

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 54

Session of
1989

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 11, 1989

AN ACT

1 Providing for a Statewide emergency telephone number "911"
2 system; providing for no-interest loans to help establish 911
3 emergency communication systems, for a referendum and for
4 contributions from telephone subscribers; providing a
5 penalty; and making a repeal.

6 The General Assembly declares it to be in the public interest
7 to provide a toll-free number 911 for any individual within this
8 Commonwealth to gain rapid, direct access to emergency aid. The
9 number shall be provided with the objective of reducing response
10 time to situations requiring law enforcement, fire, medical,

1 rescue or other emergency service. It is the further intent of
2 the General Assembly that authority and responsibility for the
3 creation and implementation of a plan establishing, operating
4 and maintaining adequate facilities for answering emergency
5 calls and dispatching a proper response to the callers' needs
6 shall be vested in the county government. Each county is
7 encouraged to implement a 911 emergency communication system and
8 to consider maximum integration of telecommunications facilities
9 and capabilities within their planning, in order to economize
10 the costs, as well as to effect a more rapid response
11 capability.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Short title.

15 This act shall be known and may be cited as the Public Safety
16 Emergency Telephone Act.

17 Section 2. Definitions.

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

21 "911 emergency communication system" or "911 system." A
22 system which permits a person dialing "911" by telephone to be
23 connected to a public safety answering point, via normal
24 telephone facilities, for the reporting of police, fire, medical
25 or other emergency situations.

26 "Agency." The Pennsylvania Emergency Management Agency.

27 "Commission." The Pennsylvania Public Utility Commission.

28 "Contribution rate." A fee assessed against a telephone
29 subscriber for the operating costs of a 911 system.

30 "Council." The Pennsylvania Emergency Management Council.

1 "County plan." A document submitted by the county to the
2 department, outlining its proposed 911 system, including a
3 contribution rate.

4 "Department." The Department of Community Affairs of the
5 Commonwealth.

6 "Emergency communications loan account." A restricted
7 account within the state purchasing fund to be used by the
8 department for no-interest loans to counties for the
9 establishment of 911 emergency communication systems.

10 "Installation loans." Loans provided to counties from the
11 emergency communications loan account for the expenses of
12 implementing, expanding or upgrading a 911 system. Expenses
13 eligible for a loan shall include telephone terminal equipment,
14 trunk line service installation, network changes, building of
15 initial data base and any other nonrecurring costs to establish
16 a 911 system. Expenses not eligible for a loan shall include
17 purchase of real estate, cosmetic remodeling, central office
18 upgrades, hiring and training of dispatchers, mobile
19 communications equipment, ambulances, fire engines or other
20 emergency vehicles, utilities, taxes and salaries and other
21 expenses as determined by the department.

22 "Local exchange telephone service." The provision of
23 telephonic message transmission within an exchange, as such is
24 defined and described in tariffs filed with and approved by the
25 commission.

26 "Public agency." The Commonwealth or a political
27 subdivision, public authority, municipal authority or any
28 organization located in whole or in part within this
29 Commonwealth which provides or has the authority to provide
30 firefighting, law enforcement, ambulance, emergency medical or

1 other emergency services.

2 "Public safety answering point" or "PSAP." The first point
3 at which calls for emergency assistance from individuals are
4 answered, operated 24 hours a day.

5 "Telephone subscriber." A person who contracts with a
6 telephone company within this Commonwealth for local exchange
7 telephone service, either residential or commercial. When the
8 same person, business or organization has several telephone
9 numbers, each number shall constitute a separate subscription.
10 For purposes of the contribution rate, the term shall not
11 include pay stations owned or operated by a regulated public
12 utility.

13 Section 3. Telecommunications management.

14 (a) Powers and duties of department.--The department shall
15 have the following powers and duties:

16 (1) To provide information regarding State installation
17 loans for implementing 911 systems for eligible counties.

18 (2) To establish guidelines and application procedures
19 for installation loans.

20 (3) To receive, review and approve or disapprove all 911
21 system county plans.

22 (4) To forward a copy of each county plan application to
23 the council and the commission for their review as required
24 by this act.

25 (5) To submit an annual report, not later than January 1
26 of each year, to the Governor and the General Assembly and
27 include at least the following:

28 (i) The extent to which 911 systems currently exist
29 in Pennsylvania.

30 (ii) Those counties which completed installation,

1 and costs and expenses for installation.

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

4 (b) Powers and duties of the council.--The council shall
5 have the following powers and duties:

6 (1) To establish technical standards for all county
7 plans.

8 (2) To review all county plans including the initial
9 application forwarded by the department for conformity to the
10 technical standards.

11 (3) To review county plans to determine if equipment
12 conforms to the technical standards.

13 (4) To recommend approval of plans or indicate
14 deficiencies in plans to the department.

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

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

19 (2) Approve or modify the contribution rate requested by
20 the county and forward its decision to the department.

21 Section 4. Counties.

22 (a) Powers and duties.--The board of county commissioners,
23 or, in a home rule county, the appropriate body according to the
24 home rule charter, shall have the following powers and duties in
25 relation to a 911 system:

26 (1) To designate a member of county government as a
27 coordinator who shall serve as a point of contact with the
28 department and shall develop a county plan for the
29 implementation, operation and maintenance of a 911 system.

30 Where technologically feasible, the county plan shall be

adequate to provide service for the entire county.

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

(3) To send a copy of the proposed county plan to the appropriate telephone company upon submission of the plan to the department.

(4) To cooperate with the department, the council and the commission in preparation and submission of the county plan and contribution rate.

(5) To submit the question to the voters of the county for approval of whether or not to establish the approved 911 plan in the county and to impose the contribution allowed by this act.

(6) To execute all contracts, mutual aid agreements, cross-service agreements and all other necessary documents which may be required in the implementation of the county plan.

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

(c) Cities of the third class.--Any city of the third class may exercise the powers and duties of counties under this act.

Section 5. County plan.

(a) Minimum standards.--Upon the agreement of the governing authority of a county to establish a 911 system, a plan shall be

1 drafted meeting at least the minimum technical standards
2 promulgated by the council. The county may obtain technical
3 assistance from the council in formulating its plan. Each 911
4 plan shall be designed to meet the individual circumstances of
5 each community and the public agencies participating in the 911
6 system.

7 (b) Completion.--Upon completion of the plan, it shall be
8 forwarded to the department, with a copy of the plan being sent
9 to those telephone companies affected by the plan.

10 (c) Department review.--The department shall initially
11 review the county plan and the loan application for
12 completeness. The department shall forward a copy of the county
13 plan and the proposed contribution rate to the council and the
14 commission for review as required by this section. After the
15 county plan has been reviewed by the council and the commission,
16 the department shall approve or reject a county plan based on
17 the recommendations of the council and the commission. If the
18 county plan is rejected, the department shall return the county
19 plan and explain the deficiencies that caused the rejection.

20 (d) Council review.--The council shall have 60 days to
21 review the plan and make suggested revisions of the plan. The
22 council shall submit its findings in writing to the department.
23 The Pennsylvania Emergency Management Agency may act as agent
24 for the council in the administration of the plan approval
25 process.

26 (e) Commission review.-- The commission shall review the
27 county plan only in relation to the contribution rate and may
28 modify only those contribution rates which it finds excessive to
29 meet the costs stated in the plan. The rates shall be reviewed
30 and a decision forwarded to the department within 60 days of the

1 date of submission. If the commission fails to review the
2 contribution rate within 60 days, the contribution rate will be
3 deemed approved by the commission.

4 (f) Submission to voters.--Once the plan is approved by the
5 department and the contribution rate has been approved by the
6 commission pursuant to this section, the plan shall be submitted
7 to the voters pursuant to section 6.

8 (g) Present systems.--Those counties that presently have 911
9 systems may establish a contribution rate to cover operating
10 costs of an existing 911 system by using the same contribution
11 rate approval mechanism as a new 911 system, except that such
12 contribution rate need not be submitted to the voters.

13 (h) Regional systems.--Nothing in this act shall be
14 construed to prohibit the formation of multijurisdictional or
15 regional 911 systems, and any system established under this act
16 may include the territory of a county. It shall not be necessary
17 for two counties that have received voter approval to submit the
18 question for a multijurisdictional system.

19 (i) Contribution rate changes.--Once a plan and contribution
20 rate have been approved by the voters and established, the
21 contribution rate shall remain fixed for a period of at least
22 four years. Updating and expanding the present system shall
23 require an amended plan to be filed with the department.
24 Requests for contribution rate changes shall be submitted to the
25 department to be forwarded to the commission for approval as
26 provided by subsection (e). Contribution rate changes shall not
27 require voter approval. Contribution rate increases shall not be
28 permitted more often than every four years and shall not take
29 effect unless approved by the commission.

30 (j) Assessment.--The moneys collected from the telephone

1 contribution rate shall be utilized only to pay for the
2 operation of a 911 system. The assessment may be made after the
3 execution of a contract but no earlier than 90 days prior to the
4 operation of 911 service. THE MONEY COLLECTED FROM THE
5 CONTRIBUTION RATE IS A COUNTY FEE COLLECTED BY THE TELEPHONE
6 COMPANY; THE MONEY IS NOT SUBJECT TO TAXES OR CHARGES LEVIED ON
7 OR BY THE TELEPHONE COMPANY. THE MONEY COLLECTED FROM THE
8 CONTRIBUTION RATE SHALL NOT BE CONSIDERED REVENUE OF THE
9 TELEPHONE COMPANY FOR ANY PURPOSE.

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10 Section 6. Referendum.

11 (a) Question.--Before any county may establish a 911 system
12 and impose a contribution rate under this act, it shall submit
13 the proposal to the electors of the county for their approval at
14 the next municipal or general election for which the advertising
15 requirements of the act of June 3, 1937 (P.L.1333, No.320),
16 known as the Pennsylvania Election Code, can be met. The
17 question shall be:

18 Shall the county of establish a 911
19 emergency communication system and impose a current
20 contribution rate of each month upon all telephone
21 subscribers to finance such service?

22 (b) Acceptance or rejection.--If a majority of the votes
23 cast on the proposal by the qualified electors voting thereon
24 are in favor of the proposal, the county shall establish the
25 service and impose the contribution rate allowed by this act. If
26 a majority of the votes cast on the proposal are opposed to the
27 proposal, the county submitting the proposal shall not be
28 eligible for an installation loan from the department as
29 provided for in this act. The question may be put before the
30 electors at any subsequent election, pursuant to this section.

(c) Conduct of referendum.--The referendum under this section shall be held in accordance with the Pennsylvania Election Code.

Section 7. Collection and disbursement of contribution.

(a) Subscribers' contribution.--Each service supplier providing local exchange telephone service within the county shall collect the contribution from each subscriber and forward the collection quarterly to the county treasurer, or, in a home rule county, the county official responsible for the collection and disbursement of funds. The amount of the subscribers' contribution shall be stated separately in the telephone subscribers' billing. Each service supplier shall retain 1% of the gross receipts collected to cover administrative costs.

(b) Subscribers' contribution for multiple line systems.--In the case of Centrex or similar multiple line system subscribers, the following multipliers shall be applied to determine the contribution rate of each such subscriber.

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

(2) For lines 26 through 100, each line shall be billed at 0.75 of the approved contribution rate.

(3) For lines 101 through 250, each line shall be billed at 0.50 of the approved contribution rate.

(4) For lines 251 through 500, each line shall be billed at 0.20 of the approved contribution rate.

(5) For lines 501 or more, each line shall be billed at 0.172 of the approved contribution rate.

(c) Restricted account.--The county treasurer, or, in a home rule county, the county official responsible for the collection and disbursement of funds shall deposit the moneys received in

1 an interest-bearing restricted account used solely for the
2 purpose of recurring charges billed for the 911 system and for
3 the purpose of making payments under subsection (d). The
4 governing body of the county shall make an annual appropriation
5 from such account for the 911 system, subject to the provisions
6 of subsection (d), and may retain up to 1% of the gross receipts
7 collected to cover administrative costs.

8 (d) Reimbursement to municipalities.--The county treasurer
9 shall, on a quarterly basis, pay from funds of the restricted
10 account to a municipality which operates a 911 system
11 established prior to the effective date of this act, a sum of
12 money not less than that contributed by the telephone
13 subscribers of that municipality to the county 911 system.

14 (e) Collection enforcement.--Nothing in this act shall
15 impose any obligation upon a telephone company to take legal
16 action to enforce collection of the contribution imposed by this
17 section. Upon request by the county, the telephone company shall
18 provide the county with a list of amounts uncollected along with
19 the names and addresses of the telephone subscribers who have
20 not paid the 911 contribution rate.

21 Section 8. Structure of loan program.

22 (a) Source of funds.--Funds for installation loans shall be
23 provided from the emergency communications loan account within
24 the State purchasing fund.

25 (b) Limit on funding.--No county shall, in any year, be
26 loaned more than 20% of the total amount available for loan
27 unless there are insufficient applicants to consume the entire
28 available amount.

29 (c) Loan terms.--The department may issue a loan to a county
30 to establish a 911 system upon approval of a county plan as

1 required by section 5 and referendum as required by section 6.
2 Loans issued by the department must be repaid in equal annual
3 installments within four years of issuance. The county receiving
4 the loan shall not be charged interest on the principal of the
5 loan. If a county fails to repay the principal due to the
6 Commonwealth in any year, the Commonwealth shall withhold an
7 amount equal to the unpaid principal from the county's portion
8 of the liquid fuels tax allocation.

9 (d) Status reports.--The department shall report annually to
10 the majority and minority leaders of each house, the status of
11 the emergency communication loan account within the state
12 purchasing fund. The report shall be submitted within a
13 reasonable period following the end of each fiscal year and
14 shall show loan disbursements, loan receipts, transfers and the
15 cash balance.

16 Section 9. Expenditures for maintenance and operation of 911
17 systems.

18 (a) Expenditures authorized.--During each county's fiscal
19 year, the county may expend the amounts distributed to it from
20 the contribution rate for the maintenance and operation of a
21 county 911 system.

22 (b) Items included in maintenance and operation costs.--
23 Maintenance and operation costs may include telephone company
24 charges, equipment costs or equipment lease charges, repairs,
25 utilities, data base maintenance costs, personnel costs, audit
26 costs, repayment of installation loans provided by the
27 department and appropriate carryover costs from previous years.
28 Maintenance and operation costs shall not include any cost
29 necessary to house the 911 system.

30 (c) Limitations on expenditures.--The department shall adopt

1 procedures to assure that the total amount collected from the
2 911 contribution rate shall be expended only for the maintenance
3 and operation of a county 911 system.

4 (d) Annual audit.--The department shall require an annual
5 audit of each county's expenditures for the maintenance and
6 operation of 911 systems. The annual audit cost shall be paid by
7 the respective county from contribution rate revenues.

8 Section 10. Pay telephone access.

9 The commission shall promulgate regulations requiring free
10 access to 911 service from pay telephones.

11 Section 11. Telephone records.

12 (a) Access.--Each telephone service supplier shall provide
13 customer telephone numbers, names and service addresses to 911
14 systems when required. Although customer numbers, names and
15 service addresses shall be available to 911 systems, such
16 information shall remain the property of the disclosing service
17 supplier. The total cost of the system shall include expenses to
18 reimburse telephone service suppliers for providing and
19 maintaining 911 information. This information shall be used only
20 in providing emergency response services to a 911 call. A person
21 who uses or discloses data base information for purposes other
22 than handling a 911 call commits a misdemeanor of the third
23 degree.

24 (b) Privacy waived.--Private listing service customers in a
25 911 service district shall waive the privacy afforded by
26 nonlisted and nonpublished numbers when using the 911 emergency
27 service.

28 (c) Immunity.--No telephone company, or agents, or employees
29 of a telephone company shall be liable to any person who uses
30 the 911 emergency service established under this act, for

1 release to a public safety answering point of information
2 specified in this section that is not already part of the public
3 record, including nonpublished telephone numbers.

4 Section 12. Penalty.

5 Any person who intentionally calls the 911 emergency number
6 for other than emergency purposes commits a misdemeanor of the
7 third degree.

8 Section 13. Rules and regulations.

9 The department, in cooperation with the council and the
10 commission, may prescribe such application forms and promulgate
11 such guidelines, rules and regulations as may be necessary to
12 carry out the provisions of this act.

13 Section 14. Repeals.

14 The act of April 28, 1978 (P.L.90, No.42), known as the
15 Emergency Telephone Act, is repealed.

16 Section 15. Effective date.

17 This act shall take effect in 60 days.