

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/18/03 H4/14/03

A Bill

HOUSE BILL 2869

5 By: Representative Parks
6
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For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS PUBLIC SAFETY
10 COMMUNICATIONS ACT OF 1985; AND FOR OTHER
11 PURPOSES.
12

Subtitle

14 AN ACT TO AMEND THE ARKANSAS PUBLIC
15 SAFETY COMMUNICATIONS ACT OF 1985.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 12-10-320 is amended to read as follows:

21 12-10-320. Emergency telephone service charges -- Duties, rights,
22 liability, etc., of service supplier.

23 (a)(1) Within sixty (60) days of the effective date of this act, each
24 service supplier that is providing local exchange telephone service in a
25 political subdivision as of January 1, 2003, but that has not collected and
26 remitted the emergency service telephone charge under § 12-10-318 as of
27 January 1, 2003, shall register with the chief executive of each political
28 subdivision in which it is providing service or with the Commercial Mobile
29 Radio Service Emergency Telephone Services Board.

30 (2) Within thirty (30) days of beginning local exchange
31 telephone service in a political subdivision, a service supplier shall
32 register with the chief executive of the political subdivision under
33 subsection (a)(1) of this section or the CMRS Emergency Telephone Services
34 Board of its intent to begin providing service in the political subdivision.

35 (3) Notwithstanding subdivisions (a)(1) and (2) of this section,
36 a service supplier shall be deemed to have registered with the chief



1 executive of a political subdivision or the CMRS Emergency Telephone Services
2 Board upon the service supplier's collection and remittance of the
3 appropriate emergency service charges.

4 ~~(a)~~(b) The duty of ~~the~~ each service supplier to collect any such
5 service charge shall commence upon the date of its implementation, which date
6 shall be specified in the resolution calling the election.

7 ~~(b)~~(1)~~(c)~~(1) The service supplier shall have no obligation to take any
8 legal action to enforce the collection of any emergency telephone service
9 charge.

10 (2) However, the service supplier shall annually provide the
11 governing authority of the political subdivision with a list of the amount
12 uncollected, together with the names and addresses of those service users who
13 carry a balance that can be determined by the service supplier to be
14 nonpayment of such service charge.

15 (3) The service charge shall be collected at the same time as
16 the tariff rate in accordance with the regular billing practice of the
17 service supplier.

18 (4) Good faith compliance by the service supplier with this
19 provision shall constitute a complete defense for the service supplier to any
20 legal action or claim which may result from the service supplier's
21 determination of nonpayment and the identification of service users in
22 connection therewith.

23 ~~(e)~~(1)~~(d)~~(1) The amounts collected by the service supplier
24 attributable to any emergency telephone service charge shall be due
25 quarterly. The amount of service charge collected on one (1) calendar quarter
26 by the service supplier shall be remitted to the political subdivision no
27 later than sixty (60) days after the close of a calendar quarter.

28 (2) A return, in such form as the governing authority of the
29 political subdivision and the service supplier agree upon, shall be filed
30 with the political subdivision, together with a remittance of the amount of
31 service collected payable to the political subdivision.

32 (3) From the gross receipts to be remitted to the political
33 subdivision, the service supplier shall be entitled to retain as an
34 administrative fee an amount equal to one percent (1%) thereof.

35 (4) The service supplier shall maintain records of the amount of
36 the service charge collected for a period of at least two (2) years from date

1 of collection.

2 (5) The governing authority may, at its expense, require an
3 annual audit of the service supplier's books and records with respect to the
4 collection and remittance of the service charge.

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6 SECTION 2. Arkansas Code § 12-10-318(e) is amended to read as follows:

7 (e)(1) The political subdivision may pursue against a delinquent
8 service user any remedy available at law or in equity for the collection of a
9 debt.

10 (2) The political subdivision may pursue any remedy available at
11 law or in equity against a service supplier providing local exchange service
12 in its jurisdiction that unreasonably refuses or fails to collect and remit
13 the emergency telephone service charge under this section.

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15 /s/ Parks

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