

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 34.**  
**PUBLIC UTILITIES.**

**CHAPTER 18.**  
**EMERGENCY AND NON-EMERGENCY NUMBER**  
**TELEPHONE SYSTEM ASSESSMENTS FUND.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 18. EMERGENCY AND NON-EMERGENCY**  
**NUMBER TELEPHONE SYSTEM ASSESSMENTS**  
**FUND.**

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# **CHAPTER 18. EMERGENCY AND NON- EMERGENCY NUMBER TELEPHONE SYSTEM ASSESSMENTS FUND.**

## **§ 34-1801. DEFINITIONS.**

For the purposes of this chapter, the term:

- (1) Repealed.
- (2) "Commission" means the Public Service Commission of the District of Columbia.
- (2A) "Consumer" means an individual who purchases prepaid wireless telecommunications service in a retail transaction for any purpose other than resale.
- (3) "Fund" means the Emergency and Non-Emergency Number Telephone Calling Systems Fund established under § 34-1802.
- (4) "Local exchange carrier" means a person that is engaged in the provision of local exchange service or exchange access.
- (5) "Local exchange service" means a telecommunications service provided within an exchange area.
- (6) "Person" means an individual, corporation, company, association, joint-stock company, association, firm, partnership, or other entity.
- (6A) "Prepaid wireless E911 charge" means the charge that is required to be collected by a seller from a consumer in the amount established under § 34- 1803.02.
- (6B) "Prepaid wireless telecommunications service" means a commercial mobile radio service, as defined by Section 20.3 of Title 47 of the Code of Federal Regulations, that allows a caller to dial 911 to access the 911 system, which service must be paid for in advance and is sold in predetermined units or dollars of which the number declines with use in a known amount.
- (6C) "Provider" means a person that provides prepaid wireless telecommunications service pursuant to a license issued by the Federal Communications Commission.
- (7) "Public safety answering point" means an answering location for 911 and 311 calls originating in a given area.
- (7A) "Retail transaction" means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.
- (8) "Reverse 911 system" means a capability that allows the Metropolitan Police Department to forward a pre-recorded message to residents and businesses within a designated geographical area.
- (8A) "Seller" means a person who sells prepaid wireless telecommunications service to another person.
- (9) Repealed.
- (10) "911 system" means:
  - (A) Equipment for connecting and out-switching a 911 call originating within a local exchange carrier's local exchange service;
  - (B) Trunking facilities from a local exchange carrier to a public safety answering point;
  - (C) Equipment necessary for routing a 911 call to a public safety answering point;
  - (D) Facilities and staff needed to operate a call answering center;
  - (E) A 311 system; and
  - (F) A reverse 911 system.

(11) "311 system" means a telephone system that is used to reduce emergency telephone call congestion by diverting non-emergency calls from the emergency telephone lines.

(Oct. 19, 2000, D.C. Law 13-172, § 602, 47 DCR 6308; Nov. 13, 2003, D.C. Law 15-39, § 502(a), 50 DCR 5668; Sept. 24, 2010, D.C. Law 18-223, § 3002(a), 57 DCR 6242.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

Section 607 of D.C. Law 13-172 provides: "Except for section 606, this title shall apply as of October 1, 2000."

D.C. Law 15-39 repealed pars. (1) and (9) which had read as follows:

"(1) "Administrative costs" means costs of a local exchange carrier to bill, collect, and remit the user fee imposed under § 34-1803."

"(9) "Subscriber" means a person with local exchange service in the District of Columbia".

D.C. Law 18-223 added pars. (2A), (6A) to 6(C), (7A), and (8A).

##### *Emergency Act Amendments*

For temporary (90-day) addition of section, see § 602 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90-day) authorization of applicability of section, see § 609 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see §§ 602 to 605, 607, of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

For temporary (90 day) amendment of section, see § 502(a) of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 502(a) of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

For temporary (90 day) amendment of section, see § 3002(a) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

##### *Legislative History of Laws*

Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000," was introduced in Council and assigned Bill No. 13-679, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2000, and June 6, 2000, respectively. Signed by the Mayor on June 26, 2000, it was assigned Act No. 13-375 and transmitted to both Houses of Congress for its review. D.C. Law 13-172 became effective on October 19, 2000.

Law 15-39, the "Fiscal Year 2004 Budget Support Act of 2003", was introduced in Council and assigned Bill No. 15-218, which was referred to Committee on Whole. The Bill was adopted on first and second readings on May 6, 2003, and June 3, 2003, respectively. Signed by the Mayor on June 20, 2003, it was assigned Act No. 15-106 and transmitted to both Houses of Congress for its review. D.C. Law 15-39 became effective on November 13, 2003.

For Law 18-223, see notes following § 34-706.

##### *Delegation of Authority*

Delegation of Mayor's Authority under Title VI of D.C. Law 13-172, the "Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000", see Mayor's Order 2004-165, September 24, 2004 (51 DCR 9750).

Delegation of Authority pursuant to the Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000 and Section 3208 of the Office of Unified Communications Establishment Act of 2004, see Mayor's Order 2009-85, May 27, 2009 (56 DCR 6826).

##### *Miscellaneous Notes*

Short title of title V of Law 15-39: Section 501 of D.C. Law 15-39 provided that title V of the act may be cited as the Emergency and Non-Emergency Number Telephone Calling Systems Fund Amendment Act of 2003.

Applicability: Section 504 of D.C. Law 15-39 provides: Section 502 shall apply as of October 1, 2003."

Short title: Section 3001 of D.C. Law 18-223 provided that subtitle A of title III of the act may be cited as the "Prepaid Wireless E911 Charge Amendment Act of 2010".

Section 3003 of D.C. Law 18-223 provides:

"Sec. 3003. Applicability.

"This subtitle shall apply as of October 1, 2010."

## **§ 34-1802. EMERGENCY AND NON-EMERGENCY NUMBER TELEPHONE CALLING SYSTEMS FUND.**

(a) There is established a fund designated as the Emergency and Non-Emergency Number Telephone Calling Systems Fund, which shall be separate from the General Fund of the District of Columbia and shall be used solely for the purposes set forth in subsection (b) of this section. The Fund shall be funded by a tax imposed under § 34-1803 and § 34-1803.02 and from sources identified in § 34-1803.03. All monies collected under § 34-1803, § 34-1803.02 and 34-1803.03, and all interest earned on those monies, shall be deposited into the Fund without regard to fiscal year limitation pursuant to an act of Congress. All monies deposited into the Fund shall not revert to, or be transferred to, the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section, subject to authorization by Congress in an appropriations act.

(a-1) All authority and operations of the Fund shall be administered by the Office of Unified Communications.

(b) The Fund shall be used solely to defray personnel and nonpersonnel costs incurred by the District of Columbia and its agencies and instrumentalities in providing a 911 system, and direct costs incurred by wireless carriers in providing wireless E-911 service. For purposes of this subsection, the term "costs" shall include obligations incurred both before and after October 19, 2000. The Fund shall not be used for any other purpose.

(b-1) After October 1, 2008, no monies in the Fund shall be used to defray personnel costs.

(b-2) After October 1, 2010, no monies in the Fund shall be used to defray nonpersonal costs related to overhead, including energy, rentals, janitorial services, security, or occupancy costs. The Fund shall be used solely to defray technology and equipment costs directly incurred by the District of Columbia and its agencies and instrumentalities in providing a 911 system and direct costs incurred by wireless carriers in providing wireless E-911 service. The Fund shall not be used for any other purpose.

(b-3) Notwithstanding subsection (b-2) of this section, monies in the Fund may be used to defray security costs during fiscal year 2011 and fiscal year 2012.

(c) The Mayor shall submit to the Council, as a part of the annual budget, a requested appropriation for expenditures from the Fund. Any monies received but not expended in a given fiscal year shall be retained by the Fund.

(d)(1) All income and expenses of the Fund shall be audited annually by the Chief Financial Officer, who shall transmit the audit report to the Mayor and the Council.

(A) The expenses of the annual audit shall be defrayed by the Fund.

(B) The annual audit shall include the following:

- (i) The assets, liabilities, fund balance, revenue, and expenditures of the Fund;
- (ii) A detailed accounting of the Fund's expenditures;
- (iii) Recommendations to improve the financial management processes of the Fund;
- (iv) Identification of any Fund expenditures that are not permitted under law;
- (v) Recommendations to improve the language of the Fund's enabling statute to reflect best practices; and
- (vi) Any other information deemed important by the Chief Financial Officer.

(2) The Chief Financial Officer shall also transmit to the Mayor and Council quarterly reports summarizing the income and expenditures of the Fund.

(e) During fiscal year 2003, the Mayor shall allocate at least \$500,000 of any revenue the Fund earns due to the enactment of the Emergency and Non-Emergency Number Telephone Calling Systems Fund Amendment Act of 2002 (title VII of D.C. Law 14-307), in excess of the Fund revenue projection included in the District of Columbia's budget submission to Congress, to increase the number of emergency call-taking staff who are working during hours when call volume is above average. The Mayor may increase the number of emergency call-taking staff through such measures that he considers appropriate, including hiring new staff, authorizing overtime, employing light-duty sworn police officers or firefighters, or offering a shift differential, in accordance with Chapter 6 of Title 1 and any applicable collective bargaining agreements.

(Oct. 19, 2000, D.C. Law 13-172, § 603, 47 DCR 6308; June 5, 2003, D.C. Law 14-307, § 702(a), 49 DCR 11664; Nov. 13, 2003, D.C. Law 15-39, § 502(b), 50 DCR 5668; Dec. 7, 2004, D.C. Law 15-205, § 3222, 51 DCR 8441; Sept. 18, 2007, D.C. Law 17-20, § 3022(a), 54 DCR 7052; Aug. 16, 2008, D.C. Law 17-219, § 3002(a), 55 DCR 7598; Mar. 3, 2010, D.C. Law 18-111, § 3011(a), 57 DCR 181; Sept. 24, 2010, D.C. Law

18-223, §§ 3002(b), 3052, 57 DCR 6242; Sept. 14, 2011, D.C. Law 19-21, §§ 3052, 9052(a)(1), 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 3042(a), 59 DCR 8025.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 14-307 rewrote subsec. (d) and added subsec. (e). Prior to amendment, subsec. (d) had read as follows:

"(d) All income and expenses of the Fund shall be audited annually by the Mayor. The audit report shall be provided to the Council. The expenses of each audit shall be defrayed by the Fund."

D.C. Law 15-39 rewrote subsec. (a) which had read as follows:

"(a) There is established a fund designated as the Emergency and Non-Emergency Number Telephone Calling Systems Fund, which shall be separate from the General Fund of the District of Columbia and shall be used solely for the purposes set forth in subsection (b) of this section. The Fund shall be funded by user fees imposed under § 34-1803. All fees collected under § 34-1803, and all interest earned on those fees, shall be deposited into the Fund without regard to fiscal year limitation pursuant to an act of Congress. All fees deposited into the Fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section, subject to authorization by Congress in an appropriations act".

D.C. Law 15-205 added subsec. (a-1).

D.C. Law 17-20, in subsec. (a), substituted "The Fund shall be funded by a tax imposed under § 34-1803 and from sources identified in § 34-1803.01" for "The Fund shall be funded by a tax imposed under § 34-1803"; and added subsec. (b-1).

D.C. Law 17-219 rewrote subsec. (b-1), which had read as follows:

"(b-1) As of October 1, 2009, no more than 10 full-time equivalent employees shall be funded by the Fund. Beginning with the proposed budget for fiscal year 2009, the Mayor shall begin the transition of full-time equivalent employees funded by the Fund so that no more than 10 remain as of October 1, 2009."

D.C. Law 18-111 added subsec. (b-2).

D.C. Law 18-223, in subsec. (a), substituted "§ 34-1803 and § 34-1803.02" for "§ 34-1803" in two places; and rewrote subsec. (d), which had read as follows:

"(d) All income and expenses of the Fund shall be audited annually by the Chief Financial Officer, who shall transmit the audit report to the Mayor and Council. The expenses of the annual audit shall be defrayed by the Fund. The Chief Financial Officer shall also transmit to the Mayor and Council quarterly reports summarizing the income and expenditures of the Fund."

D.C. Law 19-21, in subsec. (a), deleted "and from sources identified in § 34-1803.01" following "§ 34-1803.02"; and added subsec. (b-3).

D.C. Law 19-168 rewrote subsec. (a), which formerly read:

"(a) There is established a fund designated as the Emergency and Non-Emergency Number Telephone Calling Systems Fund, which shall be separate from the General Fund of the District of Columbia and shall be used solely for the purposes set forth in subsection (b) of this section. The Fund shall be funded by a tax imposed under § 34-1803 and § 34-1803.02. All monies collected under § 34-1803 and § 34-1803.02, and all interest earned on those monies, shall be deposited into the Fund without regard to fiscal year limitation pursuant to an act of Congress. All monies deposited into the Fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section, subject to authorization by Congress in an appropriations act."

##### *Emergency Act Amendments*

For temporary (90-day) addition of section, see § 603 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90-day) authorization of applicability of section, see § 609 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see § 702(a) of Fiscal Year 2003 Budget Support Amendment Emergency Act of 2002 (D.C. Act 14-544, December 4, 2002, 49 DCR 11700).

For temporary (90 day) amendment of section, see § 702(a) of the Fiscal Year 2003 Budget Support Amendment Congressional Review Emergency Act of 2003 (D.C. Act 15-27, February 24, 2003, 50 DCR 2151).

For temporary (90 day) amendment of section, see § 702(a) of Fiscal Year 2003 Budget Support Amendment Second Congressional Review Emergency Act of 2003 (D.C. Act 15-103, June 20, 2003, 50 DCR 5499).

For temporary (90 day) amendment of section, see § 502(b) of Fiscal Year 2004 Budget Support Emergency

Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) hiring freeze exemption provisions, see § 503 of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 502(b) and 503 of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

For temporary (90 day) amendment of section, see § 3222 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3222 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 3022(a) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

For temporary (90 day) amendment of section, see § 3011(a) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 3011(a) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

For temporary (90 day) amendment of section, see §§ 3002(b), 3052 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

For temporary (90 day) amendment of section, see § 3002 of Fiscal Year 2012 Budget Support Emergency Act of 2011 (D.C. Act 19-93, June 29, 2011, 58 DCR 5599).

For temporary (90 day) amendment of section, see § 3042(a) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 3042(a) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

#### *Legislative History of Laws*

For Law 13-172, see notes following § 34-1801.

Law 14-307, the "Fiscal Year 2003 Budget Support Amendment Act of 2002", was introduced in Council and assigned Bill No. 14-892, which was referred to the Committee on the Whole. The Bill was adopted on first and second readings on October 1, 2002, and November 7, 2002, respectively. Signed by the Mayor on December 4, 2002, it was assigned Act No. 14-543 and transmitted to both Houses of Congress for its review. D.C. Law 14-307 became effective on June 5, 2003.

For Law 15-39, see notes following § 34-1801.

Law 15-205, the "Fiscal Year 2005 Budget Support Act of 2004", was introduced in Council and assigned Bill No. 15-768, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 14, 2004, and June 29, 2004, respectively. Signed by the Mayor on August 2, 2004, it was assigned Act No. 15-487 and transmitted to both Houses of Congress for its review. D.C. Law 15-205 became effective on December 7, 2004.

For Law 17-20, see notes following § 34-1514.

For Law 17-219, see notes following § 34-808.01.

For Law 18-111, see notes following § 34-1561.

For Law 18-223, see notes following § 34-706.

For history of Law 19-21, see notes under § 34-706.

Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012", was introduced in Council and assigned Bill No. 19-743, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to both Houses of Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

#### *Delegation of Authority*

Delegation of Authority Under Title VI of DC Law 13-172, the "Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000", see Mayor's Order 2001-40, March 22, 2001 (48 DCR 3440).

#### *Miscellaneous Notes*

Hiring freeze exemption: Section 503 of D.C. Law 15-39 provides: "The positions identified in the Fiscal Year 2004 Spending Plan for the Fund, dated April 16, 2003, shall not be subject to a hiring freeze during Fiscal Year 2004."

Applicability: Section 504 of D.C. Law 15-39 provides: "Section 502 shall apply as of October 1, 2003."

Short title: Section 3021 of D.C. Law 17-20 provided that subtitle C of title III of the act may be cited as the "Critical Emergency Communications Amendment Act of 2007".

Short title: Section 3001 of D.C. Law 17-219 provided that subtitle A of title III of the act may be cited as the "Emergency Communications Funding Amendment Act of 2008".

Short title: Section 3010 of D.C. Law 18-111 provided that subtitle B of title III of the act may be cited as the "E-911 and Consumer Protection Fund Amendment Act of 2009".

Section 3003 of D.C. Law 18-223 provides:

"Sec. 3003. Applicability.

"This subtitle shall apply as of October 1, 2010."

Short title: Section 3041 of D.C. Law 19-168 provided that subtitle E of title III of the act may be cited as "Office of Unified Communications E-911 Fund Clarification Amendment Act of 2012".

Section 3044 of D.C. Law 19-168 provides:

"Sec. 3044. Applicability.

"Section 3042(a)(3) and section 3043 shall apply as of October 1, 2011."

### **§ 34-1803. ASSESSMENTS.**

(a)(1) There is imposed upon all local exchange carriers, including wireline and wireless carriers and interconnected Voice Over Internet Protocol ("VoIP") service providers, as defined by 47 C.F.R. § 9.3, that connect users who dial or enter the digits 9-1-1 to the District's public safety answering points, a monthly tax calculated on the basis of each individual telephone line sold or leased in the District as follows:

(A) For wireline local exchange service:

(i) \$0.76 per exchange access line in the District of Columbia;

(ii) \$0.62 per Centrex line in the District of Columbia; and

(iii) \$0.62 per private branch exchange station in the District of Columbia;

(B) For wireless telephone exchange service, \$0.76 for each telephone number that has a District of Columbia billing address; and

(C) For interconnected VoIP service, as defined by 47 C.F.R. § 9.3, \$0.76 for each line, trunk, or path that can access to, connect with, or interface with 911 service based on primary place of use.

(2) The PBX tax per station shall be converted into a per-trunk tax based on a ratio of 8 PBX stations to one PBX trunk.

(b) Each local exchange carrier shall submit the tax imposed under subsection (a) of this section to the Mayor on a quarterly basis.

(c) As part of the annual request for appropriations from the Fund, the Mayor shall provide a report to the Council addressing whether the tax imposed under this section should be adjusted.

(d) Each local exchange carrier is authorized to state on the invoice to customers a separate line item stating the amount of tax levied pursuant to this section.

(e) The provisions of this section do not apply to prepaid wireless telecommunications service, which shall be subject to the provisions of § 34-1803.02.

(Oct. 19, 2000, D.C. Law 13-172, § 604, 47 DCR 6308; June 5, 2003, D.C. Law 14-307, § 702(b), 49 DCR 11664; Nov. 13, 2003, D.C. Law 15-39, § 502(c), 50 DCR 5668; Aug. 16, 2008, D.C. Law 17-219, § 3002(b), 55 DCR 7598; Sept. 24, 2010, D.C. Law 18-223, § 3002(c), 57 DCR 6242.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 15-39 rewrote the section which had read as follows:

"(a)(1) All subscribers shall contribute to the Fund through a user fee to be collected by each local exchange carrier.

"(2)(A) Subscribers to wireline local exchange service shall pay the following monthly user fees:

"(i) A fee of \$0.76 per access line;

"(ii) A fee of \$0.62 per Centrex line; and

"(iii) A fee of \$0.62 per Private Branch Exchange ('PBX') station.

"(B) For billing and collection purposes, the PBX fee per station shall be converted into a per-trunk fee based on a ratio of 8 PBX stations to one PBX trunk.



"(C) Subscribers to wireless local exchange service shall pay a monthly user fee of \$0.76 for each telephone number that has a District of Columbia billing address.

"(D) For the purposes of collection and billing, a provider may continue treating all lines as access lines until such time as the provider is able to make the necessary technical changes to its billing and collection systems to implement the specific monthly user fees for Centrex and PBX stations, but in no event later than 120 days after June 5, 2003.

"(b)(1) Each local exchange carrier shall collect the user fees imposed under subsection (a) of this section and shall remit the proceeds to the Mayor on a quarterly basis.

"(2) Each local exchange carrier shall be entitled to deduct and retain an amount not to exceed 2% of the user fees collected to cover administrative costs.

"(c)(1) Payment of the user fees imposed under subsection (a) of this section shall not be subject to taxes or charges levied by the District of Columbia.

"(2) User fees collected under subsection (a) of this section shall not be considered revenue of a local exchange carrier for any purpose.

"(d) As part of the annual request for appropriations from the Fund, the Mayor shall provide a report to the Council addressing whether the user fees imposed under subsection (a) of this section should be adjusted.

"(e) Each user fee imposed under this section shall be reflected in a separate line item on each bill sent by a local exchange carrier."

D.C. Law 14-307 rewrote subsec. (a)(2) which had read as follows:

"(2)(A) Subscribers to wireline local exchange service shall pay the following monthly user fees:

"(i) A fee of \$0.56 per exchange access line; and

"(ii) A fee of \$0.07 per Centrex line.

"(B) Subscribers to wireless local exchange service shall pay a monthly user fee of \$0.56 for each telephone number that has a District of Columbia billing address."

D.C. Law 17-219 rewrote subsec. (a)(1), which had read as follows:

"(a)(1) There is imposed upon all local exchange carriers, including wireline and wireless carriers, a tax calculated on the basis of each individual telephone line sold or leased in the District of Columbia as follows:

"(A) For wireline local exchange service:

"(i) \$0.76 per exchange access line;

"(ii) \$0.62 per Centrex line; and

"(iii) \$0.62 per private branch exchange ('PBX') station; and

"(B) For wireless telephone exchange service, \$0.76 for each telephone number that has a District of Columbia billing address."

D.C. Law 18-223 added subsec. (e).

#### *Emergency Act Amendments*

For temporary (90-day) addition of section, see § 604 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90-day) authorization of applicability of section, see § 609 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see § 702(b) of Fiscal Year 2003 Budget Support Amendment Emergency Act of 2002 (D.C. Act 14-544, December 4, 2002, 49 DCR 11700).

For temporary (90 day) amendment of section, see § 702(b) of the Fiscal Year 2003 Budget Support Amendment Congressional Review Emergency Act of 2003 (D.C. Act 15-27, February 24, 2003, 50 DCR 2151).

For temporary (90 day) amendment of section, see § 702(b) of Fiscal Year 2003 Budget Support Amendment Second Congressional Review Emergency Act of 2003 (D.C. Act 15-103, June 20, 2003, 50 DCR 5499).

For temporary (90 day) amendment of section, see § 502(c) of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 502(c) of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

For temporary (90 day) amendment of section, see § 3002(c) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

For temporary (90 day) addition of section, see § 3042(b) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) addition of section, see § 3042(b) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

*Legislative History of Laws*

For Law 13-172, see notes following § 34-1801.

For Law 14-307, see notes following § 34-1802.

For Law 15-39, see notes following § 34-1801.

For Law 17-219, see notes following § 34-808.01.

For Law 18-223, see notes following § 34-706.

*Miscellaneous Notes*

Section 3003 of D.C. Law 18-223 provides:

"Sec. 3003. Applicability.

"This subtitle shall apply as of October 1, 2010."

### **§ 34-1803.01. ADDITIONAL REVENUES.[REPEALED]**

(Oct. 19, 2000, D.C. Law 13-172, § 604a, as added Sept. 18, 2007, D.C. Law 17-20, § 3022(b), 54 DCR 7052; Mar. 3, 2010, D.C. Law 18-111, § 3011(b), 57 DCR 181; Sept. 24, 2011, D.C. Law 19-21, § 9052(a)(2), 58 DCR 6226.)

*HISTORICAL AND STATUTORY NOTES*

*Emergency Act Amendments*

For temporary (90 day) addition, see § 3022(b) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

For temporary (90 day) amendment of section, see § 3011(b) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 3011(b) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

*Legislative History of Laws*

For Law 17-20, see notes following § 34-1514.

For Law 18-111, see notes following § 34-1561.

For history of Law 19-21, see notes under § 34-706.

### **§ 34-1803.02. COLLECTION AND REMITTANCE OF PREPAID WIRELESS E911 CHARGE.**

(a)(1) A prepaid wireless E911 charge of 2.0% of the sales price per retail transaction occurring in the District shall be collected by the seller from the consumer, and remitted to the District. The amount of the prepaid wireless E911 charge shall be separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller.

(2) For the purposes of paragraph (1) of this subsection, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in the District if that business location is in the District and any other retail transaction shall be treated as occurring in the District if the retail transaction is a sale at retail as described in § 47-2001(n)(1)(T) that is subject to tax pursuant to § 47-2002.

(b) The prepaid wireless E911 charge is the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid wireless E911 charges that the seller collects from consumers, except for deductions pursuant to subsection (f) of this section, including all such charges that the seller is deemed to collect where the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

(c) If the amount of the prepaid wireless E911 charge that is collected by a seller from a consumer is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, the amount shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by the District.

(d)(1) Except as provided in paragraph (2) of this subsection, when prepaid wireless telecommunications service is sold with one or more other products or services for a single, non-itemized price, then the

percentage specified in subsection (a) of this section shall apply to the entire non-itemized price unless the seller elects to apply the percentage to:

(A) The amount of the prepaid wireless telecommunications service disclosed to the consumer as a dollar amount; or

(B) The portion of the price identified by the seller that is attributable to the prepaid wireless telecommunications service by reasonable and verifiable standards from the seller's books and records that are kept in the regular course of business for other purposes, including non-tax purposes.

(2) If a minimal amount of prepaid wireless telecommunications service is sold with a prepaid wireless device for a single, non-itemized price, then the seller may elect not to apply the percentage specified in paragraph (1) of this subsection to the transaction. For the purposes of this paragraph, an amount of service denominated as 10 minutes or less, or \$5 or less, is minimal.

(e) The Office of Tax and Revenue shall establish regulations governing collection, remittance, and other administrative provisions that are consistent with existing provisions governing the collection, remittance, and administration of the tax imposed by § 47-2002.

(f) A seller shall be permitted to deduct and retain 3% of prepaid wireless E911 charges that are collected by the seller from consumers.

(Oct. 19, 2000, D.C. Law 13-172, § 604b, as added Sept. 24, 2010, D.C. Law 18-223, § 3002(d), 57 DCR 6242.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) addition of section, see § 3002(d) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

##### *Legislative History of Laws*

For Law 18-223, see notes following § 34-706.

##### *Miscellaneous Notes*

Section 3003 of D.C. Law 18-223 provides:

"Sec. 3003. Applicability.

"This subtitle shall apply as of October 1, 2010."

## **§ 34-1803.03. ADDITIONAL REVENUES.**

All revenues from the following sources shall be deposited into the Fund:

(1) Steam (including arrearage payments) for the Correctional Treatment Facility received by the District since October 1, 2007; and

(2) Aggregate revenues in excess of \$88 million received in any one fiscal year beginning on or after October 1, 2012, from fines paid due to automated photo enforcement; except, that in fiscal year 2014, it shall be in excess of \$92.5 million.

(Oct. 19, 2000, D.C. Law 13-172, § 604c, as added Sept. 20, 2012, D.C. Law 19-168, § 3042(b), 59 DCR 8025.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For history of Law 19-168, see notes under § 34-1802.

## **§ 34-1804. REMOVAL OF 911 SYSTEM COSTS FROM BASE RATES.[REPEALED]**

(Oct. 19, 2000, D.C. Law 13-172, § 605, 47 DCR 6308; Nov. 13, 2003, D.C. Law 15-39, §502(d), 50 DCR 5668.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90-day) addition of section, see § 605 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90-day) authorization of applicability of section, see § 609 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) repeal of section, see § 502(d) of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) repeal of section, see § 502(d) of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

*Legislative History of Laws*

For Law 13-172, see notes following § 34-1801.

For Law 15-39, see notes following § 34-1801.

## **§ 34-1805. REPORT TO THE COUNCIL.**

Not later than September 15, 2003, the Mayor shall submit to the Council an analysis of the expenses of the Fund, which analysis shall include a recommendation as to whether the tax imposed under § 34-1803 should be adjusted. In preparing this analysis:

(1) It shall be assumed that funding for call center operating personnel will be shifted from the Fund to the General Fund of the District of Columbia; and

(2) A replacement reserve schedule for all technology equipment and software shall be used.

(Oct. 19, 2000, D.C. Law 13-172, § 605a, as added Nov. 13, 2003, D.C. Law 15-39, § 502(c), 50 DCR 5668.)

*HISTORICAL AND STATUTORY NOTES*

*Emergency Act Amendments*

For temporary (90-day) addition, see § 502(e) of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20 2003, 50 DCR 5613).

For temporary (90 day) addition, see § 502(e) of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

*Legislative History of Laws*

For Law 15-39, see notes following § 34-1801.

## **§ 34-1806. REPLACEMENT OF EQUIPMENT.**

No later than October 1, 2007, the Office of Unified Communications shall establish a schedule for the replacement of equipment for the 911 system. The schedule shall be updated on February 1 of each subsequent year.

(Oct. 19, 2000, D.C. Law 13-172, § 605b, as added Sept. 18, 2007, D.C. Law 17-20, § 3022(c), 54 DCR 7052.)

*HISTORICAL AND STATUTORY NOTES*

*Emergency Act Amendments*

For temporary (90 day) addition, see § 3022(c) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

*Legislative History of Laws*

For Law 17-20, see notes following § 34-1514.