

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1731 Session of  
1991

INTRODUCED BY FARGO, FAIRCHILD, NOYE, ARGALL, COLAIZZO, ITKIN,  
MRKONIC, MELIO, FOX, ARMSTRONG, NYCE, BUNT, JOHNSON, NAHILL,  
S. H. SMITH, SAURMAN, CLYMER AND VROON, JUNE 19, 1991

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 19, 1991

AN ACT

1 Amending the act of July 9, 1990 (P.L.340, No.78), entitled "An  
2 act providing for a Statewide emergency telephone number 911  
3 system; providing for contributions from telephone  
4 subscribers; providing a penalty; and making a repeal,"  
5 further providing for the definition of "contribution rate,"  
6 for authorized expenditures by counties and for immunity.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. The definition of "contribution rate" in section  
10 2 of the act of July 9, 1990 (P.L.340, No.78), known as the  
11 Public Safety Emergency Telephone Act, is amended to read:

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall  
14 have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 \* \* \*

17 "Contribution rate." A fee assessed against a telephone  
18 subscriber for the nonrecurring costs, maintenance and operating  
19 costs of a 911 system. Counties of the first through second

1 class A may impose a monthly contribution rate in an amount not  
2 to exceed \$1 per line on each local exchange access line.  
3 Counties of the third through fifth class may impose monthly  
4 contribution rates in an amount not to exceed \$1.25 per line on  
5 each local exchange access line. Counties of the sixth through  
6 eighth class may impose a monthly contribution rate in an amount  
7 not to exceed \$1.50 per line on each local exchange access line.  
8 The contribution rate may be used by counties for the expenses  
9 of implementing, expanding or upgrading a 911 system. Expenses  
10 eligible for reimbursement through the contribution rate shall  
11 include telephone terminal equipment, trunk line service  
12 installation, network changes, building of initial data base and  
13 any other nonrecurring costs to establish a 911 system. The  
14 contribution rate may also be used to fund recurring costs  
15 pursuant to section 8(b). Expenses not eligible for  
16 reimbursement through the contribution rate shall include  
17 purchase of real estate, cosmetic remodeling, central office  
18 upgrades, hiring [and training] of dispatchers, mobile  
19 communications equipment, ambulances, fire engines or other  
20 emergency vehicles, utilities, taxes and other expenses as  
21 determined by the Department of Community Affairs.

22 \* \* \*

23 Section 2. Sections 8 and 9(c) of the act are amended to  
24 read:

25 Section 8. Expenditures for nonrecurring costs, maintenance and  
26 operation of 911 systems.

27 (a) Expenditures authorized.--During each county's fiscal  
28 year, the county may expend the amounts distributed to it from  
29 the contribution rate for the nonrecurring costs, maintenance  
30 and operation of a county 911 system.

1 (b) Items included in nonrecurring costs, maintenance and  
2 operation costs.--Maintenance and operation costs may include  
3 telephone company charges, equipment costs or equipment lease  
4 charges, repairs, utilities, data base maintenance costs,  
5 personnel salary and benefit costs which are directly related to  
6 the provision of 911 services, training of emergency dispatchers  
7 or communicators, audit costs and appropriate carryover costs  
8 from previous years. Maintenance and operation costs shall not  
9 include any cost necessary to house the 911 system. No more than  
10 60% of the contribution rate collected during each county's  
11 fiscal year may be utilized to fund personnel salary and benefit  
12 costs.

13 (c) Limitations on expenditures.--The department shall adopt  
14 procedures to assure that the total amount collected from the  
15 911 contribution rate shall be expended only for the  
16 nonrecurring costs, maintenance and operation of a county 911  
17 system. Nonrecurring costs shall be amortized over a minimum of  
18 three years.

19 (d) Triennial audit.--The department shall require a  
20 triennial audit of each county's expenditures for the  
21 nonrecurring costs, maintenance and operation of 911 systems.  
22 The triennial audit cost shall be paid by the respective county  
23 from contribution rate revenues.

24 Section 9. Telephone records.

25 \* \* \*

26 (c) Immunity.--No telephone company, or agent or employee or  
27 director of a telephone company and no county, county official  
28 or county employee, shall be liable to any person who uses the  
29 911 emergency service established under this act:

30 (1) for release to a public safety answering point of

1 information specified in this section that is not already  
2 part of the public records, including nonpublished telephone  
3 numbers; or

4 (2) for interruptions, omissions, defects, errors,  
5 mistakes or delays in transmission occurring in the course of  
6 rendering 911 emergency service under this act, unless such  
7 interruptions, omissions, defects, errors, mistakes or delays  
8 are caused by the willful or wanton misconduct of the  
9 telephone company, its agents or employees or directors or  
10 the county, its officials or employees: Provided, however,  
11 That nothing herein shall preclude the application of any  
12 commission tariff or regulation pertaining to allowances for  
13 telephone service interruptions.

14 Section 3. This act shall take effect in 60 days.