484.1401 Agreement; emergency telephone technical charge and emergency telephone operational charge; billing and collection service; computation; monthly charge for recurring costs and charges; ballot question; annual accounting; distribution of operational charge; limitation on levy and collection; applicability of subsections (3) through (13) after June 30, 2008.

Sec. 401. (1) An emergency 9-1-1 district board, a 9-1-1 service district as defined in section 102 and created under section 201b, or a county on behalf of a 9-1-1 service area created by the county may enter into an agreement with a public agency that does either of the following:

(a) Grants a specific pledge or assignment of a lien on or a security interest in any money received by a 9-1-1 service district for the benefit of qualified obligations.

(b) Provides for payment directly to the public entity issuing qualified obligations of a portion of the county 9-1-1 charge or state 9-1-1 charge sufficient to pay when due principal of and interest on qualified obligations.

(2) A pledge, assignment, lien, or security interest for the benefit of qualified obligations is valid and binding from the time the qualified obligations are issued without a physical delivery or further act. A pledge, assignment, lien, or security interest is valid and binding and has priority over any other claim against the emergency 9-1-1 district board, the 9-1-1 service district, or any other person with or without notice of the pledge, assignment, lien, or security interest.

(3) Except as provided in sections 407 to 412, each service supplier within a 9-1-1 service district shall provide a billing and collection service for an emergency telephone technical charge and emergency telephone operational charge from all service users of the service supplier within the geographical boundaries of the emergency telephone or 9-1-1 service district. The billing and collection of the emergency telephone operational charge and that portion of the technical charge used for billing cost shall begin as soon as feasible after the final 9-1-1 service plan has been approved. The billing and collection of the emergency telephone technical charge not already collected for billing costs shall begin as soon as feasible after installation and operation of the 9-1-1 system. The emergency telephone technical charge and emergency telephone operational charge shall be uniform per each exchange access facility within the 9-1-1 service district. The portion of the emergency telephone technical charge that represents start-up costs, nonrecurring billing, installation, service, and equipment charges of the service supplier, including the costs of updating equipment necessary for conversion to 9-1-1 service, shall be amortized at the prime rate plus 1% over a period not to exceed 10 years and shall be billed and collected from all service users only until those amounts are fully recouped by the service supplier. The prime rate to be used for amortization shall be set before the first assessment of nonrecurring charges and remain at that rate for 5 years, at which time a new rate may be set for the remaining amortization period. Recurring costs and charges included in the emergency telephone technical charge and emergency telephone operational charge shall continue to be billed to the service user.

(4) Except as provided in sections 407 to 412 and subject to the limitation provided by this section, the amount of the emergency telephone technical charge and emergency telephone operational charge to be billed to the service user shall be computed by dividing the total emergency telephone technical charge and emergency telephone operational charge by the number of exchange access facilities within the 9-1-1 service district.

(5) Except as provided in subsection (7) and sections 407 to 412, the amount of emergency telephone technical charge payable monthly by a service user for recurring costs and charges shall not exceed 2% of the lesser of $20.00 or the highest monthly rate charged by the service supplier for primary basic local exchange service under section 304 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2304, within the 9-1-1 service district. The amount of emergency telephone technical charge payable monthly by a service user for nonrecurring costs and charges shall not exceed 5% of the lesser of $20.00 or the highest monthly rate charged by the service supplier for primary basic local exchange service under section 304 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2304, within the 9-1-1 service district. With the approval of the county board of commissioners, a county may assess an amount for recurring emergency telephone
operational costs and charges that shall not exceed 4% of the lesser of $20.00 or the highest monthly rate charged by the service supplier for primary basic local exchange service under section 304 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2304, within the geographical boundaries of the assessing county. The percentage to be set for the emergency telephone operational charge shall be established by the county board of commissioners under section 312. A change to the percentage set for the emergency telephone operational charge may be made only by the county board of commissioners. The difference, if any, between the amount of the emergency telephone technical charge computed under subsection (4) and the maximum permitted under this section shall be paid by the county from funds available to the county or through cooperative arrangements with public agencies within the 9-1-1 service district.

(6) Except as provided in sections 407 to 412, the emergency telephone technical charge and emergency telephone operational charge shall be collected in accordance with the regular billings of the service supplier. The amount collected for emergency telephone operational charge shall be paid by the service supplier to the county that authorized the collection. The emergency telephone technical charge and emergency telephone operational charge payable by service users pursuant to this act shall be added to and shall be stated separately in the billings to service users.

(7) Except as provided in sections 407 to 412, for a 9-1-1 service district created or enhanced after June 27, 1991, the amount of emergency telephone technical charge payable monthly by a service user for recurring costs and charges shall not exceed 4% of the lesser of $20.00 or the highest monthly rate charged by the service supplier for primary basic local exchange service under section 304 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2304, within the primary PSAPs by 1 of the following methods:

(a) As provided in the final 9-1-1 service plan.
(b) If distribution is not provided for in the plan, then according to any agreement for distribution between the county and public agencies.
(c) If distribution is not provided in the plan or by agreement, then according to the distribution of access lines within the primary PSAPs.

(8) Except as provided in sections 407 to 412, a county may, with the approval of the voters in the county, assess up to 16% of the lesser of $20.00 or the highest monthly rate charged by the service supplier for primary basic local exchange service under section 304 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2304, with the geographical boundaries of the assessing county or assess a millage or combination of the 2 to cover emergency telephone operational costs. In a ballot question under this subsection, the board of commissioners shall specifically identify how the collected money is to be distributed. An affirmative vote on a ballot question under this subsection shall be considered an amendment to the 9-1-1 service plan pursuant to section 312. Not more than 1 ballot question under this subsection may be submitted to the voters within any 12-month period. An assessment approved under this subsection shall be for a period not greater than 5 years.

(9) The total emergency telephone operational charge as prescribed in subsections (5) and (8) shall not exceed 20% of the lesser of $20.00 or the highest monthly flat rate charged for primary basic service by a service supplier for a 1-party access line.

(10) Except as provided in sections 407 to 412, if the voters approve the charge to be assessed on the service user's telephone bill on a ballot question under subsection (8), the service provider's bill shall state the following:

"This amount is for your 9-1-1 service which has been approved by the voters on [DATE OF VOTER APPROVAL]. This is not a charge assessed by your telephone carrier. If you have questions concerning your 9-1-1 service, you may call [INCLUDE APPROPRIATE TELEPHONE NUMBER].”.

(11) Except as provided in sections 407 to 412, an annual accounting shall be made of the emergency telephone operational charge approved under this act in the same manner as the annual accounting required by section 405.

(12) Except as otherwise provided in subsection (13), or as provided in sections 407 to 412, the emergency telephone operational charge collected under this section shall be distributed by the county or the counties to the primary PSAPs by 1 of the following methods:

(a) As provided in the final 9-1-1 service plan.
(b) If distribution is not provided for in the plan, then according to any agreement for distribution between the county and public agencies.
(c) If distribution is not provided in the plan or by agreement, then according to the distribution of access lines within the primary PSAPs.

(13) Except as provided in sections 407 to 412, if a county had multiple emergency telephone districts before March 2, 1994, then the emergency telephone operational charge collected under this section shall be distributed in proportion to the amount of access lines within the primary PSAPs.

(14) This act does not preclude the distribution of funding to secondary PSAPs if the distribution is determined by the primary PSAPs within the emergency 9-1-1 district to be the most effective method for dispatching of fire or emergency medical services and the distribution is approved within the final 9-1-1 service plan.

(15) Notwithstanding any other provision of this act, the emergency telephone technical charge collected...
under this section and the emergency telephone operational charge shall not be levied or collected after June 30, 2008. If all or a portion of the emergency telephone operational charge has been pledged as security for the payment of qualified obligations, the emergency telephone operational charge shall be levied and collected only to the extent required to pay the qualified obligations or satisfy the pledge.

(16) Subsections (3) through (13) do not apply after June 30, 2008.


Compiler's note: Enacting section 1 of Act 48 of 2008 provides: "Enacting section 1. This amendatory act is retroactive and is effective January 1, 2008."

Popular name: 9-1-1

***** 484.1401a THIS SECTION IS REPEALED BY ACT 260 OF 2012 EFFECTIVE DECEMBER 31, 2021 ******

484.1401a Billing and collection of state 9-1-1 charge; listing on bill or payment receipt; state charge; separate charges imposed on access points or lines.

Sec. 401a. (1) Each service supplier within a 9-1-1 service district shall bill and collect a state 9-1-1 charge from all service users, except for users of a prepaid wireless telecommunications service, of the service supplier within the geographical boundaries of the 9-1-1 service district or as otherwise provided by this section. The state 9-1-1 charge must be uniform per each service user within the 9-1-1 service district.

(2) The state 9-1-1 charge must be collected in accordance with the regular billings of the service supplier. Except as otherwise provided under this act, the amount collected for the state 9-1-1 charge must be remitted quarterly by the service supplier to the state treasurer and deposited in the emergency 9-1-1 fund created under section 407. The charge allowed under this section must be listed separately on the customer's bill or payment receipt or otherwise disclosed to the consumer.

(3) Until 59 days after the effective date of the 2018 amendatory act that amended this section, the state 9-1-1 charge is 19 cents. Beginning 60 days after the effective date of the 2018 amendatory act that amended this section, the state 9-1-1 charge is 25 cents. The state 9-1-1 charge must reflect the actual costs of operating, maintaining, upgrading, and other reasonable and necessary expenditures for the 9-1-1 system in this state.

(4) If a service user has multiple access points or access lines, the state 9-1-1 charge will be imposed separately on each of the first 10 access points or access lines and then 1 charge for each 10 access points or access lines per billed account.


Popular name: 9-1-1

***** 484.1401b THIS SECTION IS REPEALED BY ACT 260 OF 2012 EFFECTIVE DECEMBER 31, 2021 ******

484.1401b Additional charge assessed by county board of commissioners; methods; limitation; approval of charge by voters; statement on service provider's bill; annual accounting; payment and distribution; methods; adjustment; county having multiple emergency response districts; distribution to secondary PSAPs; retention of percentage to cover supplier's costs; listing as separate charge on customer's bill; exemption from disclosure; separate charges imposed on access points or lines; use of charge assessed.

Sec. 401b. (1) In addition to the charge allowed under section 401a, after June 30, 2008 a county board of commissioners may assess a county 9-1-1 charge to service users, except for users of a prepaid wireless telecommunications service, located within that county by 1 of the following methods:

(a) Up to $0.42 per month by resolution.

(b) Up to $3.00 per month with the approval of the voters in the county.

(c) Any combination of subdivisions (a) and (b) with a maximum county 9-1-1 charge of $3.00 per month.

(2) A county assessing a county 9-1-1 charge amount approved in the commission's order in case number U-15489 that exceeds the amounts established in subsection (1) may continue to assess the amount approved by the commission. Any proposed increase to the amount approved in the commission order is subject to subsection (1).

(3) The charge assessed under this section and section 401e must not exceed the amount necessary and
reasonable to implement, maintain, and operate the 9-1-1 system in the county.

(4) If the voters approve the charge to be assessed on the service user's monthly bill on a ballot question under this section, the service provider's bill must state the following:

"This amount is for your 9-1-1 service which has been approved by the voters on (DATE OF VOTER APPROVAL). This is not a charge assessed by your service supplier. If you have questions concerning your 9-1-1 service, you may call (INCLUDE APPROPRIATE TELEPHONE NUMBER).”

(5) Within 90 days after the first day of each fiscal or calendar year of a county, an annual accounting must be made of the charge approved under this section.

(6) Except as otherwise provided in subsection (10), the county 9-1-1 charge collected under this section must be paid quarterly directly to the county and distributed by the county to the primary PSAPs by 1 of the following methods:

(a) As provided in the final 9-1-1 service plan.

(b) If distribution is not provided for in the plan, then according to any agreement for distribution between the county and public agencies.

(c) If distribution is not provided in the plan or by agreement, then according to population within the emergency 9-1-1 district.

(7) Subject to subsection (1), the county may adjust the county 9-1-1 charge annually to be effective July 1. The county shall notify the committee no later than May 15 of each year of any change in the county 9-1-1 charge under this section.

(8) If a county has multiple emergency response districts, the county 9-1-1 charge collected under this section must be distributed under subsection (6) in proportion to the population within the emergency 9-1-1 district.

(9) This section does not preclude the distribution of funding to secondary PSAPs if the distribution is determined by the primary PSAPs within the emergency 9-1-1 district to be the most effective method for dispatching of fire or emergency medical services and the distribution is approved within the final 9-1-1 service plan.

(10) The service supplier may retain 2% of the approved county 9-1-1 charge to cover the supplier's costs for billings and collections under this section.

(11) The charge allowed under this section must be listed separately on the customer's bill or otherwise disclosed to the consumer and state by which means the charge was approved under subsection (1).

(12) Information submitted by a service supplier to a county under this section is exempt from the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and the county shall not release that information without the consent of the service supplier. Unless required or permitted by statute, court rule, subpoena, or court order, or except as necessary for a county, the commission, committee, or public agency to pursue or defend the public's interest in any public contract or litigation, a county treasurer, the commission, committee, agency, or any employee or representative of a PSAP, database administrator, or public agency shall not divulge any information acquired with respect to customers, revenues or expenses, trade secrets, access line counts, commercial information, or any other proprietary information with respect to a service supplier while acting or claiming to act as an employee, agent, or representative. An aggregation of information that does not identify or effectively identify the number of customers, revenues or expenses, trade secrets, access lines, commercial information, and other proprietary information attributable to a specific service supplier may be made public.

(13) If a service user has multiple access points or access lines, the county 9-1-1 charge will be imposed separately on each of the first 10 access points or access lines and then 1 charge for each 10 access points or access lines per billed account.

(14) A county 9-1-1 charge assessed under subsection (1) must be used only to fund costs approved as allowable in a published report by the committee before December 1, 2008. The committee shall notify the standing committees of the senate and house of representatives having jurisdiction over issues pertaining to communication technology at least 90 days before modifying what constitutes an allowable cost under this subsection.


Popular name: 9-1-1

***** 484.1401c THIS SECTION IS REPEALED BY ACT 260 OF 2012 EFFECTIVE DECEMBER 31, 2021
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amount; in-state transactions; sale at single, nonitemized price; "minimal amount" defined; monthly remittance of surcharge by seller; deposit; retention of amount as reimbursement for direct costs; liability for damages; definitions.

Sec. 401c. (1) A seller shall collect a prepaid wireless 9-1-1 surcharge from a consumer for each retail transaction occurring in this state.

(2) The amount of the prepaid wireless 9-1-1 surcharge is 5.0% per retail transaction. The charge allowed under this section must be either separately stated on an invoice, receipt, or other similar document that is provided to a consumer by the seller or otherwise disclosed to the consumer.

(3) Each of the following transactions is considered to have occurred in this state:

(a) A retail transaction that is effected in person by a consumer at a business location of a seller located in this state.

(b) A retail transaction that is treated as occurring in this state as provided in section 3c of the use tax act, 1937 PA 94, MCL 205.93c, as that section applies to a prepaid wireless calling service.

(4) A prepaid wireless 9-1-1 surcharge is the liability of the consumer and not of the seller or of any provider.

(5) Except as otherwise provided in subsection (6), if a prepaid wireless telecommunications service is sold with 1 or more products or services for a single, nonitemized price, the seller shall collect 5.0% on the entire nonitemized price unless the seller elects to do the following:

(a) If the amount of the prepaid wireless telecommunications service is disclosed to the consumer as a dollar amount, apply the percentage to that dollar amount.

(b) If the seller can identify the portion of the price that is attributable to the prepaid wireless telecommunications service by reasonable and verifiable standards from its books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax purposes, apply the percentage to that portion.

(6) If a minimal amount of prepaid wireless telecommunications service is sold with a prepaid wireless device for a single, nonitemized price, a seller may elect not to apply the percentage specified in subsection (5)(a) to that transaction. As used in this subsection, "minimal amount" means an amount of service denominated as 10 minutes or less or $5.00 or less.

(7) The seller shall remit the prepaid wireless 9-1-1 surcharge monthly to the state treasurer who shall deposit it in the emergency 9-1-1 fund created in section 407.

(8) A seller may retain 2% of prepaid wireless 9-1-1 surcharges that are collected by the seller to reimburse the seller for its direct costs in collecting and remitting the prepaid wireless 9-1-1 surcharges.

(9) A provider or seller of prepaid wireless telecommunications service is not liable for damages to any person resulting from or incurred in connection with the provision of, or failure to provide, 9-1-1 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 9-1-1 service.

(10) A provider or seller of prepaid wireless telecommunications service is not liable for damages to any person resulting from or incurred in connection with the provision of any lawful assistance to any investigative or law enforcement officer of the United States, this state, or any other state in connection with any lawful investigation or other law enforcement activity by that law enforcement officer.

(11) As used in this section:

(a) "Consumer" means a person who purchases prepaid wireless telecommunications services in a retail transaction.

(b) "Department" means the Michigan department of treasury.

(c) "Prepaid wireless 9-1-1 surcharge" means the fee that is required to be collected by a seller from a consumer in the amount established under subsection (2).

(d) "Provider" means a person that provides prepaid wireless telecommunications services under a license issued by the Federal Communications Commission.

(e) "Retail transaction" means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.

(f) "Seller" means a person who sells prepaid wireless telecommunications service to another person.


Popular name: 9-1-1

***** 484.1401d THIS SECTION IS REPEALED BY ACT 260 OF 2012 EFFECTIVE DECEMBER 31, 2021
*****
484.1401d Billing and collection of emergency telephone technical charge; "local exchange provider" defined.

Sec. 401d. (1) Each local exchange provider within a 9-1-1 service district shall provide a billing and collection service for an emergency telephone technical charge from all service users, except for users of a prepaid wireless telecommunications service, of the provider within the geographical boundaries of the emergency telephone or 9-1-1 service district. The billing and collection of the emergency telephone technical charge must begin as soon as feasible after the final 9-1-1 service plan has been approved. The billing and collection of the emergency telephone technical charge not already collected for billing costs shall begin as soon as feasible after installation and operation of the 9-1-1 system. The emergency telephone technical charge must be uniform per each exchange access facility within the 9-1-1 service district. The portion of the emergency telephone technical charge that represents start-up costs, nonrecurring billing, installation, service, and equipment charges of the service supplier, including the costs of updating equipment necessary for conversion to 9-1-1 service, must be amortized at the prime rate plus 1% over a period not to exceed 10 years and billed and collected from all service users only until those amounts are fully recouped by the service supplier. The prime rate to be used for amortization must be set before the first assessment of nonrecurring charges and remain at that rate for 5 years, at which time a new rate may be set for the remaining amortization period. Recurring costs and charges included in the emergency telephone technical charge must continue to be billed to the service user.

(2) Until 59 days after the effective date of the 2018 amendatory act that amended this section, the amount of the emergency telephone technical charge to be billed to the service user must be computed by dividing the total emergency telephone technical charge by the number of exchange access facilities within the 9-1-1 service district. Beginning 60 days after the effective date of the 2018 amendatory act that amended this section, the amount of the emergency telephone technical charge to be billed to the service user must be computed by dividing the total emergency telephone technical charge costs in all 9-1-1 service districts in this state by the number of exchange access facilities within all 9-1-1 service districts in this state.

(3) The amount of emergency telephone technical charge payable monthly by a service user for recurring costs and charges must not exceed 4% of the lesser of $20.00 or the highest monthly rate charged by the local exchange provider for primary basic local exchange service within the 9-1-1 service district. The amount of emergency telephone technical charge payable monthly by a service user for nonrecurring costs and charges must not exceed 5% of the lesser of $20.00 or the highest monthly rate charged by the provider for primary basic local exchange service within the 9-1-1 service district. The difference, if any, between the amount of the emergency telephone technical charge computed under subsection (2) and the maximum permitted under this section must be paid by the county from funds available to the county or through cooperative arrangements with public agencies within the 9-1-1 service district.

(4) The emergency telephone technical charge must be collected in accordance with the regular billings of the local exchange provider. The emergency telephone technical charge payable by service users under this act must be added to and stated separately in the billings to service users or otherwise disclosed to the consumer.

(5) As used in this section, "local exchange provider" means a provider of basic local exchange service as that term is defined in section 102 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2102.


Popular name: 9-1-1

***** 484.1401e THIS SECTION IS REPEALED BY ACT 260 OF 2012 EFFECTIVE DECEMBER 31, 2021

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484.1401e Surcharge; assessment; submission of certain information to commission; review and approval or disapproval of surcharge.

Sec. 401e. (1) No later than February 15, 2008, each county that decides to assess a surcharge under section 401b shall with the assistance of the state 9-1-1 office submit to the commission all of the following:

(a) The initial county 9-1-1 surcharge for each 9-1-1 service district to be effective July 1, 2008.

(b) The estimated amount of revenue to be generated in each 9-1-1 service district for 2007.

(c) Based on the surcharge established under this subsection, the estimated amount of revenue to be generated for 2008.

(2) If the amount to be generated in 2008 exceeds the amount received in 2007 plus an amount not to exceed 2.7% of the 2007 revenues, the commission, in consultation with the committee, shall review and
approve or disapprove the county 9-1-1 surcharge adopted under section 401b. If the commission does not act by March 17, 2008, the county 9-1-1 surcharge shall be deemed approved. If the surcharge is rejected, it shall be adjusted to ensure that the revenues generated do not exceed the amounts allowed under this subsection. In reviewing the surcharge under this subsection, the commission shall consider the allowable and disallowable costs as approved by the committee on June 21, 2005.


Popular name: 9-1-1

484.1402 Liability for charge.
Sec. 402. Each billed service user shall be liable for any state, county, or technical 9-1-1 charge imposed on the service user under this act.


Popular name: 9-1-1

484.1403 Responsibility for billing charge and transmitting money; notification of failure to report, charge, collect, or transmit charges; civil action; other actions authorized by law.
Sec. 403. (1) Each service supplier is solely responsible for the billing of the state and county 9-1-1 charge and transmitting the money collected to the emergency 9-1-1 fund and to the counties as required under this act.

(2) The committee, a county, or a 9-1-1 service district shall notify the commission if the committee, county, or 9-1-1 service district is aware of a service supplier, CMRS supplier, reseller, or retailer of a prepaid wireless telecommunications service that has failed to report, charge, collect, or transmit the 9-1-1 charges in section 401a, 401b, or 401c. The committee, a county, or a 9-1-1 service district shall include with the notification under this subsection all information, testimony, exhibits, or other documents and information the committee, county, or 9-1-1 service district possesses that support the notification. Before the attorney general commences a suit under subsection (3), the commission shall investigate any failure to report, charge, collect, or transmit charges and attempt to resolve those complaints.

(3) Upon referral by the commission, the attorney general may commence a civil action against a service supplier, CMRS supplier, reseller, or retailer of a prepaid wireless telecommunications service for appropriate relief for failure to report, charge, collect, and transmit the state 9-1-1 charges in sections 401a and 401c. An action under this subsection may be brought in the Ingham County circuit court or the circuit court in a county in which the defendant resides or is doing business. The court has jurisdiction to restrain the violation and to require compliance with this section.

(4) This section does not prohibit a county from taking any action authorized by law against an entity that fails to remit the county 9-1-1 charge under section 401b.


Popular name: 9-1-1

484.1404 Alteration of state or county 9-1-1 charge.
Sec. 404. A service supplier providing or designated to provide 9-1-1 service under this act shall not alter the state or county 9-1-1 charge collected from service users within the 9-1-1 service district except as provided under this act.


Popular name: 9-1-1


Compiler's note: The repealed section pertained to the promulgation of rules for multiline telephone systems.
484.1406 Expenditure of funds; accounting, auditing, monitoring, and evaluation procedures provided by county, PSAP, or secondary PSAP; annual audit; authorization or expenditure of increase in charges; receipt of 9-1-1 funds.

Sec. 406. (1) The funds collected and expended under this act must be expended exclusively for 9-1-1 services and in compliance with the rules promulgated under section 413.
(2) Each county, PSAP, or secondary PSAP that receives money under this act shall assure that fund accounting, auditing, monitoring, and evaluation procedures are provided as required by this act and the rules promulgated under this act.
(3) An annual audit must be conducted by an independent auditor using generally accepted accounting principles and copies of the annual audit must be made available for public inspection.
(4) An increase in the charges allowed under this act must not be authorized or expended for the next fiscal year unless according to the most recently completed annual audit the expenditures are in compliance with this act.
(5) The receipt of 9-1-1 funds under this act is dependent on compliance with the standards established by the commission under section 413.


Popular name: 9-1-1

484.1407 Emergency 9-1-1 fund; creation; disposition of assets; money remaining in fund; expenditure; disbursement; audit.

Sec. 407. (1) The emergency 9-1-1 fund is created within the state treasury.
(2) The state treasurer may receive money or other assets as provided under this act and from any source for deposit into the fund. Money may be deposited into the fund by electronic funds transfer. Money in the CMRS emergency telephone fund on July 1, 2008 must be deposited into the fund and expended as provided by this act. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.
(3) Money in the fund at the close of the fiscal year remains in the fund and does not lapse to the general fund.
(4) The department of treasury shall expend money from the fund only as provided in this act. The disbursement of money may be by electronic funds transfer.
(5) The auditor general shall audit the fund at least biennially.


Popular name: 9-1-1

484.1408 State 9-1-1 service charge by service supplier; retention of percentage to cover supplier's costs; deposit of money in emergency 9-1-1 fund; collection, deposit, and distribution of money; methods of distribution to primary PSAPs by county; proceeding to determine recurring and nonrecurring cost categories; rules to establish standards for receipt and expenditure of funds; report.

Sec. 408. (1) Except as otherwise provided under this act, a service supplier shall bill and collect a state 9-1-1 service charge per month as determined under section 401a. The service supplier shall list the state 9-1-1 service charge authorized under this act as a separate line item on each bill as the "state 9-1-1 charge".
(2) Each service supplier may retain 2% of the state 9-1-1 charge collected under this act to cover the supplier's costs for billing and collection.
(3) Except as otherwise provided under subsection (2), the money collected as the state 9-1-1 charge under subsection (1) must be deposited in the emergency 9-1-1 fund created in section 407 no later than 30 days
after the end of the quarter in which the state 9-1-1 charge was collected.

(4) All money collected and deposited in the emergency 9-1-1 fund created in section 407 must be distributed as provided in this section. Annual money collected not exceeding $37,000,000.00 must be distributed as follows:

(a) 65% must be disbursed to each county that has a final 9-1-1 plan in place. Forty percent of the 65% must be distributed quarterly on an equal basis to each county, and 60% of the 65% must be distributed quarterly based on a population per capita basis. A county shall only use money received by the county under this subdivision for 9-1-1 services as allowed under this act. A county shall repay to the fund any money expended under this subdivision for a purpose considered unnecessary or unreasonable by the committee or the auditor general.

(b) 25.56% must be available to reimburse local exchange providers for the costs related to wireless emergency service and to reimburse IP-based 9-1-1 service providers for the costs related to the transport, routing, or delivery to PSAPs of IP-based 9-1-1 emergency service. Any cost reimbursement allowed under this subdivision must not include a cost that is not related to wireless emergency service or to IP-based 9-1-1 emergency service. A local exchange provider or an IP-based 9-1-1 service provider may, on a quarterly basis, submit an invoice to the commission for reimbursement from the emergency 9-1-1 fund for allowed costs. Except as otherwise provided in subsection (5), within 45 days after the date an invoice is submitted to the commission, the commission shall approve, either in whole or in part, or deny the invoice.

(c) 5.5% must be available to PSAPs for training personnel assigned to 9-1-1 centers. A public safety agency or county shall make a written request for money from the fund to the committee. The committee shall semiannually authorize distribution of money from the fund to eligible public safety agencies or counties. A public safety agency or county that receives money under this subdivision shall create, maintain, and make available to the committee upon request a detailed record of expenditures relating to the preparation, administration, and carrying out of activities of its 9-1-1 training program. An eligible public safety agency or county shall repay to the fund any money expended by that public safety agency or county for a purpose considered unnecessary or unreasonable by the committee or the auditor general. The commission shall consult with and consider the recommendations of the committee in the promulgation of rules under section 413 establishing training standards for 9-1-1 system personnel. Money must be disbursed on a biannual basis to an eligible public safety agency or county for training of PSAP personnel through courses certified by the committee only for either of the following purposes:

(i) To provide basic 9-1-1 operations training.

(ii) To provide in-service training to employees engaged in 9-1-1 service.

(d) 1.5% must be credited to the department of state police to operate a regional dispatch center that receives and dispatches 9-1-1 calls, and 2.44% must be credited to the department of state police for costs to administer this act and to maintain the office of the state 9-1-1 coordinator.

(5) By May 5, 2018, the commission shall commence a proceeding to determine the recurring and nonrecurring cost categories for all IP-based 9-1-1 service providers. The commission shall allow any interested person to intervene in a proceeding under this subsection. Within 180 days after a proceeding is commenced under this subsection, the commission shall issue a final order adopting the recurring and nonrecurring cost categories for all IP-based 9-1-1 service providers considered just and reasonable by the commission. For cost studies first submitted by an IP-based 9-1-1 service provider after the commission completes the proceeding under this subsection, the commission shall, within 45 days of receiving an invoice, only approve those costs in the invoice that are both of the following:

(a) Consistent with the recurring and nonrecurring cost categories for IP-based 9-1-1 service providers approved by the commission under this subsection.

(b) For contracts entered into after March 6, 2018, the result of a competitively bid process as confirmed by supporting documentation.

(6) An IP-based 9-1-1 service provider shall file an updated cost study not later than 5 years after the filing of an initial cost study and every 5 years thereafter.

(7) An IP-based 9-1-1 service provider must meet the next generation 9-1-1 standards set by the National Emergency Number Association to submit an invoice to the commission under subsection (4)(b) for reimbursement from the emergency 9-1-1 fund for allowed costs.

(8) Funds generated by the fees in sections 401a and 401c in excess of $37,000,000.00 annually must be reserved for approved costs under subsection (4)(b).

(9) Money received by a county under subsection (4)(a) must be distributed by the county to the primary PSAPs geographically located within the 9-1-1 service district by 1 of the following methods:

(a) As provided in the final 9-1-1 service plan.

(b) If distribution is not provided for in the 9-1-1 service plan under subdivision (a), then according to any
agreement for distribution between a county and a public agency.

(c) If distribution is not provided for in the 9-1-1 service plan under subdivision (a) or by agreement between the county and public agency under subdivision (b), then according to the population within the geographic area for which the PSAP serves as primary PSAP.

(d) If a county has multiple emergency 9-1-1 districts, money for that county must be distributed as provided in the emergency 9-1-1 districts' final 9-1-1 service plans.

(10) The commission shall consult with and consider recommendations of the committee in the promulgation of rules under section 413 establishing the standards for the receipt and expenditure of 9-1-1 funds under this act. Receipt of 9-1-1 funds under this act is dependent on compliance with the standards established under this subsection.

(11) No later than December 1, 2020, the commission must issue a report to the legislature and governor containing the following information:

(a) The total costs incurred by counties or 9-1-1 service districts that have transitioned to an IP-based 9-1-1 service provider.

(b) The estimated transition costs to be incurred by counties or 9-1-1 service districts that have not transitioned to an IP-based 9-1-1 service provider and the estimated dates for transition.

(c) The estimated ongoing, annual costs of operating the 9-1-1 network after the transition to an IP-based 9-1-1 service provider has been completed by all counties or 9-1-1 service districts choosing to transition.

(d) The current 9-1-1 funding system revenues as reported by the committee.

(e) The estimated costs of operating the IP-based 9-1-1 network based on the estimates calculated in subdivisions (b) and (c).

(12) The commission may collect data from counties, 9-1-1 service districts, IP-based 9-1-1 service providers, the state treasurer, and the state 9-1-1 committee that are reasonably required to complete the report under subsection (11). Counties, 9-1-1 service districts, IP-based 9-1-1 service providers, the state treasurer, and the state 9-1-1 committee shall submit to the commission any data that are reasonably required to compile the report under subsection (11). At the request of the commission, the committee shall, in preparing the annual report to be submitted to the legislature and governor under section 412 by August 1, 2020, collect data from counties, 9-1-1 service districts, and IP-based 9-1-1 service providers that the commission reasonably requires to compile the report under subsection (11) and submit that data to the commission.


Compiler's note: Enacting section 1 of Act 48 of 2008 provides:
"Enacting section 1. This amendatory act is retroactive and is effective January 1, 2008."

Popular name: 9-1-1


Compiler's note: The repealed section pertained to distribution of money.

Popular name: 9-1-1


Compiler's note: The repealed sections pertained to review of expenditures by subcommittee and use of funds.

Compiler's note: 9-1-1

***** 484.1412 THIS SECTION IS REPEALED BY ACT 260 OF 2012 EFFECTIVE DECEMBER 31, 2021
*****

484.1412 Report on 9-1-1 system and charge.

Sec. 412. (1) The committee shall make a report annually on the 9-1-1 system in this state and the state and county 9-1-1 charge required under sections 401, 401a, 401b, 401c, 401d, and 401e and distributed under section 408 not later than August 1 of each year. The report shall include at a minimum all of the following:

(a) The extent of emergency 9-1-1 service implementation in this state.

(b) The actual 9-1-1 service costs incurred by PSAPs and counties.

(c) The state 9-1-1 charge required under section 401a and a recommendation of any changes in the state 9-1-1 charge amount or in the distribution percentages under section 408.

(d) A description of any commercial applications developed as a result of implementing this act.

(e) The charge allowed under sections 401a, 401b, 401c, 401d, and 401e and a detailed record of
expenditures by each county relating to this act.

(2) The committee shall deliver the report required under subsection (1) to the secretary of the senate, the clerk of the house of representatives, and the standing committees of the senate and house of representatives having jurisdiction over issues pertaining to communication technology.


Popular name: 9-1-1

***** 484.1412a THIS SECTION IS REPEALED BY ACT 260 OF 2012 EFFECTIVE DECEMBER 31, 2021
*****

484.1412a Annual accounting of total emergency telephone charges; adjustment of amount collected; additional charge.

Sec. 412a. (1) Within 90 days after the first day of the calendar year following the year in which a service supplier commenced collection of the emergency telephone technical charge under section 401d, and within 90 days after the first day of each calendar year thereafter, a service supplier collecting the emergency telephone technical charge for the purpose of providing 9-1-1 service pursuant to this act shall make an annual accounting to the 9-1-1 service district of the total emergency telephone charges collected during the immediately preceding calendar year.

(2) If an annual accounting made pursuant to subsection (1) discloses that the total emergency telephone technical charges collected during the immediately preceding calendar year exceeded the total cost of installing and providing 9-1-1 service within the 9-1-1 service district for the immediately preceding calendar year according to the rates and charges of the service supplier, the service supplier shall adjust the emergency telephone technical charge collected from service users in the 9-1-1 service district in an amount computed pursuant to this section. The amount of the adjustment shall be computed by dividing the excess by the number of exchange access facilities within the 9-1-1 service district as the district existed for the billing period immediately following the annual accounting. Costs of the service supplier associated with making the adjustment under this subsection as part of the billing and collection service shall be deducted from the amount to be adjusted.

(3) If the annual accounting discloses that the total emergency telephone technical charges collected during the calendar year are less than the total cost of installing and providing 9-1-1 service within the 9-1-1 service district for the immediately preceding calendar year according to the costs and rates of the service supplier, the service supplier shall collect an additional charge from service users in the 9-1-1 service district in an amount computed pursuant to this section. Subject to the limitations provided by section 401d, the amount of the additional charge shall be computed by dividing the amount by which the total cost exceeded the total emergency telephone technical charges collected during the immediately preceding calendar year by the number of exchange access facilities within the 9-1-1 service district as the district existed for the billing period immediately following the annual accounting.


Popular name: 9-1-1

***** 484.1413 THIS SECTION IS REPEALED BY ACT 260 OF 2012 EFFECTIVE DECEMBER 31, 2021
*****

484.1413 Rules; applicability to service suppliers; multiline telephone system (MLTS) requirements; MLTS operator location identification duties; exemptions; violation; fine; definitions.

Sec. 413. (1) The commission may promulgate rules to establish 1 or more of the following:

(a) Uniform procedures, policies, and protocols governing 9-1-1 services in counties and PSAPs in this state.

(b) Standards for the training of PSAP personnel.

(c) Uniform procedures, policies, and standards for the receipt and expenditure of 9-1-1 funds under sections 401a, 401b, 401c, 401d, 401e, 406, and 408.

(d) Requirements for multiline telephone systems subject to this section.

(e) The penalties and remedies for violations of this act and the rules promulgated under this act.

(2) The commission shall consult with and consider the recommendations of the committee in the promulgation of rules under this section.

(3) The commission's rule-making authority is limited to that expressly granted under this section.

(4) The rules promulgated under this section do not apply to service suppliers.
(5) An MLTS operator shall ensure that the multiline telephone system is capable of routing 9-1-1 calls to the 9-1-1 network, and that they are answered by a primary PSAP in a manner that results in accurate ALI and ANI that can be verified in the 9-1-1 location database to include the specific location of the communications device.

(6) For a single building having its own street address and containing a work space of more than 7,000 square feet, all located on a single floor and on a single contiguous property, the MLTS operator shall identify the specific location of each communications device, including the street address. An MLTS operator is exempt from providing the specific location of each communications device until the installation of a new MLTS after January 1, 2020 under this subsection if both of the following apply:
   (a) The building contains less than 20,000 square feet of work space.
   (b) The building contains fewer than 20 communications devices.

(7) For a single building having its own street address and containing a work space of more than 7,000 square feet on multiple floors and on a single contiguous property, the MLTS operator shall identify the specific location of each communications device including the street address and building floor.

(8) For separate buildings using 1 MLTS and containing a total work space of more than 7,000 square feet on multiple floors and on a single contiguous property having a common public street address, the MLTS operator shall identify the specific location of each communications device in each building, including the street address, building floor, and any unique building identifier, if applicable.

(9) For separate buildings using 1 MLTS and containing a work space of more than 7,000 square feet, all located on a single floor and on a single contiguous property and having a common public street address, the MLTS operator shall identify the specific location of each communications device in each building, in addition to the street address and any unique building identifiers, if applicable. An MLTS operator is exempt from providing the specific location of each communications device until the installation of a new MLTS after January 1, 2020 under this subsection if both of the following apply:
   (a) The building contains less than 20,000 square feet of work space.
   (b) The building contains fewer than 20 communications devices.

(10) For separate buildings using 1 MLTS and containing a total work space of more than 7,000 square feet on single floors on separate properties having different street addresses, the MLTS operator shall identify the specific location of each communications device in each building, including the street address and any unique building identifier, if applicable. An MLTS operator is exempt from providing the specific location of each communications device until the installation of a new MLTS after January 1, 2020 under this subsection if both of the following apply:
   (a) The building contains less than 20,000 square feet of work space.
   (b) The building contains fewer than 20 communications devices.

(11) For separate buildings, using 1 MLTS, containing a total work space of more than 7,000 square feet on multiple floors on separate properties having different addresses, the MLTS operator shall identify the specific location of each communications device in each building, including the street address and any unique building identifier, if applicable.

(12) For a house of worship, as described by section 7s of the general property tax act, 1893 PA 206, MCL 211.7s, with a single building having its own street address with less than 20 communications devices, the MLTS operator shall identify, at a minimum, the street address. An MLTS operator is exempt from providing the specific location of each communications device until the installation of a new MLTS after January 1, 2020. The exemption provided under this subsection does not extend to a school controlled by the house of worship at the same address.

(13) For a house of worship, as described by section 7s of the general property tax act, 1893 PA 206, MCL 211.7s, with multiple buildings, using 1 MLTS, all located on a single contiguous property and having a common public street address with less than 20 communications devices, the MLTS operator shall identify, at a minimum, the street address and a unique building identifier. An MLTS operator is exempt from providing the specific location of each communications device until the installation of a new MLTS after January 1, 2020. The exemption provided under this subsection does not extend to a school controlled by the house of worship at the same address.

(14) For a house of worship, as described by section 7s of the general property tax act, 1893 PA 206, MCL 211.7s, with multiple buildings, using 1 MLTS, on separate properties having disparate street addresses, with less than 20 communications devices, the MLTS operator shall identify, at a minimum, the specific street address of the caller's location and a unique building identifier, if applicable. An MLTS operator is exempt from providing the specific location of each communications device until the installation of a new MLTS after January 1, 2020. The exemption provided under this subsection does not extend to a school controlled by the house of worship at 1 of its addresses.
For a farm, as that term is defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472, with less than 20 communications devices located within 1 building, the MLTS operator shall identify the specific location of each communications device, including the street address. An MLTS operator is exempt from providing the specific location of each communications device until the installment of a new MLTS after January 1, 2020. For purposes of this act, a farm does not include a farm producing or selling any product or crop that is unable to be sold in interstate commerce.

An MLTS operator is exempt from the specific location identification requirements under this section if the building maintains, on a 24-hour basis, an alternative method of notification and adequate means of signaling and responding to emergencies including, but not limited to, a communications system that provides the specific location of 9-1-1 calls from within the building or the building is serviced with its own appropriate medical, fire, and security personnel.

An MLTS operator not serviced by enhanced 9-1-1 service is exempt until enhanced 9-1-1 is available.

An MLTS operator in violation of this act after December 31, 2020 shall provide the commission and the committee information on the failure to meet the deadline and within 60 days after the violation provide a plan to remedy the failure within 6 months.

An MLTS operator in violation of this act after December 31, 2020 may be assessed a fine by the commission from $500.00 to $5,000.00 per offense. An MLTS operator with 50 or fewer employees may be assessed a fine by the commission of up to $500.00 per offense.

As used in this section:

(a) "Alternative methods of notification" means that an internal system exists that will locate the communications device used to make a 9-1-1 call and initiate an emergency response.

(b) "Communications device" means a device that is integrated into the design and operation of the multiline telephone system and by using the multiline telephone system is capable of accessing, connecting with, or interfacing with a 9-1-1 system, exclusively through the numerals 9-1-1, by dialing, initializing, or otherwise activating the 9-1-1 system through the numerals 9-1-1 by means of a local telephone, cellular telephone, wireless communications device, interconnected voice over the internet device, or any other means.

(c) "Enhanced 9-1-1" or "E9-1-1" means an advanced form of 9-1-1 service that transmits the caller's telephone number to the public safety answering point, for cross-referencing with an address database to determine the caller's location, which is relayed to a video monitor for the emergency dispatcher to direct public safety personnel responding to the emergency.

(d) "Multiline telephone system" or "MLTS" means a system comprised of common control unit or units, telephone sets with unique telephone numbers, and control hardware and software.

(e) "Multiline telephone system operator" or "MLTS operator" means a service user who owns, leases, or rents from a third party, and operates an MLTS.

(f) "Specific location" means a room or unit number, or room name, or equivalent unique designation of a portion of a structure or building to which a 9-1-1 emergency response team may be dispatched, and the caller quickly located, that is not more than 7,000 square feet.

(g) "Work space" means the physical building area where work is normally performed, measured by net square footage, including offices; production, warehouse, and shop floors; storage areas; hallways; conference rooms; break rooms; and other common areas. Work space does not include wall thickness; shafts; heating, ventilating, or air conditioning equipment spaces; mechanical or electrical spaces, or similar areas where employees do not normally have access.