

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 911 Session of  
2015

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RADER, DAVIDSON, MAHONEY, WARNER AND REGAN, APRIL 13, 2015

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES, JUNE  
23, 2015

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, further providing for emergency  
3 telephone service; and establishing the 911 Fund.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. The heading of Chapter 53 of Title 35 of the  
7 Pennsylvania Consolidated Statutes is amended to read:

8 CHAPTER 53

9 [EMERGENCY TELEPHONE SERVICE] 911 EMERGENCY COMMUNICATION

10 SERVICES

11 Section 2. Sections 5302, 5303, 5304 and 5304.1 of Title 35  
12 are amended to read:

13 § 5302. Definitions.

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

1 "911 communication." Transmission of information to a PSAP  
2 for the initial reporting of police, fire, medical or other  
3 emergency situation.

4 "911 communications service." As follows:

5 (1) A service that allows the two-way transmission,  
6 conveyance or routing of voice, data, audio, video or any  
7 information of signals, including cable and internet protocol  
8 services, to a point or between or among points by or through  
9 any electronic, radio, satellite, cable, optical, microwave  
10 or other medium or method in existence on or after the  
11 effective date of this definition, regardless of protocol  
12 used for the transmission or conveyance, only if that service  
13 is capable of contacting a PSAP by entering or dialing the  
14 digits 911 and is subject to applicable Federal or State  
15 requirements to provide the 911 dialing capability.

16 (2) The term does not include wireless and Internet-  
17 protocol-enabled services that are exempt from Federal  
18 Communications Commission regulations for 911 communications  
19 service, 911 service and next generation 911 service.

20 "911 service provider." An entity that provides all or parts  
21 of the network, software applications, databases, CPE  
22 components and operations and management procedures required to  
23 support a 911 system.

24 "911 system." [A system, including enhanced 911 service, but  
25 excluding a wireless E-911 system, which permits a person  
26 dialing 911 by telephone to be connected to a public safety  
27 answering point, via normal telephone facilities, for the  
28 reporting of police, fire, medical or other emergency  
29 situations.] A system capable of receiving and processing a 911  
30 communication throughout a defined geographic area. The term

1 shall include a city, county, regional 911 system or a PSAP.

2 ["Advisory committee." The E-911 Emergency Services Advisory  
3 Committee.]

4 "Agency." The Pennsylvania Emergency Management Agency.

5 "ALI." Automatic location information.

6 "ANI." Automatic number identification.

7 ["Associated with Pennsylvania." The term shall mean:

8 (1) In the case of the mobile telephone number (MTN),  
9 the geographical location associated with the first six  
10 digits or NPA-NXX of the MTN.

11 (2) In the case of a customer service address, the  
12 physical location of the address.]

13 "Automatic location information." [The delivery or receipt  
14 of the street address of the telephone or the geographic  
15 location of the wireless device, as specified in the FCC E-911  
16 Order, being used to place a call to a 911 system or to a  
17 wireless E-911 system.] The delivery or receipt of location  
18 information, including, but not limited to, the street address  
19 or geographic location of a telecommunication device, as  
20 specified in the FCC 911 Order, being used to communicate with a  
21 911 system.

22 "Automatic number identification." [The delivery or receipt  
23 of the telephone number assigned to the telephone or wireless  
24 device being used to place a call to a 911 system or to a  
25 wireless E-911 system.] The delivery or receipt of a telephone  
26 number assigned to a telecommunication device being used to  
27 communicate with a 911 system.

28 "Board." The 911 board established under section 5303(b)  
29 (relating to telecommunications management).

30 "Call." A two-way communication established using a 911

1 communications service.

2 "Call back number." A number used by a public safety  
3 answering point to recontact the location from which a 911 call  
4 was placed. This number may or may not be the number of the  
5 telephone station used to originate the 911 call.

6 ["Commission." The Pennsylvania Public Utility Commission.]

7 "Communication service." Any service that provides to a  
8 subscriber or consumer the capability to initiate, route,  
9 transmit or complete a 911 communication from or through any  
10 telecommunication device that utilizes telephone numbers,  
11 Internet protocol addresses or functional equivalents or  
12 technological successors.

13 ["Competitive local exchange carrier." A local exchange  
14 carrier that has been certificated as a competitive local  
15 exchange carrier by the Pennsylvania Public Utility Commission.]

16 "Consumer." A person who purchases prepaid wireless  
17 telecommunications service or a prepaid wireless device in a  
18 retail transaction.

19 ["Contribution rate." A fee assessed against a telephone  
20 subscriber for the nonrecurring costs, maintenance and operating  
21 costs of a 911 system.

22 "Council." The Pennsylvania Emergency Management Council.

23 "County." The term shall include a city of the first class  
24 coterminous with a county.

25 "County plan." A document submitted by the county on a  
26 triennial basis to the Pennsylvania Emergency Management Agency  
27 outlining its proposed and existing wireline and wireless 911  
28 and E-911 systems and procedures, including a contribution rate,  
29 for the forthcoming three years.]

30 "Department." The Department of Revenue of the Commonwealth.

1 "Emergency location identification number" or "ELIN." A  
2 valid North American Numbering Plan format telephone number  
3 assigned to a multiline telephone system operator by the  
4 appropriate authority which is used to route the call to a  
5 public safety answering point and is used to retrieve the  
6 automatic location information for the public safety answering  
7 point. The ELIN may be the same number as the automatic number  
8 identification. The North American Numbering Plan number may in  
9 some cases not be a dialable number.

10 "Emergency notification services." Services provided by  
11 authorized agencies of Federal, State, county or local  
12 governments, or by persons authorized by these governments, that  
13 notify the public[, using] and may use ANI/ALI database  
14 information, of emergencies declared by these governments.

15 "Emergency support services." Information or database  
16 management services provided by authorized agencies of Federal,  
17 State, county or local governments, or by persons authorized by  
18 these governments, that are used in support of PSAPs or  
19 emergency notification services.

20 "Enhanced 911 service" or ["E-911."] "911." [Emergency  
21 telephone service providing for automatic identification of  
22 caller location and calling number.] Emergency communication  
23 service providing for automatic identification of caller  
24 location and calling number, which includes network switching,  
25 database and PSAP premise elements capable of providing  
26 automatic location identification data and a call back number.

27 "FCC [E-911] 911 Order." All of the following:

28 (1) All orders or final rules issued by the Federal  
29 Communications Commission pursuant to the proceeding entitled  
30 "Revision of the Commission's Rules to Ensure Compatibility

1 with Enhanced 911 Emergency Calling Systems" (CC Docket No.  
2 94-102) codified at 47 CFR § 20.18 (relating to 911 service),  
3 "Wireless E-911 Location Accuracy Requirements" codified at  
4 47 CFR Pt. 20 (relating to commercial mobile services) and  
5 any successor proceeding.

6 (2) Any Federal Communications Commission order that  
7 affects the provision of wireless [E-911] 911 service to  
8 wireless service customers.

9 "Fund." The [Wireless E-911 Emergency Services Fund.] 911  
10 Fund established under section 5306.1 (relating to fund).

11 "Hybrid system." A system providing both manual and pooled  
12 access for outgoing calls. During installation, either pooled or  
13 manual access is selected.

14 "Industry standards." Publicly available technical  
15 requirements or standards adopted by an emergency communications  
16 industry association or standard-setting organization,  
17 including, but not limited to, the National Emergency Number  
18 Association and the Association of Public Safety Communications  
19 Officials International.

20 "Interconnected Voice over Internet Protocol provider." A  
21 person engaged in the business of providing interconnected VoIP  
22 service to end-use [customers] subscribers in this Commonwealth,  
23 including resellers.

24 "Interconnected Voice over Internet Protocol service."  
25 Service as defined by any of the following:

26 (1) All orders issued by the Federal Communications  
27 Commission pursuant to the proceeding entitled "IP-Enabled  
28 Services" (WC Docket No. 04-36; FCC 05-116), codified at 47  
29 CFR Part 9 (relating to interconnected Voice over Internet  
30 Protocol services), and any successor proceeding.

1           (2) Any Federal Communications Commission order that  
2 affects the provision of 911 service [or E-911 service] to  
3 VoIP service [customers] subscribers or further defines  
4 interconnected Voice over Internet Protocol service.

5       "Interconnected Voice over Internet Protocol service  
6 [customer] subscriber." A person who is billed by an  
7 interconnected Voice over Internet Protocol provider, who is the  
8 end user of VoIP service and [who] has designated a [primary]  
9 place of primary use within this Commonwealth.

10       ["Interexchange carrier." A person that is authorized by the  
11 Pennsylvania Public Utility Commission to provide long-distance  
12 telecommunications service.]

13       "Key telephone system." A type of multiline telephone system  
14 which provides shared access to several outside lines through  
15 buttons or keys, and which has identified access lines with  
16 direct line appearances or terminations on each telephone  
17 station.

18       "Local exchange carrier." A person[, including a competitive  
19 local exchange carrier, that is authorized by the Pennsylvania  
20 Public Utility Commission to provide local exchange  
21 telecommunications service or exchange access] that provides  
22 local exchange telecommunications service within this  
23 Commonwealth.

24       ["Local exchange telephone service." The provision of  
25 telephonic message transmission within an exchange, as defined  
26 and described in tariffs filed with and approved by the  
27 Pennsylvania Public Utility Commission.

28       "Mobile telephone number" or "MTN." The telephone number  
29 assigned to a wireless telephone at the time of initial  
30 activation.

1 "NPA-NXX." The first six digits of a ten-digit telephone  
2 number, including a mobile telephone number, representing the  
3 area code and exchange of the telephone number.]

4 "Local exchange telecommunications service." The  
5 transmission of voice messages that originate and terminate  
6 within a prescribed local calling area, including services  
7 subject to regulation by the Pennsylvania Public Utility  
8 Commission.

9 "Local notification." A system capability that directs a  
10 call to 911 from a multiline telephone system extension through  
11 the 911 network to a public safety answering point and  
12 simultaneously notifies a designated individual to identify the  
13 location of the telephone that has dialed 911.

14 "Master street address guide." A database of street names  
15 and house number ranges within the associated communities  
16 defining emergency services zones and their associated emergency  
17 services numbers to enable proper routing of 911 calls.

18 "Multiline telephone system" or "MLTS." A system comprised  
19 of common control units, telephone sets, control hardware and  
20 software and adjunct systems used to support capabilities,  
21 including, but not limited to, network and premises-based  
22 systems such as Centrex, VoIP, Hybrid, and Key Telephone Systems  
23 and PBX as classified under 47 CFR § 68.162 (relating to  
24 requirements for telecommunication certification bodies),  
25 whether owned or leased by private individuals and businesses or  
26 by government agencies and nonprofit entities.

27 "Multiline telephone system (MLTS) manager." The person  
28 authorized to implement a multiline telephone system, either  
29 through purchase or lease of an MLTS or the purchasing of MLTS  
30 services, as the means by which to make 911 calls.

1 "Multiline telephone system (MLTS) operator." The person  
2 responsible for ensuring that a 911 call placed from a multiline  
3 telephone system is transmitted and received in accordance with  
4 this chapter regardless of the MLTS technology used to generate  
5 the call. The MLTS operator may be the MLTS manager or a third  
6 party acting on behalf of the MLTS manager.

7 "Next generation 911 service." 911 service using, in whole  
8 or in part, next generation 911 technology.

9 "Next generation 911 technology." Equipment, products or  
10 services that enable a PSAP to receive calls for emergency  
11 assistance by voice, text, video, Internet protocol or other  
12 technology authorized by Federal law, regulation or industry  
13 standard. The term includes any new technology with the same or  
14 similar functionality.

15 "Other emergency communications service." Services covered  
16 by the term as defined in 47 U.S.C. § 615b(8) (relating to  
17 definitions).

18 "Other emergency communications service provider." Entities  
19 covered by that term as defined in 47 U.S.C. § 615b(9).

20 "Person." The term includes a corporation, LLC, a  
21 partnership, an association, the Federal Government, the State  
22 government, a political subdivision, a municipal or other local  
23 authority and a natural person.

24 "Place of primary use." The street address where the  
25 subscriber's use of the wireless or VoIP service primarily  
26 occurs. For the purpose of the surcharge assessed on a VoIP  
27 service subscriber, place of primary use is the VoIP service  
28 subscriber's registered location on the date the VoIP service  
29 subscriber is billed.

30 "Prepaid wireless device." [A wireless telephone that is

1 purchased strictly for the purpose of initiating a prepaid  
2 calling service. The term does not include traditional wireless  
3 devices used for monthly calling plans.] A device that is  
4 purchased with a prepaid wireless telecommunications service and  
5 is strictly used for that purpose.

6 ["Prepaid wireless E-911 surcharge." The charge that is  
7 required to be collected by a seller from a consumer in the  
8 amount established under section 5311.4(b.1) (relating to  
9 Wireless E-911 Emergency Services Fund).]

10 "Prepaid wireless provider." A person that provides prepaid  
11 wireless telecommunications service [pursuant to a license  
12 issued by the Federal Communications Commission].

13 "Prepaid wireless telecommunications service." A wireless  
14 telecommunications service that meets all of the following:

15 (1) Allows a caller to [dial] transmit the digits 911 to  
16 access [the] a 911 system.

17 (2) [Is] Must be paid for in advance and sold in  
18 predetermined units or dollars of which the number may or may  
19 not decline with use in a known amount.

20 ["Primary place of use." The street address representative  
21 of where the customer's use of the VoIP service primarily  
22 occurs. For the purpose of VoIP 911 fees, primary place of use  
23 is the customer's registered location on the date the customer  
24 is billed.]

25 "Private 911 emergency answering point." An answering point  
26 operated by a nonpublic safety entity which:

27 (1) Provides functional alternative and adequate means  
28 of signaling and directing responses to emergencies as an  
29 adjunct to public safety responses.

30 (2) Trains individuals intercepting calls for assistance

1 in accordance with applicable local emergency  
2 telecommunications requirements.

3 (3) Provides incident reporting to the public safety  
4 emergency response centers in accordance with State and local  
5 requirements.

6 "Private branch exchange" or "PBX." A private telephone  
7 network switch that is connected to a publicly switched  
8 telephone network.

9 "Provider." A person that provides service to the public for  
10 a fee that includes 911 communications service, including, but  
11 not limited to, a local exchange carrier, a wireless provider, a  
12 prepaid wireless provider, a VoIP provider or a provider of next  
13 generation 911 or successor services.

14 ["PSAP." A public safety answering point.]

15 "Public agency." Any of the following:

16 (1) The Commonwealth.

17 (2) A political subdivision, public authority or  
18 municipal authority.

19 (3) An organization located in whole or in part within  
20 this Commonwealth which provides or has the authority to  
21 provide firefighting, law enforcement, ambulance, emergency  
22 medical or other emergency services.

23 "Public safety answering [point." point" or "PSAP." The  
24 agency-approved [first point at which calls for emergency  
25 assistance from individuals are answered and which is operated  
26 24 hours a day.] entity that receives 911 communications from a  
27 defined geographic area and processes those calls according to a  
28 specific operational policy.

29 "Public switched telephone network." The network of  
30 equipment, lines and controls assembled to establish

1 communication paths between calling and called parties in North  
2 America.

3 "Regional." A geographic area that includes more than one  
4 county.

5 "Regional ESiNET." An Internet Protocol-based system which  
6 consists of managed networks, shared applications and the  
7 ability to replicate emergency 911 features and functions.

8 "Regionalization of technology." The adoption of technology  
9 that increases the efficiency of a 911 system by allowing  
10 multiple PSAPs to use the same equipment or service.

11 "Retail transaction." The purchase of prepaid wireless  
12 telecommunications service or a prepaid wireless device bundled  
13 with prepaid wireless telecommunications service from a seller  
14 for any purpose other than resale.

15 "Seller." A person who sells prepaid wireless  
16 telecommunications service or a prepaid wireless device bundled  
17 with prepaid wireless telecommunications service to another  
18 person.

19 "Shared residential MLTS service." The use of a multiline  
20 telephone system to provide service to residential facilities  
21 even if the service is not delineated for purposes of billing.  
22 For purposes of this definition, residential facilities shall be  
23 liberally construed to mean single family and multifamily  
24 facilities.

25 "Shared telecommunications services." The provision of  
26 telecommunications and information management services and  
27 equipment within a user group located in discrete private  
28 premises in building complexes, campuses or high-rise buildings  
29 by a commercial shared services provider or by a user  
30 association through privately owned subscriber premises

1 equipment and associated data processing and information  
2 management services, including the provision of connections to  
3 the facilities of a local exchange carrier and to interexchange  
4 carriers.

5 "Subscriber." A person who contracts with and is billed by a  
6 provider within this Commonwealth for a 911 communications  
7 service. In the case of wireless service, the term shall mean a  
8 person who contracts with a provider if the person's place of  
9 primary use is within this Commonwealth.

10 "Telecommunications." The term shall have the meaning given  
11 to it in 47 U.S.C. § 153(50) (relating to definitions).

12 "Telecommunications carrier." Any provider of  
13 telecommunications services as defined by the Telecommunications  
14 Act of 1996 (Public Law 104-104, 110 Stat. 56).

15 "Telecommunication device" or "device." Any equipment or  
16 item made or adapted for use by a subscriber or consumer to  
17 initiate, route or transmit 911 communications using a 911  
18 communications service.

19 ["Telephone subscriber." A person who contracts with a local  
20 exchange carrier within this Commonwealth for residential or  
21 commercial local exchange telephone service. If the same person  
22 has several telephone dial tone access lines, each dial tone  
23 access line shall constitute a separate subscription. For  
24 purposes of the contribution rate, the term shall not include  
25 pay stations owned or operated by a regulated public utility, or  
26 nonpublic utilities as the term is used in 66 Pa.C.S. § 2913(b)  
27 (relating to minimum service requirement).]

28 "Temporary facility." A dormitory, hotel, motel, health care  
29 facility, long-term care facility, nursing home or other  
30 facility as determined by the agency that provides temporary

1 occupancy to temporary residents and that is served by a  
2 multiline telephone system.

3 "Uniform 911 surcharge" or "surcharge." The fee assessed to  
4 a subscriber or consumer as provided for under this chapter.

5 "Vendor." A person [other than a local exchange carrier or a  
6 wireless provider] who supplies 911 [or wireless E-911] system  
7 services or equipment to enable the transmission of a 911  
8 communication to a PSAP or to support a 911 system or a  
9 consultant representing the person, county or PSAP.

10 "VoIP provider." Interconnected Voice over Internet Protocol  
11 provider.

12 "VoIP service." Interconnected Voice over Internet Protocol  
13 service.["]

14 "VoIP service [customer] subscriber." An Interconnected  
15 Voice over Internet Protocol service [customer] subscriber.

16 "Wireless [E-911] 911 service." [Service] 911 communications  
17 service provided by a wireless provider, pursuant to the FCC [E-  
18 911] 911 Order, including text-to-911 or any successor  
19 requirements.

20 ["Wireless E-911 State plan." A document to be prepared,  
21 maintained and kept current by the Pennsylvania Emergency  
22 Management Agency providing for all aspects of the development,  
23 implementation, operation and maintenance of a Statewide  
24 integrated wireless E-911 system, including the exclusive  
25 authority to formulate technical standards and determine  
26 permitted uses of and amounts disbursed from the Wireless E-911  
27 Emergency Services Fund.

28 "Wireless E-911 surcharge." A monthly fee assessed upon each  
29 wireless service customer, other than a prepaid wireless seller,  
30 provider or consumer, subject to the prepaid wireless E-911

1 surcharge under section 5311.4(b.1) (relating to Wireless E-911  
2 Emergency Services Fund), for each wireless two-way  
3 communication device for which that customer is charged by a  
4 wireless provider for wireless service.

5 "Wireless E-911 system." An E-911 system which permits  
6 wireless service customers dialing 911 to be connected to a  
7 public safety answering point for the reporting of police, fire,  
8 medical or other emergency situations.]

9 "Wireless provider." A person engaged in the business of  
10 providing wireless service to end-use [customers] subscribers in  
11 this Commonwealth, including resellers.

12 "Wireless service." Commercial mobile radio service as  
13 defined under section 332(d) of the Communications Act of 1934  
14 (48 Stat. 1604, 47 U.S.C. § 332(d)) which provides real-time,  
15 two-way voice service that is interconnected with the public  
16 switched telephone network. The term does not include prepaid  
17 wireless telecommunications service.

18 "Wireless service customer." A person who is billed for  
19 wireless service by a wireless provider or who [receives]  
20 purchases prepaid wireless [telephone] telecommunications  
21 service [from a wireless provider for wireless service] within  
22 this Commonwealth.

23 § 5303. Telecommunications management.

24 (a) Powers and duties of agency.--The agency shall have the  
25 following powers and duties:

26 (1) To adopt rules and regulations [pursuant to] as  
27 necessary to enforce this chapter [and promulgate, adopt,  
28 publish and use guidelines for the implementation of this  
29 chapter. Rules, regulations and guidelines]. Rules and  
30 regulations proposed under the authority of this section

1 shall be subject to review by the General Counsel and the  
2 Attorney General in the manner provided for the review of  
3 proposed rules and regulations pursuant to the act of October  
4 15, 1980 (P.L.950, No.164), known as the Commonwealth  
5 Attorneys Act, and the act of June 25, 1982 (P.L.633,  
6 No.181), known as the Regulatory Review Act.

7 (2) To [establish] publish guidelines and application  
8 procedures for the [establishment of contribution rates]  
9 collection and distribution of fees collected under this  
10 chapter.

11 (3) To receive, review and approve or disapprove all 911  
12 system [county] plans in accordance with standards developed  
13 in consultation with the board.

14 [(4) To forward a copy of each county plan application  
15 to the council and the commission for their review as  
16 required under this chapter.

17 (5) To submit an annual report not later than March 1 of  
18 each year to the Governor and the General Assembly, which  
19 plan includes at least the following:

20 (i) The extent to which 911 systems currently exist  
21 in this Commonwealth.

22 (ii) Those counties which have completed  
23 installation, and the costs and expenses for  
24 installation.

25 (iii) An anticipated schedule for installing a 911  
26 system on a county basis for that year.

27 (6) To establish minimum training and certification  
28 standards for emergency dispatchers, call takers and  
29 supervisors.

30 (7) To establish technical standards for the county

1 plans.

2 (8) To establish standards for performance review and  
3 quality assurance programs for 911 systems to ensure public  
4 safety and improve the performance of 911 systems.

5 (9) To establish standards for accuracy of 911 database  
6 systems.

7 (10) To establish a program of communication between the  
8 agency and county 911 coordinators for the purpose of sharing  
9 information among counties and to develop recommendations to  
10 improve 911 systems throughout this Commonwealth.

11 (11) To prescribe, in cooperation with the council and  
12 the commission, the applications and forms necessary to carry  
13 out the provisions of this chapter.

14 (12) To take the actions necessary to implement,  
15 administer and enforce the provisions of this chapter.]

16 (4) To establish, in consultation with the board, a  
17 Statewide 911 plan that sets forth priorities for 911 systems  
18 in this Commonwealth and plans for next generation 911  
19 technology.

20 (5) To designate a State 911 coordinator who shall be an  
21 employee of the agency.

22 (6) To provide administrative and support staff to the  
23 board as necessary.

24 (7) To establish formulas and methods to distribute  
25 money in accordance with section 5306.1 (relating to fund) in  
26 consultation with the board.

27 (8) To establish and publish annually uniform standards  
28 relating to technology, next generation 911 technology,  
29 administration and operation of 911 systems in consultation  
30 with the board.

1       (9) To cooperate with county and regional 911 systems to  
2 develop interconnectivity of 911 systems through the  
3 establishment, enhancement, operation and maintenance of an  
4 Internet protocol network.

5       (10) To establish and publish annually, in consultation  
6 with the board, eligible uses for money received under this  
7 chapter, including next generation 911 technology.

8       (11) To request information and require audits or  
9 reports relating to program compliance from any entity  
10 remitting the surcharge to or receiving disbursements from  
11 the fund.

12       (11.1) To subpoena witnesses, administer oaths, examine  
13 witnesses, take such testimony and compel the production of  
14 such books, records, papers and documents as it may deem  
15 necessary or proper in and pertinent to any proceeding,  
16 investigation or hearing.

17       (12) To require a biennial performance audit of each 911  
18 system's use of money from the fund, including allocations to  
19 capital or operating reserves.

20       (13) To prescribe the applications and forms necessary  
21 to enforce this chapter.

22       (14) To report to the General Assembly annually on the  
23 revenue and distributions from the fund for the previous  
24 fiscal year and the compliance with the Commonwealth's 911  
25 priorities.

26       (15) To adopt, in consultation with the board, minimum  
27 training and certification standards for emergency  
28 dispatchers, call takers and supervisors.

29       (16) To develop, in consultation with the board, a  
30 comprehensive plan for the implementation of a Statewide

1 interoperable Internet protocol network using next generation  
2 911 technology that coordinates the delivery of Federal,  
3 State, regional and local emergency services.

4 (17) To enforce this chapter through injunction,  
5 mandamus or other appropriate proceeding.

6 (18) To take other actions necessary to implement and  
7 enforce this chapter.

8 (b) [Powers and duties of council.--The council shall have  
9 the following powers and duties:

10 (1) To review all county plans, including the initial  
11 application forwarded by the agency for conformity to the  
12 minimum standards.

13 (2) To review county plans to determine if equipment  
14 conforms to the technical standards.

15 (3) To recommend approval of plans or indicate  
16 deficiencies in plans to the agency.

17 (c) Powers and duties of commission.--The commission shall  
18 have the following powers and duties:

19 (1) Review the contribution rate requested by the county  
20 based on the costs of the plan.

21 (2) Approve or modify the contribution rate requested by  
22 the county and forward its decision to the agency.]

23 Establishment of 911 board.--There is established a board  
24 within the agency to be known as the 911 board.

25 The board shall be comprised of the following:

26 (1) The following State officials, who shall serve as  
27 voting members:

28 (i) The director of the agency, who shall act as  
29 chairperson.

30 (ii) The State 911 coordinator.

1           (iii) The Commissioner of the Pennsylvania State  
2 Police.

3           (iv) The chairman of the Veterans Affairs and  
4 Emergency Preparedness Committee of the Senate.

5           (v) The minority chairman of the Veterans Affairs  
6 and Emergency Preparedness Committee of the Senate.

7           (vi) The chairman of the Veterans Affairs and  
8 Emergency Preparedness Committee of the House of  
9 Representatives.

10          (vii) The minority chairman of the Veterans Affairs  
11 and Emergency Preparedness Committee of the House of  
12 Representatives.

13          (2) The following local officials, who shall serve as  
14 voting members:

15           (i) The mayor of a city of the first class.

16           (ii) A county executive of a county of the second  
17 class.

18           (iii) A county commissioner of a county of the  
19 second class A, or a home rule equivalent.

20           (iv) A county commissioner of a county of the third  
21 or fourth class, or its home rule equivalent.

22           (v) Two county commissioners of a county of the  
23 fifth, sixth, seventh or eighth class, or a home rule  
24 equivalent.

25           (vi) The 911 coordinator of a city of the first  
26 class.

27           (vii) The 911 coordinator of a county of the second  
28 class.

29           (viii) The 911 coordinator of a county of the second  
30 class A.

- 1           (ix) The 911 coordinator of a county of the third or  
2           fourth class.
- 3           (x) Two 911 coordinators of a county of the fifth,  
4           sixth, seventh or eighth class.
- 5           (3) A representative from the following State agencies,  
6           who shall serve as nonvoting members, to be appointed by the  
7           chief executive or administrative officer of each agency:
- 8           (i) The Pennsylvania Public Utility Commission.  
9           (ii) The Office of the State Fire Commissioner.  
10          (iii) The Governor's Office of Administration.
- 11          (4) A representative from the following Statewide  
12          associations, who shall serve as nonvoting members:
- 13          (i) The Pennsylvania Chiefs of Police Association.  
14          (ii) The Fraternal Order of Police.  
15          (iii) The Pennsylvania Emergency Health Services  
16          Council.
- 17          (iv) The Pennsylvania Fire and Emergency Services  
18          Institute.
- 19          (v) The Association of Public-Safety Communications  
20          Officials.
- 21          (vi) The Pennsylvania Chapter of the National  
22          Emergency Number Association.
- 23          (vii) The Keystone Emergency Management Association.  
24          (viii) The Pennsylvania Professional Fire Fighters  
25          Association.
- 26          (ix) The Firemen's Association of the State of  
27          Pennsylvania.
- 28          (x) The Pennsylvania Wireless Association.  
29          (xi) The Pennsylvania Telephone Association.  
30          (xii) The Broadband Cable Association of

1 Pennsylvania.

2 (xiii) The Pennsylvania Municipal League.

3 (xiv) The Pennsylvania State Association of  
4 Boroughs.

5 (xv) The Pennsylvania State Association of Township  
6 Supervisors.

7 (xvi) The Pennsylvania State Association of Township  
8 Commissioners.

9 (5) A member of the general public, who shall serve as a  
10 nonvoting member.

11 (b.1) Designee.--A voting member of the board may appoint a  
12 designee who must be an employee of the same agency or  
13 organization as the voting member to attend meetings.

14 (b.2) Gubernatorial appointees.--The Governor shall appoint  
15 the board members under subsection (b) (2) (iii), (iv), (v),  
16 (viii), (ix) and (x), (4) and (5) upon the recommendation of  
17 Statewide organizations and industry segments. Recommendations  
18 for appointments of county officials under subsection (b) (2)  
19 shall be requested by the Governor from the County Commissioners  
20 Association of Pennsylvania and recommendations for appointments  
21 of 911 coordinators under subsection (b) (2) shall be requested  
22 by the Governor from the State chapters of the National  
23 Emergency Number Association and the Association of Public  
24 Communications Officials. The following shall apply:

25 (1) Members appointed by the Governor are appointed to  
26 terms of two years and may serve no more than three  
27 consecutive terms.

28 (2) The Statewide organizations shall ensure that  
29 nominees are sufficiently proficient in 911 policies,  
30 operations and technologies and that the nominees provide a

1 diverse representation from the western, central and eastern  
2 regions of this Commonwealth.

3 (3) The Governor shall make the initial appointments of  
4 members under subsection (b)(2), (4) and (5) within 90 days  
5 of the effective date of this paragraph. Initial terms for  
6 members appointed by the Governor shall be divided between  
7 one-year and two-year terms.

8 (4) Except a member appointed under (b)(2)(i), (ii),  
9 (vi) or (vii), the Governor may remove an appointed member of  
10 the board for cause upon written notice to the board.

11 (5) A member's nonparticipation in three consecutive  
12 board meetings may be considered cause for removal.

13 (b.3) Quorum.--Thirteen members of the board shall  
14 constitute a quorum. When a quorum is present, three-fourths  
15 consent of members present and voting is required for any action  
16 of the board.

17 (b.4) Meetings.--The board shall meet at least once  
18 quarterly and at any special session called by the chairperson.  
19 All meetings of the board shall be conducted in accordance with  
20 65 Pa.C.S. Ch. 7 (relating to open meetings).

21 (b.5) Compensation.--The members of the board shall serve  
22 without compensation but shall be reimbursed for their actual  
23 and necessary travel and other expenses in connection with  
24 attendance at meetings called by the chairperson.

25 (c) Powers and duties of board.--The board shall have the  
26 following powers and duties:

27 (1) To advise the agency on regulations and guidelines  
28 relating to the administration and operation of 911 systems  
29 in this Commonwealth relating to the following:

30 (i) Standards for performance reviews and quality

1 assurance programs to ensure public safety and maintain  
2 and improve the performance of 911 systems.

3 (ii) Measures to ensure the compliance of 911  
4 systems with current industry standards and applicable  
5 Federal regulations.

6 (iii) Cost-saving measures to include joint  
7 purchasing opportunities.

8 (iv) Measures to promote regionalization of PSAPs.

9 (v) Measures to promote next generation 911  
10 technology.

11 (vi) 911 planning guidelines.

12 (vii) Training standards for emergency dispatchers,  
13 call takers and supervisors.

14 (2) To provide advice and recommendations to the agency  
15 to develop and adopt formulas and methods to distribute money  
16 from the fund under section 5306.1 (relating to fund).

17 (3) To promote effective communication and information  
18 sharing between the agency and county 911 coordinators and  
19 develop recommendations to improve 911 systems in this  
20 Commonwealth.

21 (4) To advise the agency on plans to deploy next  
22 generation 911 technology in 911 systems in this  
23 Commonwealth.

24 (5) To promote the regional use of technology.

25 (6) To promote sharing of information among the agency,  
26 911 systems and other State and local agencies relating to  
27 the operation and improvement of 911 systems.

28 (d) Exemption.--The Pennsylvania State Police  
29 telecommunications facilities are exempt from the  
30 telecommunications management of the agency[, council and the

1 commission] and the board.

2 § 5304. Counties.

3 (a) Powers and duties.--[The board of county commissioners,  
4 or, in a home rule county, the appropriate body according to the  
5 home rule charter,] Each county shall have the following powers  
6 and duties in relation to a 911 system: [and wireless E-911  
7 system:

8 (1) To designate a member of county government as the  
9 county 911 coordinator. The county coordinator shall serve as  
10 a point of contact with the agency and shall develop a county  
11 plan for the implementation, operation and maintenance of a  
12 911 system. Where technologically feasible, the county plan  
13 shall be adequate to provide service for the entire county.

14 (2) To make arrangements with each telephone company  
15 providing local exchange telephone service within the  
16 county's jurisdiction to provide 911 service.

17 (3) To send a copy of the proposed county plan to the  
18 appropriate telephone company upon submission of the plan to  
19 the agency.

20 (4) To cooperate with the agency, the council and the  
21 commission in the preparation and submission of the county  
22 plan and contribution rate.]

23 (1) To ensure the provision of a 911 system in the  
24 county's respective jurisdiction. A county may provide a 911  
25 system to the county's jurisdiction through participation in  
26 a regional 911 system.

27 (2) To develop, maintain or adopt a 911 plan for the  
28 county and submit the plan to the agency for review.

29 (i) The plan shall be reviewed and updated at a  
30 frequency prescribed by the board.

1           (ii) A county may adopt the 911 plan of a regional  
2           911 system if the county is a participating member of  
3           that regional 911 system.

4           (3) To cooperate with the agency, the board and the  
5           Pennsylvania State Police.

6           (4) To comply with the guidelines, standards and  
7           reporting requirements established by the agency.

8           (5) To execute all contracts, agreements, mutual aid  
9           agreements, cross-service agreements and all other [necessary  
10           documents which may be required in the implementation of the  
11           county plan.] documents necessary to implement its 911 plan.

12           [(6) To obtain annually from each telephone service  
13           provider a list of the provider's local telephone exchanges  
14           within the county and the addresses of that provider's  
15           central offices serving those exchanges. Without exception,  
16           the service provider shall provide the list to the board.]

17           (7) To notify the agency and all adjacent counties of  
18           the local telephone exchanges which provide telephone service  
19           to residents within the county, specifically noting exchanges  
20           known to provide telephone service to residents of more than  
21           one county. Notice shall be provided at the time the county  
22           plan is submitted to the agency and when local telephone  
23           service is newly initiated for local telephone exchange  
24           within the county.]

25           (6) To designate a 911 coordinator for the county who  
26           shall develop and submit a plan for the implementation,  
27           operation and maintenance of a 911 system.

28           (7) To cooperate with the board in the preparation and  
29           submission of the 911 system plan.

30           (8) To cooperate with the Pennsylvania State Police.

1 Subject to subparagraphs (i) through (iii), a county that  
2 utilizes ANI/ALI database services shall, upon request of the  
3 Commissioner of the Pennsylvania State Police or the designee  
4 of the commissioner, provide authority to access all ANI/ALI  
5 database information relating to 911 calls for emergency  
6 services, whether the database is held by the county or by a  
7 commercial entity[.], following the established procedures of  
8 the database owner. The following shall apply:

9 (i) In order to ensure that no county or PSAP  
10 experiences degradation of service or additional costs as  
11 a result of complying with this subsection:

12 (A) the Pennsylvania State Police shall provide,  
13 at its cost, any equipment, computer software or  
14 telecommunications equipment or services, exclusive  
15 of recurring personnel costs for county personnel,  
16 that are necessary to enable its access to any  
17 ANI/ALI database information; and

18 (B) all means of access must be approved by the  
19 county, PSAP and the Pennsylvania State Police before  
20 the county is required to authorize or provide the  
21 access. In the event of a dispute between the  
22 Pennsylvania State Police and a county or PSAP  
23 regarding approval by the county and PSAP, the  
24 dispute shall be mediated by the Office of  
25 Information Technology of the Commonwealth's Office  
26 of Administration. The Office of Information  
27 Technology may bring in a Commonwealth mediator from  
28 the Office of General Counsel to provide assistance  
29 in resolving the dispute.

30 (ii) The ANI/ALI database information to which

1 access is authorized or enabled under this paragraph or  
2 section 5304.1(a)(3) (relating to Pennsylvania State  
3 Police) shall be used only in providing emergency  
4 response services to a 911 call. A person who uses or  
5 discloses the ANI/ALI database information under this  
6 subparagraph for any other purpose commits a misdemeanor  
7 of the third degree.

8 (iii) Nothing contained in this paragraph shall be  
9 construed to impose on [wireless] providers any  
10 obligations beyond those created by applicable Federal  
11 Communications Commission orders and regulations. Public  
12 agencies, counties, PSAPs and wireless providers shall  
13 not be liable to any person for errors in any of the  
14 ANI/ALI database information which may be accessed by or  
15 provided to the Pennsylvania State Police under this  
16 paragraph.

17 (9) To comply with reporting requirements established by  
18 the agency.

19 [(b) Persons outside county.--When an individual physically  
20 resides in an adjacent county but receives local exchange  
21 telephone service from a central office in a county which  
22 provides 911 service, it shall be the responsibility of the  
23 county with the 911 service to notify the appropriate public  
24 agency of a request for emergency service from the individual.]

25 (c) Cities of second class, second class A and third  
26 class.--A city of the second class, second class A or third  
27 class that has established a 911 system prior to September 4,  
28 1990, may exercise the powers and duties of counties under this  
29 chapter or may join a county or regional PSAP. [A city of the  
30 second class, second class A or third class that has not

1 established a 911 system prior to September 4, 1990, may  
2 exercise the powers and duties of counties under this chapter  
3 only when the county has chosen not to exercise those powers and  
4 duties. The powers and duties granted to cities under this  
5 section shall be applicable and may be exercised only within the  
6 boundaries of the city. No action by a city under this section  
7 shall preempt the powers and duties of a county to establish a  
8 911 system outside the boundaries of the city at any time. The  
9 agency may establish regulations governing the exercise of  
10 powers and duties granted to cities of the second class, second  
11 class A and third class by this section.]

12 § 5304.1. Pennsylvania State Police.

13 (a) Powers and duties.--The Commissioner of the Pennsylvania  
14 State Police, or the designee of the commissioner, shall have  
15 the following powers and duties in relation to a Pennsylvania  
16 State Police telecommunications facility:

17 (1) To designate, with specificity, which Pennsylvania  
18 State Police facilities shall be considered Pennsylvania  
19 State Police telecommunications facilities under this  
20 chapter.

21 (2) To designate a commander of a Pennsylvania State  
22 Police telecommunications facility, who shall serve as the  
23 point of contact with the agency and the counties and shall  
24 oversee the implementation, operation and maintenance of a  
25 Pennsylvania State Police telecommunications facility. A  
26 Pennsylvania State Police facility shall, where  
27 technologically feasible, be adequate to provide service to  
28 the designated area of coverage.

29 (3) To request authority to access ANI/ALI database  
30 information relating to 911 calls for emergency services from

1 the counties and PSAPs within the designated area of coverage  
2 of a Pennsylvania State Police telecommunications facility.  
3 No county or PSAP shall be required to comply with such a  
4 request unless it is made by the Commissioner of the  
5 Pennsylvania State Police or the designee of the commissioner  
6 under section 5304(a) (8) (relating to counties).

7 (4) To provide training and certification for all call  
8 takers/dispatchers and call taker/dispatcher supervisors that  
9 meet or exceed the training and certification standards that  
10 are provided for in 4 Pa. Code Ch. 120c (relating to training  
11 and certification standards for 911 emergency communications  
12 personnel) or any successor standard.

13 (b) Ineligible reimbursement.--The Pennsylvania State Police  
14 is not eligible to receive reimbursement from the [money  
15 collected from the contribution rate or wireless E-911  
16 surcharge] fund, nor may the Pennsylvania State Police impose a  
17 [monthly contribution rate] tax, fee or surcharge upon [the  
18 telephone] subscribers [on the local exchange access line or any  
19 wireless E-911-related surcharge upon wireless service  
20 customers] or customers of any provider.

21 ~~Section 2.1. Title 35 is amended by adding a section to~~ <--  
22 ~~read:~~

23 ~~§ 5304.2. Optional 911 user fee.~~

24 ~~(a) Authority. If a city of the first class or a county has~~  
25 ~~an independently operated PSAP or is a member of a regional~~  
26 ~~public safety consortium, the county or city may impose an~~  
27 ~~optional annual 911 user fee in accordance with this section.~~

28 ~~The fee shall consist of:~~

29 ~~(1) an amount not to exceed \$52 imposed on each~~  
30 ~~residential address; and~~

1       ~~(2) an amount imposed on each business for each employee~~  
2 ~~in a calendar year as follows:~~

3           ~~(i) For a business with not more than 50 employees,~~  
4 ~~\$12.~~

5           ~~(ii) For a business with at least 51 employees and~~  
6 ~~not more than 100 employees, \$9.75.~~

7           ~~(iii) For a business with at least 101 employees and~~  
8 ~~not more than 500 employees, \$6.~~

9           ~~(iv) For a business with at least 501 employees, \$3.~~

10       ~~(3) If the owner of the real property is 65 years of age~~  
11 ~~or older, the county or city may discount the fee imposed~~  
12 ~~under paragraph (1) by 10%.~~

13       ~~(b) Limitation. The 911 user fee under subsection (a) (2)~~  
14 ~~shall be assessed on the number of employees only once annually,~~  
15 ~~notwithstanding the number of political subdivisions within~~  
16 ~~which the individual may be employed.~~

17       ~~(c) Payment. The amounts under subsection (a) (2) must be~~  
18 ~~paid by the business and may not be paid by an employee.~~

19       ~~(d) Process. The 911 user fee must be imposed by an~~  
20 ~~ordinance adopted by the governing body of the county or city~~  
21 ~~council in the case of a city of the first class.~~

22       ~~(e) Collection. A 911 user fee shall be collected by the~~  
23 ~~county treasurer or, in the case of a city of the first class,~~  
24 ~~the city treasurer.~~

25       ~~(f) Fund. The county or city must establish a nonlapsing~~  
26 ~~restricted interest bearing special fund for the deposit of the~~  
27 ~~911 user fee collected under this section.~~

28       ~~(g) Use of fund. The following shall apply to a fund~~  
29 ~~established under subsection (d):~~

30           ~~(1) Up to 2% of the money in the fund may be used by the~~

~~county or city for actual costs related to collection of the 911 user fee.~~

~~(2) Except as provided under paragraph (1), money in a fund must be used by the county or city for personnel, the maintenance and purchase of equipment and other products and services relating to the maintenance and operation of a PSAP under this chapter.~~

~~(3) A county or city transitioning to or enhancing 911 services may utilize the fee to pay for indebtedness for capital improvements or major repairs pursuant to a resolution adopted by the governing body of the county or city council in the case of a city of the first class.~~

~~(h) Collection information. The governing body of the county, or city council in the case of a city of the first class, shall, prior to the effective date of an ordinance enacted in accordance with subsection (d), establish the following data:~~

~~(1) An inventory of all occupied residential properties subject to the county property tax assessment or, in the case of a city of the first class, the city property tax assessment.~~

~~(2) A list of the number of persons employed, if any, at each commercial property subject to the county property tax assessment or, in the case of a city of the first class, the city property tax assessment. The list shall be based on information as of October 1 of the year preceding the imposition of the fee.~~

~~(i) Construction. The fee imposed under this section shall be in addition to the surcharge imposed under section 5306.2 (relating to uniform 911 surcharge). Nothing in this section~~

1 ~~shall be construed to authorize a county to impose any other fee~~  
2 ~~or surcharge to support 911 communication services.~~

3 ~~(j) Implementation. A user fee under this section may not~~  
4 ~~be imposed until 30 days after the initial distribution formula~~  
5 ~~is implemented under section 5306.1(e) (relating to fund).~~

6 ~~(k) Definition. As used in this section, the term~~  
7 ~~"business" includes any for profit enterprise or nonprofit~~  
8 ~~enterprise that employs one or more individuals.~~

9 Section ~~2.2~~ 2.1. Sections 5305 and 5306 of Title 35 are <--  
10 amended to read:

11 § 5305. [County] 911 system plan.

12 (a) Minimum standards.--Upon the agreement of [the governing  
13 body of] a county to establish a 911 system as a regional or  
14 single county PSAP, a plan shall be [drafted meeting] adopted  
15 that meets at least the standards promulgated by the agency. The  
16 county may obtain technical assistance from the agency in  
17 formulating its plan. Each 911 system plan shall be designed to  
18 meet the individual circumstances of each community and [the  
19 public agencies] public agency participating in the 911 system.  
20 The plan shall consider efficiencies to be achieved from  
21 regionalization and consolidation, and may include consideration  
22 of next generation 911 technology.

23 [(b) Completion.--Upon completion of the plan, the county  
24 shall forward it to the agency, with a copy of the plan being  
25 sent to those telephone companies affected by the plan. When the  
26 plan is submitted to the agency, the county shall also provide  
27 each adjacent county with a list of local telephone exchanges  
28 included in the plan, specifically noting exchanges known to  
29 provide telephone service to residents of more than one county.

30 (c) Agency review.--

1           (1) The agency shall review each county plan for  
2 completeness and shall forward a copy of the county plan and  
3 the proposed contribution rate to the council and the  
4 commission for review as required by this section.

5           (2) After the county plan has been reviewed by the  
6 council and the commission, the agency shall approve or  
7 reject a county plan based on the recommendations of the  
8 council and the commission.

9           (3) If the county plan is rejected, the agency shall  
10 return the county plan and explain the deficiencies that  
11 caused the rejection.

12       (d) Council review.--The council shall have 90 days to  
13 review the plan and make suggested revisions to the plan. The  
14 agency may act as agent for the council in the administration of  
15 the plan approval process.

16       (e) Commission review.--

17           (1) The commission shall review the county plan only in  
18 relation to the contribution rate and may modify only those  
19 contribution rates which it finds excessive to meet the costs  
20 stated in the plan. The rates shall be reviewed and a  
21 decision forwarded to the agency within 90 days of the date  
22 of submission.

23           (2) If the commission fails to review the contribution  
24 rate within 90 days, the contribution rate will be deemed  
25 approved by the commission.

26       (f) Present systems.--

27           (1) A county which has a present 911 system may  
28 establish a contribution rate to cover nonrecurring and  
29 operating costs of an existing 911 system by using the same  
30 contribution rate approval mechanism as a new 911 system for

1 the purposes of this chapter.

2 (2) A county which did not have a 911 system in  
3 operation on September 4, 1990, but which awarded a contract  
4 for a 911 system prior to September 4, 1990, shall be  
5 considered to have a present system.

6 (g) Regional systems.--Nothing in this chapter shall be  
7 construed to prohibit the formation of multijurisdictional or  
8 regional 911 systems, and any regional system established under  
9 this chapter shall include the territory of two or more  
10 counties.

11 (g.1) Contribution rate.--

12 (1) Counties of the first through second class A may  
13 impose a monthly contribution rate in an amount not to exceed  
14 \$1 per line on each local exchange access line. Counties of  
15 the third through fifth classes may impose monthly  
16 contribution rates in an amount not to exceed \$1.25 per line  
17 on each local exchange access line. Counties of the sixth  
18 through eighth classes may impose a monthly contribution rate  
19 in an amount not to exceed \$1.50 per line on each local  
20 exchange access line.

21 (2) The following shall apply:

22 (i) The contribution rate may be used by counties  
23 for the expenses of implementing, expanding or upgrading  
24 a 911 system.

25 (ii) Expenses eligible for reimbursement through the  
26 contribution rate shall include telephone terminal  
27 equipment, trunk line service installation, network  
28 changes, building of initial database and any other  
29 nonrecurring costs to establish a 911 system. The  
30 contribution rate may also be used to fund recurring

1 costs under section 5308(b) (relating to expenditures for  
2 nonrecurring costs, training, mobile communications  
3 equipment, maintenance and operation of 911 systems).

4 (iii) Expenses not eligible for reimbursement  
5 through the contribution rate shall include purchase of  
6 real estate, cosmetic remodeling, central office  
7 upgrades, hiring of dispatchers, ambulances, fire engines  
8 or other emergency vehicles, utilities, taxes and other  
9 expenses as determined by the Pennsylvania Emergency  
10 Management Agency.

11 (h) Contribution rate changes.--

12 (1) Once a plan and contribution rate have been  
13 established, the contribution rate shall remain fixed for a  
14 period of at least three years. Updating and expanding the  
15 present system shall require an amended plan to be filed with  
16 the agency. The contribution rate shall remain fixed for  
17 three years even if the present system is updated and  
18 expanded.

19 (2) A request for a contribution rate change must be  
20 submitted to the agency, and the agency shall forward the  
21 request to the commission for approval as provided under  
22 subsection (e).

23 (3) A contribution rate increase shall not be permitted  
24 more often than every three years and shall not take effect  
25 unless approved by the commission.

26 (i) Assessment.--

27 (1) The money collected from the telephone contribution  
28 rate shall be utilized for payments of nonrecurring and  
29 recurring costs of a 911 system.

30 (2) The contribution rate may be imposed at any time

1 subsequent to the execution of a contract with the provider  
2 of a 911 service at the discretion of the governing body of  
3 the county and pursuant to approval of the county plan and  
4 contribution rate under the provisions of this section.

5 (3) The money collected from the contribution rate:

6 (i) Is a county fee collected by the telephone  
7 company.

8 (ii) Shall not be subject to taxes or charges levied  
9 on or by the telephone company.

10 (iii) Shall not be considered revenue of the  
11 telephone company for any purpose.]

12 (b) Board review.--

13 (1) The board shall review each 911 system plan for  
14 completeness and may recommend the approval or disapproval of  
15 the plan to the agency.

16 (2) If the 911 system plan is recommended for  
17 disapproval by the board, the agency shall explain the  
18 deficiencies that caused the recommendation and may return  
19 the plan.

20 (c) Regional systems.--Nothing in this chapter shall be  
21 construed to prohibit the formation of multijurisdictional or  
22 regional 911 systems.

23 [§ 5306. Special public meeting.

24 (a) Public comment.--Before a county may establish a  
25 contribution rate for nonrecurring and recurring costs under  
26 this chapter, it must obtain public comment from the residents  
27 of the county.

28 (b) Requirements.--The proposed contribution rate shall be  
29 fixed by the governing body of the county in the following  
30 manner:

1 (1) The governing body shall cause notice of intention  
2 to fix the contribution rate at a special public meeting on a  
3 date certain to be published in a newspaper of general  
4 circulation at least ten days in advance of the special  
5 public meeting. The notice shall include the precise amount  
6 of the proposed monthly contribution rate.

7 (2) The special public meeting shall be held during the  
8 hours of 6 p.m. to 9 p.m., prevailing time, so as to afford  
9 the public the greatest opportunity to attend.

10 (3) The special meeting shall be held in a centrally  
11 located area of the county.]

12 Section 3. Title 35 is amended by adding sections to read:

13 § 5306.1. Fund.

14 (a) Establishment.--There is established in the State  
15 Treasury a nonlapsing restricted interest-bearing account to be  
16 known as the 911 Fund. Money in the fund and the interest the  
17 money accrues is appropriated to the agency to be disbursed by  
18 the agency.

19 (b) Composition of fund.--The following money shall be  
20 deposited in the fund:

21 (1) The surcharge remitted under section 5307 (relating  
22 to payment, collection and remittance of surcharge by  
23 providers of 911 communications services) and the prepaid  
24 wireless surcharge remitted under section 5307.1 (relating to  
25 payment, collection and remittance of surcharge by sellers of  
26 prepaid wireless telecommunications service).

27 (2) Any money appropriated by the General Assembly.

28 (3) Money from any other public or private source.

29 (4) Interest accrued by the fund.

30 (c) Use.--

1       (1) The money in the fund shall be used only for  
2 reasonably necessary costs that enhance, operate or maintain  
3 a 911 system in this Commonwealth, in accordance with the  
4 Statewide 911 plan established by the agency. For the  
5 purposes of this paragraph, reasonably necessary costs shall  
6 be determined by the agency, in consultation with the board,  
7 consistent with the following:

8           (i) The agency shall establish factors for  
9 reasonably necessary costs.

10          (ii) The agency shall provide the factors annually  
11 through agency guidelines.

12          (iii) Notwithstanding any guidelines provided by the  
13 agency, use of the fund by a 911 system or the agency to  
14 establish, enhance, operate or maintain Statewide  
15 interconnectivity of 911 systems or to establish a  
16 capital or operating reserve consistent with a 911 system  
17 plan shall be deemed reasonably necessary.

18       (2) Money from the fund shall not be expended on a 911  
19 system that does not conform to the standards and guidance  
20 published by the agency.

21       (3) Money from the fund shall not be transferred for  
22 General Fund use by the Commonwealth or counties.

23       (d) Distribution.--Within 30 days after the end of each  
24 quarter, the agency shall determine the amount available from  
25 the fund for distribution and make disbursements in accordance  
26 with the Statewide 911 plan and this chapter and in accordance  
27 with the following:

28           (1) Not less than 80% of the amount in the fund shall be  
29 disbursed to a 911 system through a mathematical formula  
30 established by the agency in consultation with the board of

1 which at least 30% shall solely be based on population.

2 (2) Up to 15% of the amount in the fund shall be used by  
3 the agency to establish, enhance, operate or maintain  
4 Statewide interconnectivity of 911 systems, including, but  
5 not limited to, the use or obligations of money for debt  
6 service related to regional or Statewide interconnectivity.

7 (3) Three percent of the amount available shall be  
8 disbursed equally to the PSAPs of this Commonwealth.  
9 Consolidation of PSAPs after the effective date of this  
10 paragraph shall not reduce an allocation to a county under  
11 this paragraph.

12 (4) Not greater than 2% of the amount in the fund may be  
13 retained by the agency to pay for agency expenses directly  
14 related to administering the provisions of this chapter. Any  
15 excess shall be added to the amounts available for  
16 distribution under paragraph (1). Audits conducted by the  
17 agency under this section shall be funded from amounts  
18 retained under this paragraph.

19 (e) Distribution formula considerations.--

20 (1) The distribution formula established by the agency  
21 under subsection (d) shall fairly and proportionately reflect  
22 911 system needs.

23 (2) The initial distribution formula shall be  
24 established and implemented by the agency, in consultation  
25 with the board, no later than 18 months following the  
26 effective date of this section.

27 (3) The distribution formula shall be reviewed every two  
28 years and may be adjusted annually.

29 (4) In developing and evaluating the distribution  
30 formula, the agency, in consultation with the board, shall

1 consider and may include the following factors that permit  
2 the formula to reflect 911 system needs:

3 (i) Base level costs common to all 911 systems.

4 (ii) Population and population density.

5 (iii) Call volume, including definition of what  
6 constitutes a call as published by the agency.

7 (iv) Extenuating factors such as topography,  
8 concentrated exposure such as transit or industrial  
9 facilities, or cyclical exposures such as high-attendance  
10 public events.

11 (5) In development of the distribution formula, the  
12 agency, in consultation with the board, shall consider the  
13 911 system's average reported allowable 911 system costs for  
14 the five years immediately preceding the effective date of  
15 this section.

16 (6) Notwithstanding the provisions of paragraph (5), the  
17 total annual disbursement from the fund to any one 911 system  
18 may not exceed the actual annual costs to enhance, operate or  
19 maintain that 911 system in accordance with the Statewide 911  
20 system plan. Actual costs may include amortization or  
21 depreciation of allowable capital costs of the 911 system as  
22 determined using generally accepted accounting principles and  
23 approved plan allocations to capital and operating reserves,  
24 if approved by the agency.

25 (f) Interim distribution formula.--Commencing on the  
26 effective date of this subsection, until the board develops and  
27 the agency implements a distribution formula under subsection  
28 (e), the money available under subsection (d) (1) and (3) shall  
29 be distributed to each 911 system as follows:

30 (1) A share equivalent to 106% times the respective 911

1 system's average of local exchange telephone carriers  
2 surcharge collections under section 5305 (relating to 911  
3 system plan) for the five years immediately preceding the  
4 effective date of this section.

5 (2) A share equivalent to 106% times the respective 911  
6 system's average of VoIP provider's surcharge collections  
7 under section 5307 (relating to payment, collection and  
8 remittance of surcharge by providers of 911 communications  
9 services) for the five years immediately preceding the  
10 effective date of this section.

11 (3) The remaining amount distributed to each 911 system  
12 shall be based on the ratio that its average reported  
13 allowable 911 system costs for the five years immediately  
14 preceding the effective date of this paragraph bear to the  
15 average reported allowable 911 system costs for all 911  
16 systems for the five years immediately preceding the  
17 effective date of this paragraph.

18 (g) Surplus.--

19 (1) If excess money remains available in the fund after  
20 the distribution and balanced disbursements required under  
21 subsections (d) and (e), the agency shall distribute the  
22 remaining money for the enhancement, operation or maintenance  
23 of 911 systems as provided under subsection (d)(1) in this  
24 Commonwealth in accordance with the Statewide 911 system  
25 plan.

26 (2) If the fund experiences a surplus as described in  
27 this section for eight consecutive quarters, the agency shall  
28 provide written notice of the surplus to the General Assembly  
29 and the written notice shall include a recommended reduced  
30 surcharge for consideration by the General Assembly.

1           (3) The written notice required under paragraph (2)  
2           shall be submitted to the General Assembly within 60 days  
3           after the end of the eighth consecutive quarter experiencing  
4           the surplus.

5           ~~(h) County action required. A county shall not be eligible~~ <--  
6           ~~to receive funds under this section unless the governing body of~~  
7           ~~the county adopts a resolution authorizing acceptance of the~~  
8           ~~funds. The county shall provide public notice of the intent to~~  
9           ~~adopt the resolution. A copy of the resolution shall be provided~~  
10           ~~to the agency.~~

11           (H) COUNTY OR CITY ACTION REQUIRED.--A COUNTY OR CITY OF THE <--  
12           THIRD CLASS SHALL NOT BE ELIGIBLE TO RECEIVE FUNDS UNDER THIS  
13           SECTION UNLESS THE GOVERNING BODY OF THE COUNTY OR CITY ADOPTS A  
14           RESOLUTION OR ORDINANCE AUTHORIZING ACCEPTANCE OF THE FUNDS. THE  
15           COUNTY OR CITY SHALL PROVIDE PUBLIC NOTICE OF THE INTENT TO  
16           ADOPT THE RESOLUTION OR ORDINANCE. A COPY OF THE RESOLUTION OR  
17           ORDINANCE SHALL BE PROVIDED TO THE AGENCY.

18           (i) Audits.--

19           (1) The fund shall be audited in a manner and on a  
20           frequency consistent with other restricted receipts accounts  
21           administered by the Commonwealth.

22           (2) The agency shall require a biennial performance  
23           audit of each PSAP's use of the disbursements it has received  
24           from the fund, including amounts placed in capital or  
25           operating reserve consistent with published guidelines  
26           established by the agency.

27           § 5306.2. Uniform 911 surcharge.

28           (a) Surcharge imposed.--Each subscriber or consumer shall  
29           pay a surcharge of \$1.65 per month for each 911 communications <--  
30           service or prepaid wireless device for which that subscriber or

1 consumer is billed by a provider or seller AS PROVIDED FOR UNDER <--  
2 THIS CHAPTER. The surcharge shall be collected apart from and in  
3 addition to a fee levied by the provider or seller, in whole or  
4 in part, for the provision of 911 services. The surcharge shall  
5 be subject to the following:

6 (1) The surcharge shall be uniform, competitively  
7 neutral and in an equal amount for subscribers or consumers  
8 of all 911 communications services.

9 (2) Except as provided under section 5307.1 (relating to  
10 payment, collection and remittance of surcharge by sellers of  
11 prepaid wireless telecommunications service), the surcharge  
12 shall be paid to the State Treasurer for deposit in the fund.  
13 The Treasurer may retain up to 1% of the remitted surcharge  
14 to pay expenses directly related to the cost of collection.

15 (3) No subscriber or consumer shall be required to pay  
16 more than one surcharge per number or device.

17 (b) Provider administrative costs.--Each provider collecting  
18 the surcharge may retain an amount not to exceed 1% of the gross  
19 receipts of surcharges collected as reimbursement for its actual  
20 administrative costs.

21 (c) Collection of surcharge.--The collection of the  
22 surcharge by each provider shall be subject to the following:

23 (1) Providers shall collect the surcharge on behalf of  
24 the agency as part of their billing process and shall have no  
25 obligation to take any legal action to enforce the collection  
26 of the surcharge. Action may be brought by or on behalf of  
27 the agency. Upon written request of the agency, each wireless  
28 provider shall annually provide a list of the names and  
29 addresses of those wireless service customers whose accounts  
30 are considered a bad debt as determined by the provider's

1 books and records that have failed to pay the surcharge.

2 (2) Providers shall not be liable for the unpaid  
3 amounts.

4 (3) If a provider receives a partial payment for a  
5 monthly bill from a subscriber, the provider shall apply the  
6 payment against the amount the subscriber owes the provider  
7 first and shall remit to the State Treasurer the lesser  
8 amount, if any, resulting from the application.

9 (4) The surcharge shall not be:

10 (i) Subject to taxes or charges levied by the  
11 Commonwealth or a political subdivision of this  
12 Commonwealth or an intergovernmental agency for 911  
13 funding purposes on a provider, seller or consumer with  
14 respect to the sale, purchase, use or provision of a  
15 communication service.

16 (ii) Considered revenue of the provider.

17 (5) Nothing under this chapter shall prevent a provider  
18 from recovering costs of implementing and maintaining 911  
19 communications service directly from the provider's  
20 subscribers, whether itemized on the subscriber's bill or by  
21 any other lawful method.

22 (6) Funds remaining in a State or county 911 fund prior  
23 to the effective date of this section shall only be used for  
24 purposes relating to the operation of 911 systems.

25 Section 4. Section 5307 of Title 35 is amended to read:

26 § 5307. [Collection and disbursement of contribution.] Payment,  
27 collection and remittance of surcharge by providers  
28 of 911 communications services.

29 (a) [Subscribers' contribution] Collection and remittance of  
30 surcharge.--

1 (1) [Each service supplier that provides local exchange  
2 telephone service within the county] Providers shall ASSESS <--  
3 AND collect the [contribution] surcharge MONTHLY from each <--  
4 subscriber and forward the collection quarterly less the  
5 actual uncollectibles [experienced by the local exchange  
6 telephone companies] to the [county treasurer or, in a home  
7 rule county, the county official responsible for the  
8 collection and disbursement of funds] State Treasurer for  
9 deposit in the fund.

10 (2) The [amount of the subscribers' contribution]  
11 surcharge shall be stated separately in the [telephone  
12 subscribers'] subscriber billing.

13 [(3) Each service supplier shall retain the fair and  
14 reasonable cost to establish the 911 contribution rate  
15 billing system and an amount not to exceed 2% of the gross  
16 receipts collected to cover actual administrative costs.]

17 (b) [Subscribers' contribution for multiple line] Multiline  
18 telephone systems.--In the case of Centrex or similar [multiple  
19 line] multiline telephone system subscribers, except PBX  
20 subscribers, the following multipliers shall be applied to  
21 determine the [contribution] rate of the surcharge for each  
22 subscriber:

23 (1) For the first 25 lines, each line shall be [billed  
24 at] assessed the [approved contribution rate] surcharge.

25 (2) For lines 26 through 100, each line shall be [billed  
26 at] assessed 75% of the [approved contribution rate]  
27 surcharge.

28 (3) For lines 101 through 250, each line shall be  
29 [billed at] assessed 50% of the [approved contribution rate]  
30 surcharge.

1 (4) For lines 251 through 500, each line shall be  
2 [billed at] assessed 20% of the [approved contribution rate]  
3 surcharge.

4 (5) For lines 501 or more, each line shall be [billed  
5 at] assessed 17.2% of the [approved contribution rate]  
6 surcharge.

7 (6) As of ~~July~~ AUGUST 1, 2015, for each digital <--  
8 transmission link, including primary rate interface service  
9 or Digital Signal-1 (DS-1) level service, or equivalent, that  
10 can be channelized and split into 23 or 24 voice-grade or  
11 data-grade channels for voice communications, that when the  
12 digits 9-1-1 are dialed provides the subscriber access to a  
13 PSAP through permissible interconnection to the dedicated 911  
14 system, a subscriber's assessments shall be increased to 23  
15 surcharges per transmission link.

16 (7) Each VoIP provider shall collect the uniform 911  
17 surcharge for the number of VoIP service lines for which the  
18 VoIP provider has enabled the capacity for simultaneous  
19 outbound calls regardless of actual usage.

20 (8) Each VoIP provider that remits the surcharge shall  
21 certify the accuracy of the remittance annually as required  
22 using agency procedures and forms.

23 [(c) Restricted account.--

24 (1) The county treasurer or, in a home rule county, the  
25 county official responsible for the collection and  
26 disbursement of funds shall deposit the money received in an  
27 interest-bearing restricted account used solely for the  
28 purpose of nonrecurring and recurring charges billed for the  
29 911 system and for the purpose of making payments under  
30 subsection (d).

1           (2) The governing body of the county shall make an  
2 annual appropriation from the account for the 911 system,  
3 subject to the provisions of subsection (d), and may retain  
4 up to 1% of the gross receipts collected to cover  
5 administrative costs.

6           (3) If the 911 system is discontinued or a county fails  
7 to implement a 911 system within three years from the  
8 imposition of a monthly contribution rate, any money  
9 remaining in the restricted account after all payments to the  
10 911 service supplier have been made shall be transferred to  
11 the general fund of the county or proportionately to the  
12 general funds of each participating public agency.

13          (d) Reimbursement to municipalities.--The county treasurer  
14 or, in a home rule county, the county official responsible for  
15 the collection and disbursement of funds shall, on a quarterly  
16 basis, pay from funds of the restricted account to a  
17 municipality which operates a 911 system a sum of money not less  
18 than that contributed by the telephone subscribers of that  
19 municipality to the county 911 system, less the applicable  
20 service supplier administrative cost provided by subsection (a)  
21 and the applicable county administrative cost provided by  
22 subsection (c).

23          (e) Collection enforcement.--

24           (1) The local exchange telephone company shall not be  
25 required to take any legal action to enforce the collection  
26 of any charge imposed under this chapter. Action may be  
27 brought by or on behalf of the public agency imposing the  
28 charge.

29           (2) The local exchange telephone company shall annually  
30 provide, upon request of the governing body of the county, a

1 list of the names and addresses of those service users which  
2 carry a balance that can be determined by the telephone  
3 company to be the nonpayment of any charge imposed under this  
4 chapter.

5 (3) The local exchange telephone company shall not be  
6 liable for uncollectible amounts.

7 (f) Prohibition against release of information.--Neither the  
8 county treasurer, the agency, nor any employee, agent or  
9 representative of a PSAP or public agency shall divulge any  
10 information acquired with respect to any wireline telephone  
11 service provider, its customers, revenues or expenses, trade  
12 secrets, access line counts, commercial information and other  
13 proprietary information while acting or claiming to act as the  
14 employee, agent or representative, and all information shall be  
15 kept confidential except that aggregations of information which  
16 do not identify or effectively identify numbers of customers,  
17 revenues or expenses, trade secrets, access lines, commercial  
18 information and other proprietary information attributable to  
19 any individual wireline telephone service provider may be made  
20 public.]

21 (c) Applicability.--The provisions of this section shall not  
22 apply to sellers or consumers of prepaid wireless  
23 telecommunications service.

24 Section 5. Title 35 is amended by adding a section to read:  
25 § 5307.1. Payment, collection and remittance of surcharge by  
26 sellers of prepaid wireless telecommunications  
27 service.

28 (a) Surcharge.--The following apply:

29 (1) The surcharge shall be collected by the seller from  
30 the consumer per each retail transaction occurring in this

1 Commonwealth.

2 (2) The surcharge shall be applied to the cost of each  
3 retail transaction regardless of whether the retail  
4 transaction occurred in person, by telephone, through the  
5 Internet or by any other method. A retail transaction that is  
6 conducted in person by a consumer at a business location of  
7 the seller shall be treated as occurring in this Commonwealth  
8 if that business location is in this Commonwealth. Any other  
9 retail transaction shall be treated as occurring in this  
10 Commonwealth if the retail transaction is treated as  
11 occurring in this Commonwealth under section 202(e.1) of the  
12 act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform  
13 Code of 1971.

14 (3) The surcharge shall be either separately stated on  
15 an invoice, receipt or other similar document that is  
16 provided to the consumer by the seller or otherwise  
17 conspicuously disclosed to the consumer by the seller.

18 (4) The surcharge is a liability of the consumer and not  
19 of the seller or any provider, except that the seller shall  
20 be liable to remit any surcharge collected from a consumer as  
21 provided under paragraph (6), including the charges that the  
22 seller is deemed to collect if the amount of the surcharge  
23 has not been separately stated on an invoice, receipt or  
24 other similar document provided to the consumer by the  
25 seller.

26 (5) The amount of the surcharge that is collected by a  
27 seller from a consumer, whether or not the amount is  
28 separately stated on an invoice, receipt or similar document  
29 provided to the consumer by the seller, shall not be included  
30 in the base for measuring a tax, fee, surcharge or other

1 charge that is imposed by the Commonwealth, a political  
2 subdivision or an intergovernmental agency.

3 (6) The surcharge collected by a seller, less 1.5% that  
4 may be retained by the seller to cover administrative costs,  
5 shall be remitted to the Department of Revenue at the times  
6 provided under Article II of the Tax Reform Code of 1971. The  
7 department shall establish payment procedures that  
8 substantially coincide with the payment procedures of Article  
9 II of the Tax Reform Code of 1971, except the department may  
10 require the filing of returns and the payment of the  
11 surcharge by electronic means.

12 (7) The assessment, audit, appeal, collection and  
13 enforcement procedures and other provisions of the Tax Reform  
14 Code of 1971 shall apply to the surcharge collected and  
15 remitted under this section.

16 (8) The provision of section 5311.1 (relating to  
17 immunity) shall apply to prepaid wireless providers and  
18 sellers.

19 (9) The surcharge shall be the only 911 funding  
20 obligation imposed regarding prepaid wireless  
21 telecommunications service in this Commonwealth. A tax, fee,  
22 surcharge or other charge may not be imposed by the  
23 Commonwealth, a political subdivision or an intergovernmental  
24 agency for 911 funding purposes on a seller or consumer with  
25 respect to the sale, purchase, use or provision of prepaid  
26 wireless telecommunications service. The surcharge shall not  
27 be considered revenue of any seller.

28 (10) Each seller that remits the surcharge shall certify  
29 the accuracy of the remittance annually using the procedures  
30 and forms provided by the agency.

1 (b) Department of Revenue.--The following shall apply to the  
2 department:

3 (1) The department shall establish procedures by which a  
4 seller of prepaid wireless telecommunications service may  
5 document that a sale is not a retail transaction, which  
6 procedures shall substantially coincide with the procedures  
7 for documenting sale for resale transactions for sales and  
8 use tax purposes under Article II of the Tax Reform Code of  
9 1971.

10 (2) The department shall pay all remitted surcharges to  
11 the State Treasurer for deposit into the fund within 30 days  
12 of receipt, for use as provided for under this chapter.

13 (3) The department may retain up to 1% of remitted  
14 surcharges to pay for expenses directly related to the costs  
15 of administering the collection and remittance of surcharges  
16 collected under this section.

17 Section 6. Sections 5308, 5309, 5310, 5311.1, 5311.2, <--  
18 5311.3, 5311.4, 5311.5, 5311.6, 5311.7, 5311.8, 5311.9, 5311.10,  
19 5311.11, 5311.12, 5311.13 and 5311.14 of Title 35 are amended to  
20 read:

21 [§ 5308. Expenditures for nonrecurring costs, training, mobile  
22 communications equipment, maintenance and operation  
23 of 911 systems.

24 (a) Expenditures authorized.--During a county's fiscal year,  
25 the county may expend the amounts distributed to it from the  
26 contribution rate for the nonrecurring costs, training, costs  
27 for mobile communications equipment, maintenance and operation  
28 of a county 911 system.

29 (b) Items included in nonrecurring costs, training, mobile  
30 communications equipment, maintenance and operation costs.--

1           (1) Maintenance and operation costs may include  
2 telephone company charges, equipment costs or equipment lease  
3 charges, repairs, utilities, development and maintenance of a  
4 master street address guide, erection of street signs on  
5 State and local highways, database maintenance costs,  
6 personnel training, salary and benefit costs which are  
7 directly related to the provision of 911 services and costs  
8 for mobile communications equipment, audit costs and  
9 appropriate carryover costs from previous years.

10           (2) Maintenance and operation costs shall not include  
11 any cost necessary to house the 911 system.

12           (3) No more than 70% of the contribution rate collected  
13 during a county's fiscal year may be utilized to fund  
14 personnel training, salary and benefit costs.

15           (c) Limitations on expenditures.--

16           (1) The agency shall adopt procedures to assure that the  
17 total amount collected from the 911 contribution rate shall  
18 be expended only for the nonrecurring costs, costs for mobile  
19 communications equipment, maintenance and operation of a  
20 county 911 system.

21           (2) Nonrecurring costs shall be amortized over a minimum  
22 of three years.

23           (d) Triennial financial audit.--

24           (1) The agency shall require a triennial audit of each  
25 county's collection and disbursement of contribution rate  
26 funds and expenditures for the nonrecurring costs, training,  
27 costs for mobile communications equipment, maintenance and  
28 operation of 911 systems.

29           (2) The triennial audit cost shall be paid by the  
30 respective county from contribution rate revenues and shall

1 be conducted consistent with guidelines established by the  
2 agency.

3 (e) Public education.--A county may use money received from  
4 the imposition of the contribution rate to educate the public on  
5 the 911 system. The education may include, but is not limited  
6 to, confirming with all residents of the county their actual  
7 street addresses.]

8 § 5309. Telephone records.

9 (a) Access.--A telephone service supplier shall provide  
10 customer telephone numbers, names and service addresses to PSAPs  
11 when requested by them for use in responding to 911 calls and,  
12 when required, to providers of emergency notification services  
13 and emergency support services, solely for the purposes of  
14 delivering or assisting in the delivery of emergency  
15 notification services and emergency support services. A wireless  
16 provider shall provide the telephone number and geographical  
17 location of the wireless device, as required under the FCC E-911  
18 Order, to PSAPs when requested by them for use in responding to  
19 911 calls. Customer telephone numbers, names and service  
20 addresses, and telephone numbers and geographical locations of  
21 wireless devices, shall remain the property of the disclosing  
22 service supplier. The total cost of the 911 system [or wireless  
23 E-911 system] shall include expenses to reimburse telephone  
24 service suppliers for providing and maintaining 911 information.  
25 A telephone service supplier shall not be reimbursed directly  
26 from the fund for providing and maintaining 911 information.  
27 This information shall be used only in providing emergency  
28 response services to a 911 call or for purposes of delivering or  
29 assisting in the delivery of emergency notification services or  
30 emergency support services[, except as provided in subsection

1 (c)]. A person who uses or discloses ANI/ALI database  
2 information for purposes other than providing emergency response  
3 services to a 911 call, delivering or assisting in the delivery  
4 of emergency notification services [or emergency support  
5 services or other than as provided in subsection (c)] commits a  
6 misdemeanor of the third degree.

7 (b) Privacy waived.--Private listing service customers in a  
8 911 service district shall waive the privacy afforded by  
9 nonlisted and nonpublished numbers with respect to the delivery  
10 of emergency services.

11 [(c) Immunity.--No telephone company, wireless provider,  
12 vendor or agent, employee or director of a telephone company,  
13 providers of emergency notification services or providers of  
14 emergency support services shall be liable to any person who  
15 directly or indirectly uses the 911 emergency service or  
16 wireless E-911 emergency service established under this chapter  
17 or provides information to 911 systems or wireless E-911 systems  
18 with respect to the delivery of emergency services:

19 (1) for release to PSAPs, providers of emergency  
20 notification services or providers of emergency support  
21 services of information specified in this section, including  
22 nonpublished telephone numbers;

23 (2) for release to the commission, the Federal  
24 Communications Commission or any other Federal or  
25 Commonwealth agency with the authority to regulate the  
26 provision of telecommunications services of telephone company  
27 information specified in this section that is not already  
28 part of public records, including, as applicable, information  
29 regarding numbers of lines served by an individual company  
30 but excluding nonpublic information regarding the company's

1 individual customer names, addresses and telephone numbers;  
2 or

3 (3) for interruptions, omissions, defects, errors,  
4 mistakes or delays in transmission occurring in the course of  
5 the delivery of emergency services or wireless E-911 service  
6 under this chapter, unless the interruptions, omissions,  
7 defects, errors, mistakes or delays are caused by the willful  
8 or wanton misconduct of the telephone company, wireless  
9 provider or vendor, their agents, employees or directors.  
10 Nothing in this paragraph may preclude the application of any  
11 commission tariff or regulation within its jurisdiction  
12 pertaining to allowances for telephone service  
13 interruptions.]

14 § 5310. Penalty.

15 (a) Communications with 911 systems.--A person who  
16 intentionally calls the 911 emergency number for other than  
17 emergency purposes commits a misdemeanor of the third degree.

18 (b) Information disclosure.--A person commits a misdemeanor  
19 of the third degree if the person does any of the following:

20 (1) Uses or discloses database information for wireless  
21 service, VoIP service, other emergency communications service  
22 or next generation 911 service or future technology providing  
23 the same or similar functionality for purposes other than  
24 handling a call to a 911 system, or a system used for other  
25 emergency communications service, next generation 911 service  
26 or future technology providing the same or similar  
27 functionality, without consent of the subscriber or consumer  
28 as otherwise provided by applicable Federal or State law.

29 (2) Knowingly uses the telephone number or database  
30 information of a 911 system, other emergency communications

1 service, next generation 911 service, future technology  
2 providing the same or similar functionality or VoIP service  
3 to avoid any charges for the services of a provider.

4 § 5311.1. Immunity.

5 (a) Local government.--A 911 system or a wireless E-911  
6 system run by county and local governments shall be a local  
7 agency which shall enjoy local governmental immunity as provided  
8 under 42 Pa.C.S. Ch. 85 Subch. C (relating to actions against  
9 local parties).

10 (b) Entities.--The following shall not be liable for an act  
11 or omission to a person who directly or indirectly uses a 911  
12 emergency service or provides information to 911 systems under  
13 this section except for willful or wanton misconduct:

14 (1) A 911 system.

15 (2) A 911 service provider.

16 (3) A provider or communication service provider,  
17 including a provider of Next Generation 911 technology.

18 (4) An officer, director, employee, vendor or agent of  
19 an entity listed under paragraphs (1), (2) and (3).

20 (c) Applicability.--The immunity under subsection (b) shall  
21 apply to the following:

22 (1) The release to PSAPs, providers of emergency  
23 notification services or providers of emergency support  
24 services of information authorized under this chapter,  
25 including nonpublished telephone numbers.

26 (2) The release to the Federal Communications  
27 Commission, the PUBLIC UTILITY commission, the board or any <--  
28 Federal or Commonwealth agency with the authority to regulate  
29 the provision of telecommunications services of telephone  
30 company information specified in this section that is not

1 already part of public records, including information  
2 regarding the number of liens served by an individual  
3 company, except for nonpublic information regarding the  
4 company's individual customer names, addresses and telephone  
5 numbers.

6 (3) Interruptions, omissions, defects, errors, mistakes  
7 or delays in transmission occurring in the course of the  
8 delivery of 911 emergency services and other emergency  
9 services, including next generation 911 services under this  
10 chapter, unless the interruptions, omissions, defects,  
11 errors, mistakes or delays are caused by the willful or  
12 wanton misconduct of a person listed under subsection (b).

13 (4) Any other matter relating to the provision of 911  
14 communications service or a 911 system.

15 [§ 5311.2. Powers and duties of agency.

16 (a) Administration.--The agency shall have the following  
17 powers and duties in relation to a wireless E-911 system:

18 (1) To designate at least one employee of the agency who  
19 shall serve as a point of contact at the agency for all  
20 matters involving wireless E-911 systems in this  
21 Commonwealth.

22 (2) To oversee the development, implementation,  
23 operation and maintenance of a Statewide integrated wireless  
24 E-911 system, formulate technical standards and determine  
25 permitted uses of and amounts disbursed from the Wireless E-  
26 911 Emergency Services Fund, including the costs of PSAPs and  
27 wireless providers that are eligible for payment from the  
28 fund.

29 (3) To approve each county's county plan, or amendment  
30 to its agency-approved county plan, incorporating wireless E-

1 911 service capabilities as may be submitted by the county to  
2 the agency.

3 (4) To provide counties with plans that contain cost-  
4 saving measures that provide joint purchasing opportunities  
5 and facilitate regionalization of technology and  
6 consolidation of PSAPs and their operations. The agency shall  
7 provide suggested industry-acceptable and uniform standards  
8 for levels of staffing and uniform standards of operation.

9 (b) Wireless E-911 State plan.--The agency shall prepare,  
10 maintain and keep current, after adequate public notice and  
11 opportunity to comment and after consideration of the  
12 recommendations of the wireless subcommittee of the advisory  
13 committee, a wireless E-911 State plan providing for all aspects  
14 of the development, implementation, operation and maintenance of  
15 a Statewide integrated wireless E-911 system in accordance with  
16 the FCC E-911 Order. Under the plan, the agency shall:

17 (1) Establish model agreements for mutual aid  
18 agreements, cross-service agreements, service contracts and  
19 all other documents by and among public agencies, PSAPs and  
20 wireless providers that may be required in the implementation  
21 of the wireless E-911 State plan, review the agreements and  
22 documents for consistency with the applicable county plan and  
23 assist the parties in assuring their execution.

24 (2) Require each wireless provider to notify the agency  
25 of each county in which it is licensed on March 29, 2004, and  
26 provides wireless service and, at the time new service is  
27 initiated, each county in which it is licensed and initiates  
28 wireless service and to notify counties of wireless service  
29 within each county, specifically noting wireless service to  
30 more than one county. In the event of disputes among PSAPs

1 regarding the PSAP to which a wireless provider routes 911  
2 calls, the routing shall be determined by the agency.

3 (3) Establish uniform Statewide standards for the format  
4 and content of wireless automatic location information and  
5 wireless automatic number identification, which standards  
6 shall be the standards adopted by the National Emergency  
7 Number Association, as amended by that organization. Wireless  
8 providers will use the applicable National Emergency Number  
9 Association data transmission format standards to deliver the  
10 data to the wireless E-911 system.

11 (4) Forward a copy of the completed plan and any  
12 revision of the plan to all affected counties, PSAPs,  
13 wireless providers, local exchange carriers, competitive  
14 local exchange carriers and interexchange carriers.

15 (5) Require each wireless provider to provide the agency  
16 with a 24-hour, seven-days-a-week contact telephone number or  
17 pager number for use by PSAPs in emergency situations.

18 § 5311.3. Advisory committee.

19 (a) Establishment.--There is established an advisory  
20 committee to be known as the E-911 Emergency Services Advisory  
21 Committee.

22 (b) Members.--The advisory committee shall be comprised of  
23 the following persons:

24 (1) The director of the agency or his designee, who  
25 shall act as chairperson.

26 (2) Two county commissioners.

27 (3) Four county 911 program managers.

28 (4) Four wireless providers licensed by the Federal  
29 Communications Commission.

30 (5) Two landline telephone service provider

1 representatives.

2 (6) Two representatives each from fire services,  
3 emergency medical services and police.

4 (7) The chairman and minority chairman of the  
5 Communications and Technology Committee of the Senate and the  
6 chairman and minority chairman of the Veterans Affairs and  
7 Emergency Preparedness Committee of the House of  
8 Representatives, or their designees.

9 The Governor, upon recommendation of the applicable Statewide  
10 organizations, associations and industry segments, shall appoint  
11 the committee members, who will each serve a two-year term.  
12 Advisory committee membership shall be limited to one  
13 representative per organization or corporate entity.

14 (c) Roles and responsibilities.--The advisory committee  
15 shall make recommendations to the agency regarding the  
16 formulation of technical, administrative and operational  
17 standards for use in overseeing 911 programs Statewide.

18 (d) Reimbursement.--The members of the advisory committee  
19 shall serve without compensation but shall be reimbursed for  
20 their actual and necessary travel and other expenses in  
21 connection with attendance at meetings called by the  
22 chairperson.

23 (e) Advisory committee subcommittees.--The chairperson may  
24 create, within the committee membership, subcommittees to study  
25 and address specific technical and program areas:

26 (1) A wireless subcommittee shall be created as a  
27 permanent subcommittee and shall consist of the following  
28 persons:

29 (i) The advisory committee chairperson.

30 (ii) Two county commissioners.

1 (iii) Four county 911 program managers.

2 (iv) Four representatives of wireless providers  
3 licensed by the Federal Communications Commission.

4 (v) Two landline telephone service provider  
5 representatives.

6 (2) Wireless subcommittee roles and responsibilities:

7 (i) To advise the agency regarding the development,  
8 implementation, operation and maintenance of a Statewide  
9 integrated wireless E-911 system.

10 (ii) To make recommendations to the agency regarding  
11 the preparation and periodic revision of a wireless E-911  
12 State plan providing for the development, implementation,  
13 operation and maintenance of a Statewide integrated  
14 wireless E-911 system in accordance with the FCC E-911  
15 Order.

16 (iii) To make recommendations to the agency  
17 regarding the approval or disapproval of wireless  
18 provider service agreements and the formulation of  
19 technical standards.

20 (iv) To make recommendations to the agency regarding  
21 the development of guidelines, rules and regulations  
22 required to address the administration of the Statewide  
23 E-911 wireless plan and the disbursement of money from  
24 the Wireless E-911 Emergency Services Fund.

25 (v) To make recommendations to the agency regarding  
26 the development of the annual report required of the  
27 agency by this chapter, including, but not limited to,  
28 recommendations concerning adjustments of the wireless E-  
29 911 surcharge.

30 § 5311.4. Wireless E-911 Emergency Services Fund.

1 (a) Establishment of fund.--There is established in the  
2 State Treasury a nonlapsing restricted interest-bearing account  
3 to be known as the Wireless E-911 Emergency Services Fund. The  
4 fund shall consist of the fees collected under subsections (b)  
5 and (b.1), funds appropriated by the General Assembly and funds  
6 from another source, private or public. Money in the fund and  
7 the interest it accrues is appropriated to the Pennsylvania  
8 Emergency Management Agency to be disbursed by the agency. The  
9 money in the fund shall be used only for the following costs:

10 (1) PSAP and wireless provider costs resulting from  
11 compliance with the FCC E-911 Order, including development,  
12 implementation and testing, operation and maintenance of a  
13 Statewide integrated wireless E-911 system. Costs paid from  
14 the fund must be eligible recurring or nonrecurring costs as  
15 determined by the agency in accordance with sections  
16 5311.2(a) (relating to powers and duties of agency) and  
17 5311.5 (relating to disbursement of fund amounts by agency)  
18 for wireless E-911 service provided in accordance with the  
19 FCC E-911 Order or a county plan or amended county plan  
20 approved by the agency.

21 (2) The agency-approved costs of PSAPs specified in  
22 section 5308(b) (relating to expenditures for nonrecurring  
23 costs, training, mobile communications equipment, maintenance  
24 and operation of 911 systems) that relate directly or  
25 indirectly to the provision of wireless E-911 service, to the  
26 extent:

27 (i) the costs are not included in the costs paid  
28 under paragraph (1) and the approved E-911 costs provided  
29 in paragraph (1) have been reimbursed; and

30 (ii) the costs do not exceed the percentage of the

1 actual ratio of demonstrated wireless calls to  
2 demonstrated total emergency call volume times the amount  
3 of money in the fund, and further:

4 (A) The amount of the costs that may be  
5 reimbursed is limited to 25% of the fund if a  
6 majority of wireless providers serving the geographic  
7 area covered by the PSAP have been tested and  
8 accepted by the PSAP for wireless E-911 Phase I  
9 service.

10 (B) The amount of the costs that may be  
11 reimbursed is limited to 50% of the fund if all of  
12 the wireless providers serving the geographic area  
13 covered by the PSAP have been tested and accepted by  
14 the PSAP for wireless E-911 Phase I service.

15 (C) The amount of the costs that may be  
16 reimbursed is limited to 75% of the fund if a  
17 majority of wireless providers serving the geographic  
18 area covered by the PSAP have been tested and  
19 accepted by the PSAP for wireless E-911 Phase II  
20 service.

21 (D) The amount of the costs that may be  
22 reimbursed is limited to 100% of the fund if all of  
23 the wireless providers serving the geographic area  
24 covered by the PSAP have been tested and accepted by  
25 the PSAP for wireless E-911 Phase II service.

26 (iii) If, under an FCC E-911 waiver, a wireless  
27 provider is temporarily relieved of its obligation to  
28 provide wireless E-911 Phase II service in the geographic  
29 area covered by a requesting PSAP, the wireless carrier  
30 shall be disregarded in the determinations to be made

1 under subparagraphs (i) and (ii) until the wireless  
2 carrier's obligation to provide wireless E-911 Phase II  
3 service again becomes effective.

4 (b) Wireless E-911 surcharge.--Each wireless service  
5 customer shall pay a fee, to be known as a wireless E-911  
6 surcharge, in an amount of \$1 per month for each device that  
7 provides wireless service for which that customer is billed by a  
8 wireless provider for wireless service. The fee shall be  
9 collected apart from and in addition to a fee levied by the  
10 wireless provider in whole or in part for the provision of 911  
11 services.

12 (1) Wireless providers shall collect the fee on behalf  
13 of the agency as part of their billing process and shall have  
14 no obligation to take any legal action to enforce the  
15 collection of the surcharge. Action may be brought by or on  
16 behalf of the agency. Upon written request of the agency,  
17 each wireless provider shall annually provide a list of the  
18 names and addresses of those wireless service customers  
19 carrying a balance that have failed to pay the wireless E-911  
20 surcharge. The wireless provider shall not be liable for the  
21 unpaid amounts.

22 (2) If a wireless provider receives a partial payment  
23 for a monthly bill from a wireless service customer, the  
24 wireless provider shall apply the payment against the amount  
25 the wireless service customer owes the wireless provider  
26 first and shall remit to the State Treasurer the lesser  
27 amount, if any, resulting from the application.

28 (3) The fees collected under this subsection shall not  
29 be subject to taxes or charges levied by the Commonwealth or  
30 a political subdivision of this Commonwealth, nor shall the

1 fees be considered revenue of the wireless provider for any  
2 purpose.

3 (4) The provisions of this subsection shall not apply to  
4 sellers, providers or consumers of prepaid wireless  
5 telecommunications service.

6 (b.1) Prepaid wireless E-911 surcharge.--

7 (1) There is imposed a prepaid wireless E-911 surcharge  
8 of \$1 per retail transaction or the adjusted surcharge, if  
9 any, established under paragraph (5). The \$1 surcharge shall  
10 be applied to the cost of each retail transaction regardless  
11 of whether the service or prepaid wireless device was  
12 purchased in person, by telephone, through the Internet or by  
13 any other method.

14 (2) A prepaid wireless E-911 surcharge shall be  
15 collected by the seller from the consumer for each retail  
16 transaction occurring in this Commonwealth. The amount of the  
17 prepaid wireless E-911 surcharge shall be either separately  
18 stated on an invoice, receipt or other similar document that  
19 is provided to the consumer by the seller or otherwise  
20 disclosed to the consumer. A retail transaction that is  
21 effected in person by a consumer at a business location of  
22 the seller shall be treated as occurring in this Commonwealth  
23 if that business location is in this Commonwealth, and any  
24 other retail transaction shall be treated as occurring in  
25 this Commonwealth if the retail transaction is treated as  
26 occurring in this Commonwealth for the purposes of section  
27 202(e.1) of the act of March 4, 1971 (P.L.6, No.2), known as  
28 the Tax Reform Code of 1971.

29 (3) A prepaid wireless E-911 surcharge is a liability of  
30 the consumer and not of the seller or any provider, except

1 that the seller shall be liable to remit the prepaid wireless  
2 E-911 surcharges that the seller collects from consumers as  
3 provided under paragraph (6), including the charges that the  
4 seller is deemed to collect if the amount of the surcharge  
5 has not been separately stated in an invoice, receipt or  
6 other similar document provided to the consumer by the  
7 seller.

8 (4) The amount of the prepaid wireless E-911 surcharge  
9 that is collected by a seller from a consumer, whether or not  
10 the amount is separately stated on an invoice, receipt or  
11 similar document provided to the consumer by the seller,  
12 shall not be included in the base for measuring a tax, fee,  
13 surcharge or other charge that is imposed by the  
14 Commonwealth, a political subdivision or an intergovernmental  
15 agency.

16 (5) The prepaid wireless E-911 surcharge shall be  
17 proportionately increased or reduced, as applicable, upon any  
18 change to the wireless E-911 surcharge imposed under  
19 subsection (b). The increase or reduction shall be effective  
20 on the effective date of the change to the surcharge imposed  
21 under subsection (b) or, if later, the first day of the first  
22 calendar month to occur at least 60 days after the effective  
23 date of the change to the surcharge imposed under subsection  
24 (b). The Department of Revenue shall provide not less than 30  
25 days' notice of an increase or reduction on its public  
26 Internet website.

27 (6) Prepaid wireless E-911 surcharges collected by a  
28 seller shall be remitted to the Department of Revenue at the  
29 times provided under Article II of the Tax Reform Code of  
30 1971. The department shall establish payment procedures that

1 substantially coincide with the payment procedures of Article  
2 II of the Tax Reform Code of 1971, except the department may  
3 require the filing of returns and the payment of the  
4 surcharge by electronic means.

5 (7) During the first 180 days after the effective date  
6 of this section, a seller may deduct and retain 35% of the  
7 prepaid wireless surcharges collected by the seller from  
8 consumers for direct start-up costs. After the implementation  
9 period, a seller may deduct and retain up to 3% of prepaid  
10 wireless E-911 surcharges that are collected by the seller  
11 from consumers for administrative purposes.

12 (8) The assessment, audit, appeal, collection and  
13 enforcement procedures and other pertinent provisions  
14 applicable to the sales and use tax imposed under Article II  
15 of the Tax Reform Code of 1971 shall apply to prepaid  
16 wireless E-911 surcharges.

17 (9) The department shall establish procedures by which a  
18 seller of prepaid wireless telecommunications service may  
19 document that a sale is not a retail transaction, which  
20 procedures shall substantially coincide with the procedures  
21 for documenting sale for resale transactions for sales and  
22 use tax purposes under Article II of the Tax Reform Code of  
23 1971.

24 (10) The department shall pay all remitted prepaid  
25 wireless E-911 surcharges to the State Treasurer for deposit  
26 into the fund within 30 days of receipt, for use as provided  
27 in this chapter. The department may retain up to 2% of  
28 remitted surcharges to pay for department expenses directly  
29 related to the costs of administering the collection and  
30 remittance of prepaid wireless E-911 surcharges.

1           (11) The provisions of section 5311.9 (relating to  
2 immunity) shall apply to providers and sellers of prepaid  
3 wireless telecommunications service.

4           (12) The prepaid wireless E-911 surcharge shall be the  
5 only E-911 funding obligation imposed regarding prepaid  
6 wireless telecommunications service in this Commonwealth. No  
7 tax, fee, surcharge or other charge may be imposed by the  
8 Commonwealth, a political subdivision or an intergovernmental  
9 agency for E-911 funding purposes, on a provider, seller or  
10 consumer with respect to the sale, purchase, use or provision  
11 of prepaid wireless telecommunications service.

12       (c) Remittance of fees.--On a quarterly basis, each wireless  
13 provider shall remit the fees collected under subsection (b) to  
14 the State Treasurer for deposit into the fund.

15       (d) Reimbursement of wireless provider and PSAP costs.--

16           (1) From every remittance, the wireless provider shall  
17 be entitled to deduct and retain an amount not to exceed 2%  
18 of the gross receipts collected as reimbursement for the  
19 administrative costs incurred by the wireless provider to  
20 bill, collect and remit the surcharge.

21           (2) Wireless providers and PSAPs shall be entitled to  
22 payment from the fund in the manner provided in section  
23 5311.5(c) for the following costs:

24           (i) recurring costs approved by the agency under  
25 agency rules associated with the development,  
26 implementation, operation and maintenance of wireless E-  
27 911 service in the geographic area served by the  
28 requesting PSAP; and

29           (ii) nonrecurring costs approved by the agency under  
30 agency rules associated with the development,

1 implementation, operation and maintenance of wireless E-  
2 911 service in the geographic area served by the  
3 requesting PSAP.

4 (3) In no event shall costs be paid that are not related  
5 to a wireless provider's or PSAP's compliance with  
6 requirements established by the wireless E-911 State plan,  
7 the FCC E-911 Order or the wireless E-911 provisions of an  
8 agency-approved county plan or amended county plan.

9 (4) Costs incurred by a PSAP or wireless provider for  
10 wireless E-911 service shall be paid by the agency provided  
11 that the costs comply with the requirements of this section  
12 and section 5311.5, were incurred after January 1, 1998, and  
13 are determined by the agency, after application in accordance  
14 with section 5311.5(c), to be eligible for payment from the  
15 fund. Costs that the agency determines to be eligible shall  
16 be paid as provided in section 5311.5.

17 (5) Nothing in this chapter shall prevent a wireless  
18 provider from recovering its costs of implementing and  
19 maintaining wireless E-911 service directly from its  
20 customers, whether itemized on the customer's bill or by any  
21 other lawful method. No wireless provider that levies a  
22 separate fee for provision of E-911 wireless service in the  
23 geographic area served by the requesting PSAP may receive a  
24 reimbursement for the same costs.

25 (e) Reporting by wireless providers.--With each remittance a  
26 wireless provider shall supply the following information to the  
27 State Treasurer and to the agency:

28 (1) The total fees collected through the wireless E-911  
29 surcharge from its wireless service customers during the  
30 reporting period.

1 (2) The total amount retained by it as reimbursement for  
2 administrative costs to cover its expenses of billing,  
3 collecting and remitting the fees collected from the wireless  
4 E-911 surcharge during the reporting period.

5 (3) Until the nonrecurring costs have been recovered by  
6 a wireless provider, the total amount it has been reimbursed  
7 by the agency for nonrecurring costs associated with the  
8 development, implementation, operation and maintenance of  
9 wireless E-911 service during the reporting period.

10 (f) Information to be supplied by wireless providers.--

11 Wireless providers shall provide the agency with the information  
12 it shall request in writing in order to discharge its  
13 obligations under this section, including the collection and  
14 deposit of the wireless E-911 surcharge and its administration  
15 of the fund. Information supplied by wireless providers under  
16 this section shall remain confidential, and release of the  
17 information shall be governed by section 5311.7 (relating to  
18 public disclosure and confidentiality of information).

19 (g) Prohibition.--No part of the fund, including an excess  
20 amount under section 5311.6(a) (relating to reporting), shall be  
21 used for any purpose unless expressly authorized by this  
22 chapter.

23 (h) Surcharge sunset.--The wireless E-911 surcharge fee  
24 established in subsections (b) and (b.1) shall terminate on June  
25 30, 2015, unless extended by an act of the General Assembly.

26 § 5311.5. Disbursement of fund amounts by agency.

27 (a) Expenditures for wireless E-911 systems.--During each  
28 fiscal year the agency may, only in furtherance of the wireless  
29 E-911 State plan, disburse money from the Wireless E-911  
30 Emergency Services Fund to PSAPs with agency-approved county

1 plans or amended county plans and wireless providers for the  
2 following purposes:

3 (1) To pay the costs of PSAPs and wireless providers  
4 provided for in section 5311.4(a)(1) and (d)(2) (relating to  
5 Wireless E-911 Emergency Services Fund) and the costs of  
6 PSAPs provided for in section 5311.4(a)(2).

7 (2) To train emergency service personnel regarding  
8 receipt and use of wireless E-911 service information.

9 (3) To educate consumers regarding the operations,  
10 limitations, role and responsible use of wireless E-911  
11 service.

12 (b) Limitations on use of fund amounts by PSAPs.--No PSAP  
13 shall receive a disbursement from the fund for any cost  
14 necessary to house the wireless E-911 system or for the purchase  
15 of real estate, cosmetic remodeling, ambulances, fire engines or  
16 other emergency vehicles, utilities, taxes and other expenses as  
17 determined by the agency. No PSAP may be funded for more than  
18 70% of its agency-approved personnel training, salary and  
19 benefit costs during the agency's fiscal year.

20 (c) Manner of payment.--Each PSAP and wireless provider  
21 shall submit to the agency each year, not later than 120 days  
22 before the first day of the agency's fiscal year, the eligible  
23 costs it expects to incur for wireless E-911 service during the  
24 next fiscal year of the agency. The submission may include  
25 eligible costs that the PSAP or wireless provider has already  
26 incurred for wireless E-911 service at the time of the  
27 submission. The agency shall review the submission, ensure that  
28 the costs are eligible for payment from the fund and notify the  
29 submitting PSAP or wireless provider, not later than 30 days  
30 before the first day of the agency's fiscal year, of the

1 eligible costs. The agency shall disburse funds to each PSAP and  
2 wireless provider for costs the agency determines to be eligible  
3 only up to the amount of fund revenue available for distribution  
4 during the agency's fiscal year. No costs may be carried forward  
5 for payment by the agency in subsequent fiscal years, except  
6 that the agency shall fund all approved and unfunded costs  
7 submitted in wireless fiscal year 2012-2013 that are applied for  
8 in wireless fiscal year 2013-2014. Payment shall be made in four  
9 equal payments during the first month of each quarter of the  
10 agency's fiscal year as follows:

11 (1) The agency shall first pay the costs approved for  
12 each PSAP that are payable in the quarter.

13 (2) Following the payment of approved costs to a PSAP  
14 for Phase I deployment of wireless E-911 service as set forth  
15 in the FCC E-911 Order, but only after the PSAP has issued  
16 its request to wireless providers to furnish Phase I wireless  
17 E-911 service pursuant to the FCC E-911 Order, the agency  
18 shall pay the approved costs of wireless providers that are  
19 payable in the quarter to provide the requested wireless E-  
20 911 service to that PSAP.

21 (3) Following the payment of approved costs to a PSAP  
22 for Phase II deployment of wireless E-911 service as set  
23 forth in the FCC E-911 Order, but only after the PSAP has  
24 issued its request to wireless providers to furnish Phase II  
25 wireless E-911 service pursuant to the FCC E-911 Order, the  
26 agency shall pay the approved costs of wireless providers  
27 that are payable in the quarter to provide the requested  
28 wireless E-911 service to that PSAP.

29 (4) In any quarter of the agency's fiscal year, all  
30 costs specified in section 5311.4(a) (1) that are approved by

1 the agency for payment to PSAPs or wireless providers shall  
2 be paid before any other costs payable under this chapter are  
3 paid to any PSAP or wireless provider. In the first quarter  
4 of the agency's fiscal year, the agency shall determine  
5 whether payments to PSAPs and wireless providers during the  
6 preceding fiscal year exceeded or were less than the eligible  
7 costs incurred by each PSAP and wireless provider submitting  
8 costs during the fiscal year. Each PSAP and wireless provider  
9 shall provide verification of the costs as required by the  
10 agency. Any overpayment shall be refunded to the agency or,  
11 with the agency's approval, may be used to pay agency-  
12 approved costs the PSAP or wireless provider submitted for  
13 the current fiscal year of the agency. The agency shall  
14 reconsider a determination of eligible costs under this  
15 subsection upon request by a submitting PSAP or wireless  
16 provider and shall provide a procedure for the  
17 reconsideration.

18 (d) Pro rata sharing of fund amounts.--

19 (1) If the total amount of money in the fund in any  
20 quarter is insufficient to pay for both agency-approved PSAP  
21 costs and agency-approved wireless provider costs which are  
22 payable in the quarter under subsection (c) for both Phase I  
23 deployment and Phase II deployment of wireless E-911 service  
24 as set forth in the FCC E-911 Order, then payments from the  
25 fund for that quarter shall be made as follows:

26 (i) The agency-approved Phase I deployment costs of  
27 a PSAP and those wireless providers to which the PSAP has  
28 issued its request for Phase I wireless E-911 service  
29 shall be paid before any agency-approved costs for Phase  
30 II deployment are paid.

1           (ii) If, notwithstanding subparagraph (i), the total  
2 amount of money in the fund in the quarter is  
3 insufficient to pay all Phase I deployment costs of both  
4 PSAPs and wireless providers which are payable in the  
5 quarter, then each requesting PSAP and each requesting  
6 wireless provider shall receive, for payment of Phase I  
7 deployment costs, a pro rata share of the total amount of  
8 money in the fund in the quarter.

9           (iii) If the total amount of money in the fund in  
10 the quarter is insufficient to pay all agency-approved  
11 Phase II deployment costs of both PSAPs and wireless  
12 providers which are payable in the quarter, then each  
13 requesting PSAP and each requesting wireless provider  
14 shall receive, for payment of Phase II deployment costs,  
15 a pro rata share of the total money in the fund which are  
16 available in the quarter for payment of Phase II  
17 deployment costs.

18       (2) For any PSAP or wireless provider, pro rata shares  
19 shall be computed based upon the total dollar amount of money  
20 available in the fund for payment of Phase I or Phase II  
21 deployment costs, whichever is applicable, multiplied by the  
22 ratio of:

23           (i) the total dollar amount of agency-approved but  
24 unpaid costs of that PSAP or wireless provider for Phase  
25 I or Phase II deployment, whichever is applicable; to

26           (ii) the total dollar amount of all agency-approved  
27 but unpaid costs.

28       (e) Triennial financial audit.--The agency shall require a  
29 triennial financial audit of each PSAP's use of the  
30 disbursements it has received from the fund and of a wireless

1 provider's collection, deduction, retention, remittance and use  
2 of the amounts collected by the wireless provider under the  
3 wireless E-911 surcharge or the disbursements it received from  
4 the fund. These triennial financial audits shall be consistent  
5 with guidelines established by the agency, and the cost of each  
6 audit shall be paid from the fund.

7 § 5311.6. Reporting.

8 (a) Annual report by agency.--Not later than March 1 of each  
9 year, the agency, after consideration of the recommendations of  
10 the advisory committee, shall submit an annual report, which may  
11 be combined with that required by section 5303(a)(5) (relating  
12 to telecommunications management), to the Governor and the  
13 General Assembly. Subject to the provisions of section 5311.7(b)  
14 (relating to public disclosure and confidentiality of  
15 information), the report shall include at least the following:

16 (1) The extent to which wireless E-911 systems currently  
17 exist in this Commonwealth.

18 (2) Those PSAPs which completed installation of wireless  
19 E-911 systems pursuant to the wireless E-911 State plan and  
20 the costs and expenses for installation.

21 (3) An itemization by PSAP or wireless provider, project  
22 and description and expenditure for each Wireless E-911  
23 Emergency Services Fund disbursement made in the fiscal year  
24 just concluded. The itemization shall include an explanation  
25 of how each project contributed to the fulfillment of the  
26 existing wireless E-911 State plan.

27 (4) The planned expenditures for the next fiscal year  
28 for installation of wireless E-911 systems pursuant to the  
29 wireless E-911 State plan.

30 (5) The total aggregate fees collected from all wireless

1 providers in the fiscal year just concluded based upon the  
2 reports of the providers submitted under section 5311.4(e)  
3 (relating to Wireless E-911 Emergency Services Fund) and any  
4 other funds received by the fund.

5 (6) The amount of any unexpended funds carried forward  
6 in the fund.

7 (7) The amount of any remaining unpaid agency-approved  
8 PSAP costs or wireless provider costs being carried forward  
9 for payment during the next fiscal quarter.

10 (8) Any advances in a wireless provider's system  
11 technology or expansion of its customer service area which  
12 further the goal of providing access to a wireless E-911  
13 system regardless of the customer's geographic location on  
14 any interstate highway in this Commonwealth.

15 (b) Study of wireless E-911 emergency services  
16 implementation and operation.--The agency, after consideration  
17 of the recommendations of the advisory committee, shall report  
18 to the Governor and the General Assembly no less than  
19 triennially its recommendations concerning wireless E-911  
20 implementation and operation, including, but not limited to,  
21 necessary or required actions which must be undertaken in  
22 response to the Federal Communication Commission's directive in  
23 the FCC E-911 Order. The report shall recommend measures to be  
24 taken by the General Assembly.]

25 § 5311.7. [Public disclosure and confidentiality] Prohibition  
26 against release of information.

27 (a) Annual report of agency.--The annual report of the  
28 agency shall be a public document.

29 (b) Prohibition against release of information.--[Neither  
30 the] The State Treasurer, [the] agency, [nor any] board,

1 employee, agent or representative of a PSAP or public agency  
2 shall not divulge any information acquired with respect to any  
3 [wireless provider or VoIP provider, its customers] provider,  
4 revenues [or], expenses, trade secrets, commercial information  
5 and other proprietary information [while acting or claiming to  
6 act as the employee, agent or representative, and all  
7 information is required to be kept confidential except that  
8 aggregations of information which do not identify or effectively  
9 identify numbers of customers, revenues or expenses, trade  
10 secrets, commercial information and other proprietary  
11 information attributable to any individual wireless provider or  
12 VoIP provider may be made public]. Any information acquired  
13 shall be kept confidential except that aggregations of  
14 information that do not effectively identify numbers of  
15 consumers or subscribers, revenues or expenses, trade secrets,  
16 commercial information and other proprietary information  
17 attributable to any provider may be made public.

18 [§ 5311.8. Wireless provider and VoIP provider records.

19 (a) Access.--Upon request from and pursuant to agreement  
20 with a PSAP, each wireless provider shall provide E-911 service  
21 database information, and each VoIP provider shall provide VoIP  
22 service database information or automatic location information  
23 as permitted under the law to the requesting PSAP. The  
24 information shall remain the property of the disclosing wireless  
25 provider or VoIP provider and, except as otherwise provided by  
26 applicable Federal or State law, shall be used by the PSAP only  
27 in connection with providing emergency response services to a  
28 call to a 911 system or to a wireless E-911 system.

29 (b) Violations.--A person commits a misdemeanor of the third  
30 degree if the person does any of the following:

1           (1) Uses or discloses wireless E-911 service database  
2 information or VoIP service database information for purposes  
3 other than handling a call to a 911 system or to a wireless  
4 E-911 system without the consent of the wireless service  
5 customer or VoIP service customer or as otherwise provided by  
6 applicable Federal or State law.

7           (2) Knowingly uses the telephone number of a 911 system,  
8 wireless E-911 system or VoIP service database information to  
9 avoid any charges for the services of a local exchange  
10 carrier, competitive local exchange carrier, interexchange  
11 carrier, wireless provider or VoIP provider.

12       (c) Privacy waived.--The provisions of 66 Pa.C.S. § 2906  
13 (relating to dissemination of telephone numbers and other  
14 identifying information) shall not apply to wireless providers  
15 or VoIP providers to the extent they are engaged in providing  
16 wireless E-911 service, 911 service or related services.

17 § 5311.9. Immunity.

18       (a) Generally.--

19           (1) This subsection applies to all of the following:

20               (i) A wireless provider or VoIP provider.

21               (ii) An officer or director of a wireless provider  
22 or VoIP provider.

23               (iii) An employee or agent of a wireless provider or  
24 VoIP provider.

25               (iv) A vendor of a wireless provider or VoIP  
26 provider.

27           (2) Except as set forth in paragraph (3), a person  
28 specified in paragraph (1) is immune from liability for civil  
29 damages resulting from or caused by an act or omission in the  
30 development, design, installation, operation, maintenance,

1 performance or provision of wireless E-911 service or 911  
2 service of:

3 (i) the wireless provider or VoIP provider;

4 (ii) an officer or director of the wireless provider  
5 or VoIP provider;

6 (iii) an employee or agent of the wireless provider  
7 or VoIP provider; or

8 (iv) a supplier of the wireless provider or VoIP  
9 provider.

10 (3) Immunity under paragraph (2) does not apply to  
11 willful or wanton misconduct.

12 (b) Parity of liability.--A wireless provider or VoIP  
13 provider shall have the same immunity from liability for  
14 transmission errors or failures, network outages or other  
15 technical problems that arise in the course of handling  
16 emergency calls or providing emergency services, including  
17 wireless E-911 service, as a local exchange carrier enjoys in  
18 the course of handling the calls or providing the services.

19 (c) Release of information.--

20 (1) This subsection applies to all of the following:

21 (i) A wireless provider or VoIP provider.

22 (ii) An employee or agent of a wireless provider or  
23 VoIP provider.

24 (2) A person specified in paragraph (1) is immune from  
25 liability for releasing, as required by this chapter or any  
26 other law, wireless service customer information or VoIP  
27 service customer information to the agency or to any 911  
28 system or wireless E-911 system, public agency or PSAP.

29 § 5311.10. Agency funding for wireless E-911 support.

30 The agency is authorized to retain up to 2% of the annual

1 wireless E-911 surcharge and prepaid wireless E-911 surcharge  
2 proceeds to pay for agency expenses directly related to  
3 administering the wireless E-911 provisions of this chapter.  
4 Expenses under this section include personnel, travel,  
5 administrative, financial auditing and printing costs.]

6 § 5311.11. Rate regulation.

7 Nothing in this chapter shall be construed to constitute the  
8 regulation of the rates charged by [wireless] providers for any  
9 service or feature which they provide to their [wireless  
10 service] subscribers or customers or to prohibit [a wireless  
11 provider from charging a wireless service customer for any  
12 service or feature provided to the customer] charges to a  
13 subscriber or customer for any service provided to a subscriber  
14 or customer.

15 [§ 5311.12. Regulations.

16 The council has the power to issue statements of policy and  
17 to promulgate regulations for the implementation of this  
18 chapter.

19 § 5311.13. Enforcement.

20 In addition to any powers expressly enumerated in this  
21 chapter, the agency has the power and duty to enforce and  
22 execute, by its regulations or otherwise, this chapter. The  
23 agency may institute injunction, mandamus or other appropriate  
24 legal proceedings to enforce this chapter and regulations  
25 promulgated under this chapter.

26 § 5311.14. Collection and disbursement of VoIP 911 fee.

27 (a) VoIP service customer 911 contribution.--

28 (1) Each VoIP provider or telecommunications carrier  
29 shall collect a \$1 fee per month for each telephone number or  
30 successor dialing protocol assigned by a VoIP provider to a

1 VoIP service customer number that has outbound calling  
2 capability. The following apply:

3 (i) The fee, minus the actual uncollectibles  
4 experienced by the VoIP provider, shall be remitted:

5 (A) quarterly; or

6 (B) at the option of the provider or  
7 telecommunications carrier, monthly.

8 (ii) The remittance shall be made as follows:

9 (A) Except as set forth in clause (B), to the  
10 county treasurer.

11 (B) In a home rule county, as follows:

12 (I) To the county official responsible for  
13 the collection and disbursement of funds.

14 (II) At the option of the remitter, to the  
15 State Treasurer. Election of the option shall be  
16 by regulations established by the agency, which  
17 shall include appropriate notification to the  
18 affected counties of the exercise of this option.

19 (iii) The fee shall be stated separately in the VoIP  
20 service customer's paper or electronic billing, and the  
21 fee shall be collected apart from and in addition to any  
22 fee levied by the VoIP provider in whole or in part for  
23 the provision of 911 services or E-911 services.

24 (2) In the case of VoIP service customers purchasing  
25 multiple dial tone telephone access lines from a VoIP  
26 provider, the following multipliers shall be applied to  
27 determine the contribution rate of each customer:

28 (i) For the first 25 lines, each line shall be  
29 billed at the approved contribution rate.

30 (ii) For lines 26 through 100, each line shall be

1 billed at 75% of the approved contribution rate.

2 (iii) For lines 101 through 250, each line shall be  
3 billed at 50% of the approved contribution rate.

4 (iv) For lines 251 through 500, each line shall be  
5 billed at 20% of the approved contribution rate.

6 (v) For lines 501 or more, each line shall be billed  
7 at 17.2% of the approved contribution rate.

8 (3) If a VoIP provider receives a partial payment for a  
9 monthly bill from a VoIP service customer, the VoIP provider:

10 (i) may first apply the payment against the amount  
11 the VoIP service customer owes the VoIP provider; and

12 (ii) shall then remit to the county or the State  
13 Treasurer the lesser amount resulting from the  
14 application of the payment.

15 (4) The fees collected and remitted under this  
16 subsection shall not:

17 (i) be subject to taxes or charges levied by the  
18 Commonwealth or a political subdivision; nor

19 (ii) be considered revenue of the VoIP provider for  
20 any purpose.

21 (5) As reimbursement for administrative costs to cover  
22 its expenses of billing, collecting and remitting the fees  
23 during the reporting period, the VoIP provider is allowed to  
24 retain for reimbursement up to the following percentages of  
25 the total fees collected under this subsection:

26 (i) If remittance is made to the county, 2%.

27 (ii) If remittance is made to the State Treasurer,  
28 1%.

29 (6) To the extent that a VoIP provider obtains  
30 connections to the public switched telephone network from a

1 telecommunications carrier, that telecommunications carrier  
2 shall not be required to assess or make contributions to any  
3 911 or E-911 fund in connection with the customers or the  
4 telephone numbers for which the VoIP provider is responsible  
5 for collecting and making contributions under this section.  
6 If, however, the telecommunications carrier is, by agreement  
7 with the VoIP provider, required to make 911 or E-911  
8 contributions on behalf of the VoIP provider customer, the  
9 VoIP provider shall not be responsible for collecting and  
10 making contributions under this section.

11 (b) Reporting by VoIP providers.--

12 (1) With each remittance under subsection (a), a VoIP  
13 provider and telecommunications carrier shall supply the  
14 following information to the individual receiving the  
15 remittance and to the agency the total fees collected under  
16 subsection (a) (1) from its VoIP service customers during the  
17 reporting period. If the telecommunications carrier has  
18 remitted the fees to the county or the agency pursuant to an  
19 agreement with the VoIP provider, the VoIP provider shall  
20 provide notification of the reporting agreement along with  
21 the telecommunications carrier's name and 911 or E-911  
22 account number.

23 (2) A VoIP provider and telecommunications carrier shall  
24 provide the county or, if remitting to the State Treasurer,  
25 the agency with requested information, including the primary  
26 place of use of each interconnected VoIP service customer, in  
27 order to discharge its obligations under this section. The  
28 information shall be in writing. This paragraph includes the  
29 collection and deposit of the VoIP fee and its administration  
30 of the fund.

1 (b.1) Confidentiality.--Information supplied by VoIP  
2 providers under this section shall remain confidential, and  
3 release of the information shall be governed by section 5311.7  
4 (relating to public disclosure and confidentiality of  
5 information).

6 (c) Collection enforcement.--A VoIP provider has no  
7 obligation to take legal action to enforce the collection of a  
8 fee imposed under this section.

9 (d) Deposit of remitted fees.--The individual who receives  
10 fees remitted under this section shall deposit receipts into the  
11 restricted account established under section 5307(c) (relating  
12 to collection and disbursement of contribution).

13 (e) Establishment of fund.--There is established in the  
14 State Treasury a nonlapsing restricted interest-bearing account  
15 to be known as the VoIP 911 Emergency Services Fund. The VoIP  
16 911 Emergency Services Fund shall consist of the fees remitted  
17 to the State Treasurer under this section.

18 (f) Distribution of fees.--Money in the VoIP 911 Emergency  
19 Services Fund and the interest it accrues are appropriated on a  
20 continuing basis to the agency to be disbursed by the agency.  
21 The agency shall make quarterly disbursements from the account  
22 to each county by March 31, June 30, September 30 and December  
23 31 in an amount equal to the amount of fees collected from VoIP  
24 service customers located in that county. The disbursements are  
25 for the purpose of assisting counties with the implementation of  
26 an agency-approved plan adopted under section 5305 (relating to  
27 county plan). The agency may retain up to 1% of the fees for  
28 costs incurred in administering this subsection.]

29 Section 7. Title 35 is amended by adding sections to read:  
30 § 5311.15. Shared residential MLTS service.

1 Operators of shared residential MLTS serving residential  
2 customers shall ensure that a telecommunications system at least  
3 six months after the effective date of this section is connected  
4 to the public switched telephone network such that calls to 911  
5 result in one distinctive ANI and ALI for each living unit.

6 § 5311.16. Business MLTS.

7 (a) General rule.--For an MLTS serving business locations at  
8 least six months after the effective date of this section, the  
9 MLTS operator shall deliver the 911 call with an ELIN which  
10 shall result in one of the following:

11 (1) An ERL which provides, at a minimum, the building  
12 and floor location of a caller.

13 (2) An ability to direct response through an alternative  
14 and adequate means of signaling by the establishment of a  
15 private 911 emergency answering point.

16 (b) Reasonable effort.--The MLTS manager must make a  
17 reasonable effort to ensure that 911 callers are aware of the  
18 proper procedures for calling for emergency assistance.

19 (c) Exceptions.--Workspaces with less than 7,000 square feet  
20 on a single level, and located on a single contiguous property,  
21 are not required to provide more than one ERL, and key telephone  
22 systems are not required to provide more than one ERL.

23 § 5311.17. Shared communications services.

24 Providers of shared communications services installed at  
25 least six months after the effective date of this section shall  
26 assure that the MLTS is connected to the public switched  
27 telephone network such that calls to 911 from any telephone  
28 result in ALI for each respective ERL of each entity sharing the  
29 telecommunications services.

30 § 5311.18. Temporary residence.

1 Businesses providing MLTS service to a temporary residence  
2 shall permit the dialing of 911, and the MLTS operator shall  
3 ensure that the MLTS is connected to the public switched  
4 telephone network. If PBX or other private switch ALI records  
5 are not provided for each individual station, the MLTS operator  
6 of the temporary residence shall provide specific location  
7 information for the caller to the PSAP.

8 § 5311.19. Local notification.

9 In addition to any other requirement of this chapter,  
10 applicable to its type of MLTS service, an MLTS operator:

11 (1) Shall implement local notifications if operating an  
12 MLTS service installed after the effective date of this  
13 section.

14 (2) May implement local notification if operating an  
15 MLTS service installed before the effective date of this  
16 section.

17 § 5311.20. ALI database maintenance.

18 If applicable, MLTS operators must arrange to update the ALI  
19 database with an appropriate master street address guide valid  
20 address and callback information for each MLTS telephone, such  
21 that the location information specifies the ERL of the caller.  
22 These updates must be downloaded or otherwise made available to  
23 the ALI database provider as soon as practicable for a new MLTS  
24 installation, or within one business day of record completion of  
25 the actual changes for MLTS installed before the effective date  
26 of this section. The information is subject to all Federal and  
27 State privacy and confidentiality laws. The MLTS operator shall  
28 audit accuracy of information contained in the ALI database at  
29 least once annually.

30 § 5311.21. Industry standards.

1 Local exchange carriers and providers shall be responsible  
2 for providing 911 call interconnectivity through the use of  
3 generally accepted industry standards.

4 § 5311.22. Dialing instructions.

5 An owner or operator of a multiline telephone system  
6 installed after the effective date of this section shall ensure  
7 that the system is connected to the public switched telephone  
8 network in such a manner that when a user dials 911, the  
9 emergency call connects directly to the appropriate 911 system:

10 (1) without first dialing any numbers or set of numbers;

11 and

12 (2) without being intercepted by a switchboard operator,  
13 attendant or other designated onsite individual.

14 § 5311.23. MLTS signaling.

15 An MLTS shall support 911 calling by using any generally  
16 accepted industry standard signaling protocol designed to  
17 produce an automatic display of caller information on the video  
18 terminal of the PSAP call taker unless the MLTS operator is  
19 exempt or a waiver has been granted.

20 § 5311.24. MLTS operator education.

21 Each public agency providing 911 educational programs is  
22 encouraged to develop a program to educate MLTS operators  
23 related to accessing 911 emergency telephone systems and  
24 coordinate adequate testing of the MLTS interface to the 911  
25 system.

26 § 5311.25. Limitation of liability.

27 A local exchange carrier, Internet service provider,  
28 manufacturer or provider of MLTS, MLTS manager, MLTS operator or  
29 911 service provider shall not be liable for civil damages or  
30 penalties as a result of any act or omission, except willful or

1 wanton misconduct, in connection with developing, adopting,  
2 operating or implementing any plan or system required under this  
3 chapter.

4 Section 8. Section 5312.1 of Title 35 is repealed:

5 [§ 5312.1. Legislative study.

6 (a) Requirement.--The Legislative Budget and Finance  
7 Committee shall study the 911 and wireless E-911 funding systems  
8 under section 5311.4 (relating to Wireless E-911 Emergency  
9 Services Fund). In conducting the study, the committee shall  
10 consider cost-benefit analyses to determine the cost  
11 effectiveness of the systems both within the agency and the  
12 counties. At a minimum, the committee shall inquire into and  
13 make recommendations with respect to:

14 (1) The efficacy by which the VoIP service 911 fee, the  
15 contribution rate, the wireless E-911 surcharge and the  
16 prepaid wireless E-911 surcharge are collected and remitted  
17 for intended purposes set forth in this chapter.

18 (2) The expenditures authorized for payment from a  
19 county's restricted account for the purposes of nonrecurring  
20 and recurring charges billed for the 911 system.

21 (3) Disbursements made by the agency from the fund.

22 (4) The method and amount of funding collected through  
23 the VoIP service 911 fee, the contribution rate, the wireless  
24 E-911 surcharge and the prepaid wireless E-911 surcharge in  
25 comparison to 911 and wireless E-911 funding systems utilized  
26 in other states.

27 (5) The feasibility and effectiveness of consolidating  
28 PSAPs in this Commonwealth.

29 (6) Any other cost-saving measures that may be utilized  
30 by the PSAPs or the agency which will not jeopardize public

1 safety.

2 (7) National initiatives being considered or implemented  
3 in other states intended to provide cost savings in 911  
4 systems without impacting public safety.

5 (8) A review of the current auditing requirements of  
6 State and county 911 expenditures under this chapter.

7 (9) The issues the Commonwealth will need to consider in  
8 incorporating "Next Generation 911" and other nontraditional  
9 communication technologies into its emergency response  
10 system.

11 (10) Any technology-neutral 911 funding options by  
12 either the Commonwealth or political subdivisions which do  
13 not rely on disparate technologies, fee amounts and grant  
14 structures.

15 (b) Report.--The committee shall submit a final report with  
16 recommendations to the Secretary of the Senate and the Chief  
17 Clerk of the House of Representatives by December 31, 2011, and  
18 shall transmit a copy of the final report to the Legislative  
19 Reference Bureau for publication in the Pennsylvania Bulletin  
20 within 30 days of the submission of the final report.]

21 Section 9. Title 35 is amended by adding sections to read:  
22 § 5313. Legislative report.

23 Within two years of the effective date of this section, the  
24 agency in consultation with the board shall prepare and submit  
25 to the General Assembly a report and recommendations on the  
26 impacts of current and anticipated technological and market  
27 changes on the provision of 911 communications service,  
28 including:

29 (1) the structure and adequacy of the surcharge and fund  
30 provided for under this chapter;

1           (2) other local revenue options to support 911 services;  
2     and  
3           (3) any benefits that could be derived from dispatching  
4     all 911 calls from county PSAPs.

5     § 5314. Inventory.

6     (a) Comprehensive inventory required.--The agency, in  
7     consultation with the board, shall conduct a comprehensive  
8     inventory of each county PSAP's facilities, hardware, software,  
9     communications infrastructure, network capabilities and related  
10    equipment and services procured to determine the status of each  
11    PSAP's 911 system's stage of advancement to NG911.

12    (b) Contents.--The inventory shall include, but is not  
13    limited to:

14           (1) A record of databases, networks, radio, telephone  
15           and equipment and correlated networks at each PSAP.

16           (2) A record of all data systems, including, but not  
17           limited to, call and dispatch and record management systems.

18           (3) Equipment/network system geographic limitations and  
19           capabilities.

20           (4) A record of equipment or facilities that are or can  
21           be shared or colocated.

22           (5) A record of all leased equipment and date of each  
23           lease termination date.

24    (c) Counties to cooperate.--Counties shall cooperate with  
25    the agency by providing the information identified in this  
26    section and other information deemed necessary by the agency to  
27    complete an inventory as required under subsection (a). Counties  
28    that do not provide the information requested by the agency  
29    within 45 days of the request shall be suspended from any grant  
30    or funding program or be required to forfeit fund disbursements.

1 The agency, in consultation with the board and the Governor's  
2 Interoperability Council, shall complete the inventory and issue  
3 a report detailing its findings and recommendations to the  
4 General Assembly by March 31, 2016. The agency shall be  
5 responsible for maintaining and updating the inventory on a  
6 biannual basis.

7 Section 10. Section 5398 of Title 35 is amended to read:  
8 § 5398. Termination.

9 This chapter, ~~except for section 5304.2 (relating to optional~~  
10 ~~911 user fee)~~, shall expire [June 30, 2015] June 30, 2019.

11 Section 11. This act shall take effect as follows:

12 (1) The following provisions shall take effect  
13 immediately:

14 (i) This section.

15 (ii) The amendment or addition of 35 Pa.C.S. §§  
16 ~~5303(b), (b.1), (b.2), (b.3), (b.4) and (b.5)~~ 5303, 5314 <--  
17 AND 5398.

18 (2) The addition of 35 Pa.C.S. § 5311.20 shall take  
19 effect in 180 days.

20 (3) The remainder of this act shall take effect ~~July~~ <--  
21 AUGUST 1, 2015, or immediately, whichever is later. <--