

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

717M0561

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 130 - 01/31/2006

Introduced by: Senators Dempster, Abdallah, and Bogue and Representatives Rave, Hennies,
and Rhoden

1 FOR AN ACT ENTITLED, An Act to impose the 911 monthly telephone surcharge to prepaid
2 telephone calling services.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 34-45-1 be amended to read as follows:

5 34-45-1. Terms used in §§ 34-45-1 to 34-45-17, inclusive, mean:

6 (1) "Basic 911," any service which provides the user of a public telephone system the
7 ability to reach a public safety answering point to report police, fire, medical, or other
8 emergency situations by dialing 911;

9 (2) "Enhanced 911," any emergency telephone system which provides the user of a
10 public telephone system the ability to reach a public safety answering point by dialing
11 the digits 911, and which routes an incoming 911 call to the appropriate public safety
12 answer point in a 911 service area and which automatically displays the name,
13 address, and telephone number of an incoming 911 call on a video monitor at the
14 appropriate public safety answer point;

15 (3) "Governing body," the board of county commissioners of a county or the city council



1 or other governing body of a county or municipality or the board of directors of a
2 special district;

3 (4) "Local exchange access company," any franchised telephone company engaged in
4 providing telecommunications services between points within a local calling area;

5 (5) "Local exchange access lines," any telephone line or cellular telephone that connects
6 a telephone subscriber to the local switching office and has the capability of reaching
7 local public safety service agencies;

8 (6) "911 emergency reporting system" or "911 system," any telephone system consisting
9 of network, database, and on-premises equipment which utilizes the single three-digit
10 number 911 for reporting police, fire, medical or other emergency situation;

11 (7) "911 emergency surcharge," any charge set by the governing body and assessed on
12 each local exchange access line which physically terminates within the governing
13 body's designated 911 service area. For a mobile telecommunications service, the
14 term, 911 emergency surcharge, means any charge set by the governing body and
15 assessed per cellular telephone identified within the governing body's designated 911
16 service area as determined by the customer's place of primary use as defined in 4
17 U.S.C. § 124 as in effect on July 28, 2000. Notwithstanding any other provision of
18 this chapter and for purposes of the surcharge imposed by this chapter, the surcharge
19 imposed upon mobile telecommunication services shall be administered in
20 accordance with 4 U.S.C. §§ 116-126 as in effect on July 28, 2000. For prepaid
21 wireless telephone calling services, the term, 911 emergency surcharge, means any
22 charge set by the governing body and assessed per month of service purchased within
23 the governing body's designated 911 service area;

24 (8) "Nonrecurring costs," any capital and start-up expenditure for telecommunications

1 equipment, software, database, initial training, and the purchase or lease of subscriber
2 names, addresses and telephone information for the local exchange access company;

3 (8A) "Prepaid wireless telephone service," any wireless telephone service that is activated
4 in advance by payment for a finite dollar amount of service or for a finite number of
5 minutes that terminate either upon use by any person and delivery by the wireless
6 provider of an agreed amount of service corresponding to the total dollar amount paid
7 in advance or within a certain period of time following the initial purchase or
8 activation, unless an additional payment is made;

9 (9) "Public agency," any municipality, county, public district, or public authority located
10 in whole or in part within this state which provides or has the authority to provide fire
11 fighting, law enforcement, ambulance, emergency medical, or other emergency
12 services;

13 (10) "Public safety answering point," any twenty-four hour communications facility which
14 receives all 911 service calls and reroutes the requestor or information to appropriate
15 public or private safety agencies;

16 (11) "Recurring costs," any network access fee and other telephone charges, software,
17 equipment, database management, maintenance, charges to maintain database of
18 subscriber names, addresses, and telephone information from the local exchange
19 access company. Recurring costs may include personnel expenses for a public safety
20 answering point and any other costs directly related to the operation of the 911
21 service;

22 (12) "Service supplier," any person or entity who provides or offers to provide 911 system
23 equipment, installation, maintenance, or exchange access services within the 911
24 service access area; and

1 (13) "Service user," any person who is provided local access exchange telephone service
2 in this state.

3 Section 2. That chapter 34-45 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Each prepaid wireless telephone calling service provider shall remit the surcharge amount
6 on each account for which service has been paid and not yet used to the governing body each
7 calendar quarter pursuant to § 34-45-8. The surcharge amount shall be based on the place at
8 which the customer paid for the wireless telephone that is being used in connection with the
9 prepaid minutes or other units of usage. However, if that place is unknown to the provider, the
10 surcharge amount shall be based on the location associated with the wireless telephone number.
11 The prepaid wireless telephone calling service provider may deduct units of usage equivalent
12 to the amount of the surcharge from the unused telecommunication service, if the provider has
13 so notified the purchaser at or before the time of purchase.