

BY-LAWS
“SOUTH CAROLINA 911 ADVISORY COMMITTEE”
Originally Adopted January 15, 2013

Article I: Name and Purpose.

Section 1: Name. The official name of the committee is “South Carolina 911 Advisory Committee.” (S.C. Code of Laws §23-47-65).

Section 2: Authority. The South Carolina 911 Advisory Committee is organized pursuant to S.C. Code of Laws Chapter 47 of Title 23 to assist the Revenue and Fiscal Affairs Office in carrying out its responsibilities in implementing, maintaining, and updating an efficient a wireless 911 system. Pursuant to §23-47-65(A)(5), the Committee adopts the following by-laws and procedures.

Article II: Membership

Section 1: Membership. The committee must be comprised of twelve members and appointed as follows: eight members appointed by the Governor of which two must be employees of a local 911 system recommended by the South Carolina Association of Public Safety Communication Officials, two must be employees of a local 911 system recommended by the South Carolina National Emergency Number Association, two must be employees of CMRS providers licensed to do business in the State, one must be an employee of a telephone (local exchange access facility) service supplier licensed to do business in the State, and one consumer; and four members appointed by the Executive Director of the Revenue and Fiscal Affairs Office of which one must be its Executive Director or his designee, one must be an individual with GIS expertise, one must be an individual with knowledge of communication operations or technology, and one county administrator recommended by the South Carolina Association of Counties.

Section 2: Term. Members, except the ex officio members, shall be appointed for a term of three years. Members may be reappointed to one consecutive term. A member may not be reappointed in a different capacity in order to circumvent the two consecutive term limitation. A member who has served the maximum consecutive terms is eligible for reappointment to a subsequent term after three years absence from the committee. (SC Code §23-47-65(2)).

Section 3: Vacancies. Vacancies must be filled for the remainder of the term in the manner as the original appointment. A partial term does not count toward the term limits unless the partial term consists of three-fourths or more of the term. (SC Code §23-47-65(A)(3)). Members may serve until their successors are appointed and have qualified.

Section 3: Ethics. Members of the Committee are responsible for complying with the South Carolina Ethics Act, specifically §8-13-700 to 790 (Rules of Conduct), and lobbying restrictions under §2-17-10 et al.

Section 4: Resignations and Vacancies. Members wishing to resign should notify the Chairman in writing of his or her resignation. Any committee member who terminates his or her holding of the office or employment which qualified him or her for appointment shall cease immediately to be a member of the committee. The Chairman should then notify the other Committee members, the Secretary of State, and the Governor, and other entities as appropriate.

Article III: Officers and decision-making

Section 1: Officers. The Committee shall elect the following officers: Chairman, Vice-Chairman. (SC Code of Laws §23-47-65)

Section 2: Duties of Officers.

- A. Chairman - The Chairman is responsible for conducting each meeting and assuring the Committee meets its statutory responsibilities. This includes working with the Office to schedule the meetings, preparing agenda materials, and creating subcommittees.
- B. Vice-Chairman - In the event the Chairman is absent or unavailable, the Vice-Chairman shall chair the meeting or act in an emergency until the Chairman is available.
- C. Other Officers – The Committee shall elect other officers it deems appropriate.

Section 3: Staff Support: The Revenue and Fiscal Affairs Office is responsible for convening the meetings. The Office will provide staff support for the Committee. (§23-47-65(C)(1)(c) and (C)(5)).

Article IV: Meetings and Procedures

Section 1: Meetings. Generally, Committee meetings will be held at the call of the chair but not less than quarterly, though exceptions are permitted based on majority of the Committee. Before the beginning of each calendar year, the Committee shall publish a tentative meeting schedule for the new calendar year which may be amended during the calendar year as necessary. Special meetings may be called by the Chairman as necessary with proper notice.

Section 2: Agendas. The Chairman, in conjunction with the Revenue and Fiscal Affairs Office shall prepare the agenda and distribute it to the members in advance of the meetings. Meeting notices and minutes shall comply with the Freedom of Information Act (SC Code of Laws §30-4-10 et. seq.).

Section 3: Procedure: Unless statutes or these by-laws provide otherwise, the Committee shall follow Robert’s Rules of Order for conducting business.

Section 4: Quorum. At least a majority of members who have been duly appointed must be present to conduct business. A member may be counted in the quorum and vote if participating by phone.

Section 5: Voting. Unless otherwise provided for in these by-laws, decisions are made by a majority of those present and voting. Voting by proxy is prohibited. Generally the chairman will

abstain from voting unless there is a tie. In the event of a tie, the chairman shall cast the deciding vote.

Section 6: Freedom of Information. The meetings, notices, and minutes of the Committee shall be in compliance with provisions of the Freedom of Information Act and other applicable state and federal law. (SC Code of Laws §30-4-10 et. seq). Information, however, submitted by CMRS providers deemed confidential and proprietary shall not be subject to disclosure pursuant to §23-47-65(C)(4).

Article V: Statutory Requirements

Section 1: The statutory responsibilities specific to the Committee are:

- A. Advise the Revenue and Fiscal Affairs Office (RFA) on technical issues regarding the implementation, maintaining, and updating a wireless 911 system to assure compatibility of systems and equipment and compliance with the strategic plan and operating model approved by the RFA.
- B. Recommend systems and equipment which qualify for reimbursement under Title 23, Chapter 47.
- C. Recommend to RFA for reimbursement those invoices regarding expenses solely for the purpose of complying with the strategic plan and operating model approved by RFA.
- D. Review and approve continuing education training courses for which reimbursement may be allowed to CMRS providers and PSAPs under the provisions of this chapter.

To meet these requirements, the Committee will:

- i. Develop general guidelines and identify technical issues for PSAP and CMRS providers when considering a system that generally complies with the FCC mandate, state requirements, and strategic plan. This list will be made available through the RFA website. These guidelines will be reviewed on a regular basis and updated annually.
- ii. Develop a list of systems and equipment that meet the strategic plan and provide general guidelines. Information will be posted on the RFA website.
- iii. Develop a list of required documentation for requests for reimbursements; review requests for reimbursements presented by the Office and offer its recommendations for approval or denial based within 90 days of receipt. The Committee shall also adopt an appeals process for denials.
- iv. Develop eligibility criteria for reimbursement of continuing education training.
- v. The Committee may designate a subcommittee to study these issues and prepare recommendations to the full committee.

Section 2: Joint Responsibilities. The statutory responsibilities that are jointly shared with RFA are:

- A. Calculate the average 911 charge for mobile numbers
- B. Maintain the confidentiality of proprietary information
- C. Take appropriate measures to see that all wireless sellers comply with the requirements of Section 23-47-68(F) and CMRS service suppliers comply with the requirements of Section 23-47-50(F).

To meet these requirements, the Committee will work with RFA staff to develop operating guidelines. The Committee may designate a subcommittee to study these issues and prepare recommendations to the full committee.

Article VI: Miscellaneous

Section 1: Amendments to by-laws. Any member may propose changes to these by-laws. Proposed amendments must be provided to all members at least one week in advance of a meeting. Any amendment to the by-laws must be approved by a majority of the members of the Committee present. Unless otherwise prohibited by law, the Committee may temporarily suspend a by-law under emergency or extraordinary situations until the next scheduled meeting.

These by-laws were adopted at a meeting of the Committee on January 15th, 2013. These by-laws were amended and adopted in a CMRS Committee meeting on March 21st, 2017. These by-laws were amended and adopted in a CMRS committee meeting on August 20th, 2019.

Name
Chairman, South Carolina 911 Advisory Committee

Date: _____

Name
Executive Director, Revenue and Fiscal Affairs Office

Date: _____

Statutory Duties and Responsibilities
Revenue and Fiscal Affairs Office and South Carolina 911 Advisory Committee
S.C. Code of Laws §23-47-65 et. seq.

Revenue and Fiscal Affairs Office

1. Distribute 39.8 percent of these funds to PSAP administrators based on 911 wireless call volume.
2. Utilize 58.2 percent of these funds to implement, maintain, and update an efficient 911 system and distribute these funds to PSAP and CMRS providers for costs of complying with the provisions of §23-47-65 and the strategic plan.
3. Utilize up to 2 percent of the funds for the administration of the program including contracting with an independent auditor.
4. Prepare and distribute annual reports outlining fees collected and monies disbursed and submit annual reports to the South Carolina 911 Advisory Committee and the State Treasurer's Office.
5. Retain an independent private auditor to verify accuracy of proprietary information, assisting in the calculation of the average 911 charges, and cost studies.
6. Conduct a cost studies for the General Assembly at the agency's discretion including information to evaluate the accuracy of the CMRS 911 charge.
7. Convene the Advisory Committee.
8. Report as required or promulgate regulations and other actions as appropriate in implementing 23-47-10 et seq.

South Carolina 911 Advisory Committee

1. Advise RFA on technical issues regarding the implementation, maintenance, and updating of an efficient wireless 911 system to assure compatibility of systems and equipment and compliance with the strategic plan and operating model approved by RFA.
2. Recommend systems and equipment which qualify for reimbursement under Title 23, Chapter 47.
3. Recommend to RFA for reimbursement those invoices regarding expenses solely for the purpose of complying with the provisions of §23-47-65 and the strategic plan.
4. Review and approve continuing education training courses for which reimbursement may be allowed to CMRS providers and PSAPs under the provisions of this chapter.

Joint Duties and Responsibilities

1. Calculate the average 911 charge for mobile numbers.
2. Maintain the confidentiality of proprietary information.
3. Take appropriate measures to see that all wireless sellers and CMRS providers comply with applicable sections.

Appendix I

Operating Guidelines and Expectations

Revenue and Fiscal Affairs Office

- A. Responsibility: Disburse 39.8 percent of 911 wireless funds to the PSAPs based on quarterly wireless 911 call volume.

Procedures: Collect quarterly wireless 911 call volume information from the PSAPs and calculate distributions using the CMRS 911 activity statements.

- B. Utilize 58.2 percent of these funds to implement, maintain, and update an efficient 911 system and distribute these funds to PSAP and CMRS providers for the costs of complying with the provisions of §23-47-65 and the strategic plan.

Procedures: Contract with a vendor up to 10 years to implement, maintain, and update an efficient statewide 911 system. Distribute wireless 911 funds to PSAPs and CMRS providers for the costs of complying with the provisions of §23-47-65 and the strategic plan.

- C. Responsibility: Prepare and distribute annual reports outlining fees collected and monies disbursed.

Procedures: Develop and distribute report on annual receipts and disbursements and submit reports to the South Carolina 911 Advisory Committee and the State Treasurer's Office.

- D. Responsibility: Retain an independent private auditor to verify accuracy of proprietary information, assisting in the calculation of the average 911 charges, and cost studies.

Procedure: Develop scope of work for the audit and work with the State Auditor's Office in selecting an auditor.

- E. Responsibility: Conduct a cost study to compare the 911 CMRS charge with actual program costs.

Procedure: Develop a cost study

- F. Responsibility: Convene the Advisory Committee.

Procedure: The Revenue and Fiscal Affairs Office will provide staff support to ensure committee meetings are held timely and meet statutory requirements.

G. Responsibility: Report as required or promulgate regulations and other actions as appropriate in implementing 23-47-10 et seq.

Procedure: Develop as appropriate.

South Carolina 911 Advisory Committee

A. Responsibility: Advise RFA on technical issues regarding the implementation, maintenance, and updating of an efficient wireless 911 system to assure compatibility of systems and equipment and compliance with the strategic plan and operating model approved by RFA.

Procedure: The Committee will develop general guidelines and identify systems and equipment that generally comply with the strategic plan and operating model approved by RFA and note important factors for PSAP and CMRS providers. These guidelines will be reviewed on a regular basis and updated annually.

B. Responsibility: Recommend systems and equipment, which qualify for reimbursement under Title 23, Chapter 47.

Procedure: The Committee will develop a list of systems and equipment that meet the provisions of §23-47-65 and the strategic plan and provide general guidelines. Information will be posted on the RFA website.

C. Responsibility: Recommend to RFA for reimbursement those invoices regarding expenses solely for the purpose of complying with the provisions of §23-47-65 and the strategic plan.

Procedure: RFA staff will prepare a list of requests for reimbursement and recommend approval or denial based on Committee and RFA guidelines. The Committee will offer its recommendations on each item to RFA. The Committee should consider these requests within 60 days of receipt.

D. Responsibility: The Committee is responsible for ensuring appropriate reimbursement for eligible training expenditures.

Procedure: Review and approve continuing education training courses for which reimbursement may be allowed to CMRS providers and PSAPs under the provisions of this chapter.

Joint Duties and Responsibilities

A. Responsibility: Determine the annual wireless 911 charge.

Procedure: RFA will calculate the average 911 landline charge and share the results with the Committee and RFA for approval.

B. Responsibility: Maintain the confidentiality of proprietary information.

Procedure: RFA staff will develop policy guidelines for protecting confidentiality of proprietary guidelines and share with Committee and RFA for approval.

C. Responsibility: Take appropriate measures to see that all wireless sellers and CMRS providers comply with applicable sections.

Procedure: Staff will seek to identify potential areas of concerns and report potential issues to Committee and RFA.

Appendix II
SC Code of Laws §23-47-65 et. seq.

SECTION 23-47-65. CMRS Emergency Telephone Advisory Committee created; responsibilities of committee and Revenue and Fiscal Affairs Office.

< Section effective May 16, 2019.>

(A)(1) The South Carolina 911 Advisory Committee is created to assist the Revenue and Fiscal Affairs Office in carrying out its responsibilities in implementing, maintaining, and updating an efficient wireless 911 system. The committee must be comprised of twelve members and appointed as follows: eight members appointed by the Governor of which two must be employees of a local 911 system recommended by the South Carolina Association of Public Safety Communication Officials, two must be employees of a local 911 system recommended by the South Carolina National Emergency Number Association, two must be employees of CMRS providers licensed to do business in the State, one must be an employee of a telephone (local exchange access facility) service supplier licensed to do business in the State, and one consumer; and four members appointed by the Executive Director of the Revenue and Fiscal Affairs Office of which one must be its executive director or his designee, one must be an individual with GIS expertise, one must be an individual with knowledge of communication operations or technology, and one county administrator recommended by the South Carolina Association of Counties. There is no expense reimbursement or per diem payment made to members of the committee for attendance in committee or subcommittee meetings. However, upon prior approval by the Executive Director of the Revenue and Fiscal Affairs Office, members of the committee may be reimbursed by the Revenue and Fiscal Affairs Office, pursuant to state travel guidelines, for travel associated with their service on the committee.

(2) All committee members, except the executive director or his designee, must be appointed for a three year term. These eleven committee members may be appointed to one consecutive term. A member may not be reappointed in a different capacity in order to circumvent the two consecutive term limitation. A member who has served the maximum consecutive terms is eligible for reappointment to a subsequent term after three years absence from the committee.

(3) In the event a vacancy arises, it must be filled for the remainder of the term in the manner of the original appointment. A partial term does not count toward the term limits; however, service for three fourths or more of a term constitutes service for a term.

(4) Any committee member who terminates his holding of the office or employment which qualified him for appointment shall cease immediately to be a member of the committee; the person appointed to fill the vacancy shall do so for the unexpired term of the member whom he succeeds.

(5) The committee shall establish its own procedures with respect to the selection of officers, quorum, place, and conduct of meetings. The committee may create special committees or subcommittees as it deems necessary and may invite other knowledgeable individuals to participate on these special committees or subcommittees. However, the committee may not delegate any statutory duty to such other committees.

(B) The responsibilities of the committee with respect to CMRS emergency telephone services are to:

(1) advise the Revenue and Fiscal Affairs Office on technical, operational, and training issues regarding the development, implementation, and continuing evolution of a comprehensive

wireless 911 system, especially matters concerning appropriate systems and equipment to be acquired by CMRS providers and PSAPs to assure the compatibility of the systems and equipment and the ability of the systems and equipment to comply with the strategic plan and operating model approved by the board;

(2) recommend systems and equipment for which reimbursement may be allowed to CMRS providers and PSAPs under the provisions of this chapter, which are compatible with each other as needed for the public's safety, and will not result in wasteful spending on inappropriate or redundant technology; and

(3) review and approve continuing education training courses for which reimbursement may be allowed to CMRS providers and PSAPs under the provisions of this chapter.

(C) The responsibilities of the Revenue and Fiscal Affairs Office with respect to CMRS emergency telephone services are to:

(1) develop and oversee a strategic plan and manage or contract up to ten years for a 911 operating system in accordance with the provisions of the strategic plan as outlined in this chapter and as approved by the board. In order to effectively manage the plan and system, the office in accordance with state procurement guidelines is authorized to:

(a) hire employees or contract for services and equipment to achieve all or parts of the model; and

(b) provide for statewide contracts for equipment and services identified in the plan for PSAPs to utilize;

(2) manage and disburse funds in and from an interest bearing account in the following manner:

(a) hold and distribute not more than thirty nine and eight tenths percent of the total monthly revenues in the interest bearing account to PSAP administrators based on CMRS 911 wireless call volume for expenses incurred for the answering, routing, and proper disposition of CMRS 911 calls;

(b) hold and distribute not more than fifty eight and two tenths percent of the total monthly revenues in the interest bearing account solely for the purposes of complying with the provisions of this chapter and the strategic plan. These funds may be utilized by the office, the PSAPs, and the CMRS providers licensed to do business in this State for the following purposes in connection with compliance with this chapter and the strategic plan including, but not limited to: acquiring, upgrading, maintaining, programming, and installing necessary data, networks, services, hardware, and software. Invoices detailing specific expenses for these purposes must be presented for approval to the Revenue and Fiscal Affairs Office in connection with any request for reimbursement, and the request must be approved by the Revenue and Fiscal Affairs Office, upon recommendation of the committee. Any invoices presented to the Revenue and Fiscal Affairs Office for reimbursements of costs not described by this section may be considered by the board, but only upon unanimous approval of the committee, but in no event shall reimbursement be made for costs inconsistent with the strategic plan; and

(c) hold and distribute not more than two percent of the total monthly revenues in the interest bearing account to compensate the independent auditor provided for herein and for expenses which the Revenue and Fiscal Affairs Office is authorized to incur by contract, or otherwise, for provision of any administrative, legal, support, or other services to assist the Revenue and Fiscal Affairs Office in fulfilling its responsibilities under this act;

(3) prepare annual reports outlining fees collected and monies disbursed to PSAP and CMRS providers, and monies disbursed for operations of the Revenue and Fiscal Affairs Office, and

submit annual reports to the South Carolina 911 Advisory Committee and the State Treasurer's Office;

(4) retain an independent, private auditor, as necessary in carrying out its responsibilities and as provided in the Consolidated Procurement Code, such as for the purposes of receiving, maintaining, and verifying the accuracy of proprietary information submitted to the Revenue and Fiscal Affairs Office by CMRS providers or PSAPs, and assisting the committee in its duties including its annual calculation of the average 911 charges pursuant to Section 23 47 50(F) and in cost studies it may conduct. Due to the confidential and proprietary nature of the information submitted by CMRS providers, the information may not be released to a party other than the independent private auditor and is expressly exempt from disclosure pursuant to Chapter 4, Title 30. The information collected by the auditor may be released only in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual CMRS provider;

(5) conduct a cost study to be submitted to the House Ways and Means Committee and Senate Finance Committee one year from the effective date of this section and thereafter at the Revenue and Fiscal Affairs Office's discretion. The Revenue and Fiscal Affairs Office may include any information it considers appropriate to assist the General Assembly in determining whether future legislation is necessary or appropriate, but the report must include information to assist in determining whether to adjust the CMRS 911 charge to reflect actual costs incurred by PSAPs or CMRS providers for compliance with applicable requirements of the strategic plan;

(6) convene the committee and consult with it concerning the performance of the responsibilities assigned to the Revenue and Fiscal Affairs Office and to the committee in this chapter, and the development and maintenance of the state's CMRS emergency telephone services and system;

(7) report as required or suggested by this chapter, promulgate any regulations, and take further actions as are appropriate in implementing it;

(8) work with the Department of Revenue to ensure all reporting requirements are being met; and

(9) act as the State 911 Coordinator for the purposes of any relevant state or federal law or program requirements.

(D) The Revenue and Fiscal Affairs Office and committee must:

(1) annually calculate the average 911 charge as provided in Section 23 47 50(F); and

(2) take appropriate measures to maintain the confidentiality of the proprietary information described in this section. This information may be disclosed to Revenue and Fiscal Affairs Office and committee members only in the event a dispute arises with respect to the Revenue and Fiscal Affairs Office's and committee's discharge of their responsibilities under Section 23 47 65(B)(2) which necessitates such disclosure. The information also shall be exempt from disclosure pursuant to Chapter 4, Title 30. Members of the Revenue and Fiscal Affairs Office may not disclose the information to any third parties, including their employers.

(E) CMRS providers are entitled to retain two percent of the fees collected as reimbursement for collection and handling of the CMRS 911 charge.

HISTORY: 1998 Act No. 399, Section 4; 2000 Act No. 233, Section 2; 2005 Act No. 164, Section 18; 2010 Act No. 135, Section 5, eff July 1, 2011; 2018 Act No. 246 (H.3895), Section 6, eff July 1, 2018; 2019 Act No. 60 (H.3586), Section 6, eff May 16, 2019.

Code Commissioner's Note

The reference to "FCC Docket Number 94 102" in subsection (C)(4) of this section originally read "FCC Docket Number 94 10." At the direction of the Code Commissioner in 2012, the

reference was changed to "FCC Docket Number 94 102" to correct a scrivener's error in the original Act.

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1).

Effect of Amendment

The 2010 amendment in subsection (A)(1), substituted "South Carolina 911" for "CMRS Emergency Telephone Services" in the first sentence, and in the second sentence, substituted "a director of a division of the State" for "the Director of the State Chief Information Officer Division," and inserted "the Director of the Office of Research and Statistics;"; in first sentence of subsection (D)(2), substituted "this section" for "section 23 47 65(C)(1)(e)", and in the second sentence, substituted a comma for "of" preceding "Title 30"; in subsection (D)(3), added "prepaid wireless sellers comply with the requirements of Section 23 47 68(F) and that all other"; and deleted subsection (F) relating to committee termination.

2018 Act No. 246, Section 6, rewrote (A)(1), allowing the Executive Director of the Revenue and Fiscal Affairs Office to appoint a member to the committee.

2019 Act No. 60, Section 6, rewrote the section, increasing the responsibilities of the South Carolina 911 Advisory Committee, increasing the size of its membership, revising the process of appointing members, providing its members compensation for certain expenses, and increasing and revising the responsibilities of the Revenue and Fiscal Affairs Office.

SECTION 23-47-67. VoIP 911 charge; collection; funding.

(A) There is hereby imposed a VoIP 911 charge in an amount identical to the amount of the 911 charge imposed on each local exchange access facility pursuant to Section 23 47 40(A) and 23 47 50(A).

(B) A VoIP provider must collect the VoIP 911 charge established in subsection (A) on each VoIP service line. This VoIP 911 charge must be sourced to the local government in the same manner as CMRS is sourced pursuant to the Mobile Telecommunications Sourcing Act as provided in Title 4, U.S.C.

(C) Funding from the VoIP 911 charge established in subsection (A) must be used in the same manner as set forth in Section 23 47 40(B) and (C). The provisions of Section 23 47 50(B), (C), (D), (E), and (G) apply with equal force with regard to the VoIP 911 charge.

(D) A VoIP provider that purchases its 911 capabilities in South Carolina from another person or entity is responsible for directly remitting the VoIP 911 charge as set forth in this section unless the VoIP provider and the other person or entity have agreed in writing that the other person or entity will remit the VoIP 911 charge on behalf of the VoIP provider.

(E) If a billed subscriber purchases a service that is both a CMRS service and a VoIP service, and there is a single active mobile telephone number or successor dialing protocol associated with the service, then only the CMRS 911 charge set forth in Section 23 47 50(F) shall apply to the service. Similarly, if an exchange access facility is also a VoIP service line, then only the 911 charge set forth in Sections 23 47 40(A) and 23 47 50(A) shall apply to the service.

SECTION 23-47-68. Prepaid wireless 911 charge; collection; administrative fee; department to establish procedures; transfer of funds to State Treasurer.

(A) There is hereby imposed a prepaid wireless 911 charge in the amount equal to the average 911 charges calculated pursuant to Section 23 47 50(F).

(B) A prepaid wireless seller must collect the prepaid wireless 911 charge established in subsection (A) from a prepaid wireless consumer with respect to each prepaid wireless retail transaction occurring in this State. The amount of the prepaid wireless 911 charge shall be either: separately stated on an invoice, receipt, or other similar document that is provided to the prepaid wireless consumer by the prepaid wireless seller or otherwise disclosed to the prepaid wireless consumer.

(C) For the purposes of this section, a prepaid wireless retail transaction must be sourced as provided in Section 12 36 910(B)(5)(b).

(D) The prepaid wireless 911 charge is the liability of the prepaid wireless consumer and not the prepaid wireless seller or of any prepaid wireless provider. However, the prepaid wireless seller is liable to remit to the department all prepaid wireless 911 charges that the prepaid wireless seller collects from prepaid wireless consumers as provided in this section.

(E) The amount of the prepaid wireless 911 charge collected by a prepaid wireless seller from a prepaid wireless consumer, whether or not such amount is separately stated on an invoice, receipt, or other similar document provided to the prepaid wireless consumer by the prepaid wireless seller, shall not be included in the base for measuring any tax, fee, prepaid wireless 911 charge, or other charge that is imposed by this State, any political subdivision of this State, or any intergovernmental agency. This amount shall not be considered revenue of the prepaid wireless seller.

(F) A prepaid wireless seller is entitled to retain three percent of the gross prepaid wireless 911 charges remitted to the department as an administrative fee. A prepaid wireless seller must remit the remainder of the prepaid wireless 911 charges collected to the department on a monthly, quarterly, or annual basis.

(G) The audit and appeal procedures applicable under Chapter 36, Title 12 shall apply to the prepaid wireless 911 charge.

(H) The department shall establish procedures by which a prepaid wireless seller may document that a sale is not a prepaid wireless retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions under Section 12 36 950.

(I) The department shall transfer all remitted prepaid wireless 911 charges to the State Treasurer in the same manner as provided in Section 23 47 50(F). These funds are not general fund revenue of the State and must be kept by the State Treasurer in a fund separate and apart from the general fund to be expended as provided in Section 23 47 65.

SECTION 23-47-69. Charges for 911 funding.

Neither the State, any political subdivision of the State, nor an intergovernmental agency may require any service provider to impose, collect, or remit a tax, fee, surcharge, or other charge for 911 funding purposes other than the 911 charges set forth in this chapter.

SECTION 23-47-70. Liability.

(A) A local government or public safety agency, as defined in Section 23 47 10, or state government entity, their officers, agents, or employees, together with any person following their instructions in rendering services, are not liable for civil damages as a result of an act or omission under this chapter, including, but not limited to, developing, adopting, operating, or implementing a plan or system pursuant to the South Carolina Tort Claims Act, Section 15 78 60(5) or 15 78 60(19).

(B) To the extent that a 911 service is provided pursuant to tariffs on file with the South Carolina Public Service Commission, the liability of the provider of this service must be governed by the filed and approved tariffs of the South Carolina Public Service Commission, including, but not limited to, those general subscriber service tariffs concerning emergency reporting services.

(C) To the extent that a 911 service is not provided pursuant to tariffs on file with the South Carolina Public Service Commission, in no event shall the provider of these services or its officers, employees, assigns, or agents be liable for civil damages or criminal liability in connection with the development, design, installation, operation, maintenance, performance, or provision of 911 service unless such event was the result of reckless, wilful, or wanton conduct of the 911 service supplier or its officers, employees, assigns, or agents.

No 911 service supplier or its officers, employees, assigns, or agents shall be liable for civil damages or criminal liability in connection with the release of subscriber information to any governmental entity as required under the provisions of this chapter.

SECTION 23-47-75. CMRS location information and other data in 911 system not subject to FOIA or disclosure.

(A) CMRS location information obtained by safety personnel or for public safety personnel for public safety purposes is not public information under the Freedom of Information Act.

(B) A person may not disclose or use, for any purpose other than for the 911 or other emergency calling system, information contained in the database of the telephone network portion of a 911 or other emergency calling system established pursuant to this chapter.

(C) For all information not covered by subsections (A) and (B), a local government may exempt from disclosure:

(1) individual identifying information of an individual calling a 911 center, individual identifying information of a victim, or individual identifying information of a witness; or

(2) images or video from a place where the 911 caller would have a reasonable expectation of privacy as defined in Section 16 17 470(D)(1).

The local government is responsible for the release of its information.

(D) This section shall not apply if the local government or a court order determines that the public interest in disclosure outweighs the interest in nondisclosure.

(E) As used in this section, the term "identifying information" includes name, telephone number, and home address. The term does not include:

(1) the location of the incident, unless the location is the caller's, victim's, or witness' home address or the disclosure of the location would compromise the identity of the caller, victim, or witness; or

(2) the street block identifier, the cross street, or the mile marker nearest the scene of the incident, which shall be public.

SECTION 23-47-80. Penalties.

It is unlawful for a person anonymously or otherwise to:

- (1) use any words or language of a profane, vulgar, lewd, lascivious, or indecent nature on an emergency 911 number with the intent to intimidate or harass a dispatcher;
- (2) contact the emergency 911 number, whether or not conversation ensues for the purpose of annoying or harassing the dispatcher or interfering with or disrupting emergency 911 service;
- (3) make contact with a 911 dispatcher and intentionally fail to hang up or disengage the connection for the purpose of interfering with or disrupting emergency service;
- (4) contact the emergency 911 number and intentionally make a false report.

A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not more than two hundred dollars, or both.

Appendix III
FCC Docket #94-102