



SPONSOR: Rep. Bush & Rep. D. Short & Sen. Poore
Reps. Berry, Cooke, Ortega; Sens. Wilson, Hoffner

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 468
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO EMERGENCY SERVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend Chapter 100, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

Chapter 100. ~~911-ENHANCED~~ 911 EMERGENCY NUMBER SERVICE

§ 10001. Purpose.

The purpose of this chapter is to establish an integrated and effective ~~wireline and wireless 911-Enhanced Emergency Number Service 911 system~~ throughout this State in order to improve ~~and/or~~ and enhance emergency communication ~~procedures. procedures and delivery of 911 services.~~

§ 10002. Definitions.

As used in this chapter:

- (1) "911 dispatcher" means a first responder working in any 911 dispatch center who is responsible for responding to calls for emergency and nonemergency assistance and dispatching law enforcement, ~~fire fighting, fire,~~ rescue, or emergency medical units.
- (2) ~~"911 Emergency Report Center" means any facility which maintains a 911 telephone call in feature for the Enhanced System.~~
- (3) ~~"911-Enhanced Emergency Reporting System" means a system capability to identify automatically the geographical location and the calling number of the telephone being used by the caller and to provide a display of the location information on 911 Emergency Reporting Center. 911-Enhanced System includes, but is not necessarily limited to the following features: Automatic number identification, automatic location identification, fixed transfer, selective routing, alternate routing and forced disconnect.~~
- (4) ~~"911-Enhanced Emergency Reporting System capability" shall mean the network and database functions required to ensure that both the 911 call and the information identifying the telephone number of the caller and~~

~~associated geographic location of the caller are automatically and simultaneously forwarded to the public safety answering point.~~

(2) “911 call” means a request for emergency assistance from the public by dialing 911 or addressing the ESIInet regardless of the technology used, and may include voice, text, images, and video, whether originated by wireline, wireless, satellite, or other means.

(3) “911 system” means an emergency communications system that:

a. Enables the user of a communications service connection to reach a public safety answering point by accessing 911. A communication service connection includes a telephone, computer, or commercial mobile radio service, interconnected voice over internet protocol service, or other data communications service connection that transmits data exclusively, such as text messaging.

b. Provides for 911 services dispatch by public safety answering points.

(5) (4) “Board” or “E911 Board” means the Enhanced 911 Emergency Reporting System Service Board.

(5) “Computer Aided Dispatch System” or “CAD” means a software platform that efficiently manages calls, dispatches resources, and tracks incidents in real time.

(6) “Commission” ~~shall mean~~ means the Public Service Commission.

(7) “E-911 state plan” means a document to be prepared, maintained and kept current by the Board regarding the operation, maintenance, upgrading and funding of a statewide integrated E-911 system.

(8) (7) “Emergency medical dispatch (EMD) center” ~~shall mean~~ means any dispatch center that receives 911 calls requesting emergency medical assistance, processes those calls, or dispatches emergency medical service resources.

(8) “Emergency Services Internal Network” or “ESIInet” means a 911 call delivery system.

(9) “FCC E-911 order” means all orders issued by the Federal Communications Commission pursuant to the proceeding entitled “Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems” (CC Docket No. 94-102; RM-8413), or any successor proceeding, regarding the delivery of wireless automatic number identification and wireless automatic location information as of the dates and according to the other criteria established therein.

(10) “Fund” means the 911 Emergency Reporting System Service Fund created by Chapter 101 of this title.

(11) “Next generation 911” or “NG911” means a digital, internet protocol-based (IP-based) system that uses Next Generation 911 technology.

(12) “Next generation 911 technology” means equipment, products, or services that enable a PSAP to receive calls for emergency assistance by voice, text, video, internet protocol, or other technology authorized by federal law, regulation, or industry standard. The term includes any new technology with the same or similar functionality.

~~(11)~~ (13) “Provider” shall mean means a telecommunications service provider, including a wireless provider, any other provider that is required to or opts to provide 911 service, or any intermediate entity or pass through agent providing telecommunications services.

~~(12)~~ (14) “Public safety answering point” or “PSAP” shall have the same meaning as “911 Enhanced Report Center.” means any communications facility designated by the Board that receives and answers 911 voice and data communications.

~~(13)~~ (15) “Secretary” shall mean means the Secretary of the Department of Safety and Homeland Security.

~~(14)~~ (16) “Wireless automatic location information” means the delivery or receipt of the approximate geographic location, as specified in the FCC E-911 Order, of the wireless device being used to place a call to a 911 system or to a wireless E-911 system.

~~(15)~~ (17) “Wireless automatic number identification” means the delivery or receipt of the telephone number when available assigned to the wireless device being used to place a call to a 911 system or to a wireless E-911 911 system.

~~(16)~~ (18) “Wireless E-911 911 service” means enhanced 911 service provided by a wireless provider, pursuant to the FCC E-911 911 order.

~~(17) “Wireless E-911 state plan” or “wireless plan” means a document to be prepared, maintained and kept current by the Board providing for all aspects of the development, implementation, operation and maintenance of a statewide wireless E-911 system, including the exclusive authority to approve wireless provider service agreements, advise regarding technical standards, formulate technical plans and determine permitted uses of and amounts disbursed from the 911 Enhanced Emergency Reporting Fund to wireless carriers as of January 1, 2002, pursuant to § 10104 of this title.~~

~~(18) “Wireless E-911 system” means an E-911 system which permits wireless service users dialing 911 to be connected to a public safety answering point for the reporting of police, fire, medical or other emergency situations and which permits the wireless number identification and/or associated location information to be automatically forwarded at the same time to the public safety answering point.~~

(19) "Wireless provider" means a person engaged in the business of providing wireless service to end-use customers and resellers of such service in this State or commercial mobile radio service providers as defined by the Federal Communications Commission.

(20) "Wireless service" means commercial mobile radio service as defined under §§ 3(33) and 332(d) of the Communications Act of 1934 [47 USC §§ 153(33) and 322(d)], as amended by the federal Telecommunications Act of 1996 (47 U.S.C. § 151 et seq.).

(21) "Wireless service customer" means a person who is billed by a wireless provider for wireless service within the State.

(22) "Wireline" means telecommunications service provided in part over fixed physical access facilities, such as wires and cables, between residences or businesses and a telephone company switching office.

§ 10003. Establishment of ~~911-Enhanced Emergency Reporting~~ the 911 System.

There is hereby established a centralized statewide ~~911-Enhanced Emergency Reporting~~ 911 System whereby all ~~911 Emergency Report Centers~~ PSAPs in this State shall be equipped with ~~and/or~~ and maintain a ~~911-Enhanced Emergency Reporting System by January 1, 1989.~~ 911 system that uses next generation 911 technology or other technologies adopted by the Board.

§ 10004. Authority of ~~the~~ Public Service Commission.

(a) The Commission shall require all telegraph corporations, telephone ~~corporations~~ corporations, or any corporation supplying wireline telephone service within this State to provide a ~~911-Enhanced Emergency Reporting~~ 911 System capability to every ~~911 Emergency Reporting Center.~~ PSAP.

(c) The ~~Public Service~~ Commission shall review telephone rates charged by any provider which as of June 1, 2001, had ~~E-911~~ 911 costs embedded in such rates and shall assure that such rates are adjusted as of January 1, 2002, to account for the removal of the embedded costs from them.

(e) A committee to review the need for a 3-digit number for public safety purposes is hereby established consisting of the following:

(1) A representative from the Department of Safety and Homeland Security appointed by the Secretary of Safety and Homeland Security.

(2) A representative from the State Fire Prevention Commission appointed by the Chair of the Commission.

(3) A representative from the Delaware Volunteer Firefighter's Association appointed by the President of the Association.

(4) A representative from the Delaware State Police appointed by the Superintendent of State Police.

(5) A representative from the Delaware State Police Chief's Council appointed by the Chairperson of the Council.

(6) A representative from the Delaware 911 Users Group elected from its members.

(7) A representative appointed by the Governor.

(f) The Committee established under subsection (e) of this section shall select a chair from its members and review the use of ~~such~~ the numbers upon request. The committee by majority vote shall either approve or disapprove the request, and shall submit its recommendation to the Commission. The Committee shall conduct its meetings and hearings in accord with the Freedom of Information Act, Chapter 100 of Title 29 of the Delaware Code.

§ 10005. ~~Enhanced 911 Emergency Reporting~~ System Service Board.

(a) There is hereby established ~~an Enhanced the~~ the 911 ~~Emergency Reporting~~ System Service Board.

(b) The Board shall act in an advisory capacity to the Governor, the ~~Secretary~~ Secretary, and the General Assembly on all matters related to the E-911 911 system, ~~service~~ service, and funding thereof.

(c) The Department of Safety and Homeland Security shall provide administrative support to the Board and may seek reimbursement from the Fund for reasonable costs incurred with administering the Board and Fund. The Secretary must appoint and fix the salary of the 911 Director. The Director must serve as the Board's administrative officer and is responsible for administering, directing, and managing the affairs and business of the 911 system on behalf of the Board.

(f) The Board's duties and responsibilities ~~shall~~ include the ~~following~~: following:

(1) The Board ~~shall develop and adopt a comprehensive E-911 state plan by February 1, 2004, which shall cover a period of not less than 3 years and which shall include a wireless E-911 state plan. The plan shall be reviewed, updated and prioritized on an annual basis.~~ must monitor trends in communications service technology utilized for the delivery of 911 services and develop strategies for future enhancements to the State's 911 system.

(2) ~~No later than March 1 of each year, beginning in 2002, the Board shall provide an annual report to the Governor, Secretary, Department of Technology and Information, or its successor agency, and General Assembly, which shall, at a minimum, include a summary of the progress on the wireless E-911 system, an evaluation of the E-911 system as a whole, the capital improvements and expenditures proposed for the upcoming fiscal year, expected revenues from the surcharges in the next fiscal year, and a summary of the revenues and expenses for the prior fiscal year. In no event shall the proposed annual expenses associated with the E-911 system exceed the anticipated annual revenues of the Fund. The Board must coordinate, adopt, and communicate all necessary technical and operation standards and requirements to ensure an effective statewide interconnected NG911 network.~~

(3) ~~The Board shall develop, evaluate, establish, recommend and adopt a wireless E-911 state plan pursuant to the FCC E-911 order. The wireless plan shall cover a period of not less than 3 years and shall provide for the systematic deployment of wireless E-911 service across the State.~~ must administer the 911 Fund and distribute revenue from the Fund in accordance with this title, including to use the Fund to pay obligations the Board incurs for statewide 911 projects.

(4) ~~The Board shall conduct a public meeting in each of the 3 counties in this State prior to the adoption of the E-911 state plan and the wireless E-911 state plan.~~ Board, through the Department of Safety and Homeland Security, must serve as the exclusive contracting agent for the statewide 911 system, and must make and enter into cooperative purchasing agreements, contracts, and other agreements for professional, material, and non-professional services necessary or incidental to a statewide centralized 911 system. PSAPs may procure ancillary or additional programs and equipment to supplement the statewide system.

(5) ~~When the wireless E-911 state plan is fully implemented, the Board shall insure that wireless service in all communities is or can be selectively routed to one or more public safety answering points. The Board must establish efficient procurement processes to better enable the State to obtain the highest quality goods, materials, and services at the best possible price.~~

(6) ~~The Board shall conduct a comprehensive review of the entire E-911 system no later than November 15, 2004, and every 3 years thereafter, and make a written report on its findings and recommendations regarding the adequacy of the system, service thereunder, and funding to the Governor, Secretary, Department of Technology and Information, or its successor agency, and General Assembly. The Board is authorized to retain the services of professionals, as needed, to assist it in its duties under this subsection.~~ The Board must determine and establish the number and location of PSAPs within the State. There may not be more than 9 total PSAPs authorized in the State. All PSAPs in operation as of [the effective date of this Act] must be grandfathered in and may continue to operate. In the event that a grandfathered PSAP ceases operations, or is otherwise closed, it may not be replaced, and the total number of authorized PSAPs shall be reduced accordingly.

(7) The Board must provide an annual report to the Governor, Secretary, Department of Technology and Information, the Chief Clerk of the House, the Secretary of the Senate, and the Director and Librarian of the Division of Research, no later than March 1 of each year that must contain, at a minimum, the following:

- a. A summary of the progress on the 911 system.
- b. An evaluation of the 911 system as a whole.
- c. The capital improvements and expenditures proposed for the upcoming fiscal year.

d. The expected revenues from the surcharges in the next fiscal year.

e. A summary of the revenues and expenses for the prior fiscal year.

(g) Actions by the Board ~~shall be by~~ require a majority vote of those present at Board meetings where a quorum has been established. ~~All voting shall be done in person and at regular or special meetings of the Board, except as provided in subsection (c) of this section.~~

(h) The Board ~~shall~~ must work in concert with the Department of Safety and Homeland Security, providers, emergency service providers, ~~counties~~ counties, and municipal governments offering 911 service and any other appropriate department, ~~agency~~ agency, or committee focusing on statewide emergency service affected by the development and maintenance of the ~~E-911~~ 911 System.

(i) The Board may exercise all powers and conduct such activities as are necessary in carrying out its responsibilities under this chapter and Chapter 101 of this title.

(j) All providers as defined § 10002 of this title ~~shall~~ must officially designate a person to coordinate with, and provide information to, the Board as required by the Board.

§ 10006. Establishment of ~~911-Emergency~~ 911 Emergency Medical Dispatch System.

(a) There is hereby established a statewide 911 Emergency Medical Dispatch (EMD) System whereby all ~~911 Emergency Report Centers~~ PSAPs in this State providing emergency medical dispatch shall, through a contract with the Department of Safety and Homeland ~~Security~~ Security, do all of the following:

(1) Provide systematized caller interrogation questions; systematized prearrival instruction; and use and adhere to State EMD dispatch protocols matching the dispatchers evaluation of injury or illness severity with vehicle response mode and ~~configuration~~; configuration.

(2) Electronically collect data regarding calls for assistance and all times related thereto, EMD dispatch protocol information, and ANI/ALI ~~information~~; information.

(3) Measure all time increments in increments of ~~seconds~~; seconds.

(4) Electronically transfer all required information collected to a central database maintained by OEMS on a real time ~~basis~~; basis.

(5) Use computerized case entry, case management and quality inspection software approved by ~~OEMS~~; OEMS.

(6) Have the capability of handling multiple (2 or more) calls simultaneously, including the ability to provide prearrival instructions consistent with the medical protocols. This capability must exist 24 hours per day throughout the ~~entire year~~; and year.

(7) Have the capability to one-button transfer all data related to a call for medical assistance to the county PSAPs and must utilize that capability. Specifically, when a local PSAP determines that a call for assistance requires ALS, an immediate one-button transfer of all data must be made to the county PSAP. The transferred data must include the first call pickup time (time call received by local PSAP) and the time the local PSAP transferred the call to the EMD.

(8) ~~Be accredited by the National Academy of Emergency Medical Dispatch (NAEMD) by August 1, 2003.~~
Maintain accreditation by the National Emergency Number Association (NENA), National Association of Emergency Medical Dispatch (NAEMD), and a certification in Emergency Fire Dispatch (EFD) and Emergency Police Dispatch (EPD).

(9) Have the capability to transfer data by CAD to CAD.

~~(b) All 911 Emergency Report Centers in this state receiving 911 calls and transferring them to a center providing emergency medical dispatch shall, through a contract with the Department of Safety and Homeland Security: [Repealed.]~~

~~(1) Electronically collect data regarding calls for assistance including all times related thereto and ANI/ALI information;~~

~~(2) Measure all time increments in increments of seconds; and~~

~~(3) Have the capability to 1 button transfer all data related to a call for medical assistance to the county PSAPs and must utilize that capability. The transferred data must include the first call pickup time (time call received by local PSAP) and the time the local PSAP transferred the call to the EMD.~~

~~§ 10007. Compliance with wireless E-911 service plan. [Repealed.]~~

~~After the Board has developed a wireless E-911 state plan consistent with the FCC E-911 order, all PSAPs and wireless providers shall provide wireless E-911 service in accordance with the plan, unless granted an extension by the Secretary or by any other operation of law. The Secretary shall have the power and authority to enforce compliance with the wireless E-911 state plan and may adopt rules and regulations necessary to carry out such enforcement.~~

~~§ 10008. Limitation of liability.~~

~~No person involved in the provision of E-911 or 911 service who in good faith receives, develops, collects or processes information for the enhanced 911 data bases, relays, transfers, operates, ~~maintains~~ maintains, or provides enhanced 911 services or system capabilities, or provides emergency telephone and radio communications for ambulance, police and fire departments, ~~shall be~~ is liable for damages in any civil action for any act or omission that results in death, ~~injury~~ injury, or loss to person or property unless such action or inaction constitutes gross negligence or an intentional tort.~~

This section shall be construed to include 911 service that utilizes in whole or in part Internet Protocol or other next generation 911 technologies.

§ 10009. Provider records.

Pursuant to a nondisclosure agreement with the Board and only to the extent required to ~~develop and implement the wireline or wireless E-911 state plans or to~~ accomplish any ~~other~~ lawful purpose directly related to the ~~911-Enhanced Emergency Reporting System, 911 system,~~ each provider shall must provide relevant information as requested in writing by the Board relating to subscribers, provider specific revenues and ~~expenses~~ expenses, and automatic location information. ~~Such~~ The information shall remain the exclusive property of the provider notwithstanding any other provision of law ~~and,~~ shall and may not be disclosed by the Board except pursuant to the terms of the nondisclosure agreement with the provider.

§ 10010. Confidentiality of information and release of information.

(a) Identifying information of provider subscribers, provider-specific revenues and expenses, trade secrets, commercial information and other ~~such~~ information shall must be treated as confidential and, notwithstanding other provisions of law, ~~shall not be~~ is not subject to public disclosure by the State or its representatives. The information made available to the State, its ~~representatives~~ representatives, or providers of emergency services shall be used solely for purposes of delivering or assisting in the delivery of ~~E-911~~ 911 emergency services or services that notify the public of an emergency.

(b) No provider ~~shall be~~ is liable for releasing subscriber information, including private listing information, for purposes of complying with the requirements of this chapter, Chapter 101 of this ~~title~~ title, or as otherwise required by law.

(c) Text and audio recordings of 911 calls are confidential and may not be disclosed except as provided in this subsection. All 911 calls and information furnished in the call or investigative process are confidential and are exempt from the Delaware Freedom of Information Act, Chapter 100 of Title 29. The Department of Safety and Homeland Security, or a PSAP, may disclose confidential information in the following circumstances:

(1) To local, state, and federal emergency responders for purposes of processing calls and providing emergency service.

(2) To persons within the 911 system to the extent necessary to implement and manage the 911 system.

(3) To criminal justice agencies, as defined in § 8502 of Title 11, for the purposes of the administration of criminal justice related to a 911 call.

(4) To the Department of Safety and Homeland Security for the purposes of system maintenance and quality control.

(5) In accordance with an order issued by a court of competent jurisdiction.

Section 2. Amend Chapter 101, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

CHAPTER 101. ~~ENHANCED 911 EMERGENCY REPORTING SYSTEM FUND~~

Subchapter I. Creation of Fund; Administration; Disbursements

§ 10101. Purpose.

The State shall create a special fund designated as the ~~Enhanced 911 Emergency Reporting~~ System Fund, which shall be used to carry out the purposes of this chapter, pay the administrative expenses chargeable to the Fund, and to reimburse the State, counties, local governments and providers of telecommunications services in this State for costs associated with the ~~E-911 Emergency Reporting System.~~ 911 system.

§ 10102. Definitions.

As used in this chapter:

(1) ~~“911 Emergency Report Center” shall have the same meaning assigned to such term in § 10002 of this title.~~

(2) ~~(1) “911 Enhanced Emergency Reporting System” “911 system” shall have the same meaning assigned to such term by means as defined in § 10002 of this title.~~

(3) ~~(2) “Board” shall mean the Enhanced 911 Emergency Reporting System Service Board.~~ means as defined in § 10002 of this title.

(4) ~~(3) “Business telephone service” shall mean~~ means network access telephone service where the use of such service is primarily for business purposes.

(5) ~~(4) “FCC E-911 911 order” shall have the same meaning assigned to such term~~ means as defined in § 10002 of this title.

(6) ~~(5) “Fund” shall mean~~ means the 911 ~~Emergency Reporting~~ System Fund created by this chapter.

(7) ~~(6) “Provider” shall have the same meaning assigned to such term~~ means as defined in § 10002 of this title.

(8) ~~(7) “Residential telephone service” shall mean~~ means network access telephone service where the use of such service is primarily for social or domestic purposes.

(9) ~~(8) “Secretary” shall mean~~ means the Secretary of the Department of Safety and Homeland Security.

(10) ~~“System” shall mean a 911 Enhanced Emergency Reporting System.~~

(11) ~~(9) “Wholesale services” shall mean~~ means services that a provider furnishes to another provider, rather than to end-use customers.

(12) ~~“Wireless E-911 state plan” shall have the same meaning assigned to such term in § 10002 of this title.~~

(13) (10) ~~“Wireless provider” shall have the same meaning assigned to such term~~ means as defined in § 10002 of this title.

(14) (11) ~~“Wireless service” shall have the same meaning assigned to such term~~ means as defined in § 10002 of this title.

§ 10103. ~~E-911 Emergency Reporting~~ 911 System Fund.

(a) The Fund shall be funded by means of a monthly surcharge of 60 cents per month until September 30, 2026.
Beginning on October 1, 2026, The the Fund shall be funded by means of a monthly surcharge of up to 60 90 cents per
month month, imposed by providers on subscribers of telecommunications services in this State as follows. follows:

(1) *Residential telephone service.* — The surcharge shall be imposed by each provider providing such service on all Delaware residential subscribers per residence exchange access line or per Basic Rate Interface (“BRI”) ISDN arrangement, where the residence exchange access service is provided via a BRI ISDN arrangement. The surcharge shall not be applied to residence exchange access lines provided to Lifeline subscribers.

(2) *Business telephone service.* — The surcharge shall be imposed by each provider providing such service on all Delaware business subscribers per business exchange access line and trunk or per BRI ISDN arrangement where the business exchange access service is provided via a BRI ISDN arrangement. Each Centrex access line shall be charged the equivalent of $\frac{1}{9}$ of the surcharge; provided, however, that where a Centrex customer has fewer than 9 lines, the maximum monthly charge for those lines will be the surcharge imposed on each business exchange access line or trunk divided by the customer’s Centrex lines. Each Primary Rate Interface ISDN system shall be charged a rate equal to 5 times the surcharge. The surcharge shall not be applied to lines provided under wholesale arrangements.

(3) *Wireless service.* — The surcharge shall be imposed by each wireless provider on all wireless service customers for each wireless telephone number for which they are billed by such provider.

(4) *Nontraditional communication services.* — The surcharge shall be imposed by each provider of nontraditional communications service on subscribers of such services where such provider is required to or opts to provide 911 service.

(g) ~~Each provider collecting such surcharges shall be entitled to recover the actual incremental costs of billing, collecting and remitting such surcharges, as well as the costs of compliance with any memorandum of understanding as described in subsection (h) of this section, through a credit against them. This cost is defined as the additional incremental expense incurred by the provider that is in addition to the normal expense of billing and collecting the charges for the provision of the provider’s normal telephone service. Where moneys collected by the provider are equal to or less than the~~

total charge for the telephone service provided to subscribers or customers by that provider, not including the surcharge, all moneys collected will be applied to the charges for the actual telephone service provided. [Repealed.]

~~(h) Each provider collecting such surcharges shall not be responsible for uncollectable surcharges. The State may also enter into a memorandum of understanding with each provider which shall include, but need not be limited to, the terms related to the collection and distribution of funds pursuant to this chapter and provide for reporting to the Board the names and addresses of subscribers that fail to pay the surcharge. However, nothing in this chapter shall be construed to prevent the State or the Board from taking appropriate actions to collect such surcharges designated by a provider as uncollectable. [Repealed.]~~

§ 10104. Disbursements from the Fund.

(a) Disbursements from the Fund shall be made for the following ~~purposes~~ purposes:

(1) Nonrecurring costs, including ~~but not limited to~~ costs for purchasing and installing the customer premises terminal equipment (“CPE”) required to establish or upgrade public safety answering points, purchasing ~~E-911~~ 911 network equipment or upgrading equipment as required to ensure proper functioning of the ~~E-911~~ 911 service and related software, developing wireless data bases, and initial training in the use of CPE equipment.

(2) Recurring costs, including ~~but not limited to~~ costs for network access fees and other telephone charges, software, equipment, data base management, maintenance and improvement, public education, language translation services, ongoing training in the use of CPE equipment, and network and equipment maintenance.

(3) Expenses of the Board and the Department of Safety and Homeland Security incurred under this chapter for the purposes of administering the Fund and expenses incurred in connection with the Board’s responsibilities under Chapter 100 of this title.

(4) Expenses of the Board for its obligations under the contracts and agreements necessary or incidental to the performance of its powers and duties.

~~(b) Each county shall receive an amount from the Fund equal to \$0.50 per month, less the costs identified in § 10103(g) of this title, for each residence exchange access line or residential Basic Rate Interface (“BRI”) ISDN arrangement from which the monthly surcharge is collected in that county or the amount received by that county in calendar year 2000 from telephone providers from E-911 surcharges, whichever is greater. Disbursements from the Fund shall be made to the counties by the fifteenth day of the month following the month in which the wireline residential surcharges are deposited into the Fund by the provider. The amount disbursed to a county for any calendar year shall be subject to a true up at the end of the such year to reflect the amount received by the county in calendar year 2000 from E-911 surcharges but only in the event that such amount is greater than the amount disbursed from the Fund to the county in the current calendar~~

~~year. The counties shall use these revenues to offset the costs incurred by them in connection with the administration, staffing, street addressing, necessary capital equipment, and training necessary to support the provision of E-911 emergency reporting service. Costs incurred shall be verified by an annual audit as directed by the Board.~~

(b) A monthly disbursement from the Fund must be made to each PSAP. The Board may reduce, suspend, or terminate disbursements under this section if a PSAP does not comply with the requirements of this chapter or provide 911 service.

(1) Beginning on January 1, 2027, the total monthly disbursement to the PSAPs will be one-quarter of the monthly surcharges deposited into the Fund by providers. The Board must establish a funding formula to determine each PSAP's share of the monthly disbursement. The funding formula must be based on the following factors:

a. The number of billing addresses associated with any monthly surcharges collected during calendar year 2025 from any of the following services:

1. Residence exchange access lines.
2. Residential BRI ISDN arrangements.
3. Wireless phone numbers.

b. Any other information the Board considers relevant.

(2) The Board must recalculate and publish the funding formula to all PSAPs on January 1, 2032, and every five years thereafter. The funding formula must be based on the following factors:

a. The number of billing addresses associated with any monthly surcharges collected during calendar year 2030, and every five years thereafter, from any of the following services:

1. Residence exchange access lines.
2. Residential BRI ISDN arrangements.
3. Wireless phone numbers.

b. Any other information the Board considers relevant.

(3) If the total amount of money in the Fund is insufficient to pay the monthly disbursements to the PSAPs under this section at any given time, each PSAP shall receive a pro rata share of their monthly disbursement at that time. Any remaining unpaid monthly disbursement must be carried forward for payment as soon as sufficient funds become available.

(4) The Board may not distribute less than \$2,500,000 per year in total disbursements to the PSAPs, provided that the total amount of money in the Fund is sufficient to pay the disbursements in subsection (a) of this section.

(c) ~~[Repealed.]~~ The Board shall determine how revenue allocated to the Fund is used and is authorized to do any of the following:

(1) Make disbursements from the Fund as necessary to pay the Board's expenses and obligations in carrying out its functions and duties.

(2) Carry forward revenues for the purpose of establishing or maintaining statewide 911 initiatives.

(3) Make disbursements to a PSAP above the monthly disbursement to meet eligible costs. In determining additional disbursements under this paragraph, the Board may consider the population of the area served by the PSAP, the PSAP's operations and compliance with the operating standards set by the Board, the level of service the PSAP delivers dispatching first responders, and any other information the Board considers relevant. A PSAP may request consideration of an eligible expense or statewide initiative in the form and manner prescribed by the Board.

(d) Disbursements may not be ~~made~~ used for:

(1) Personnel costs for public safety answering points, except as set forth in subsection (b) and paragraph (c)(3) of this section.

(2) Construction, purchase, ~~renovation~~ renovation, or furnishings for real estate to house public safety answering points, except as set forth in subsection (b) of this section.

(3) Vehicles, including ambulances, fire ~~engines~~ engines, or other emergency vehicles, associated ~~equipment~~, equipment, and ~~utilities~~ utilities, with the exception of 911 communications equipment within a mobile command vehicle.

(4) Two-way ~~radios~~ radios, with the exception of two-way radios used directly by a PSAP.

(5) Any interface or connectivity costs or expenses for any PSAP, political subdivision, or local government within the State that opts out of using a good or service procured through any contract or agreement entered into by the Board.

(e) Pro rata sharing of Fund amounts. — If the total amount of money in the Fund after paying the amounts due to the counties under subsection (b) of this section is insufficient to pay reimbursable costs at any given time, each entity requesting reimbursement shall receive a pro rata share of the total amount in the Fund at such time. Any remaining unpaid reimbursable costs shall be carried forward for payment as soon as sufficient funds become available.

~~(f)~~ (e) Providers may request reimbursement on a monthly basis, and payments from the Fund to providers shall be made by the State Treasurer within 60 days of receipt of such request.

~~(g)~~ (f) The annual expenditures from the Fund shall not exceed the annual revenues deposited into it.

(g) Any PSAP receiving disbursements or other allocation by the Board from the Fund must:

(1) Deposit disbursements from the Fund into a separate, dedicated bank account established solely for the purpose of holding the funds. Under no circumstances shall these funds be commingled with any other accounts or monies. PSAPs must ensure that all disbursements, transfers, and accounting related to these funds are separately tracked and documented to maintain full transparency and accountability.

(2) Use disbursements from the Fund to offset the costs incurred by the PSAP in connection with the administration, staffing, street addressing, necessary capital equipment, and training necessary to support the provision of 911 service and the operating standards of the Board.

(3) Not use disbursements from the Fund to purchase, contract for, or otherwise obtain services that compete with, duplicate, or are intended to substitute the services procured or approved by the Board or for any disallowable expense under subsection (c) of this section.

(4) Prepare and submit to the Board a detailed semiannual financial report on January 15 and July 15 of each year. This report must include a full accounting of all revenues received from the Fund during the reporting period, and all expenses incurred and paid from the Fund. The report must be in a form acceptable to the Board and supported by appropriate documentation sufficient to verify the accuracy of the information provided.

(h) (1) An annual audit of the Fund shall be completed by an independent auditor to be designated by the Board. An audit must be completed at least once every 3 years.

(2) The Board may audit PSAP financial records related to the use of funds provided under this chapter at any time and costs incurred must be verified annually as directed by the Board. Upon request, a PSAP must promptly provide a complete and accurate accounting of all revenues, expenditures, and supporting documentation for the administration of this section. Failure to submit the required accounting or to comply with an audit request may result in the reduction, suspension, or termination of disbursements under this chapter until such requirements are met to the Board's satisfaction.

(i) All PSAPs within the State must migrate their 911 operations to the Board-managed vendors no later than December 31, 2027. The Board may reduce, suspend, or terminate disbursements or technical support to any PSAP that has not transitioned to the Board-managed vendors after the migration date.

§ 10106. Cyber incident.

In the event of a ransomware attack or other cybersecurity incident affecting the 911 system or related infrastructure, the affected entity must immediately implement its emergency cybersecurity response plan and notify the Board within 1 hour of discovery. The entity must take all reasonable steps to isolate affected systems, prevent further spread, and preserve system logs and evidence for forensic review. The affected entity may not engage with or make

payment to the attacker without express written authorization from the Board and appropriate law enforcement agencies.
The entity must fully cooperate with the State's cybersecurity team, law enforcement, and any designated third-party investigators during the incident response, recovery, and post-incident review. A written incident report detailing the nature of the attack, actions taken, and corrective measures must be submitted to the Board within 10 business days of system restoration. The Board may require additional reporting or security audits to ensure compliance with state cybersecurity standards.

Section 3. Amend Subchapter II, Chapter 101, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 10110. Definitions.

In addition to the definitions set forth in subchapter I of this chapter, the following definitions ~~shall be~~ are applicable to this subchapter:

(2) "Prepaid wireless ~~E911~~ 911 surcharge" means the surcharge that is required to be collected by a seller from a consumer in the amount established under § 10112 of this title.

§ 10111. Imposition of charge.

(a) There shall be a prepaid wireless ~~E911~~ 911 surcharge on each retail transaction. The initial rate of the surcharge shall be ~~60~~ 90 cents per retail transaction. Any rate changes shall be implemented under the provisions of subsection (f) of this section.

(b) The prepaid wireless ~~E911~~ 911 surcharge shall be collected by the seller from the consumer for each retail transaction occurring in this State. The amount of the prepaid wireless ~~E911~~ 911 surcharge shall be either separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller, or otherwise disclosed to the consumer.

(c) For purposes of determining whether a retail transaction is subject to the prepaid wireless ~~E911~~ 911 surcharge, any of the following transactions are deemed to occur in Delaware and are subject to the surcharge imposed under this section:

(1) The retail transaction is effected in person by the consumer at a business location of the seller if that business location is in ~~Delaware; or~~ Delaware.

(2) The prepaid wireless telecommunications service is physically delivered to a consumer at a Delaware address provided to the ~~seller; or~~ seller.

(3) The seller's records that are maintained in the regular course of business indicate that the consumer's address is in Delaware and the records are not kept or made in bad ~~faith; or~~ faith.

(4) The consumer gives a Delaware address during the consummation of the retail transaction, including the customer's payment instrument if no other address is available, and the address is not given in bad ~~faith~~; or faith.

(5) The consumer's mobile telephone number is associated with a Delaware location.

(d) The prepaid wireless ~~E911~~ 911 surcharge is the liability of the consumer and not of the seller or of any prepaid wireless provider, except that the seller shall remit all prepaid wireless ~~E911~~ 911 surcharges that the seller collects from consumers as provided in this section, including all such surcharges that the seller is deemed to collect where the amount of the surcharge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

(e) The amount of the prepaid wireless ~~E911~~ 911 surcharge that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this State, any political subdivision of this State, or any intergovernmental agency.

(f) The prepaid wireless ~~E911~~ 911 charge shall be proportionately increased or reduced, as applicable, upon any change to rate of the surcharge as determined under the provisions of § 10103(a) of this title. Provided, however, that any rate changes shall only be effective on the first day of the calendar quarter not less than 60 days after the Board provides final notice of such rate change. The Division of Revenue shall provide not less than 30 days of advance notice of such increase or reduction on the Division's website.

§ 10112. Administrative provisions.

(a) Prepaid wireless ~~E911~~ 911 surcharges collected by sellers shall be remitted to the Division of Revenue quarterly on forms issued by the Director of Revenue and subject to such regulations and requirements as shall be prescribed by the Director of Revenue.

(b) The Director of Revenue shall deposit remitted prepaid wireless ~~E911~~ 911 surcharges to the credit of the Fund established under § 10103 of this title.

(c) The Division of Revenue shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is a sale for resale transaction and not a retail transaction.

(d) To the extent practicable, the audit, appeal, and other administrative provisions of Chapters 3 and 5 of Title 30 shall apply to the administration of the prepaid wireless ~~E911~~ 911 surcharge.

(e) A seller shall be permitted to deduct and retain 3% of prepaid wireless ~~E911~~ 911 surcharges that are collected by the seller from consumers.

§ 10113. Liability; records; confidentiality.

(a) The provisions of §§ 10007, 10008, ~~10009, and 10010~~ and 10009 of this title shall apply to providers and sellers of prepaid wireless telecommunications service.

§ 10114. Only permissible ~~E911~~ 911 surcharge on prepaid wireless service.

The prepaid wireless ~~E911~~ 911 surcharge imposed by this subchapter shall be the only ~~E911~~ 911 funding obligation imposed with respect to prepaid wireless telecommunications service in this State, and no tax, fee, surcharge, or other charge shall be imposed by this State, any political subdivision of this State, or any intergovernmental agency, for ~~E911~~ 911 funding purposes, upon any prepaid wireless provider, seller, or consumer with respect to the sale, purchase, use, or provision of prepaid wireless telecommunications service.

Section 4. Amend § 10201A, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 10201A. Definitions.

As used in this chapter:

(15) “Public safety answering point” means “~~911-Emergency Report Center~~” as defined in § 10002 of this title.