

**HOUSE BILL NO. 1257**

Introduced by

Representative Porter

1 A BILL for an Act to amend and reenact sections 57-40.6-01 and 57-40.6-04 of the North  
2 Dakota Century Code, relating to prepaid wireless telephone tax for emergency services.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 57-40.6-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **57-40.6-01. Definitions.** In this chapter, unless the context or subject matter otherwise  
7 requires:

8 1. "Active prepaid wireless telephone" means a prepaid wireless telephone that has  
9 been used or activated by a customer during the month to complete a telephone  
10 call for which the customer's card or account was decremented.

11 2. "Automated notification system" means that portion of a telecommunications  
12 system that provides rapid notice of emergency situations to the public.

13 ~~2.~~ 3. "Emergency services communication system" means a statewide, countywide, or  
14 citywide radio system, land lines communication network, wireless service network,  
15 or enhanced 911 (E911) telephone system, which provides rapid public access for  
16 coordinated dispatching of services, personnel, equipment, and facilities for law  
17 enforcement, fire, medical, or other emergency services.

18 ~~3.~~ 4. "FCC order" means federal communications commission order 94-102 [961  
19 Federal Register 40348] and any other FCC order that affects the provision of  
20 wireless enhanced 911 service.

21 5. "Prepaid wireless telephone service" means wireless telephone service that is  
22 activated by payment in advance, is of a finite dollar amount or for a finite set of  
23 minutes, and unless an additional finite dollar amount or finite set of minutes is paid  
24 in advance, terminates either upon use by a customer and delivery by the wireless

1           carrier of an agreed-upon amount of service corresponding to the total dollar  
2           amount paid in advance or within a certain period of time following initial purchase  
3           or activation.

4       4. 6. "Public safety answering point" or "PSAP" means a communications facility  
5           operated on a twenty-four hour basis which first receives 911 calls from persons in  
6           a 911 service area and which, as appropriate, may directly dispatch public safety  
7           services or extend, transfer, or relay 911 calls to appropriate public safety  
8           agencies.

9       5. 7. "Subscriber service address" means, for purposes of wire line subscribers, the  
10           address where the telephone subscriber's wire line telephone device is used and,  
11           for purposes of wireless subscribers, the place of primary use, as that term is  
12           defined in the Mobile Telecommunications Sourcing Act [Pub. L. 106-252; 4 U.S.C.  
13           124(8)].

14       6. 8. "Telephone access line" means the principal access to the telephone company's  
15           switched network including an outward dialed trunk or access register.

16       7. 9. "Telephone exchange access service" means service to any wire line telephone  
17           access line identified by a unique telephone number that provides local wire line  
18           access to the telecommunications network to a service subscriber and which  
19           enables the subscriber to access the emergency services communications system  
20           by dialing the digits 9-1-1 on the subscriber's telephone device.

21       8. 10. "Unpublished" means information that is not published or available from directory  
22           assistance.

23       9. 11. "Wireless access line" means each active wireless telephone number assigned to  
24           a commercial mobile radio service subscriber, including end users of resellers.

25       10. 12. "Wireless enhanced 911 service" means the service required to be provided by  
26           wireless service providers pursuant to the FCC order.

27       11. 13. "Wireless service" means commercial mobile radio service as defined in 47 U.S.C.  
28           332(d)(1) and includes:

29           a. Services commonly referred to as wireless; ~~and,~~

30           b. Services provided by any wireless real time two-way voice communication  
31           device, including radio-telephone communications used in:

- 1 (1) Cellular telephone service;
- 2 (2) Personal communications service; or
- 3 (3) The functional or competitive equivalent of a radio-telephone
- 4 communications line used in cellular telephone service, personal
- 5 communications service, or a network radio access line.

6 c. Prepaid wireless telephone service.

7 ~~12.~~ 14. "Wireless service provider" means any entity authorized by the federal  
8 communications commission to provide wireless service within the state of North  
9 Dakota.

10 **SECTION 2. AMENDMENT.** Section 57-40.6-04 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **57-40.6-04. Fee collection procedure.**

- 13 1. A resolution adopted under section 57-40.6-02 must include adequate procedures  
14 for the administration and collection of the fee, including a provision for  
15 reimbursement to the telephone exchange access service provider and the  
16 wireless service provider for the actual costs of administration in collection of the  
17 fee, not to exceed five percent of the fee collected. The resolution must also  
18 include a provision that the fee be paid by the telephone exchange access service  
19 provider and the wireless service provider within thirty days after it is collected from  
20 the subscriber.
- 21 2. In the case of prepaid wireless telephone service, the service provider shall remit  
22 the fee based upon the address associated with the point of purchase, the  
23 customer billing address, or the location associated with the mobile telephone  
24 number for each active prepaid wireless telephone that has a sufficient positive  
25 balance as of the last day of each month, if that information is available.