AN ACT

To amend and reenact R.S. 33:9109.1(A) through (D), (F), and (G), to enact R.S. 33:9109.2, and to repeal R.S. 33:9109.1(B)(9), relative to charges imposed on prepaid 911 services; to provide for and modify definitions; to increase the amount of the prepaid 911 charge; to provide for administration of prepaid 911 charges; to restrict use of certain funds; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9109.1(A) through (D), (F), and (G) are hereby amended and reenacted and R.S. 33:9109.2 is hereby enacted to read as follows:

§9109.1. Prepaid wireless telecommunications 911 service charge; intent; definitions; collection and remittance; administration; distribution of funds; liability; exclusivity

A. Intent. (1) The legislature finds that maintaining effective and efficient 911 systems across the state benefits all citizens.

(2) Service charges imposed upon the consumers of telecommunication services services that have the ability to dial access 911 are an important funding mechanism to assist state and local governments with the deployment of enhanced 911 services to the citizens of this state.

(3) Prepaid wireless telecommunication services that provide access to 911 are an important segment of the telecommunications industry and have proven particularly attractive to low-volume consumers.

(4) Unlike traditional telecommunication services, prepaid wireless telecommunications services that provide access to 911 are not sold or used pursuant
to term contracts or subscriptions, and monthly bills are not sent to consumers by prepaid wireless telecommunication service providers or retail vendors.

(5) Prepaid wireless service consumers have the same access to emergency 911 services from their wireless devices as wireless consumers on term contracts, and prepaid wireless service consumers benefit from the ability to access the 911 system by dialing 911. Therefore, prepaid wireless service consumers should begin contributing to funding of the 911 emergency communications system.

(6) Consumers purchase prepaid wireless telecommunication services that provide access to 911 at a wide variety of general retail locations and other distribution channels, not just through service providers. Such purchases are made on a "cash-and-carry" or "pay-as-you-go" basis from retailers.

(7) To ensure equitable contributions to the funding of 911 systems from consumers of prepaid wireless telecommunication services, the collection and payment obligation of charges to support 911 should be imposed upon the consumer's retail purchase of the prepaid wireless telecommunication service and should be in the form of a single, statewide charge that is collected once at the time of purchase directly from the consumer, remitted to the state, and distributed to communications districts.

B. Definitions. As used in this Section, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

(1) "Consumer" means a person who purchases a prepaid wireless telecommunication service that provides access to 911 in a retail transaction.

(2) "Department" means the Department of Revenue.

(3) "911" means an emergency telephone system that provides the caller with emergency 911 system service, that directs 911 calls to appropriate public safety answering points by selective routing based on the geographical location from which the call originated, and that provides the capability for automatic number identification and other features that the Federal Communications Commission may require in the future.
(4) "Prepaid wireless 911 service charge" means the charge that is required to be collected by a seller from a consumer in the amount established under Subsection C of this Section.

(5) "Prepaid wireless telecommunications service" means a wireless telecommunications service that allows a caller to dial 911 to access the 911 system, commercial mobile radio service as defined by 47 C.F.R. 20.3 in addition to any other service capable of accessing 911 through the use of voice, text, video, image, data, or any other means, which service shall be paid for in advance and is sold in predetermined units or dollars of which the number declines with use in a known amount.

(6) "Provider" means a person that provides a prepaid wireless telecommunications service pursuant to a license issued by the Federal Communications Commission.

(7) "Retail transaction" means each individual purchase of a prepaid wireless telecommunications service that provides access to 911 from a seller for any purpose other than resale.

(8) "Seller" means a person who sells a prepaid wireless telecommunications service that provides access to 911 to another person.

C. Collection and remittance of prepaid wireless telecommunications 911 service charge. (1) There is hereby imposed a prepaid wireless telecommunications 911 service charge of two four percent of the amount of the per retail transaction.

(2) The prepaid wireless 911 service charge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless 911 service charge 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.

(3) For purposes of Paragraph (2) of this Subsection, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other
retail transaction shall be treated as occurring in this state if the retail transaction is
treated as occurring in this state for purposes of R.S. 47:301(16)(d).

(4) The prepaid wireless 911 service charge shall be the liability of the
consumer and not of the seller or of any provider, except that the seller shall be liable
to remit all prepaid wireless 911 service charges that the seller collects from
consumers as provided in Subsection D of this Section, including all such charges
that the seller is deemed to collect where the amount of the charge has not been
separately stated on an invoice, receipt, or other similar document provided to the
consumer by the seller.

(5) The amount of the prepaid wireless 911 service charge that is collected
by a seller from a consumer, whether or not 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.

D. Administration of prepaid wireless 911 service charge. (1) Prepaid
wireless 911 service charges collected by sellers shall be remitted to the department
quarterly by the seller and the return for the quarter shall be filed on or before the
twentieth day of the first month of the next succeeding quarter. The department shall
establish electronic registration procedures to enable sellers to file and pay the
prepaid wireless 911 service charges electronically in accordance with R.S.
47:1520(A), which authorizes the secretary of the department to mandate electronic
filing when the report is required for dedicated fund distribution. Sellers shall be
required to file their prepaid wireless 911 service charge reports and to remit the
prepaid wireless 911 service charge collection electronically using the electronic
format prescribed by the department.

(2) A seller shall be permitted to deduct and retain the entirety half of the
2010 2016 first fourth quarter's fees. Thereafter, a seller shall be permitted to deduct
and retain four two percent of prepaid wireless 911 service charges that are collected
by the seller from consumers.
(3) The audit and appeal procedures applicable under Chapter 2 of Subtitle I of Title 47 of the Louisiana Revised Statutes of 1950 with respect to the state sales tax shall apply to prepaid wireless 911 service charges and prescription shall be governed by Article VII, Section 16 of the Constitution of Louisiana.

(4) The department shall establish procedures by which a seller of prepaid wireless telecommunications 911 service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions under Chapter 2 of Subtitle I of Title 47 of the Louisiana Revised Statutes of 1950 with respect to the state sales tax.

(5) The department shall pay all remitted prepaid wireless 911 service charges over to eligible communications districts in accordance with Subsection E of this Section. The department may retain up to two percent of remitted service charges to reimburse its direct costs of administering the collection and remittance of prepaid wireless 911 service charges.

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F. Liability. (1) No provider or seller of prepaid wireless telecommunications service shall be liable for damages to any person resulting from or incurred in connection with the provision of, or failure to provide, 911 or E911 service, or for identifying, or failing to identify, the telephone number, address, location, or name associated with any person or device that is accessing or attempting to access 911 or E911 service.

(2) No provider or seller of prepaid wireless telecommunications service shall be liable for damages to any person resulting from or incurred in connection with the provision of any lawful assistance to any investigation or activity by a law enforcement officer of the United States, this or any other state, or any political subdivision of this or any other state, in connection with any lawful investigation or other law enforcement activity by such law enforcement officer.

G. Exclusivity of charge. The prepaid wireless E911 911 charge shall be the only 911 911 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 \textit{wireless} \textit{911} funding purposes, upon any provider, seller,
or consumer with respect to the sale, purchase, use, or provision of prepaid \textit{wireless}
telecommunications 911 service.

\textbf{§9109.2. Restrictions imposed on use of certain funds}

\textbf{A.} Notwithstanding any provision of law to the contrary, all revenues
collected from the assessment of 911 surcharge fees in a parishwide communications
district, as provided in this Chapter, shall be used for the express purpose of
providing 911 emergency response communications services and operations. The
funds shall not be diverted for use by any other entity or for any purpose other than
those outlined within the Chapter.

\textbf{B.} The financial records of each district shall be audited pursuant to the
provisions of R.S. 24:513. In addition, each district shall submit an annual report to
the legislative auditor which includes information on the revenues derived from the
service charge authorized by this Section and a detailed accounting of such revenues.
Such report shall include a report on the status of implementation of wireless E911
service.

\textbf{C.(1)} No later than the first of May of each year, the 911 districts shall
submit a consolidated report of statewide 911 communication activity to both the
House Committee on Commerce and the Senate Committee on Commerce,
Consumer Protection and International Affairs of the Louisiana Legislature.

\textbf{(2)} The report shall include, at a minimum, all of the following from the
previous calendar year:

\textbf{(a)(i)} All 911 fees and revenues received by each district and all 911 fees and
revenues received statewide.

\textbf{(ii)} The fees and revenues described in Item \textbf{(i)} of this Subparagraph shall
also be categorized in the annual report in the amounts that are collected pursuant to
land-line services, billed wireless services, and prepaid wireless services.

\textbf{(b)} All expenditures for each 911 district and all expenditures statewide.
(c) All projects, either planned or underway including expected completion
dates, that are included in the development of next generation wireless 911
capability.

(d) Any opportunities for neighboring parishes to either cooperate in joint
projects or to share resources in next generation 911 development, which are
intended to enhance both the efficiency and the effectiveness of the public safety
benefits of 911 services for the local and traveling public in Louisiana.

Section 2. R.S. 33:9109.1(B)(9) is hereby repealed in its entirety.

Section 3. The effective date of this Act shall be October 1, 2016.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.