

12-10-318. Emergency telephone service charges – Imposition – 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 less 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) There is levied a commercial mobile radio service public safety charge in an amount of one dollar and thirty cents (\$1.30) per month per commercial mobile radio service connection that has a place of primary use within the State of Arkansas.

(B) There is levied a voice over internet protocol public safety charge in an amount of one dollar and thirty cents (\$1.30) 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 public safety charge in an amount of one dollar and thirty cents (\$1.30) 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, 2001,¹ shall be collected pursuant to the Mobile Telecommunications Sourcing Act, Pub. L. No. 106-252.2

(2)(A) The service charges collected under subdivisions (b)(1)(A)-(C) of this section shall be remitted to the Arkansas Emergency Telephone Services Board within thirty (30) days after the end of the month in which the fees are collected.

(B)(i) After September 30, 2019, the public safety charge collected under subdivisions (b)(1)(A)-(C) of this section shall be remitted to the Arkansas Public Safety Trust Fund.

(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.

(c) In order to provide additional funding for the public safety answering point, the political subdivision may receive and appropriate any federal, state, county, or municipal funds, as well as funds from a private source, and may expend the funds for the purposes of this subchapter.

(d) The public safety charge shall:

(1) Appear as a single line item on a subscriber's bill;

(2) Not be assessed upon more than two hundred (200):

(A) Exchange access facilities per person per location; or

(B) Voice over internet protocol connections per person per location; and

(3) Not be subject to any state or local tax or franchisee fee.

(e)(1) To verify the accuracy of the monthly remittances that a service supplier makes to the Arkansas Public Safety Trust Fund, a service supplier shall provide copies of required federal filings at least biannually to the Division of Emergency Management.

(2) No later than thirty (30) days following the filing of the required federal telecommunications reports, a service supplier shall provide a copy of the federal filing, and the Federal Communications Commission Form 477 or its equivalent, including the number of access lines used by the service supplier in the state.

(3)(A) Due to the proprietary nature of the information in the reports required in subdivision (e)(1) of this section which, if disclosed, would provide a competitive advantage for other service suppliers, the reports shall be confidential and only subject to review by:

(i) The Director of the Division of Emergency Management; and

(ii) The designee of the Arkansas 911 Board.

(B) However, audit reports may be released that contain only aggregate numbers and do not disclose proprietary information including numbers or revenue attributable to an individual service supplier.

(f) This section does not prohibit a service supplier from billing, collecting, or retaining an additional amount to reimburse the service supplier for enabling and providing 911, enhanced 911,

and next generation 911 services and capabilities in the network and for the facilities and associated equipment.

(g)(1) To avoid an overlap in the assessment of the old and new charges for subscribers for every service supplier obligated to pay the public safety charge, a transition to the payment of the public safety charge shall occur.

(2)(A) The assessment of charges before October 1, 2019, shall continue through September 30, 2019, and be remitted in the same manner to the same entity as previously prescribed under this section before October 1, 2019.

(B) Any unpaid assessments for the time period up to and including September 30, 2019, shall remain due and payable under the terms and processes that are or were in place at the time.

(3) Beginning on October 1, 2019, a service supplier is subject to the public safety charges assessed as described in this section.

(4)(A) After October 1, 2019, a service supplier shall remit all assessments of the public safety charge for a calendar month by the fifteenth business day of the following month to the Arkansas Public Safety Trust Fund.

(B) The Arkansas Public Safety Trust Fund shall provide disbursements as provided by § 19-5-1152.

(h) To provide additional funding for the public safety answering point, the political subdivision may:

(1) Receive and appropriate any federal, state, county, or municipal funds and funds from a private source; and

(2) Expend the funds described in subdivision (h)(1) of this section to operate and maintain a public safety answering point.

(i)(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 a 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.