service to commercial mobile radio service providers shall not have a service charge levied against them.

(4) Any emergency telephone service charge, including the commercial mobile radio service emergency telephone service charge, shall be added to and may be stated separately in the billing by the service supplier to the service user.

(5) Every billed service user shall be liable for any service charge imposed under this subsection until it has been paid to the service supplier.

(g) The political subdivision may pursue against a delinquent service user any remedy available at law or in equity for the collection of a debt.