

Proposed

1 SENATE \_\_\_\_\_ COMMITTEE SUBSTITUTE FOR  
SENATE BILL 278

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

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6 DISCUSSION DRAFT

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10 AN ACT

11 RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
12 AMENDING DEFINITIONS IN THE ENHANCED 911 ACT.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 63-9D-3 NMSA 1978 (being Laws 1989,  
16 Chapter 25, Section 3, as amended) is amended to read:

17 "63-9D-3. DEFINITIONS.--As used in the Enhanced 911 Act:

18 A. "911 call" means any real-time communication,  
19 message, signal or transmission between a person needing  
20 assistance and a public safety answering point call-taker by  
21 dialing 9-1-1 or its equivalent;

22 B. "911 service area" means the area designated by  
23 the fiscal agent, local governing body or the division to  
24 receive enhanced 911 service;

25 C. "access line" means ~~[a telecommunications]~~

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1 ~~company's line that has the capability]~~ the number of  
2 simultaneous calls a telecommunications company's line can make  
3 to reach local public safety agencies by dialing 911,  
4 regardless of hardware, technology or actual use, but does not  
5 include a line used for the provision of interexchange services  
6 or commercial mobile radio service;

7 D. "commercial mobile radio service" means service  
8 provided by a wireless real-time two-way voice communication  
9 device, including:

10 (1) radio-telephone communications used in  
11 cellular telephone service;

12 (2) the functional or competitive equivalent  
13 of radio-telephone communications used in cellular telephone  
14 service;

15 (3) a personal communications service; or

16 (4) a network radio access line;

17 E. "commercial mobile radio service provider" means  
18 a person who provides commercial mobile radio services,  
19 including a person who purchases commercial mobile radio  
20 service from a provider and resells that service;

21 F. "commission" means the public regulation  
22 commission;

23 G. "communication service" means any service that:

24 (1) is capable of and required by law to  
25 access, connect with or interface with the enhanced 911 system

1 by directly dialing, initializing or otherwise activating the  
2 enhanced 911 system regardless of the transmission medium or  
3 technology employed; and

4 (2) provides or enables real-time or  
5 interactive communication;

6 H. "communications service provider" means any  
7 entity that provides communication services;

8 I. "database" means information that is collected,  
9 formatted and disseminated and that is necessary for the  
10 functioning of the enhanced 911 system, including geographic  
11 information system (GIS) addressing and digital mapping  
12 information;

13 J. "department" means the taxation and revenue  
14 department;

15 K. "division" means the local government division  
16 of the department of finance and administration;

17 L. "enhanced 911 surcharge" means the monthly  
18 uniform charge assessed on each access line in the state,  
19 measured by the number of access lines for which the access  
20 line provider enables the capacity for simultaneous calls to be  
21 connected to the public switched telephone network, regardless  
22 of hardware, technology or actual use and on each active number  
23 for a commercial mobile radio service subscriber and on the  
24 number of VoIP lines for which the VoIP service provider  
25 enables the capacity for simultaneous calls, regardless of

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1       actual usage, to be connected to the public switched telephone  
2       network during the period for which the fixed charge is imposed  
3       for a VoIP service subscriber in New Mexico and the charge  
4       assessed on any other consumer purchase of communication  
5       service provided by a communications service provider that  
6       enables communication between a person needing assistance and a  
7       public safety answering point call-taker by dialing 9-1-1 or  
8       its equivalent; provided that an enhanced 911 surcharge shall  
9       not be assessed on the provision of broadband internet access  
10      service;

11           M. "enhanced 911 system" means, regardless of the  
12       technology used, a landline, wireless, NG-911 or ESInet system  
13       consisting of network switching equipment, database, mapping  
14       and on-premises equipment, or the functional equivalent  
15       thereof, that uses the single three-digit number 911 for  
16       reporting police, fire, medical or other emergency situations,  
17       thereby enabling a caller to reach a public safety answering  
18       point to report emergencies by dialing 911, and includes the  
19       capability to:

20               (1) selectively route incoming 911 calls to  
21       the appropriate public safety answering point operating in a  
22       911 service area;  
23               (2) automatically display the name, address  
24       and telephone number of an incoming 911 call on a video monitor  
25       at the appropriate public safety answering point;

(3) provide one or more access paths for communications between users at different geographic locations through a network system that may be designed for voice, text or data, or any combination of these, and may feature limited or open access and may employ appropriate analog, digital switching or transmission technologies;

(4) relay to a designated public safety answering point a 911 caller's number and base station or cell site location and the latitude and longitude of the 911 caller's location in relation to the designated public safety answering point; and

(5) manage or administer the functions listed in Paragraphs (1) through (4) of this subsection;

N. "enhanced 911 equipment" means the public safety answering point equipment directly related to the operation of an enhanced 911 system, including automatic number identification or automatic location identification controllers and display units, printers, logging recorders and software associated with call detail recording, call center work stations, training, latitude and longitude base station or cell site location data and GIS equipment necessary to obtain and process locational map and emergency service zone data for landline and wireless callers;

0. "equipment supplier" means a person who provides or offers to provide communications equipment necessary for the

1 establishment of enhanced 911 services;

2 P. "ESInet" means emergency services internet  
3 protocol network, an internet-protocol-based, multipurpose  
4 inter-network supporting local, regional, state and national  
5 public safety communications services in addition to 911;

6 Q. "fiscal agent" means the local governing body  
7 that administers grants from the fund for a given locality or  
8 region by agreement;

9 R. "fund" means the enhanced 911 fund;

10 S. "local governing body" means the board of county  
11 commissioners of a county or the governing body of a  
12 municipality as defined in the Municipal Code;

13 T. "NG-911" means a next generation 911 system  
14 consisting of network, hardware, software, data and operational  
15 policies and procedures that:

16 (1) provides standardized interfaces from call  
17 and message services;

18 (2) processes all types of emergency calls,  
19 including non-voice (multimedia) messages;

20 (3) acquires and integrates additional data  
21 useful to call routing and handling;

22 (4) delivers the calls, messages and data to  
23 appropriate public safety answering points and other  
24 appropriate emergency entities;

25 (5) supports data and communications needs for

1 coordinated incident response and management; and

2 (6) provides a secure environment for  
3 emergency communications;

4 U. "proprietary information" means customer lists,  
5 customer counts, technology descriptions or trade secrets,  
6 including the actual or development costs of individual  
7 components of an enhanced 911 system; provided that such  
8 information is designated as proprietary by the communications  
9 service provider; and provided further that "proprietary  
10 information" does not include individual payments made by the  
11 division or any list of names and identifying information of  
12 subscribers who have not paid the surcharge;

13 V. "public safety answering point" means a twenty-  
14 four-hour local communications facility that receives 911  
15 service communications and directly dispatches emergency  
16 response services or that relays communications to the  
17 appropriate public or private safety agency;

18 W. "subscriber" means a person who purchases  
19 communication services at retail from a communications service  
20 provider that are capable of originating a 911 communication;

21 X. "surcharge" means the 911 emergency surcharge;

22 Y. "surcharge collected" means the amount of  
23 enhanced 911 surcharge billed or received or deemed to have  
24 been received by the seller or provider, consistent with the  
25 seller's or provider's method of accounting, including accrual

1 or cash;

2 Z. "telecommunications company" means a person who  
3 provides wire telecommunications services that are capable of  
4 originating a 911 communication;

5 AA. "vendor" means a person that provides 911  
6 equipment, service or network support;

7 BB. "VoIP" means "interconnected voice-over-  
8 internet protocol service" as defined in the Code of Federal  
9 Regulations, Title 47, Part 9, Section 9.3, as amended; and

10 CC. "VoIP service provider" or "interconnected  
11 voice-over-internet protocol service provider" means an entity  
12 that provides interconnected voice-over-internet protocol  
13 service to end users."

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