

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1248 Session of
1997

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YOUNGBLOOD, MIHALICH, STEELMAN AND BOSCOLA, APRIL 8, 1997

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, APRIL 8, 1997

AN ACT

1 Amending the act of July 9, 1990 (P.L.340, No.78), entitled "An
2 act providing for a Statewide emergency telephone number 911
3 system; providing for contributions from telephone
4 subscribers; providing a penalty; and making a repeal,"
5 further providing for contributions from wireless telephone
6 subscribers and for access to the 911 emergency
7 communications system by wireless subscribers; and making
8 editorial changes.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. The definitions of "contribution rate," "county
12 plan" and "department" in section 2 of the act of July 9, 1990
13 (P.L.340, No.78), known as the Public Safety Emergency Telephone
14 Act, are amended and the section is amended by adding
15 definitions to read:

16 Section 2. Definitions.

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

20 * * *

1 "Automatic Number Identification" or "ANI." A system which
2 permits the identification of the caller's telephone number.

3 * * *

4 "Contribution rate." A fee assessed against a telephone
5 subscriber for the nonrecurring costs, maintenance and operating
6 costs of a 911 system. Counties of the first through second
7 class A may impose a monthly contribution rate in an amount not
8 to exceed \$1 per line on each local exchange access line or
9 wireless communications subscriber residing in the county.

10 Counties of the third through fifth class may impose monthly
11 contribution rates in an amount not to exceed \$1.25 per line on
12 each local exchange access line or wireless communications
13 subscriber residing in the county. Counties of the sixth through
14 eighth class may impose a monthly contribution rate in an amount
15 not to exceed \$1.50 per line on each local exchange access line
16 or wireless communications subscriber residing in the county.

17 The contribution rate may be used by counties for the expenses
18 of implementing, expanding or upgrading a 911 system. Expenses
19 eligible for reimbursement through the contribution rate shall
20 include telephone terminal equipment, trunk line service
21 installation, network changes, building of initial data base and
22 any other nonrecurring costs to establish a 911 system. The
23 contribution rate may also be used to fund recurring costs
24 pursuant to section 8(b). Expenses not eligible for
25 reimbursement through the contribution rate shall include
26 purchase of real estate, cosmetic remodeling, central office
27 upgrades, hiring [and training] of dispatchers, mobile
28 communications equipment, ambulances, fire engines or other
29 emergency vehicles, utilities, taxes and other expenses as
30 determined by the [Department of Community Affairs] Pennsylvania

1 Emergency Management Agency.

2 * * *

3 "County plan." A document submitted by the county to the
4 [department] Pennsylvania Emergency Management Agency, outlining
5 its proposed 911 system, including a contribution rate.

6 ["Department." The Department of Community Affairs of the
7 Commonwealth.]

8 * * *

9 "Wireless communications." Any two-way communication method
10 that does not use wire line technology to complete the call.
11 This shall not include one-way communication devices, such as
12 personal pagers.

13 Section 2. Sections 3, 4, 5, 7(a) and (e) and 8(c) and (d)
14 of the act are amended to read:

15 Section 3. Telecommunications management.

16 (a) Powers and duties of [department] agency.--The
17 [department] agency shall have the following powers and duties:

18 (1) To adopt rules and regulations pursuant to this act:

19 Provided, That the [department] agency shall have the power
20 and authority to promulgate, adopt, publish and use
21 guidelines for the implementation of this act for a period of
22 one year immediately following the effective date of this
23 section pending adoption of final rules and regulations.

24 Guidelines proposed under the authority of this section shall
25 be subject to review by the General Counsel and the Attorney
26 General in the manner provided for the review of proposed
27 rules and regulations pursuant to the act of October 15, 1980
28 (P.L.950, No.164), known as the Commonwealth Attorneys Act,
29 but shall not be subject to review pursuant to the act of
30 June 25, 1982 (P.L.633, No.181), known as the Regulatory

1 Review Act.

2 (2) To establish guidelines and application procedures
3 for the establishment of contribution rates.

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

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

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

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

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

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

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

20 (1) To establish technical standards for all county
21 plans.

22 (2) To review all county plans, including the initial
23 application forwarded by the [department] agency for
24 conformity to the technical standards.

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

27 (4) To recommend approval of plans or indicate
28 deficiencies in plans to the [department] agency.

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

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

3 (2) Approve or modify the contribution rate requested by
4 the county and forward its decision to the [department]
5 agency.

6 Section 4. Counties.

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

11 (1) To designate a member of county government as a
12 coordinator who shall serve as a point of contact with the
13 [department] agency and shall develop a county plan for the
14 implementation, operation and maintenance of a 911 system.
15 Where technologically feasible, the county plan shall be
16 adequate to provide service for the entire county.

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

20 (3) To send a copy of the proposed county plan to the
21 appropriate telephone company upon submission of the plan to
22 the [department] agency.

23 (4) To cooperate with the [department] agency, the
24 council and the commission in preparation and submission of
25 the county plan and contribution rate.

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

30 (b) Persons outside the county.--When an individual

1 physically resides in an adjacent county, but receives local
2 exchange telephone service from a central office in a county
3 which provides 911 service, it shall be the responsibility of
4 the county with the 911 service to notify the appropriate public
5 agency of a request for emergency service from such an
6 individual.

7 (c) Cities of the second class, second class A and third
8 class.--Any city of the second class, second class A or third
9 class that has established a 911 system prior to the effective
10 date of this act may exercise the powers and duties of counties
11 under this act. Any city of the second class, second class A or
12 third class that has not established a 911 system prior to the
13 effective date of this act may exercise the powers and duties of
14 counties under this act only when the county has chosen not to
15 exercise those powers and duties. The powers and duties granted
16 to cities under this section shall be applicable and may be
17 exercised only within the boundaries of the city. No action by a
18 city pursuant to this section shall preempt the powers and
19 duties of a county to establish a 911 system outside the
20 boundaries of the city at any time. The [department] agency may
21 establish regulations governing the exercise of powers and
22 duties granted to cities of the second class, second class A and
23 third class by this section.

24 Section 5. County plan.

25 (a) Minimum standards.--Upon the agreement of the governing
26 authority of a county to establish a 911 system, a plan shall be
27 drafted meeting at least the minimum technical standards
28 promulgated by the council. The county may obtain technical
29 assistance from the council in formulating its plan. Each 911
30 plan shall be designed to meet the individual circumstances of

1 each community and the public agencies participating in the 911
2 system.

3 (b) Completion.--Upon completion of the plan, it shall be
4 forwarded to the [department] agency, with a copy of the plan
5 being sent to those telephone companies affected by the plan.

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

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

23 (e) Commission review.-- The commission shall review the
24 county plan only in relation to the contribution rate and may
25 modify only those contribution rates which it finds excessive to
26 meet the costs stated in the plan. The rates shall be reviewed
27 and a decision forwarded to the [department] agency within 60
28 days of the date of submission. If the commission fails to
29 review the contribution rate within 60 days, the contribution
30 rate will be deemed approved by the commission.

1 (f) Present systems.--Those counties that presently have 911
2 systems may establish a contribution rate to cover nonrecurring
3 and operating costs of an existing 911 system by using the same
4 contribution rate approval mechanism as a new 911 system for the
5 purposes of this act. A county which does not have a 911 system
6 in operation on the effective date of this act but which awarded
7 a contract for such a system prior to the effective date of this
8 act shall be considered to have a present system.

9 (g) Regional systems.--Nothing in this act shall be
10 construed to prohibit the formation of multijurisdictional or
11 regional 911 systems, and any system established under this act
12 may include the territory of a county.

13 (h) Contribution rate changes.--Once a plan and contribution
14 rate has been established, the contribution rate shall remain
15 fixed for a period of at least three years. Updating and
16 expanding the present system shall require an amended plan to be
17 filed with the [department] agency. The contribution rate shall
18 remain fixed for three years even if the present system is
19 updated and expanded. Requests for contribution rate changes
20 shall be submitted to the [department] agency to be forwarded to
21 the commission for approval as provided by subsection (e).
22 Contribution rate increases shall not be permitted more often
23 than every three years and shall not take effect unless approved
24 by the commission.

25 (i) Assessment.--The moneys collected from the telephone and
26 wireless communications systems contribution rate shall be
27 utilized for payments of nonrecurring and recurring costs of a
28 911 system. The contribution rate may be imposed at any time
29 subsequent to the execution of a contract with the provider of a
30 911 service at the discretion of the governing body and pursuant

1 to approval of the county plan and contribution rate under the
2 provisions of this section. The money collected from the
3 contribution rate is a county fee collected by the telephone
4 company; the money is not subject to taxes or charges levied on
5 or by the telephone company. The money collected from the
6 contribution rate shall not be considered revenue of the
7 telephone company for any purpose.

8 Section 7. Collection and disbursement of contribution.

9 (a) Subscribers' contribution.--Each service supplier
10 providing local exchange telephone service within the county or
11 wireless communications service to subscribers residing within
12 the county shall collect the contribution from each subscriber
13 and forward the collection quarterly less the actual
14 uncollectibles experienced by the local exchange telephone
15 companies and wireless communications service companies to the
16 county treasurer or, in a home rule county, the county official
17 responsible for the collection and disbursement of funds. The
18 amount of the subscribers' contribution shall be stated
19 separately in the telephone subscribers' billing. Each service
20 supplier shall retain the fair and reasonable cost to establish
21 the 911 contribution rate billing system and an amount not to
22 exceed 2% of the gross receipts collected to cover actual
23 administrative costs.

24 * * *

25 (e) Collection enforcement.--The local exchange telephone
26 company [has] and the wireless communications service company
27 have no obligation to take any legal action to enforce the
28 collection of any charge imposed pursuant to this act. Such
29 action may be brought by or on behalf of the public agency
30 imposing the charge. The local exchange telephone company and

1 the wireless communications service company shall annually
2 provide, upon request of the governing body, a list of the names
3 and addresses of those service users which carry a balance that
4 can be determined by the telephone company or cellular company
5 to be the nonpayment of any charge imposed pursuant to this act.
6 The local exchange telephone company and the wireless
7 communications service company is not liable for uncollectible
8 amounts.

9 Section 8. Expenditures for nonrecurring costs, maintenance and
10 operation of 911 systems.

11 * * *

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

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

23 Section 3. The act is amended by adding a section to read:
24 Section 10.1. Wireless communications subscribers access to
25 911.

26 (a) General rule.--The commission shall require every
27 wireless communications service company with customers residing
28 within this Commonwealth to provide access to local emergency
29 telephone services within this Commonwealth that utilize the 911
30 system.

1 (b) Customer location.--A wireless communications service
2 company with customers in this Commonwealth shall:

3 (1) No later than 12 months after the effective date of
4 this section, institute a system which enables the service
5 company to relay a caller's ANI and the location of the base
6 station or cell site receiving a 911 call to the designated
7 PSAP.

8 (2) No later than five years after the effective date of
9 this section, institute a system which enables the service
10 company to identify the latitude and longitude of a mobile
11 unit making a 911 call within a radius of no more than 125
12 meters in at least 67% of all cases and relay the information
13 to the designated PSAP.

14 (c) Immunity.--No wireless communications company, or agent
15 or employee or director of a wireless communications company,
16 shall be liable to any person who uses the 911 emergency service
17 established under this act:

18 (1) for release to a public safety answering point of
19 information specified in this section that is not already
20 part of the public records, including nonpublished telephone
21 numbers; or

22 (2) for interruptions, omissions, defects, errors,
23 mistakes or delays in transmission occurring in the course of
24 rendering 911 emergency service under this act, unless such
25 interruptions, omissions, defects, errors, mistakes or delays
26 are caused by the willful or wanton misconduct of the
27 company, its agents or employees or directors. However,
28 nothing in this section shall preclude the application of any
29 commission tariff or regulation pertaining to allowances for
30 service interruptions.

1 Section 4. Section 11 of the act is amended to read:

2 Section 11. Rules and regulations.

3 The [department] agency, in cooperation with the council and
4 the commission, may prescribe such application forms and
5 promulgate such guidelines, rules and regulations as may be
6 necessary to carry out the provisions of this act.

7 Section 5. This act shall take effect in 60 days.