

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 576 Session of
1989

INTRODUCED BY WENGER, PETERSON, LINCOLN, LOEPER, JUBELIRER,
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STAPLETON, HELFRICK, HESS, PUNT AND CORMAN, FEBRUARY 21, 1989

SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
MAY 22, 1989

AN ACT

1 Providing for a Statewide emergency telephone number "911"
2 system; establishing a telecommunications unit within the
3 Department of General Services; providing for funding of the
4 system, for a referendum and for contributions from telephone
5 subscribers; providing a penalty; making appropriations; and
6 making a repeal.

7 The General Assembly declares it to be in the public interest
8 to provide a toll-free number "911" for any individual within
9 this Commonwealth to gain rapid, direct access to emergency aid.

10 The number shall be provided with the objective of reducing
11 response time to situations requiring law enforcement, fire,
12 medical, rescue or other emergency service. It is the further
13 intent of the General Assembly that authority and responsibility
14 for establishing, operating and maintaining adequate facilities
15 for answering emergency calls and dispatching a proper response
16 to the callers' needs shall be vested in the county government.

17 Each county is encouraged to implement a 911 emergency
18 communication system and to consider maximum integration of

1 telecommunications facilities and capabilities within their
2 planning, in order to economize the costs, as well as to effect
3 a more rapid response capability.

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21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. Short title.

24 This act shall be known and may be cited as the 911 Emergency
25 Telephone Number Act.

26 Section 2. Definitions.

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

30 "911 emergency communication system" or "911 system." A

1 telephone system which automatically connects a person dialing
2 the digits 911 to an established public safety answering point.
3 The caller must provide information on the nature of and the
4 location of an emergency, and the personnel receiving the call
5 must determine the appropriate emergency service to respond at
6 that location.

7 "Commission." The Pennsylvania Public Utility Commission.

8 "County plan." A document submitted by a county or several
9 counties to the telecommunications unit, outlining a proposed
10 911 system or enhanced 911 system or any amendment to the plan.

11 "Department." The Department of General Services of the
12 Commonwealth.

13 "Emergency telephone contribution rate." A fee assessed
14 against a telephone subscriber for the recurring charges of a
15 911 system or enhanced 911 system.

16 "Enhanced 911 system." A telephone system in which the
17 telephone network system automatically provides to personnel
18 receiving the call, immediately on answering the 911 call,
19 information on the location and the telephone number from which
20 the call is being made, and routes the call to emergency service
21 providers that serve the location from which the call is made.

22 "Installation grants." Grants provided to counties from
23 general revenues to reimburse the initial expenses of
24 implementing a 911 system or enhanced 911 system. Expenses
25 eligible for reimbursement shall include telephone terminal
26 equipment, trunk line service installation, network changes,
27 building of initial data base and nonrecurring costs incurred by
28 the service suppliers to establish a 911 system or enhanced 911
29 system. Expenses not eligible for reimbursement shall include
30 purchase of real estate, cosmetic remodeling, hiring and

1 training of dispatchers, mobile communications, ambulances, fire
2 engines or other emergency vehicles, utilities, taxes and
3 salaries among others as stipulated by the telecommunications
4 unit and the plan.

5 "Local exchange telephone service." The provision of
6 telephonic message transmission within an exchange, as such is
7 defined and described in tariffs filed with and approved by the
8 commission.

9 "Public agency." The Commonwealth or a political
10 subdivision, public authority, municipal authority or any
11 organization located in whole or in part within this
12 Commonwealth which provides or has the authority to provide
13 firefighting, law enforcement, ambulance, emergency medical or
14 other emergency services.

15 "Public safety agency." A functional division of a public
16 agency which provides firefighting, police, medical or other
17 emergency services or a private entity which provides such
18 service on a voluntary basis.

19 "Public safety answering point" or "PSAP." A communications
20 facility operated on a 24-hour basis which first receives 911
21 calls from persons in a 911 service area and which may, as
22 appropriate, directly dispatch public safety services or extend,
23 transfer or relay 911 calls to appropriate public safety
24 agencies.

25 "Telephone subscriber." A person who contracts with a
26 telephone company within this Commonwealth for local exchange
27 telephone service, either residential or commercial, in return
28 for which the person is billed on a monthly basis. When the same
29 person, business or organization has several telephone numbers,
30 each number shall constitute a separate subscription. For

1 purposes of the contribution rate, the term shall not include
2 pay stations owned or operated by a regulated public utility.

3 "Unit." The telecommunications unit within the department.

4 Section 3. Telecommunications unit.

5 (a) Establishment.--The department shall establish an
6 operational telecommunications unit within 150 days of the
7 effective date of this act. The unit shall employ
8 telecommunications professionals hired under the act of August
9 5, 1941 (P.L.752, No.286), known as the Civil Service Act.

10 (b) Powers and duties.--The unit shall have the following
11 powers and duties:

12 (1) To be responsible for the central management of 911
13 telecommunications for this Commonwealth.

14 (2) To provide information regarding State installation
15 grants for implementing 911 systems for eligible counties.

16 (3) To establish guidelines and application procedures
17 for the dissemination of installation grants.

18 (4) To provide technical assistance, as requested by the
19 counties, in developing a 911 system. Each 911 plan shall be
20 designed to meet the individual circumstances of each
21 community and the public agencies participating in the 911
22 system.

23 (5) To promulgate rules and regulations containing
24 minimum standards for all county plans and procedures for
25 submission thereof.

26 (6) To receive, review and approve or disapprove all 911
27 system county plans, either on an initial application basis,
28 expansion of an approved plan or renewal of an existing plan.

29 (7) To forward the approved county plan and suggested
30 contribution rate to the commission. If the contribution rate

1 is rejected, the plan shall be returned to the unit, which
2 shall revise the contribution rate to meet the commission's
3 objections.

4 (8) To provide technical assistance to county
5 governments to publicize the implementation of a 911 system
6 throughout the area.

7 (9) To audit biennially county expenditures for the
8 operation and maintenance of 911 systems.

9 (10) To submit an annual report, not later than January
10 1 of each year, to the Governor, the secretary of the
11 department and the General Assembly and include at least the
12 following:

13 (i) The extent to which 911 systems currently exist
14 in Pennsylvania.

15 (ii) Those counties which completed installation,
16 and costs and expenses for installation.

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

19 (iv) The estimated cost of installing the 911
20 system.

21 (v) Any suggested changes to this act.

22 Section 4. Counties.

23 (a) Powers and duties.--The governing body of a county shall
24 have the following powers and duties in relation to a 911
25 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 unit to develop a plan for the implementation, operation and
29 maintenance of a 911 system. Where technologically and
30 economically feasible, the county plan shall be adequate to

1 provide service for the entire county at the time it is
2 submitted for approval to the unit.

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

6 (3) To send a copy of the proposed plan to the
7 appropriate telephone company upon submission of the plan to
8 the unit.

9 (4) To cooperate with the unit in preparation and
10 submission of an installation grant application.

11 (5) To cooperate with the unit in preparation and
12 submission of the approved plan and contribution rate to the
13 commission for rate approval.

14 (6) To submit the question to the voters of the county
15 for approval of whether or not to establish the approved 911
16 plan in the county or, as to a previously established 911
17 system, to submit the question to the voters of the county
18 for approval of whether or not to impose the contribution
19 allowed by this act.

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

24 (b) Persons outside county.--When an individual physically
25 resides in an adjacent county, but receives local exchange
26 telephone service from a central office in a county which
27 provides 911 service, it shall be the responsibility of the
28 county with the 911 service to notify the appropriate public
29 agency of a request for emergency service from such an
30 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 to establish a 911 system, a plan shall be drafted meeting at least the minimum standards promulgated by the unit. The county may obtain technical assistance from the unit in formulating its plan.

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

(c) Unit review.--The unit shall have 90 days to review the plan and make suggested revisions of the plan. Within the 90-day period, the unit must accept or reject the plan and formulate a rate of contribution to fund the ongoing monthly charges for the system. The contribution rate shall be based on the number of telephone subscribers serviced within the proposed 911 system.

(d) Commission review.--The unit shall forward the plan to the commission with the estimated cost of the plan and a requested contribution rate. The commission shall review the plan only in relation to the contribution rate and may reject only those contribution rates which it finds excessive to meet the costs stated in the plan. The rates shall be reviewed and returned by the commission within 60 days of the date of submission. If the plan is rejected, it shall be returned to the unit.

(e) Submission to voters.--Once the plan is approved by the unit and the contribution rate has been approved by the commission pursuant to this section, the plan shall be submitted to the voters pursuant to section 6.

1 (f) Present systems.--Those counties that presently have
2 911 systems shall be eligible for installation grants for
3 purposes of updating and expanding present systems to enhanced
4 911 systems. Any county that wishes to convert to a telephone
5 contribution rate to cover recurring expenses will be subject to
6 the same approval mechanism as new systems.

7 (g) Regional systems.--Nothing in this act shall be
8 construed to prohibit the formation of multijurisdictional or
9 regional 911 systems, and any system established under this act
10 may include the territory of a county. It shall not be necessary
11 for two or more counties who have received voter approval to
12 submit the question for a multijurisdictional system.

13 (h) Contribution rate fixed.--Once a plan and contribution
14 rate have been approved by the voters and established, the
15 contribution rate shall remain fixed for a period of two years.
16 Updating and expanding the present system shall require an
17 amended plan to be filed with the unit. Requests for
18 contribution rate increases shall be submitted on a two-year
19 basis to the unit and the commission for approval but shall not
20 require voter approval. Such requests for contribution rate
21 increases shall be reviewed by the unit and the commission in
22 the manner and within the time periods prescribed by section
23 5(c) and (d).

24 (i) Assessment.--The moneys collected from the telephone
25 contribution rate shall be utilized only to pay for the
26 operation of a 911 system and may be assessed after the
27 execution of a contract but no earlier than 90 days prior to the
28 operation of 911 service.

29 Section 6. Referendum.

30 (a) Question.--Before any county may establish a 911 system

1 and impose an emergency telephone contribution under this act,
2 it shall submit the proposal to the electors of the county for
3 their approval at the next municipal or general election for
4 which the advertising requirements of the act of June 3, 1937
5 (P.L.1333, No.320), known as the Pennsylvania Election Code, can
6 be met. The question shall be:

7 Shall the county of establish a 911
8 emergency communication system and impose a current
9 contribution rate of each month upon all telephone
10 subscribers to finance such service?

11 (b) Acceptance or rejection.--If a majority of the votes
12 cast on the proposal by the qualified electors voting thereon
13 are in favor of the proposal, the county shall establish the
14 service and impose the contribution allowed by this act. If a
15 majority of the votes cast on the proposal are opposed to the
16 proposal, the county submitting the proposal shall not implement
17 this act. The question may be put before the electors at any
18 subsequent election, pursuant to this section.

19 (c) Previously established systems.--Before a county with a
20 previously established 911 system may impose an emergency
21 telephone contribution under this act, it shall submit the
22 proposal to the electors of the county in the same manner as
23 provided in subsection (a), except that the question shall be
24 limited to imposition of the stated current contribution rate,
25 and the provisions of subsection (b) shall apply as to
26 acceptance or rejection of imposition of the contribution.

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

30 Section 7. Collection and disbursement of contribution.

1 (a) Subscribers' contribution; general rule.--Each service
2 supplier providing local exchange telephone service within the
3 county shall collect the contribution from each subscriber and
4 forward the collection quarterly to the county treasurer. The
5 amount of the subscribers' contribution shall be stated
6 separately in the telephone subscribers' billing. Each service
7 supplier shall retain 2% of the gross receipts collected to
8 cover administrative costs.

9 (b) Subscribers' contribution; multiple line systems.--In
10 the case of Centrex or similar multiple line system subscribers,
11 one of the following multipliers shall be applied to determine
12 the contribution of each such subscriber. If the system
13 contains:

14 (1) 25 lines or less, each line shall be billed at the
15 approved contribution rate.

16 (2) 26 lines to 100 lines, each line shall be billed at
17 0.75 of the approved contribution rate.

18 (3) 101 lines to 250 lines, each line shall be billed at
19 0.50 of the approved contribution rate.

20 (4) 251 lines to 500 lines, each line shall be billed at
21 0.20 of the approved contribution rate.

22 (5) 501 lines or more, each line shall be billed at
23 0.172 of the approved contribution rate.

24 (c) Restricted account.--The county treasurer shall deposit
25 the moneys received in an interest-bearing restricted account
26 used solely for the purpose of monthly recurring charges billed
27 for the 911 system and for the purpose of making payments under
28 subsection (c). The governing body of the county shall make an
29 annual appropriation from such account for the 911 system,
30 subject to the provisions of subsection (c), and shall retain 1%

1 of the gross receipts collected to cover administrative costs.

2 (d) Disbursement to municipalities.--The county treasurer
3 shall, on a quarterly basis, pay from funds of the restricted
4 account to a municipality which operates a 911 system
5 established prior to the effective date of this act, a sum of
6 money not less than that contributed by the telephone
7 subscribers of that municipality to the county 911 system
8 through the telephone contribution rate.

9 (e) Collection enforcement.--Nothing in this act shall
10 impose any obligation upon a telephone company to take legal
11 action to enforce collection of the contribution imposed by this
12 section. Telephone companies which in any way become aware
13 through normal resources that their customers are not paying
14 monthly 911 charges are obligated to advise county officials who
15 will take appropriate action to complete collection. NONPAYMENT <—
16 OF MONTHLY 911 CHARGES SHALL NOT RESULT IN THE TERMINATION OF
17 TELEPHONE SERVICE OR NONBASIC TELEPHONE SERVICE.

18 Section 8. Source of funds.

19 (a) General rule.--Funds for installation grants shall be
20 provided from the General Fund.

21 (b) Deficiency appropriation.--If, in any fiscal year,
22 appropriations are insufficient to cover the costs of grants to
23 those counties which make timely requests, the department shall
24 report the fact to the General Assembly and request a deficiency
25 appropriation of funds to provide these grants. If a deficiency
26 appropriation is not enacted, any county not receiving a grant
27 shall receive first priority for any appropriation made for the
28 next fiscal year.

29 (c) Limit on funding.--No county shall, in any year, be
30 granted more than 20% of the total annual appropriation made for

1 installation grants, unless there are insufficient applicants to
2 consume the entire amount of the appropriation.

3 Section 9. Expenditures for maintenance and operation of 911
4 systems.

5 (a) Expenditures authorized.--During each county's fiscal
6 year, the county may expend the amounts distributed to it from
7 the 911 telephone contribution rate for the maintenance and
8 operation of a county 911 system.

9 (b) Items included in maintenance and operation costs.--
10 Maintenance and operation costs may include telephone company
11 charges, equipment costs or equipment lease charges, repairs,
12 utilities, data base maintenance costs and appropriate carryover
13 costs from previous years.

14 (c) Limitations on expenditures.--The unit shall adopt
15 procedures to assure that the total amount collected from the
16 911 contribution shall be expended only for the maintenance and
17 operation of a county 911 system.

18 (d) Biennial audit.--The unit shall provide for a biennial
19 audit of each county's expenditures for the maintenance and
20 operation of 911 systems or enhanced 911 systems. The unit is
21 authorized to contract with an independent auditor to perform
22 the audits.

23 Section 10. Pay telephone access.

24 The commission shall promulgate regulations requiring free
25 access to 911 service from pay telephones.

26 Section 11. Telephone records.

27 (a) Access.--Each telephone service supplier shall provide
28 under license customer telephone numbers, names and service
29 addresses to 911 systems when required. Although customer
30 numbers, names and service addresses shall be available to 911

1 systems, such information shall remain the property of the
2 disclosing service supplier. The total cost of the system shall
3 include expenses to provide and maintain 911 information. This
4 information shall be used only in providing emergency response
5 services to a 911 call. A person who uses or discloses data base
6 information for purposes other than handling a 911 call commits
7 a misdemeanor of the third degree.

8 (b) Privacy waived.--Private listing service customers in a
9 911 service district shall waive the privacy afforded by
10 nonlisted and nonpublished numbers when using the 911 emergency
11 service.

12 ~~(c) Immunity. No telephone company, or agents, or employees~~ <—
13 ~~of a telephone company shall be liable to any person who uses~~
14 ~~the 911 emergency service established under this act, for~~
15 ~~release to a public safety answering point of information~~
16 ~~specified in this section that is not already part of the public~~
17 ~~record, including nonpublished telephone numbers.~~

18 (C) IMMUNITY.--NO TELEPHONE COMPANY, OR AGENT OR EMPLOYEE OF <—
19 A TELEPHONE COMPANY, SHALL BE LIABLE TO ANY PERSON WHO USES THE
20 911 EMERGENCY SERVICE ESTABLISHED UNDER THIS ACT:

21 (1) FOR RELEASE TO A PUBLIC SAFETY ANSWERING POINT OF
22 INFORMATION SPECIFIED IN THIS SECTION THAT IS NOT ALREADY
23 PART OF THE PUBLIC RECORDS INCLUDING NONPUBLISHED TELEPHONE
24 NUMBERS; OR

25 (2) FOR INTERRUPTIONS, OMISSIONS, DEFECTS, ERRORS,
26 MISTAKES OR DELAYS IN TRANSMISSION OCCURRING IN THE COURSE OF
27 RENDERING 911 EMERGENCY SERVICE UNDER THIS ACT, UNLESS SUCH
28 INTERRUPTIONS, OMISSIONS, DEFECTS, ERRORS, MISTAKES OR DELAYS
29 ARE CAUSED BY THE WILLFUL OR WANTON MISCONDUCT OF THE
30 TELEPHONE COMPANY, ITS AGENTS OR EMPLOYEES; PROVIDED,

1 HOWEVER, THAT NOTHING HEREIN SHALL PRECLUDE THE APPLICATION
2 OF ANY COMMISSION TARIFF OR REGULATION PERTAINING TO
3 ALLOWANCES FOR TELEPHONE SERVICE INTERRUPTIONS.

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. Appropriations.

9 (a) Installation grants.--The sum of \$8,000,000, or as much
10 thereof as may be necessary, is hereby appropriated to the
11 Department of General Services for the fiscal year July 1, 1989,
12 to June 30, 1990, for installation grants, including grants for
13 installations completed or installation costs incurred
14 subsequent to January 1, 1985, provided that the installation
15 involved is pursuant to a plan ultimately approved by the
16 telecommunications unit created under this act.

17 (b) Administration.--The sum of \$300,000, or as much thereof
18 as may be necessary, is hereby appropriated to the Department of
19 General Services for the fiscal year July 1, 1989, to June 30,
20 1990, for operation of the telecommunications unit.

21 (c) Distribution of grants.--Grants under section 13(c)
22 shall be distributed as follows:

23 (1) (i) For 911 systems costing \$500,000 or less, an
24 installation grant shall be provided in the amount of
25 \$170,000 or the full cost of the system, whichever is
26 less.

27 (ii) For 911 systems costing more than \$500,000, an
28 installation grant in the amount of one-third the cost of
29 the system or improvements to existing 911 systems shall
30 be provided.

1 (2) (i) For enhanced systems costing \$500,000 or less,
2 an installation grant shall be provided in the amount of
3 \$250,000 or the full cost of the system or improvements,
4 whichever is less.

5 (ii) For enhanced systems costing more than
6 \$500,000, an installation grant in the amount of one-half
7 the cost of the system or improvements shall be provided.

8 Section 14. Repeals.

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

11 Section 15. Effective date.

12 This act shall take effect July 1, 1989, or immediately,
13 whichever is later.