

Effective 5/10/2016

69-2-5.7 Prepaid wireless telecommunications charge to fund 911 service -- Administrative charge.

- (1) As used in this section:
 - (a) "Consumer" means a person who purchases prepaid wireless telecommunications service in a transaction.
 - (b) "Prepaid wireless 911 service charge" means the charge that is required to be collected by a seller from a consumer in the amount established under Subsection (2).
 - (c)
 - (i) "Prepaid wireless telecommunications service" means a wireless telecommunications service that:
 - (A) is paid for in advance;
 - (B) is sold in predetermined units of time or dollars that decline with use in a known amount or provides unlimited use of the service for a fixed amount or time; and
 - (C) allows a caller to access 911 emergency service.
 - (ii) "Prepaid wireless telecommunications service" does not include a wireless telecommunications service that is billed:
 - (A) to a customer on a recurring basis; and
 - (B) in a manner that includes the emergency services telecommunications charges, described in Sections 69-2-5, 69-2-5.5, and 69-2-5.6, for each radio communication access line assigned to the customer.
 - (d) "Seller" means a person that sells prepaid wireless telecommunications service to a consumer.
 - (e) "Transaction" means each purchase of prepaid wireless telecommunications service from a seller.
 - (f) "Wireless telecommunications service" means commercial mobile radio service as defined by 47 C.F.R. Sec. 20.3, as amended.
- (2) There is imposed a prepaid wireless 911 service charge of 1.9% of the sales price per transaction.
- (3)
 - (a) The prepaid wireless 911 service charge shall be collected by the seller from the consumer for each transaction occurring in this state.
 - (b)
 - (i) Except as provided in Subsections (3)(b)(ii) and (iii), if a user of a service subject to a charge described in Subsection (2) is not the consumer, the seller shall collect the charge from the consumer for the service.
 - (ii) The charge described in Subsection (2) is not imposed on a seller or a consumer of federal wireless lifeline service if the consumer does not pay the seller for the service.
 - (iii) A consumer of federal wireless lifeline service shall pay, and the seller of the service shall collect and remit, the charge described in Subsection (2) when the consumer purchases from the seller optional services in addition to the federally funded lifeline benefit.
- (4) The prepaid wireless 911 service charge shall be separately stated on an invoice, receipt, or similar document that is provided by the seller to the consumer.
- (5) For purposes of Subsection (3), the location of a transaction is determined in accordance with Sections 59-12-211 through 59-12-215.
- (6) 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 Section (2) shall apply to the entire non-itemized price.

- (7) A seller may retain 3% of prepaid wireless 911 service charges that are collected by the seller from consumers as reimbursement for the cost of billing, collecting, and remitting the charge.
- (8) Prepaid wireless 911 service charges collected by a seller, except as retained under Subsection (7), shall be remitted to the State Tax Commission at the same time as the seller remits to the State Tax Commission money collected by the person under Title 59, Chapter 12, Sales and Use Tax Act.
- (9) The State Tax Commission:
 - (a) shall collect, enforce, and administer the charge imposed under this section using the same procedures used in the administration, collection, and enforcement of the state sales and use taxes under:
 - (i) Title 59, Chapter 1, General Taxation Policies; and
 - (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:
 - (A) Section 59-12-104;
 - (B) Section 59-12-104.1;
 - (C) Section 59-12-104.2;
 - (D) Section 59-12-107.1; and
 - (E) Section 59-12-123;
 - (b) may retain up to 1.5% of the prepaid wireless 911 service charge revenue collected under Subsection (9)(a) as reimbursement for administering this section;
 - (c) shall distribute the prepaid wireless 911 service charge revenue, except as retained under Subsection (9)(b), as follows:
 - (i) 80.3% of the revenue shall be distributed to each county, city, town, or metro township in the same percentages and in the same manner as the entities receive money to fund 911 emergency telecommunications services under Section 69-2-5;
 - (ii) 7.9% of the revenue shall be distributed to fund the Computer Aided Dispatch Restricted Account created in Section 63H-7a-303;
 - (iii) 11.8% of the revenue shall be distributed to fund the unified statewide 911 emergency service as in Section 69-2-5.6; and
 - (d) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer, collect, and enforce the charges imposed under this section.
- (10) A charge under this section is subject to Section 69-2-5.8.

Amended by Chapter 179, 2016 General Session