



SPONSOR: Sen. Bushweller & Rep. Carson
Sens. Hocker, Marshall

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 235

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE ENHANCED 911 EMERGENCY REPORTING SYSTEM FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 10103 (g), Title 16 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 10103 E-911 Emergency Reporting System Fund.

~~(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.~~

Section 2. Amend § 10104 (c), Title 16 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 10104 Disbursements from the Fund.

~~(c) Upon a wireless providers receipt of a request for wireless E-911 service from the State, a wireless provider also shall:~~

~~(1) Be reimbursed for any recurring costs associated with the development, implementation, operation and maintenance of wireless E-911 service in the geographic area served.~~

~~(2) Be reimbursed for any nonrecurring costs associated with the development, implementation, operation and maintenance of wireless E-911 service in the geographic area served.~~

~~In no event shall any expenditure be reimbursed for payment of costs that are not related to a wireless provider's compliance with requirements established by the wireless E-911 state plan and the FCC E-911 order, or incurred at the request of the State.~~

SYNOPSIS

Page 1 of 2

This bill eliminates the mandate that the State pay wireless cost recovery related to 911. To date, Delaware is only one of a few states still accepting invoices from wireless carriers for cost recovery. The original intent of cost recovery was to provide the 911 center a caller's location when calling from a wireless device. What is called Phase II calling (caller location) is in place and has been for a number of years. With cost recovery language still in the State statute, only two of the carriers have elected to use the funds for daily maintenance and operations. This bill has no negative fiscal impact to the State.

Author: Senator Bushweller