

ASSEMBLY, No. 982

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

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District 18 (Middlesex)

SYNOPSIS

Reduces 9-1-1 fee on customers' periodic telephone bills from \$0.90 to \$0.22.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the reduction of the 9-1-1 fee and amending
2 P.L.2004, c.48.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. Section 2 of P.L.2004, c.48 (C.52:17C-18) is amended to
8 read as follows:

9 2. a. (1) There is imposed on each mobile telecommunications
10 service customer, charged by a mobile telecommunications
11 company for mobile telecommunications service for each voice
12 grade access telephone number provided to the customer billed by
13 or for the customer's home service provider and provided to a
14 customer with a place of primary use in this State, a fee of **[\$0.90]**
15 \$0.22 on any periodic bill received by the customer for each voice
16 grade access service number provided as part of the mobile
17 telecommunications service.

18 (2) There is imposed on each customer charged by a telephone
19 exchange company for each voice grade access service line
20 provided to that customer that has a service address in this State, a
21 fee of **[\$0.90]** \$0.22 on any periodic bill received by the customer
22 for each voice grade access service line provided as part of that
23 telephone exchange service. Each Private Branch Exchange (PBX)
24 trunk or Centrex trunk equivalent shall constitute an individual and
25 separate subscribed service line. Any customer that has been
26 determined by its telephone exchange company to be enrolled in the
27 Lifeline Telecommunication program, or in receipt of Lifeline
28 Telecommunication or Universal Service Fund benefits for a
29 periodic bill shall be exempt from the fee on that periodic bill.
30 State government agencies, and county and municipal governments
31 and their agencies, and school districts shall be exempt from the fee
32 imposed on customers of telephone exchange companies for each
33 voice grade access service line provided as part of telephone
34 exchange service provided to that customer at a service address in
35 this State for periodic bills issued to those customers on and after
36 January 1, 2005.

37 b. The fee imposed by paragraphs (1) and (2) of subsection a.
38 of this section shall be collected by the mobile telecommunications
39 company or telephone exchange company providing the applicable
40 service to its customers upon payment of any periodic bill for such
41 service. This section shall not be deemed as extending to a
42 telephone exchange company or mobile telecommunications
43 company any obligation or authority otherwise not provided
44 pursuant to law, to take legal action to enforce the collection of the
45 fee imposed upon the customer. Any such action shall be brought

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 by the State against the customer with any cooperation requested by
2 the State of the telephone exchange company or mobile
3 telecommunications company as the State deems necessary.

4 c. (1) The fees collected pursuant to subsection b. of this
5 section shall be collected monthly and reported and paid to the
6 director on a quarterly basis in a manner prescribed by the Director
7 of the Division of Taxation in the Department of the Treasury,
8 which notwithstanding the provisions of subsection b. of section 1
9 of P.L.1992, c.140 (C.54:48-4.1) if any, to the contrary, shall be
10 subject to the provisions of P.L.1992, c.140 as the director shall
11 prescribe, and the State Treasurer shall credit the fee revenue to the
12 "9-1-1 System and Emergency Response Trust Fund Account"
13 established pursuant to section 3 of P.L.2004, c.48 (C.52:17C-19).
14 The administration, collection and enforcement of the fee imposed
15 by this act shall be subject to the provisions of the State Uniform
16 Tax Procedure Law, R.S.54:48-1 et seq., to the extent that the
17 provisions of such law are not inconsistent with any provision of
18 this act.

19 (2) Each mobile telecommunications company and telephone
20 exchange company shall be liable for the fee imposed, collected, or
21 required to be paid, collected, or remitted under the provisions of
22 paragraphs (1) and (2) of subsection a. of this section. Any such
23 company shall have the same right in respect to collecting the fee
24 from that company's customer or in respect to non-payment of the
25 fee by the customer as if the fee were a part of the purchase price of
26 the applicable telecommunications service or telephone exchange
27 service, as the case may be, and payable at the same time; provided
28 however, that the director shall be joined as a party in any action or
29 proceeding brought to collect the fee.

30 For purposes of this paragraph, "company" includes: an
31 individual, partnership, corporation, or an officer, director,
32 stockholder, or employee of a corporation, or a member or
33 employee of a partnership, who as such officer, director,
34 stockholder, employee, or member is under the duty to perform the
35 act in respect of which the violation occurs.

36 d. A telephone exchange company that provides telephone
37 exchange service to the State government or any State government
38 agency, a county or municipal government or any of its agencies, or
39 a school district that is exempt for bills issued on and after January
40 1, 2005, shall be entitled after that date to a credit in an amount as
41 the Director of the Division of Taxation shall determine within 60
42 days of application, against the amount of fees collected during and
43 due to be paid over for the calendar quarter commencing on that
44 date, for the reasonable costs certified by the telephone exchange
45 company to have been incurred by the company for changes made
46 to its billing system that are necessary to implement the exemption.
47 The director shall consult with the Board of Public Utilities to
48 ascertain from the board the reasonableness of the costs claimed to

1 be incurred. The director and the board may adopt regulations
2 necessary to administer the credit.
3 (cf: P.L.2007, c.102, s.2)

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5 2. This act shall take effect July 1, 2019.

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STATEMENT

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10 This bill reduces the State's \$0.90 9-1-1 fee imposed on
11 customers' periodic telephone bills to \$0.22. This reduction will
12 ensure that the State collects approximately \$30 million annually
13 for the purposes of paying costs associated with maintaining the
14 State's 9-1-1 system.