

AN ACT

ENTITLED, An Act to impose the 911 monthly telephone surcharge to prepaid telephone calling services.

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

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

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

- (1) "Basic 911," any service which provides the user of a public telephone system the ability to reach a public safety answering point to report police, fire, medical, or other emergency situations by dialing 911;
- (2) "Enhanced 911," any emergency telephone system which provides the user of a public telephone system the ability to reach a public safety answering point by dialing the digits 911, and which routes an incoming 911 call to the appropriate public safety answer point in a 911 service area and which automatically displays the name, address, and telephone number of an incoming 911 call on a video monitor at the appropriate public safety answer point;
- (3) "Governing body," the board of county commissioners of a county or the city council or other governing body of a county or municipality or the board of directors of a special district;
- (4) "Local exchange access company," any franchised telephone company engaged in providing telecommunications services between points within a local calling area;
- (5) "Local exchange access lines," any telephone line or cellular telephone that connects a telephone subscriber to the local switching office and has the capability of reaching local public safety service agencies;
- (6) "911 emergency reporting system" or "911 system," any telephone system consisting of

network, database, and on-premises equipment which utilizes the single three-digit number 911 for reporting police, fire, medical or other emergency situation;

- (7) "911 emergency surcharge," any charge set by the governing body and assessed on each local exchange access line which physically terminates within the governing body's designated 911 service area. For a mobile telecommunications service, the term, 911 emergency surcharge, means any charge set by the governing body and assessed per cellular telephone identified within the governing body's designated 911 service area as determined by the customer's place of primary use as defined in 4 U.S.C. § 124 as in effect on July 28, 2000. Notwithstanding any other provision of this chapter and for purposes of the surcharge imposed by this chapter, the surcharge imposed upon mobile telecommunication services shall be administered in accordance with 4 U.S.C. §§ 116-126 as in effect on July 28, 2000. For prepaid wireless telephone calling services, the term, 911 emergency surcharge, means any charge set by the governing body and assessed per month of service purchased within the governing body's designated 911 service area;
- (8) "Nonrecurring costs," any capital and start-up expenditure for telecommunications equipment, software, database, initial training, and the purchase or lease of subscriber names, addresses and telephone information for the local exchange access company;
- (8A) "Prepaid wireless telephone service," any wireless telephone service that is activated in advance by payment for a finite dollar amount of service or for a finite number of minutes that terminate either upon use by any person and delivery by the wireless provider of an agreed amount of service corresponding to the total dollar amount paid in advance or within a certain period of time following the initial purchase or activation, unless an additional payment is made;
- (9) "Public agency," any municipality, county, public district, or public authority located in

- whole or in part within this state which provides or has the authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other emergency services;
- (10) "Public safety answering point," any twenty-four hour communications facility which receives all 911 service calls and reroutes the requestor or information to appropriate public or private safety agencies;
- (11) "Recurring costs," any network access fee and other telephone charges, software, equipment, database management, maintenance, charges to maintain database of subscriber names, addresses, and telephone information from the local exchange access company. Recurring costs may include personnel expenses for a public safety answering point and any other costs directly related to the operation of the 911 service;
- (12) "Service supplier," any person or entity who provides or offers to provide 911 system equipment, installation, maintenance, or exchange access services within the 911 service access area; and
- (13) "Service user," any person who is provided local access exchange telephone service in this state.

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

Each prepaid wireless telephone calling service provider shall remit the surcharge amount on each account for which service has been paid and not yet used to the governing body each calendar quarter pursuant to § 34-45-8. The surcharge amount shall be remitted to the location associated with the telephone number that is programmed into the wireless telephone that will be providing prepaid wireless telephone service. If the prepaid wireless telephone calling service provider is unable to determine the location of the customer, the surcharge amount shall be remitted based on the place at which the customer paid for the prepaid wireless telephone service. The prepaid wireless

telephone calling service provider may deduct units of usage equivalent to the amount of the surcharge from the unused telecommunication service, if the provider has so notified the purchaser at or before the time of purchase.

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I certify that the attached Act  
originated in the

SENATE as Bill No. 130

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 130

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State