

**HOUSE . . . . . No. 4084**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Tommy Vitolo and Jack Patrick Lewis***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to a surcharge on the 988 system.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>1/16/2025</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/16/2025</i>

**HOUSE . . . . . No. 4084**

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By Representatives Vitolo of Brookline and Lewis of Framingham, a petition (accompanied by bill, House, No. 4084) of Tommy Vitolo and Jack Patrick Lewis relative to a surcharge on the 988 system. Telecommunications, Utilities and Energy.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
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An Act relative to a surcharge on the 988 system.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 18A of chapter 6A of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by inserting after the definition of “Enhanced 911 systems”  
3 the following 2 definitions:-

4           “Enhanced 988 service”, a service consisting of communication network, database and  
5 equipment features provided for subscribers or end users of communication services enabling  
6 such subscribers or end users to reach a PSAP by dialing the digits 988, or by other means  
7 approved by the 988 crisis hotline center established in section 16EE, that directs calls to  
8 appropriate PSAPs based on selective routing and provides the capability for automatic number  
9 identification and automatic location identification.

10           “Enhanced 988 systems”, a distinct entity or geographical segment that enhanced 911  
11 service is provided, consisting of network routing elements serving as a control office and

12 trunking connecting all central offices within a geographical segment, and including PSAPs and  
13 network used to deliver location data to PSAPs from a data base.

14 SECTION 2. Said chapter 6A is hereby further amended by inserting, after section  
15 18H<sup>1</sup>/<sub>2</sub>, the following section:-

16 Section 18H<sup>3</sup>/<sub>4</sub>. (a)(1) There shall be imposed on each subscriber or end user whose  
17 communication services are capable of accessing and utilizing an enhanced 988 system, a  
18 surcharge in the amount of 75 cents per month for expenses associated with services provided  
19 under section 16EE. For wireline enhanced 988 service, the charge shall be imposed on each  
20 voice grade exchange telephone line of business and residence customers within the  
21 commonwealth, but the surcharge applicable to centrex service and ISDN primary rate interface  
22 service shall be based on an equivalency ratio provided to each private branch exchange trunk.  
23 For wireless enhanced 988 service, the charge shall be imposed per wireless mobile telephone  
24 number, based on the area code chosen by the subscriber or end user. With the approval of the  
25 department, a wireless carrier may impose this surcharge based on the subscriber's or end user's  
26 billing address or other manner consistent with federal law. For interconnected VoIP provider  
27 service, the charge shall be imposed on each voice grade telephone line of business and residence  
28 customers within the commonwealth, but the surcharge applicable to such interconnected VoIP  
29 provider service that is comparable to centrex service and ISDN primary rate interface service  
30 associated with wireline enhanced 988 service shall be based on an equivalency ratio similar to  
31 that used for wireline enhanced 988 service. For IP-enabled service, the charge shall be imposed  
32 based on the subscriber's or end user's billing address in the commonwealth except for  
33 interconnected VoIP provider service, unless a different method is approved by the department.  
34 For prepaid wireless service, the department shall promulgate regulations establishing an

35 equitable and reasonable method for the remittance and collection of the surcharge or surcharge  
36 amounts for such service. For all other services not identified above, the surcharge shall be  
37 imposed based on the subscriber's billing address in the commonwealth, unless a different  
38 method is approved by the department.

39 (2) The surcharge shall be collected by the communication service provider and shall be  
40 shown on the subscriber's or end user's bill as 988 Service Surcharge or an appropriate  
41 abbreviation. The surcharge shall not be subject to sales or use tax. The subscriber or end user  
42 shall be liable for the surcharge imposed under this section and the communication service  
43 provider shall not be financially liable for surcharges billed on behalf of the commonwealth, but  
44 not collected from subscribers or end users. Partial subscriber or end user payments shall be first  
45 applied to outstanding communication service provider charges.

46 (b) The department may petition the department of telecommunications and cable for an  
47 adjustment in the surcharge established in subsection (a). The department of telecommunications  
48 and cable shall be responsible for establishing the new surcharge, and all future surcharges, upon  
49 petition of the department. The department of telecommunications and cable, at its discretion but  
50 not more than once per calendar year, may investigate the prudence of the department's revenue  
51 and expenditures for the purpose of recalculating the surcharge, and may hire experts to assist in  
52 its investigation. The reasonable cost of such experts shall be charged to the Enhanced 988 Fund  
53 established by section 35 JJ½ of chapter 10, but in no event shall such cost exceed \$200,000,  
54 which may be adjusted to reflect changes in the consumer price index. The department of  
55 telecommunications and cable shall conduct its review and issue a decision within 90 days of the  
56 date of the commencement of the investigation, but the surcharge shall be deemed approved if  
57 the department of telecommunications and cable does not issue its decision within such 90 days.

58 The department of telecommunications and cable shall adopt rules that provide for the funding of  
59 prudently incurred expenses associated with services provided by section 16EE, by means of the  
60 surcharge. The department shall report annually to the department of telecommunications and  
61 cable on the financial condition of the Enhanced 988 Fund and on the department's assessment of  
62 new developments affecting the enhanced 988 system. The report shall be submitted to the  
63 department of telecommunications and cable within 60 days of the end of each fiscal year. The  
64 department of telecommunications and cable shall file an annual report with the clerks of the  
65 house of representatives and the senate relative to the financial condition of the Enhanced 988  
66 Fund.

67 (c) The department shall seek the approval of the department of telecommunications and  
68 cable for projected total expenditures that exceed total expenditures of the previous fiscal year by  
69 10 per cent or more. The department of telecommunications and cable may investigate the  
70 reasonableness of the expenditures and shall conduct its review and issue a decision within 90  
71 days from the date the department files its request for approval, but the request for approval shall  
72 be deemed approved if the department of telecommunications and cable does not issue its  
73 decision within such 90 days. The department of telecommunications and cable shall notify the  
74 department of its intent to investigate within 20 days of the date the department files its request  
75 for approval. The department's request for approval shall be deemed approved in the absence of  
76 the department of telecommunication and cable's notification to the department of its intent to  
77 investigate. If the department of telecommunication and cable notifies the department that it  
78 intends to investigate an expenditure, the department of telecommunications and cable may hire  
79 experts to assist in its investigation. The reasonable cost of the experts shall be charged to the

80 Enhanced 988 Fund, but in no event shall such cost exceed \$200,000, which may be adjusted to  
81 reflect changes in the consumer price index.

82 (d) Each communication service provider shall remit the surcharge revenues collected  
83 from its subscribers or end users to the state treasurer for deposit in the Enhanced 988 Fund. The  
84 surcharge revenues shall be expended for the administration and programs of the department  
85 including, but not limited to, salaries, enhanced 988 training programs, enhanced 988 public  
86 education programs and maintenance of the programs mandated by section 16EE and for the  
87 implementation and administration of enhanced 988 service in the commonwealth.

88 (e) Each communication service provider required to remit surcharge revenues shall  
89 submit to the department and the department of telecommunications and cable information on its  
90 business entity including, but not limited to, name, business address, contact person and their  
91 business telephone number, fax number and e-mail address of such contact person. Each such  
92 provider shall update this information annually.

93 (f) Each communication service provider shall report to the department on a monthly  
94 basis the total surcharge revenues collected from its subscribers or end users during the  
95 preceding month, the total uncollected surcharge revenues from subscribers or end users during  
96 the preceding month, the total amount billed to the department for administration costs to cover  
97 the expenses of billing, collecting and remitting the surcharge during the preceding month and  
98 the total amount billed to the department for non-recurring and recurring costs associated with  
99 any service, operation, administration or maintenance of enhanced 988 service during the  
100 preceding month. Such monthly report shall not be a public record under clause Twenty-sixth of  
101 section 7 of chapter 4 or section 10 of chapter 66.

102 (g)(1) A communication service provider shall forward to any answering point equipped  
103 for enhanced 988 service, or upon request consistent with federal law, to a municipal, state or  
104 federal law enforcement agency, the department of telecommunications and cable, the FCC or  
105 the department, the telephone number and street address or location of any telephone used to  
106 place a 988 call, and any other call data or information required by the FCC to be transmitted to a  
107 PSAP.

108 (2) Subscriber or end user information or data provided in accordance with this section  
109 shall be used, consistent with federal law, only for the purpose of responding to emergency calls,  
110 administering and operating the enhanced 988 system and providing enhanced 988 service or for  
111 use in any ensuing investigation or prosecution, including the investigation of false or  
112 intentionally misleading reports of incidents requiring emergency service. No communication  
113 service provider or officers, directors, employees, vendors or agents shall be liable in any action  
114 to any person for releases of information authorized by this section or for civil action resulting  
115 from or caused by such providers for participation or omissions in the development, installation,  
116 operation, maintenance, performance or provision of enhanced 988 service except for wanton or  
117 willful misconduct. Release to or use by any person of a communication service provider's  
118 subscriber or end user information or data for any use other than the purposes enumerated in this  
119 subsection shall be prohibited. Notwithstanding any general or special law to the contrary, such  
120 information or data shall not be a public record under clause Twenty-sixth of section 7 of chapter  
121 4 or section 10 of chapter 66, except that aggregated information that does not identify or  
122 effectively identify specific subscriber or end user information or data may be made public.

123 (h) The department shall examine call volumes of all primary, regional and regional  
124 secondary PSAPs, and the population changes of the municipalities they serve, and may use such  
125 information in determining the disbursement of funds as set forth in section 16EE.

126 SECTION 3. Chapter 10 of the General Laws is hereby amended by inserting, after  
127 section 35JJ, the following section:-

128 Section 35JJ½. (a) There is hereby established and set up on the books of the  
129 commonwealth a separate fund to be known as the Enhanced 988 Fund. There shall be credited  
130 to such fund all revenues received by the commonwealth from: surcharges imposed under  
131 section 18H¾ of chapter 6A; appropriations; gifts, grants, contributions and bequests of funds  
132 from any department, agency or subdivision of federal, state or municipal government and any  
133 individual foundation, corporation, association or public authority; revenue derived from the  
134 investment of amounts credited to the fund; and any federal funds made available for emergency  
135 telecommunication services. The fund shall be used solely for the purposes described in section  
136 16EE of said chapter 6A.

137 (b) Amounts credited to the fund shall be available for expenditure by the state 988 crisis  
138 hotline center, without further appropriation. The state 988 department shall report annually to  
139 the general court its planned expenditures for the next fiscal year; the uses to which the fund was  
140 used in the last fiscal year and the balance remaining in the fund; and the aggregate surcharges  
141 collected in the last fiscal year based upon monthly reports of communication services providers  
142 as required under subsection (f) of section 18H¾ of chapter 6A. The report shall also include a  
143 request, if necessary, for appropriation for deposit into the fund.