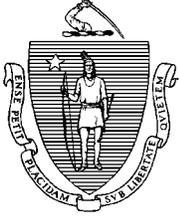


Docket Number: SD02724

[SIMILAR MATTER FILED DURING PAST SESSION
SEE NO. OF]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND SEVEN

AN ACT To Create a State 911 Department, Single 911 Surcharge and an Enhanced 911 Fund

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. SECTION 1. Section 18 of chapter 6A of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking out, in line __, the words “statewide emergency
3 telecommunications board” and inserting in place thereof the following words:- state 911 department.

4
5 SECTION 2. Said chapter 6A is hereby amended by striking out section 18A, as so appearing, and
6 inserting in place thereof the following section:-

7
8 Section 18A. As used in this section, in sections 18B to 18J, inclusive, of this chapter, and in section
9 14A of chapter 166, the following words shall have the following meanings:

10 “Automatic number identification”, an enhanced 911 service capability that allows for the automatic
11 display of a telephone number used to place or route a 911 call.

12 “Automatic location identification”, an enhanced 911 service capability that allows for the automatic
13 display of information relating to the geographical location of the communication device used to place
14 a 911 call.

15 “Commission”, the state 911 commission.

16 “Communication services” includes any of the following: (a) the transmission, conveyance, or routing
17 of real-time, two-way voice communications to a point or between or among points by or through any
18 electronic, radio, satellite, cable, optical, microwave, wireline, wireless, or other medium or method,
19 regardless of the protocol used; (b) the ability to provide two-way voice communication on the public
20 switched network; (c) wireless enhanced 911 service; (d) wireline enhanced 911 service; (e)
21 interconnected VoIP provider service as defined by the regulations of the Federal Communications
22 Commission regulations ; (f) IP-enabled service capable of interconnecting with the enhanced 911
23 system; or (g) prepaid wireless service.

24 “Communication Service Provider”, an entity that provides communication services to a subscriber or
25 end user.

26 “Department”, the state 911 department.

27 “Director”, the executive director of the state 911 department.

28 “Emergency medical dispatch” the management of requests for emergency medical assistance by
29 utilizing a system of (a) tiered response or priority dispatching of emergency medical resources based

30 on the level of medical assistance needed by the victim, and (b) prearrival first aid or other medical
31 instructions given by trained personnel who are responsible for receiving 911 calls and directly
32 dispatching emergency response services.

33 “End user”, a person who uses communication services.

34 “Enhanced 911 fund”, the fund established and set up on the books of the commonwealth under
35 section 35GG of chapter 10 of the General Laws.

36 “Enhanced 911 service provider”, any entity that provides one or more of the following 911 elements:
37 network, database, or public safety answering point customer premises equipment.

38 “Enhanced 911 service”, a service consisting of communication network, database, and equipment
39 features provided for subscribers or end users of communication services enabling such subscribers or
40 end users to reach a public safety answering point by dialing the digits 911, or by other means
41 approved by the department, that directs calls to appropriate public safety answering points based on
42 selective routing and also provides the capability for automatic number identification and automatic
43 location identification.

44 “Enhanced 911 network features”, the components of enhanced 911 service that provide selective
45 routing, automatic number identification and automatic location identification.

46 “Enhanced 911 systems”, a distinct entity or geographical segment in which enhanced 911 service is
47 provided, consisting of network routing elements serving as a control office and trunking connecting
48 all central offices within a geographical segment, and including public safety answering points and
49 network used to deliver location data to public safety answering points from a data base.

50 “FCC”, the Federal Communications Commission.

51 “FCC Order”, all orders issued by the FCC pursuant to the proceeding entitled “Revision of the
52 Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems” (CC
53 Docket No. 94-102; RM 8143), or any successor proceeding, including all other criteria established
54 therein, regarding the delivery of wireless enhanced 911 service by a wireless carrier, and all orders
55 issued by the FCC pursuant to the proceeding entitled “In the Matter of IP-Enabled Services; E911
56 Requirements for IP-Enabled Service Providers”(WC Docket No 05-196), or any successor
57 proceeding, including all other criteria established therein, regarding the delivery of enhanced 911
58 service by an IP-enabled service provider.

59

60 “Governmental body” shall include any governmental body as defined in section 11A of chapter 30A
61 or section 23A or chapter 39 of the General Laws.

62 “Interconnected VoIP” provider service, voice over the internet protocol services as defined by the
63 FCC in 47 CFR 9.3.

64 “IP-enabled services”, services, devices, or applications making use of Internet Protocol (“IP”)
65 including, but not limited to, voice over IP and other services, devices, or applications provided
66 through or using wireline, cable, wireless, or satellite facilities or any other facility that may be
67 provided in the future that are capable of interconnecting users with the enhanced 911 system by
68 dialing or entering the digits 911, or by other means approved by the department, to public safety
69 answering points.

70 “Local exchange service”, telephone exchange lines or channels that provide local access from the
71 premises of a subscriber in this state to the local telecommunications network to effect the transfer of
72 information.

73 “Municipality”, any city or town in the commonwealth.

74 “Network components”, any software or hardware for a control switch, other switch modification,
75 trunking or any components of the computer storage system or database used for selective routing of
76 911 calls, automatic number identification and automatic location identification, including a public
77 safety answering point.

78 “Next generation 911”, an enhanced 911 system that incorporates the handling of all 911 calls and
79 messages, including those using IP-enabled services or other advanced communications technologies
80 in the infrastructure of the 911 system itself.

81 “Prepaid wireless telephone service”, wireless service that is activated in advance by payment for a
82 finite dollar amount of service or minutes that terminates either upon use by a customer and delivery
83 by the wireless provider of an agreed-upon amount of service or minutes, unless the customer makes
84 additional payments.

85 “Prepaid wireless telephone service provider”, an entity providing prepaid wireless telephone service
86 at retail or wholesale.

87 “Public safety department”, a functional division of a municipality or the state that provides fire
88 fighting, law enforcement, ambulance, medical or other emergency services.

89 “Private safety department”, an entity, except for a municipality or a public safety department, that
90 provides emergency police, fire, ambulance or medical services.

91 “Public safety answering point” or “PSAP”, a facility assigned the responsibility of receiving 911 calls
92 and, as appropriate, directly dispatching emergency response services or transferring or relaying
93 emergency 911 calls to other public or private safety agencies or other public safety answering points.

94 A “primary public safety answering point” is equipped with automatic number identification
95 and automatic location identification displays, and is the first point of reception of a 911 call. It
96 serves the municipality in which it may be located.

97 A “secondary public safety answering point” is equipped with automatic number identification
98 and automatic location identification displays. It receives 911 calls only when they are
99 transferred from the primary public safety answering point or on an alternative routing basis
100 when calls cannot be completed to the primary public safety answering point.

101 A “limited secondary public safety answering point” is equipped, at a minimum, with
102 automatic number identification and automatic location identification displays or printout
103 capability. It receives 911 calls only when they are transferred from the primary public safety
104 answering point. Data sent to a limited secondary public safety answering point cannot be re-
105 routed to another location and may not necessarily be transmitted simultaneously with the
106 voice call.

107 A “ringing public safety answering point” is equipped for receipt of voice communications
108 only, and may not operate 24 hours each day. It receives 911 calls that are transferred from the
109 primary public safety answering point.

110 A “regional public safety answering point” is operated by or on behalf of two or more
111 municipalities or governmental bodies, or combination thereof, approved by the department,
112 for the operation of enhanced 911 call taking and call transfer activities. A regional public
113 safety answering point may also be engaged in, by agreement, the dispatching or control of
114 public safety resources serving some or all of the municipalities or governmental bodies that
115 comprise the regional public safety answering point, including where services are provided by
116 a private safety department. If the regional public safety answering point serves all such
117 municipalities or governmental bodies for the operation of enhanced 911 call taking and call
118 transfer activities and dispatch services including where dispatch services are provided by a
119 private safety department, then it shall be considered a regional emergency communication
120 center for the purposes of section 18B of this chapter. The regional public safety answering
121 point shall be equipped with automatic number identification and automatic location
122 identification displays, as approved by the department, and is the first point of reception of a
123 911 call.

124 “PSAP Customer premises equipment”, enhanced 911 call processing equipment located at a public
125 safety answering point.

126 “Regional emergency communication center”, a facility operated by or on behalf of two or more
127 municipalities or governmental bodies, or combination thereof, as approved by the department, who
128 enter into an agreement for the establishment and provision of regional dispatch and coordination of
129 emergency services for all such municipalities or governmental bodies, including but not limited to a
130 regional public safety answering point that provides enhanced 911 service, and police, fire protection,
131 and emergency medical services dispatch, including where such services are provided by a private
132 safety department. The regional public safety answering point portion of the center shall be equipped

133 with automatic number identification and automatic location identification displays, as approved by
134 the department, and is the first point of reception of a 911 call.

135 “Regional secondary public safety answering point”, a facility operated by or on behalf of three or
136 more municipalities or governmental bodies, or a combination thereof, approved by the department,
137 who enter into an agreement for the establishment and provision of regional dispatch and coordination
138 of either or any combination of police, fire protection, or emergency medical services. A regional
139 secondary public safety answering point is equipped with automatic number identification and
140 automatic location identification displays. It receives 911 calls only when they are transferred from a
141 primary or regional public safety answering point or on an alternative routing basis when calls cannot
142 be completed to the primary or regional public safety answering point.

143 “Retail”, sales by a prepaid wireless telephone service provider directly to the end user or to a non-
144 prepaid wireless telephone service provider through a voluntary contractual relationship in which the
145 service is sold directly to the end user on behalf of the prepaid wireless telephone service provider.

146 “Selective routing”, the method to direct 911 calls to the appropriate public safety answering point
147 using a call routing database derived from the geographical location from which the call originated.

148 “State police”, the Massachusetts department of state police.

149 “Subscriber”, a person who uses communication services.

150 “Telephone company”, a person, firm, corporation, association or joint stock association or company,
151 as defined in chapter 159 of the General Laws, furnishing or rendering local telephone exchange
152 service.

153 “VoIP or Voice over Internet Protocol”, a type of IP-enabled service that allows for the two-way real
154 time transmission of voice communications that also has access to the public switched network.

155 “Wholesale”, sales by the prepaid wireless telephone service provider to a non-prepaid wireless
156 telephone service provider who sells service on behalf of the prepaid wireless telephone service
157 provider.

158 “Wireless carrier”, a commercial mobile radio service, as defined in 47 U.S.C. section 332(d),
159 including resellers and prepaid providers of wireless services.

160 “Wireless enhanced 911 service”, the service required to be provided by wireless carriers pursuant to
161 the FCC Order.

162 “Wireless state police public safety answering point”, a state police facility assigned the responsibility
163 of primarily or entirely receiving wireless 911 calls and, as appropriate, directly dispatching
164 emergency response services or transferring or relaying emergency 911 calls to other public or private
165 safety departments or other public safety answering points.

166 “Wireline carrier”, an incumbent local exchange carrier or local exchange carrier operating in the
167 commonwealth, or a telephone company as defined in this section, or any other person, corporation or
168 entity that provides local exchange service.

169 “Wireline enhanced 911 service”, service provided by a wireline carrier that connects a subscriber
170 dialing or entering the digits 911 to a public safety answering point.

171

172 SECTION 3. Said chapter 6A is hereby amended by striking out section 18B, as so appearing, and

173 inserting in place thereof the following section:-

174

175 Section 18B. (a) There shall be, within the executive office of public safety and security, a state 911
176 department. The secretary of public safety and security shall, with the advice of the commission,
177 appoint and, subject to appropriation or funds otherwise available from other sources, fix the salary of
178 an executive director of the department. Said director shall be responsible for administering, directing
179 and managing the affairs and business of the department, and for the appointment and supervision of
180 all personnel at the department. The director shall not be subject to the provisions of section 9A of
181 chapter 30 or the provisions of chapter 31, but shall be classified in accordance with section 45 of said
182 chapter 30 and the salary shall be determined in accordance with section 46C of said chapter 30. The
183 executive director may appoint such other employees, including experts and consultants, as he deems
184 necessary, subject to appropriation or available funds, to carry out the department's responsibilities.

185

186 (b) There shall be, within the executive office of public safety and security, a state 911 commission to
187 provide strategic oversight and guidance to the department, and advise the department on its annual
188 budget and all materials changes to that budget and in all matters regarding enhanced 911 service in
189 the commonwealth. The commission shall consist of the secretary of public safety and security, who
190 shall serve as chairperson of the commission; the chief information officer of the information
191 technology division; the colonel of state police; the state fire marshal; the police commissioner of the
192 city of the Boston; the director of the Massachusetts Office on Disability; the commissioner of the
193 Massachusetts Department of Public Health; the commissioner of the Massachusetts Commission for
194 the Deaf and Hard of Hearing; and 9 members to be appointed by the governor, 1 of whom shall be a
195 sitting police chief and a nominated representative of the Massachusetts Chiefs of Police Association,

196 1 of whom shall be a sitting police chief and a nominated representative of the Massachusetts Major
197 City Chiefs Association, 2 of whom shall be sitting fire chiefs and nominated representatives of the
198 Massachusetts Fire Chiefs Association, 1 of whom shall be a nominated representative of the
199 Professional Fire Fighters of Massachusetts, 1 of whom shall be a nominated representative of the
200 Massachusetts Sheriffs Association, 1 of whom shall be a nominated representative of the
201 Massachusetts Municipal Association, 1 of whom shall be a nominated representative of the
202 Massachusetts Emergency Medical Care Advisory Board, and 1 of whom shall be a manager or
203 supervisor of a public safety answering point and a nominated representative of the Massachusetts
204 Communication Supervisors Association. One of the governor's appointees shall be elected annually
205 by the commission as its vice chairperson. Members of the commission shall be appointed for terms
206 of 3 years with no limit on the number of terms they may serve. Members shall hold office until a
207 successor is appointed and no member shall serve beyond the time he ceases to hold the office or
208 employment that made him eligible for appointment to the commission. The commission shall meet at
209 least twice annually, and at other times as necessary. A meeting of the commission may be called by
210 its chairperson, the vice chairperson or 3 of its members. A quorum for the transaction of business
211 shall consist of 7 members. Members of the commission shall receive no compensation, but shall be
212 reimbursed for their expenses actually and necessarily incurred in the discharge of their duties. The
213 commission shall review and approve by a majority vote of those members present all formulas,
214 percentages, guidelines or other mechanisms used to distribute the grants described in section 18B of
215 this chapter, and all major contracts for enhanced 911 services that the department proposes to enter
216 into. The commission shall review and approve by a majority vote of those members present all
217 regulations and standards proposed by the department.

218 (c) There shall be established a policy advisory committee for the sole purpose of advising the state

219 911 commission and state 911 department on pertinent subject matter with respect to enhanced 911
220 service, enhanced 911 systems and enhanced 911 network features. The advisory board shall consist
221 of 5 members, 1 of whom shall represent an incumbent local exchange carrier, 1 of whom shall
222 represent a competitive local exchange carrier registered in the Commonwealth of Massachusetts, 1 of
223 whom shall represent a PSAP customer premises equipment provider, 1 of whom shall represent an
224 interconnected VoIP provider, and 1 of whom shall represent a wireless carrier. Members of the
225 advisory board shall be residents of the state and shall be appointed by the Governor from a list of
226 qualified candidates provided by industry representatives for terms of 3 years with no limit on the
227 number of terms they may serve. A meeting of the policy advisory committee may be called by the
228 state 911 commission chairperson, vice chairperson, or 3 of its members. Members of the policy
229 advisory committee shall receive no compensation, but shall be reimbursed for their expenses actually
230 and necessarily incurred in the discharge of their duties. The advisory board shall review all issues
231 relative to industry interaction and network compatibility with the current enhanced 911 system, and
232 with next generation 911. The policy advisory committee shall file a written report annually with the
233 state 911 commission and the state 911 department.

234

235 (d) The department shall coordinate and effect the implementation of enhanced 911 service, and
236 administer such service in the commonwealth. The department, with the commission's approval, shall
237 promulgate rules and regulations for the administration of such service in accordance with chapter
238 30A, including technical and operational standards for the establishment of public safety answering
239 points which utilize enhanced 911 service features in accordance with section 14A of chapter 166 and
240 sections 18A to 18J of this chapter. Cities and towns shall comply with such standards in the design,
241 implementation and operation of public safety answering points. The department may inspect each

242 public safety answering point that utilizes enhanced 911 network features to determine if it meets the
243 requirements of said section and all other technical and operational standards required by law. In
244 implementing wireless enhanced 911 service and enhanced 911 for IP-enabled services, the
245 department shall promulgate rules and regulations consistent with the provisions required by the FCC.

246
247 (e) The number of public safety answering points and enhanced 911 answering positions at primary
248 and regional public safety answering points shall be determined by the department according to a
249 formula that takes into account cost, call volume, population, efficiency and the public safety needs of
250 cities and towns. Applications for secondary public safety answering points shall be reviewed and
251 approved by the department. The PSAP customer premises equipment, installation and operation costs
252 of secondary public safety answering points shall be the responsibility of the applicant; provided
253 however that the department may provide such equipment and related maintenance if the applicant so
254 requests and meets eligibility requirements established by the department in standards approved by the
255 commission. Network and database services for secondary public safety answering points shall be
256 provided as approved by the department. Applications for regional secondary public safety answering
257 points shall be reviewed and approved by the department. The PSAP customer premises equipment
258 and installation of such equipment shall be provided by the department from the development grant set
259 forth in subsection (h)(5) of this section in accordance with guidelines to be established by the
260 department with the commission's approval. Network and database services for regional secondary
261 public safety answering points shall be provided as approved by the department.

262
263 (f) The department shall disburse funds from the enhanced 911 fund for prudently-incurred expenses
264 associated with: the lease, purchase, upgrade or modification of primary and regional public safety

265 answering point PSAP customer premises equipment and the maintenance of such equipment;
266 network development, operation and maintenance; database development, operation, and maintenance;
267 training of 911 telecommunicators regarding the receipt and use of enhanced 911 service information;
268 education of consumers regarding the operation, limitation, role and responsible use of enhanced 911
269 service; grants associated with enhanced 911 service as set forth in subsection (h) of this section and
270 any other grant approved by the department associated with providing enhanced 911 service in the
271 commonwealth; the recurring and nonrecurring costs of communication services providers in
272 providing enhanced 911 service in the commonwealth to the extent required by federal or
273 Massachusetts law or regulation or federal or Massachusetts agency decision or order; and other
274 expenses incurred by the state 911 department in administering and operating the enhanced 911
275 system in the commonwealth.

276
277 (g) The department, with the commission's approval, shall establish: performance measure standards
278 for the enhanced 911 service provider for network, database, and PSAP customer premises equipment
279 and associated maintenance services; service level standards for communication services providers for
280 providing enhanced 911 service in the commonwealth including but not limited to standards for the
281 provision of enhanced 911 access for the disabled community; certification requirements for enhanced
282 911 telecommunicators, including but not limited to emergency medical dispatch and quality
283 assurance of emergency medical dispatch programs; standards requiring public safety answering
284 points to have certified emergency medical dispatch personnel or to provide emergency medical
285 dispatch through a certified emergency medical dispatch resource; and guidelines for developing and
286 administering any grant authorized in subsection (h) of this section, or any other grant associated with
287 providing enhanced 911 service in the commonwealth approved by the commission and the

288 department of telecommunications and cable upon the petition of the department, including but not
289 limited to provisions requiring municipalities to provide documentation of expenditures. The
290 department of telecommunications and cable shall conduct its review and issue a decision within 90
291 days of the date the department files its petition; provided however that the request for approval shall
292 be deemed approved if the department of telecommunications and cable does not issue its decision
293 within such 90 day time frame. The department shall initiate a voluntary program in which
294 municipalities may contribute timely address information to support the enhanced 911 database.

295
296 (h) The department shall review and assess the technological and operational capability and financial
297 feasibility of wireless 911 calls being routed to and handled directly by the public safety answering
298 point in which the caller is located, and if such capability exists, the department shall establish
299 standards, with the commission's approval, by which such public safety answering points may receive
300 wireless calls. The department shall review and assess new communications technologies that may
301 include but are not limited to wireless, video, broadband, and IP-based applications that may serve as
302 the next generation 911 technology platforms.

303
304 (i) The department shall develop and administer grant programs to assist public safety answering
305 points and regional emergency communication centers in providing enhanced 911 service, and to
306 foster the development of regional public safety answering points, regional secondary public safety
307 answering points, and regional emergency communication centers. The following grant programs shall
308 be funded by the department as specified, and the department may add necessary personnel to develop
309 and administer such grant programs.

310

311 (1) The Public Safety Answering Point and Regional Emergency Communication Center
312 Training Grant shall reimburse primary, regional and regional secondary public safety
313 answering points and regional emergency communication centers for allowable expenses
314 related to the training and certification of enhanced 911 telecommunicators. Funds shall be
315 disbursed according to a formula that weighs both population served and 911 call volume,
316 unless a different formula is approved by the commission. Five percent of the total surcharge
317 revenues of the previous fiscal year shall be allocated to this grant, unless such percentage is
318 otherwise increased by the approval of the commission for the purposes of this grant. Any such
319 increase to a level of 7.5 percent or more shall also be approved by the department of
320 telecommunications and cable, upon petition of the department. The department of
321 telecommunications and cable shall conduct its review and issue a decision within 90 days of
322 the date the department files its petition; provided however that the request for approval shall
323 be deemed approved if the department of telecommunications and cable does not issue its
324 decision within such 90 day time frame. The department, with commission approval, may
325 decrease such percentage in any fiscal year for budgetary reasons, but to a level no less than
326 3.75 percent of the total surcharge revenues of the previous fiscal year.

327
328 (2) The Public Safety Answering Point and Regional Emergency Communication Center
329 Support Grant shall reimburse primary, regional and regional secondary public safety
330 answering points and regional emergency communication centers for allowable expenses
331 related to enhanced 911 telecommunicator personnel costs, and the acquisition and
332 maintenance of heat, ventilation and air-conditioning equipment and other environmental
333 control equipment, computer-aided dispatch systems, console furniture, dispatcher chairs, radio

334 consoles, and fire alarm receipt and alert equipment associated with providing enhanced 911
335 service. In addition, the grant shall reimburse regional public safety answering points and
336 regional emergency communication centers for allowable expenses related to the acquisition
337 and maintenance of public safety radio systems. Also, the grant shall reimburse regional
338 secondary public safety answering points for allowable expenses related to PSAP customer
339 premises equipment maintenance. Further, the grant shall reimburse primary, regional, and
340 regional secondary public safety answering points and regional emergency communication
341 centers for any other equipment and related maintenance associated with providing enhanced
342 911 service as approved by the department. Funds shall be disbursed according to a formula
343 that weighs both population served and 911 call volume, unless a different formula is approved
344 by the commission. Twenty-five percent of the total surcharge revenues of the previous fiscal
345 year shall be allocated to this grant, unless such percentage is otherwise increased by the
346 approval of the commission for the purposes of this grant. Any such increase to a level of 31.25
347 percent or more shall also be approved by the department of telecommunications and cable,
348 upon petition of the department. The department of telecommunications and cable shall
349 conduct its review and issue a decision within 90 days of date the department files its petition;
350 provided however that the request for approval shall be deemed approved if the department of
351 telecommunications and cable does not issue its decision within such 90 day time frame. The
352 department, with commission approval, may decrease such percentage in any fiscal year for
353 budgetary reasons, but to a level no less than 18.75 percent of the total surcharge revenues of
354 the previous fiscal year. In the guidelines administering this grant, the department may include
355 provisions to increase the allocation of funds to primary public safety answering points
356 provided under this grant that dispatch police, fire protection and emergency medical services,

357 taking into account where any such services are provided by a private safety department. In
358 addition, in such guidelines the department may include provisions to increase the allocation of
359 funds to regional secondary public safety answering points that dispatch any combination of
360 regional police, fire protection or emergency medical services.

361

362 (3) The Wireless State Police Public Safety Answering Point Grant shall reimburse the wireless
363 state police public safety answering points for allowable expenses related to enhanced 911
364 telecommunicator personnel costs, training and certification of enhanced 911
365 telecommunicators, and the acquisition and maintenance of heat, ventilation and air-
366 conditioning equipment, computer-aided dispatch systems, console furniture, dispatcher chairs,
367 radio consoles, and fire alarming receipt and alert equipment associated with providing
368 enhanced 911 service. The grant shall also reimburse such public safety answering points for
369 any other equipment and related maintenance associated with providing enhanced 911 service
370 as approved by the department. Four percent of the total surcharge revenues of the previous
371 fiscal year shall be allocated to this grant, unless such percentage is otherwise increased by the
372 approval of the commission for the purposes of this grant. Any such increase to a level of 6
373 percent or more shall also be approved by the department of telecommunications and cable,
374 upon the petition of the department. The department of telecommunications and cable shall
375 conduct its review and issue a decision within 90 days of the date of the filing of the petition;
376 provided however that the request for approval shall be deemed approved if the department of
377 telecommunications and cable does not issue its decision within such 90 day time frame. The
378 department, with commission approval, may decrease such percentage in any fiscal year for
379 budgetary reasons, but to a level no less than 2 percent of the total surcharge revenues of the

380 previous fiscal year. In the guidelines administering this grant, the department may include
381 provisions to increase the allocation to the wireless state police public safety answering points
382 to account for such public safety answering points handling of wireline 911 calls for
383 municipalities.

384
385 (4) The Regional Public Safety Answering Point and Regional Emergency Communication
386 Center Incentive Grant shall provide regional public safety answering points and regional
387 emergency communication centers with funds in addition to amounts allocated as part of the
388 Public Safety Answering Point and Regional Emergency Communication Center Support
389 Grant to be used for reimbursement of expenses specified in the Support Grant for regional
390 public safety answering points and regional emergency communication centers in the following
391 amounts: (i) for regional public safety answering points serving 2 municipalities, $\frac{1}{2}$ of 1
392 percent of the total surcharge revenues of the previous fiscal year; (ii) for regional public safety
393 answering points serving 3 to 9 municipalities, 1 percent of the total surcharge revenues of the
394 previous fiscal year; (iii) for regional public safety answering points serving 10 or more
395 municipalities, $1\frac{1}{2}$ percent of the total surcharge revenues of the previous fiscal year; and (iv)
396 for regional emergency communication centers, 2 percent of the total surcharge revenues of the
397 previous fiscal year. The percentages in each category may be adjusted by the commission to
398 ensure a proper allocation of incentive funds as more regional public safety answering points
399 and regional emergency communication centers are added. Any such adjustments that increase
400 the initial total allocation of the incentive grant by 10 percent or more shall be approved by the
401 department of telecommunications and cable, upon the petition of the department. The
402 department of telecommunications and cable shall conduct its review and issue a decision

403 within 90 days of the date of the filing of the petition; provided however that the request for
404 approval shall be deemed approved if the department of telecommunications and cable does
405 not issue its decision within such 90 day time frame.

406
407 (5) The Regional and Regional Secondary Public Safety Answering Point, and Regional
408 Emergency Communication Center Development Grant shall support the development and
409 startup of regional and regional secondary public safety answering points, and regional
410 emergency communication centers, including the expansion or upgrade of existing regional
411 and regional secondary public safety answering points, to maximize effective emergency 911
412 and dispatch services as well as regional interoperability. The eligibility for, criteria, amount,
413 and allocation of funding shall be contained in guidelines established by the department with
414 commission approval. The grant shall reimburse allowable expenses related to such
415 development and startup, or expansion or upgrade. Any subsequent adjustments that increase
416 the initial funding allocated to this grant by 10 percent or more shall be approved by the
417 department of telecommunications and cable, upon the petition of the department. The
418 department of telecommunications and cable shall conduct its review and issue a decision
419 within 90 days of the date of the filing of the petition; provided however that the request for
420 approval shall be deemed approved if the department of telecommunications and cable does
421 not issue its decision within such 90 day time frame.

422
423 (j) The department shall file a written annual report to the governor and shall file a copy thereof with
424 the state secretary, the chairpersons of the joint committee on public safety and homeland security, the
425 chairperson of the house ways and means committee, the chairperson of the senate ways and means

426 committee, the clerk of the house of representatives and the clerk of the senate. The department shall
427 review and monitor the expenditures incurred under the grant programs established in section 18B of
428 this chapter to ensure compliance with grant guidelines. The department shall include a reporting of
429 grant expenditures by municipality in the said written annual report.

430

431 (k) The department is hereby authorized to enter into contracts and agreements with, and accept gifts,
432 grants, contributions, and bequests of funds from, any department, agency, or subdivision of federal,
433 state, county, or municipal government and any individual, foundation, corporation, association, or
434 public authority for the purpose of providing or receiving services, facilities or staff assistance in
435 connection with its work. Such funds shall be deposited with the state treasurer and credited to the
436 enhanced 911 fund.

437

438 (l) No provision of this section shall be construed or interpreted to alter the regulation of providers of
439 telecommunications services under chapter 159, nor shall chapter 159 have the effect of regulating the
440 rates, terms, and conditions of interconnected VoIP provider service or IP-enabled services.

441

442 (m) The department shall work with the Massachusetts Office on Disability, the Massachusetts
443 Commission for the Deaf and Hard of Hearing, the disability community and with cities and towns to
444 ensure that communication services providers are aware of the availability and use of adaptive
445 technology, and to ensure that enhanced 911 service is accessible to people with disabilities.

446

447 SECTION 4. Said chapter 6A is hereby amended by striking out section 18C, as so appearing, and
448 inserting in place thereof the following section:-

449

450 Section 18C. (a) Each public safety answering point shall be capable of transmitting a request for law
451 enforcement, fire fighting, medical, ambulance or other emergency services to a public or private
452 safety department that provides the requested services.

453

454 (b) Each primary and regional public safety answering point shall be equipped with a system approved
455 by the department for the processing of requests for emergency services from people with disabilities.

456

457 (c) Except as approved by the department, no person shall permit an automatic alarm or other alerting
458 device to dial the numbers 911 automatically or provide a prerecorded message in order to access
459 emergency services directly.

460

461 (d) A public safety department or private safety department that receives a request for emergency
462 service outside of its jurisdiction shall promptly forward the request to the public safety answering
463 point or public safety department responsible for that geographical area. Any emergency unit
464 dispatched to a location outside its jurisdiction in the commonwealth in response to such request shall
465 render service to the requesting party until relieved by the public safety department responsible for that
466 geographical area.

467

468 (e) Municipalities may enter into written cooperative agreements to carry out the provisions of
469 subsections (a), (b), and (d).

470

471 SECTION 5. Said chapter 6A is hereby amended by striking out section 18D, as so appearing, and

472 inserting in place thereof the following section:-

473

474 Section 18D. (a) Each municipality in the commonwealth, pursuant to the requirements of chapter
475 150E, shall establish, staff, and operate, in conjunction with one or more other municipalities or
476 governmental bodies, as determined by the department, or by itself, a public safety answering point on
477 a 24 hour a day, 7 days a week basis, in a manner and according to a schedule to be approved by the
478 department.

479

480 (b) The department shall review each proposed municipal or regional plan to determine if it meets the
481 requirements of law, and the technical and operational standards established by the department. The
482 department shall require primary and regional public safety answering points to display automatic
483 number identification, automatic location identification and may require other enhanced 911 features
484 that are or may become available and set forth in the department's regulations, standards and
485 guidelines for administration of statewide E911 services. The primary and regional public safety
486 answering point shall be designed according to the plan as specified in subsection (c).

487

488 (c) The department shall develop and maintain a statewide plan for the implementation and
489 maintenance of enhanced 911 service including next generation 911 and IP-enabled 911 services, and
490 if the technological and operational capability and financial feasibility exists, the routing of 911
491 wireless calls to primary and regional public safety answering points. Such plan shall include the
492 following:

493

494 (1) A division of the commonwealth into geographical segments. An enhanced 911 system
495 shall be established for each municipality, or by groups of municipalities, or by other
496 governmental bodies, or groups of other governmental bodies, or by a combination of
497 municipalities or governmental bodies, as specified and approved by the department.

498
499 (2) An implementation schedule, developed after consultation with communication services
500 providers for the sequence of converting to enhanced 911 systems or next generation 911
501 systems.

502
503 (3) A designation within each enhanced 911 system, of the municipalities and the public safety
504 departments within such municipalities, to serve as the primary or regional public safety
505 answering points. The department shall also evaluate the need for secondary and regional
506 secondary public safety answering points in municipalities which have requested them. It shall
507 be the responsibility of the department to make the final determination regarding the total
508 number and location of such public safety answering points.

509
510 (4) The department shall, no later than September thirtieth of each year, review the existing
511 configuration of primary, regional, regional secondary, limited secondary, and ringing public
512 safety answering points and develop changes or recommendations for change by December 31
513 of each year.

514
515 SECTION 6. Said chapter 6A is hereby amended by striking out section 18E, as so appearing, and
516 inserting in place thereof the following section:-

517

518 Section 18E. The attorney general may, at the request of the department or on his own initiative,
519 institute civil proceedings against any municipality or other governmental body operating a public
520 safety answering point, or any enhanced 911 provider or communication services provider, to enforce
521 the provisions of the sections under this chapter.

522

523 SECTION 7. Section 18F of said chapter 6A is hereby repealed.

524

525 SECTION 8. Said chapter 6A is hereby amended by striking out section 18G, as so appearing, and
526 inserting in place thereof the following section:-

527

528 Section 18G. The department shall require that each public safety answering point that possesses
529 enhanced 911 service shall retain 911 recordings for a period of not less than 1 year.

530

531 SECTION 9. Said chapter 6A is hereby amended by striking out section 18H, as so appearing, and
532 inserting in place thereof the following section:-

533

534 Section 18H. (a) There shall be imposed on each subscriber or end user whose communication
535 services are capable of accessing and utilizing an enhanced 911 system, a surcharge in the amount of
536 75 cents per month for expenses associated with services provided pursuant to sections 18A through
537 18J of this chapter and sections 14A and 15E of chapter 166. For wireline enhanced 911 service, the
538 charge shall be imposed on each voice grade exchange telephone line of business and residence
539 customers within the commonwealth; but the surcharge applicable to centrex service and ISDN

540 primary rate interface service shall be based on an equivalency ratio provided to each private branch
541 exchange trunk. For wireless enhanced 911 service, the charge shall be imposed per wireless mobile
542 telephone number, based on the area code chosen by the subscriber or end user. With the approval of
543 the department, a wireless carrier may impose this surcharge based on the subscriber's or end user's
544 billing address. For interconnected VoIP provider service, the charge shall be imposed on each voice
545 grade telephone line of business and residence customers within the commonwealth; but the surcharge
546 applicable to such interconnected VoIP provider service that is comparable to centrex service and
547 ISDN primary rate interface service associated with wireline enhanced 911 service shall be based on
548 an equivalency ratio similar to that used for wireline enhanced 911 service. For IP-enabled service,
549 the charge shall be imposed based on the subscriber's or end user's Massachusetts billing address. For
550 prepaid wireless service, the Department shall promulgate regulations establishing an equitable and
551 reasonable method for the remittance and collection of the surcharge or surcharge amounts for such
552 service. Said regulations shall be promulgated for effect on July 1, 2009. Until such time, the providers
553 of prepaid wireless service shall not be subject to the provisions of section 18H of this chapter, except
554 for section 18H(g) of said chapter. For all other services not identified above, the surcharge shall be
555 imposed based on the subscriber's Massachusetts billing address.

556

557 The surcharge shall be collected by the communication service provider and shall be shown on the
558 subscriber's or end user's bill as "Disability Access/Enhanced 911 Service Surcharge", or the
559 appropriate abbreviation. The surcharge shall not be subject to sales or use tax. The subscriber or end
560 user shall be liable for the surcharge imposed under this section. Partial subscriber or end user
561 payments shall be first applied to outstanding communication service provider charges.

562

563 (b) The department may petition the department of telecommunications and cable for an adjustment in
564 the surcharge established in subsection (a) of this section. The department of telecommunications and
565 cable shall be responsible for establishing the new surcharge, and all future surcharges, upon petition
566 of the department. The department of telecommunications and cable, at its discretion but not more
567 than once per calendar year, may investigate the prudence of the department's revenue and
568 expenditures for the purpose of recalculating the surcharge, and may hire experts to assist in its
569 investigation. The reasonable cost of the experts shall be charged to the enhanced 911 fund, but in no
570 event shall such cost exceed \$200,000, which may be adjusted to reflect changes in the consumer
571 price index. The department of telecommunications and cable shall conduct its review and issue a
572 decision within 90 days of the date of the commencement of the investigation; provided however that
573 the surcharge shall be deemed approved if the department of telecommunications and cable does not
574 issue its decision within such 90 day time frame. The department of telecommunications and cable
575 shall promulgate rules that provide for the funding of prudently incurred expenses associated with
576 services provided by sections 18A through 18J of this chapter, and sections 14A and 15E of chapter
577 166, by means of the surcharge. The department shall report annually to the department of
578 telecommunications and cable on the financial condition of the enhanced 911 fund and on the
579 department's assessment of new developments affecting the enhanced 911 system. Such report shall
580 be submitted to the department of telecommunications and cable within 60 days of the end of each
581 fiscal year. The department of telecommunications and cable shall annually report to the general court
582 concerning the financial condition of the enhanced 911 fund.

583
584 (c) The department shall seek the approval of the department of telecommunications and cable for
585 projected total expenditures that exceed total expenditures of the previous fiscal year by 10 percent or

586 more. The department of telecommunications and cable may investigate the reasonableness of the
587 expenditures and shall conduct its review and issue a decision within 90 days from the date the
588 department files its request for approval; provided however that the request for approval shall be
589 deemed approved if the department of telecommunications and cable does not issue its decision
590 within such 90 day time frame. The department of telecommunications and cable shall notify the
591 department of its intent to investigate within 20 days of the date the department files its request of
592 approval. The department's request for approval shall be deemed approved in the absence of the
593 department of telecommunication and cable's notification to the department of its intent to
594 investigate. If the department of telecommunication and cable notifies the department that it intends to
595 investigate an expenditure, the department of telecommunications and cable may hire experts to assist
596 in its investigation. The reasonable cost of the experts shall be charged to the enhanced 911 fund, but
597 in no event shall such cost exceed \$200,000, which may be adjusted to reflect changes in the
598 consumer price index.

599

600 (d) Each communication service provider shall remit the surcharge revenues collected from its
601 subscribers or end users to the state treasurer for deposit in the enhanced 911 fund. The surcharge
602 revenues shall be expended for the administration and programs of the department, including but not
603 limited to, salaries, enhanced 911 training programs, enhanced 911 public education programs, the
604 creation of, PSAP customer premises equipment for, and maintenance of primary and regional public
605 safety answering points, the programs mandated by section 18B of this chapter and sections 14A and
606 15E of chapter 166, and for the implementation and administration of enhanced 911 service in the
607 commonwealth.

608

609 (e) Each communication service provider required to remit surcharge revenues shall submit to the
610 department and the department of telecommunications and cable information on its business entity,
611 including but not limited to, name, business address, contact person, and the telephone number, fax
612 number, and e-mail address of such contact person. Each such provider shall update this information
613 annually.

614
615 (f) Each communication service provider shall report to the department on a monthly basis the total
616 surcharge revenues collected from its subscribers or end users during the preceding month, the total
617 uncollected surcharge revenues from subscribers or end users during the preceding month, the total
618 amount billed to the department for administration costs to cover the expenses of billing, collecting
619 and remitting the surcharge during the preceding month, and the total amount billed to the department
620 for non-recurring and recurring costs associated with any service, operation, administration or
621 maintenance of enhanced 911 service during the preceding month. Notwithstanding any general or
622 special law to the contrary, such monthly report shall not be a public record.

623
624 (g) A communication service provider shall forward to any public safety answering point or any other
625 answering point equipped for enhanced 911 service, the telephone number and street address of any
626 telephone used to place a 911 call, or any other data or information used to place such call.
627 Subscriber or end user information or data provided in accordance with this section shall be used only
628 for the purpose of responding to emergency calls or for use in any ensuing investigation or
629 prosecution, including the investigation of false or intentionally misleading reports of incidents
630 requiring emergency service. No communication service provider, and its officers, directors,
631 employees, vendors, and agents, shall be liable in any action to any person for releases of information

632 as permitted in this section. Release to or use by any person of a communication service provider's
633 subscriber or end user information or data for any use other than administering and operating the
634 enhanced 911 system and providing enhanced 911 service is prohibited. Notwithstanding any general
635 law or special law to the contrary, such information or data shall not be a public record, except that
636 aggregated information that does not identify or effectively identify specific subscriber or end
637 user information or data may be made public.

638 (h) The department shall examine call volumes of all primary, regional, and regional secondary public
639 safety answering points, and the population changes of the municipalities they serve, and may use such
640 information in determining the disbursement of funds set forth in section 18B of this chapter.

641

642 SECTION 10. Section 18H1/2 of said chapter 6A is hereby repealed.

643

644 SECTION 11. Said chapter 6A is hereby amended by striking out section 18I, as so appearing, and
645 inserting in place thereof the following section:-

646

647 Section 18I. Notwithstanding any general or special law to the contrary, a municipality or other
648 governmental body, pursuant to the requirements of chapter 150E, may modify, change or alter
649 communication equipment used in the municipality's or other governmental body's enhanced 911
650 system in order to permit the monitoring of emergency 911 communications by the fire department of
651 the municipality or other governmental body at a secure location staffed at all times by fire department
652 personnel fully trained in such monitoring. The emergency 911 communications shall be monitored in
653 a manner that prevents any broadcast of them to the general public. The secure location used for
654 monitoring emergency 911 communications shall be restricted to trained fire department personnel

655 when such communications are being monitored. No such modification or change in a municipality's
656 or other governmental body's wireline carrier equipment or enhanced 911 system shall cause any
657 degradation of the state's 911 system.

658

659 SECTION 12. Said chapter 6A is hereby amended by inserting after section 18I the following section:-

660 .

661

662 Section 18J. Beginning July 1, 2009, any new or substantially renovated multi-line telephone system
663 shall provide the same level of enhanced 911 service that is provided to others in the commonwealth.

664 The department shall adopt regulations to implement this requirement. In the said regulations the
665 department may exempt certain multi-line telephone systems from the above requirement based on
666 such factors as costs and the public benefits of compliance, except that accessibility of such a system
667 to people with disabilities may only be waived when the proponent of the waiver has shown it to be
668 technologically infeasible or of excessive cost without benefit to the disability community. For the
669 purposes of this section, a multi-line telephone system shall mean a system comprised of common
670 control units, telephones, and control hardware and software providing local telephone service to
671 multiple end-use customers in businesses, apartments, townhouses, condominiums, schools,
672 dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures.
673 Multi-line telephone system includes: (1) network and premises based systems such as centrex, pbx,
674 and hybrid key telephone systems; and (2) systems owned or leased by governmental agencies,
675 nonprofit entities, and for-profit businesses.

676

677 SECTION 13. Chapter 269 of the General Laws, as appearing in the 2006 Official Edition, is hereby

678 amended by inserting after section 14A the following section:-

679

680 Section 14B. As used in this section, the following words shall have the following meanings:

681

682 “Emergency response services provider”, a police department, fire department, emergency medical
683 service provider, public safety answering point, public safety department, private safety department, or
684 other public safety agency.

685

686 “Public safety answering point”, a facility assigned the responsibility of receiving 911 calls and, as
687 appropriate, directly dispatching emergency response services or transferring or relaying emergency
688 911 calls to other public or private safety agencies or other public safety answering points.

689

690 “Silent call”, a call or other communication made to a public safety answering point in which the
691 initiating party willfully does not provide information regarding his or her identity or location or the
692 nature of the emergency. The initiating party shall not be considered to have provided any information
693 that is automatically transmitted by a communication device or network upon connection with a public
694 safety answering point, including, but not be limited to, automatic location information and automatic
695 number information.

696

697 (a) Whoever willfully communicates with or otherwise causes a communication with a public safety
698 answering point, either directly or indirectly, that (1) harasses or threatens one or more persons
699 working with or for an emergency response services provider, or (2) knowingly communicates a false
700 alarm or complaint or other false information, or (b) whoever willfully makes silent calls or, directly

701 or indirectly, causes silent calls to be made to one or more public safety answering points for the
702 purpose of causing the dispatch of an emergency response services provider when no emergency
703 exists, shall be punished by imprisonment in a jail or house of correction for not more than 1 year, or
704 by a fine of not more than 1,000 dollars, or by both such fine and imprisonment. Any person
705 convicted of violating this section after one or more prior convictions shall be punished by
706 imprisonment in a jail or house of correction for not more than 2 ½ years, or by a fine of not more than
707 5,000 dollars, or by both such fine and imprisonment.

708

709 (b) After any conviction under this section, the court shall conduct a hearing to ascertain the extent of
710 costs incurred, and damages and financial loss sustained by any emergency response services provider
711 as a result of the violation and shall, in all cases, order the person convicted of violating this section to
712 make restitution to the emergency response services provider or providers for any such costs, damages
713 or loss. Restitution shall be imposed in addition to any imprisonment or fine, and not in lieu thereof;
714 however, the court shall consider the defendant's present and future ability to pay restitution in its
715 determinations regarding a fine. In determining the amount, time and method of payment of
716 restitution, the court shall consider the financial resources of the defendant and the burden restitution
717 will impose on the defendant.

718

719 SECTION 14. Chapter 166 of the General Laws is hereby amended by striking out section 14A, as
720 appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

721

722 Section 14A. (a) In order to establish statewide enhanced 911 service, upon the written request of the
723 state 911 department, established by section 18B of chapter 6A, hereinafter referred to as the

724 department, each telephone company providing local exchange service in the state shall provide and
725 maintain enhanced 911 service in compliance with a schedule established by the department after
726 consultation with the phone company.

727

728 (b) Each municipality in the commonwealth shall be served by a primary or regional public safety
729 answering point, that utilizes enhanced 911 network features in accordance with the implementation
730 schedule established by the department under the provisions of section 18D of chapter 6A.

731

732 (c) No provision of law shall be construed to prohibit or discourage the formation of multi-department,
733 multi-jurisdictional or regional public safety answering points, or regional emergency communication
734 centers. Any public safety answering point may serve the jurisdiction of more than one public
735 department or a segment of the jurisdiction of a municipality.

736

737 (d) A telephone company shall forward to any public safety answering point or any other answering
738 point equipped for enhanced 911 service, the telephone number and street address of any telephone
739 used to place a 911 call. Subscriber information provided in accordance with this section shall be used
740 only for the purpose of responding to emergency calls or for use in any ensuing investigation or
741 prosecution, including the investigation of false or intentionally misleading reports of incidents
742 requiring emergency service. No telephone company, nor the agents of any telephone companies, shall
743 be liable in any action to any person for releases of information as permitted in this section.

744

745 (e) As enhanced 911 service becomes available and where facilities are available, each telephone
746 company and owner of a private coin telephone in the state shall convert each public coin or coinless

747 telephone within areas served by such enhanced 911 service to dial tone first capability, which will
748 allow a caller to dial 911 without first inserting a coin or paying any other charge. Each provider of
749 public coin or coinless telephone shall provide access to enhanced 911 service, and prominently
750 display instructions on how to use such system.

751

752 SECTION 15. Said chapter 166 is hereby amended by striking out section 15E, as so appearing, and
753 inserting in place thereof the following section:-

754

755 Section 15E. (a) As used in this section, the following words shall, unless the context requires
756 otherwise, have the following meanings:--

757 “Captioned telephone”, an amplified telecommunications device with a text display that permits the
758 user to both listen to what is said over the telephone and simultaneously read captions of what the
759 other person is saying allowing the hard of hearing person to utilize captioned telephone service.

760 “Captioned telephone service”, an enhanced voice carry over telecommunications relay service, a
761 system which uses third party intervention to connect persons with a hearing disability but with some
762 residual hearing to engage in communication by wire or radio with a hearing individual in a manner
763 that is functionally equivalent to the ability of an individual who does not have a hearing disability to
764 communicate using voice communication services by wire or radio.

765

766 "Common carrier", as the term is used in chapters 159 and 166, and referring to a business in the
767 commonwealth that is a provider of local exchange service, so-called, to 1,000 or more subscribers.

768 For the purposes of this section, the term shall also include a municipal lighting plant or cooperative
769 that operates a telecommunications system pursuant to section 47E of chapter 164.

770 “Communication services”, includes any of the following: (a) the transmission, conveyance, or routing
771 of real-time, two-way voice communications to a point or between or among points by or through any
772 electronic, radio, satellite, cable, optical, microwave, wireline, wireless, or other medium or method,
773 regardless of the protocol used; (b) the ability to provide two-way voice communication on the public
774 switched network; (c) wireless enhanced 911 service; (d) wireline enhanced 911 service; (e)
775 interconnected VoIP provider service; (f) IP-enabled service; or (g) prepaid wireless service.

776 “Communication Service Provider”, an entity that provides communication services to a subscriber or
777 end user.

778 "Deaf", a severe to profound hearing loss, which, in the majority of circumstances, resulting in an
779 inability to effectively use a conventional telephone without the assistance of a text telephone or other
780 nonvoice terminal device.

781 “Department” the State 911 department.

782 "Disability", a physical, cognitive, sensory or mental impairment that substantially limits one or more
783 major activity such as caring for oneself, performing manual tasks, walking, seeing, hearing,
784 breathing, learning and working, and results in an inability to use a telephone without the assistance of
785 specialized telephone equipment.

786 "Hard of hearing", a hearing loss, which, in the majority of circumstances, results in an inability to
787 effectively use a telephone without the assistance of a sound amplification control or telephone
788 without the use of a hearing aid and a hearing aid compatible handset.

789

790 "Hearing carry over" or "HCO", a form of telecommunications relay service, or TRS, where the
791 person with the speech disability is able to listen to the other end user and, in reply, the third party
792 speaks the text as typed by the person with the speech disability. The third party does not type any
793 conversation. Two-line HCO is an HCO service that allows TRS users to use one telephone line for
794 hearing and the other for sending text telephone, or TTY, messages. HCO-to-TTY allows a relay
795 conversation to take place between an HCO user and a TTY user. HCO-to-HCO allows a relay
796 conversation to take place between two HCO users.

797 "Public coin and coinless telephone service", telephones operated by coin or credit card located in high
798 volume traffic areas that return substantial revenue, including, but not limited to, police stations,
799 hospitals, airports, bus terminals, train stations, libraries, social security, medicaid and medicare
800 offices, and shopping centers.

801 "Semi-public coin and coinless telephone service", telephones operated by coin or credit card located
802 in low volume traffic areas that return moderate revenue, including, but not limited to, convalescent
803 homes, elderly housing complexes and small meeting houses.

804 "SCPE", specialized, customer-premises equipment, such as artificial larynxes, signaling devices,
805 amplified handset, telephones, hands-free telephones, text telephones, memory telephones, direct
806 telephone dialing, braille text telephones, captioned telephone, and other devices which provide
807 access to telephone networks for people with a hearing, speech, vision, mobility or cognitive
808 disability.

809 "SCPE distribution service", a system of administration and record keeping, as well as distribution,
810 repair and replacement of SCPE units for certified subscribers.

811 "Text telephone" or "TTY", a machine that employs graphic communication in the transmission of
812 coded signals through a wire or radio communication system. TTY supersedes the term "TDD" or
813 "telecommunications device for the deaf," and TT.

814 "Telecommunications relay service" or "TRS", a telephone transmission services that provide the
815 ability for an individual who has a hearing or speech disability to engage in communication by wire or
816 radio with a hearing individual in a manner that is functionally equivalent to the ability of an
817 individual who does not have a hearing or speech disability to communicate using voice
818 communication services by wire or radio. Such terms include services that enable two-way
819 communication between an individual who uses a text telephone or other nonvoice terminal device
820 and an individual who does not use such a device, speech-to-speech services, and non-English relay
821 services. TRS supersedes the terms "dual party relay system," "message relay services," and "TDD
822 Relay."

823 "Voice carry over service", or "VCO", a form of TRS where the person with the hearing disability is
824 able to speak directly to the other end user. The third party types the response back to the person with
825 the hearing disability. The third party does not voice the conversation. Two-line VCO is a VCO
826 service that allows TRS users to use one telephone line for voicing and the other for receiving TTY
827 messages. A VCO-to-TTY TRS call allows a relay conversation to take place between a VCO user and
828 a TTY user. VCO-to-VCO allows a relay conversation to take place between two VCO users.

829

830 (b) The department shall provide and maintain a SCPE distribution service, and shall make such
831 services available to any residential subscriber who is (i) certified by the Massachusetts commission
832 on the deaf and hard of hearing as sufficiently deaf or hard of hearing to be in need of SCPE
833 equipment, (ii) certified by the Massachusetts commission for the blind as sufficiently visually
834 impaired to be in need of SCPE equipment, or (iii) certified by the Massachusetts rehabilitation
835 commission as otherwise sufficiently disabled to be in need of SCPE equipment. Each commission
836 may designate the department to administer the certification process required under this section. For
837 the purposes of making this certification, the respective aforementioned commissions shall require a
838 written verification of the alleged disabilities by a physician, certified audiologist or optometrist, or
839 other medical professional qualified to verify the disability in question, and licensed to do business in
840 the commonwealth. The department, upon the request of a certified subscriber, shall provide SCPE
841 equipment to the requesting subscriber; provided, however that subject to the provisions of this
842 subsection and subsection (c), the SCPE distribution service shall include the reasonable distribution
843 and replacement of SCPE equipment free of charge, to certified subscribers. Such service shall be
844 provided free of charge, or at reduced rates if the department of telecommunications and cable first
845 certifies that said requesting subscriber is unable to afford said SCPE equipment at its full cost. Any
846 reduced rate shall be in accordance with a rate schedule established by the department of
847 telecommunications and cable.

848

849 (c) The department and the Massachusetts commission of the deaf and hard of hearing shall review
850 such services specified in subsection (b) and make recommendations to the department of
851 telecommunications and cable as to whether it conforms with the provisions herein. Said department
852 of telecommunications and cable shall promulgate rules and regulations necessary to carry out the

853 provisions of this section; provided, however, that prior to such implementation of such services
854 pursuant to subsection (b) the department and the Massachusetts commission on the deaf and hard of
855 hearing shall issue a request for proposals subject to the department of telecommunications and cable's
856 review and approval seeking competitive bids from qualified vendors to provide the aforementioned
857 services. Communications services providers shall be permitted to submit a competitive bid to provide
858 the aforementioned services. In any rate proceeding conducted pursuant to chapter 159 of the General
859 Laws in which a common carrier seeks to reflect the costs for such services in rates said carrier shall
860 submit to the department of telecommunications and cable such information about said requests for
861 proposals so that the department of telecommunications and cable may determine said carrier is
862 providing such services at a cost to said carrier that reflects the least cost to its ratepayers with due
863 regard for standards of reliability and quality that are consistent with the public interest.

864

865 (d) The department shall encourage prospective vendors of telecommunications relay service to
866 provide such service from a center located within the commonwealth using residents of the
867 commonwealth as employees of said center. Preference in employment at said center shall be given to
868 people with disabilities as defined by this section. Specialty types of TRS shall not be required to be
869 provided from a telecommunications service center located in the commonwealth.

870

871 (e) The department and the Massachusetts commission of the deaf and hard of hearing shall review
872 such services and make recommendations to the department of telecommunications and cable as to
873 whether it conforms with the provisions herein. The department of telecommunications and cable shall
874 promulgate rules and regulations necessary to carry out the provisions of this section; provided,
875 however, that prior to such implementation of such services pursuant to subsection (d) the department

876 and the Massachusetts commission on the deaf and hard of hearing shall issue a request for proposals
877 subject to the department of telecommunications and cable's review and approval seeking competitive
878 bids from qualified vendors to provide the aforementioned services. Communication services
879 providers shall be permitted to submit a competitive bid to provide the aforementioned services. In any
880 rate proceeding conducted pursuant to chapter 159 of the General Laws in which a common carrier
881 seeks to reflect the costs for such services in rates said carrier shall submit to the department of
882 telecommunications and cable such information about said requests for proposals so that the
883 department of telecommunications and cable may determine said carrier is providing such services at a
884 cost to said carrier that reflects the least cost to its ratepayers with due regard for standards of
885 reliability and quality that are consistent with the public interest.

886

887 (f) The department of telecommunications and cable, in accordance with its certification by the FCC
888 pursuant to 47 CFR 64.604 and 64.605(b), shall have general oversight over all aspects of the
889 provision of the SCPE and TRS programs, unless such certification is not renewed or is revoked. Such
890 oversight includes, but is not limited to, authority over the rates, terms, and conditions, service quality,
891 and enforcement of federal minimum standards for the provision of such services.

892

893 (g) Any person, firm, corporation or other entity that provides public coin or coinless telephone service
894 or semi-public coin or coinless telephone service, shall provide and maintain its public or semi-public
895 telephones with a minimum of 25 percent of its public or semi-public telephones with controls for
896 sound amplification of incoming transmission consistent with Massachusetts Architectural Access
897 Code, codified at 521 CMR 1.0 et.seq.

898

899 (h) There shall be an advisory committee on accessibility to communication services for disabled
900 persons. Said advisory committee shall consist of the secretary of health and human services or his
901 designee; the commissioner of the Massachusetts commission for the deaf and hard of hearing or his
902 designee; the commissioner of the Massachusetts rehabilitation commission or his designee; the
903 commissioner of the Massachusetts commission for the blind or his designee; the director of the
904 Massachusetts office on disability or his designee; and 12 persons to be appointed by the governor, 2
905 of whom shall be persons who are deaf, 2 of whom shall be persons who are hard of hearing, and 2
906 who are blind, 2 with other significant vision impairments, 2 with impaired speech, and 2 with
907 impaired mobility or motor skills. Each such member of the advisory committee shall serve for a term
908 of 3 years. The chairperson of the advisory council shall be appointed by the governor and shall serve
909 in this function for a term of 1 year. Said advisory council shall meet at least quarterly and shall make
910 recommendations to the department and the department of telecommunications and cable on all
911 matters of policy related to communication services and equipment for people with disabilities.

912

913 (i) The department and the department of telecommunications and cable shall each promulgate
914 necessary regulations relative to the provisions of this section after consultation with the advisory
915 committee on accessibility to telephone service for disabled persons.

916

917 SECTION 16. Section 35W of chapter 10 of the General Laws is hereby repealed.

918

919 SECTION 17. Section 35W1/2 of said chapter 10 is hereby repealed.

920

921 SECTION 18. Said chapter is hereby amended by inserting after section 35FF the following section:-

922

923 Section 35GG. (a) There is hereby established and set up on the books of the commonwealth a
924 separate fund to be known as the enhanced 911 fund. There shall be credited to such fund all revenues
925 received by the commonwealth from surcharges imposed under section 18H of chapter 6A; from
926 appropriations; from gifts, grants, contributions and bequests of funds from any department, agency or
927 subdivision of federal, state or municipal government, and any individual foundation, corporation,
928 association or public authority; revenue derived from the investment of amounts credited to the fund;
929 and any federal funds made available for emergency telecommunication services. The fund shall be
930 used solely for the purposes described in sections 18A through 18J of said chapter 6A.

931

932 (b) Amounts credited to the fund shall be available for expenditure by the state 911 department,
933 without further appropriation. The state 911 department shall report annually to the general court its
934 planned expenditures for the next fiscal year; the uses to which the fund was used in the last fiscal year
935 and the balance remaining in the fund; and the aggregate surcharges collected in the last fiscal year
936 based upon monthly reports of communication services providers as required under subsection (f) of
937 section 18H of chapter 6A. The report shall also include a request, if necessary, for appropriation for
938 deposit in the fund.

939

940 SECTION 19. Notwithstanding any general or special law to the contrary, balances as of June 30,
941 2008 in the Wireless Enhanced 911 Fund as established by chapter 61 of the acts of 2002, and in the
942 Wireline Enhanced 911 Fund as established by chapter 149 of the acts of 2004, shall be transferred
943 and deposited into the Enhanced 911 Fund as established by section 18 of this act. All revenue
944 remitted after June 30, 2008 from 911 surcharges in effect under sections 18H and 18H1/2 of chapter

945 6A through June 30, 2008 shall be deposited into the enhanced 911 fund established by section 18 of
946 this act.

947

948 SECTION 20. Notwithstanding any general or special law to the contrary, this section shall facilitate
949 the orderly transfer of the employees, proceedings, rules and regulations, property and legal
950 obligations of the statewide emergency telecommunications board, as the transferor agency, to the
951 state 911 department, as the transferee agency, as follows:

952

953 (a) Subject to appropriation, the employees of the statewide emergency telecommunications board,
954 including those who immediately before the effective date of this act hold permanent appointment in
955 positions classified under chapter 31 of the General Laws or have tenure in their positions as provided
956 by section 9A of chapter 30 of the General Laws or do not hold such tenure, or hold confidential
957 positions, are hereby transferred to the state 911 department, without interruption of service within the
958 meaning of said section 9A of said chapter 31, without impairment of seniority, retirement or other
959 rights of the employee, and without reduction in compensation or salary grade, notwithstanding any
960 change in title or duties resulting from such reorganization, and without loss of accrued rights to
961 holidays, sick leave, vacation and benefits, and without change in union representation or certified
962 collective bargaining unit as certified by the state labor relations commission or in local union
963 representation or affiliation. Any collective bargaining agreement in effect immediately before the
964 transfer date shall continue in effect and the terms and conditions of employment therein shall
965 continue as if the employees had not been so transferred. The reorganization shall not impair the civil
966 service status of any such reassigned employee who immediately before the effective date of this act

967 either holds a permanent appointment in a position classified under chapter 31 of the General Laws or
968 has tenure in a position by reason of section 9A of chapter 30 of the General Laws.

969

970 Notwithstanding any general or special law to the contrary, all such employees shall continue to retain
971 their right to collectively bargain pursuant to chapter 150E of the General Laws and shall be
972 considered employees for the purposes of said chapter 150E.

973

974 Nothing in this section shall be construed to confer upon any employee any right not held immediately
975 before the date of said transfer, or to prohibit any reduction of salary grade, transfer, reassignment,
976 suspension discharge layoff or abolition of position not prohibited before such date.

977

978 (b) All petitions, requests, investigations and other proceedings appropriately and duly brought before
979 the statewide emergency telecommunications board or duly begun by the transferor agency and
980 pending before it before the effective date of this act, shall continue unabated and remain in force, but
981 shall be assumed and completed by the state 911 department.

982

983 (c) All orders, rules and regulations duly made and all approvals duly granted by the statewide
984 emergency telecommunications board, which are in force immediately before the effective date of this
985 act, shall continue in force and shall thereafter be enforced, until superseded, revised, rescinded or
986 canceled, in accordance with law, by the state 911 department .

987

988 (d) All books, papers, records, documents, equipment, buildings, facilities, cash and other property,
989 both personal and real, including all such property held in trust, which immediately before the

990 effective date of this act are in the custody of the statewide emergency telecommunications board shall
991 be transferred to the state 911 department.

992

993 (e) All duly existing contracts, leases and obligations of the statewide emergency telecommunications
994 board shall continue in effect but shall be assumed by the state 911 department. No existing right or
995 remedy of any character shall be lost, impaired or affected by this act.

996

997 (f) All references in any general or special law to the statewide emergency telecommunications board
998 or the principal officer thereof shall be deemed to refer to the state 911 department or the principal
999 officer thereof.

1000

1001 SECTION 21. Sections 1 through 14, sections 16 through 17, and section 20 of this Act shall become
1002 effective on July 1, 2008.

1003

1004 SECTION 22. Sections 18 and 19 of this act shall become effective on June 10, 2008.

1005

1006 SECTION 23. Section 15 of this act shall become effective on January 1, 2009.

1007

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To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in the General Court assembled.

The undersigned, citizen of _____, respectfully petitions for the passage of the accompanying bill and for legislation.

To Create a State 911 Department, Single 911 Surcharge and an Enhanced 911 Fund

James Timilty(JET0)

Michael Costello(MAC1)

Bristol and Norfolk

First Essex