
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 576 Session of
1989

Report of the Committee of Conference

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 576, entitled:

"AN ACT PROVIDING FOR A STATEWIDE EMERGENCY TELEPHONE NUMBER '911' SYSTEM; PROVIDING FOR NO-INTEREST LOANS TO HELP ESTABLISH 911 EMERGENCY COMMUNICATION SYSTEMS, FOR A REFERENDUM AND FOR CONTRIBUTIONS FROM TELEPHONE SUBSCRIBERS; PROVIDING A PENALTY; AND MAKING A REPEAL,"

respectfully submit the following bill as our report:

NOAH W. WENGER

JAMES J. RHOADES

WILLIAM J. STEWART

(Committee on the part of the Senate.)

PAUL MCHALE

LEO J. TRICH, JR.

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(Committee on the part of the House of Representatives.)

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AN ACT

1 Providing for a Statewide emergency telephone number "911"
2 system; providing for contributions from telephone
3 subscribers; providing a penalty; and making a repeal.

4 The General Assembly declares it to be in the public interest
5 to provide a toll-free number 911 for any individual within this
6 Commonwealth to gain rapid, direct access to emergency aid. The
7 number shall be provided with the objective of reducing response
8 time to situations requiring law enforcement, fire, medical,
9 rescue or other emergency service. It is the further intent of
10 the General Assembly that authority and responsibility for the
11 creation and implementation of a plan establishing, operating
12 and maintaining adequate facilities for answering emergency
13 calls and dispatching a proper response to the callers' needs
14 shall be vested in the county government. Each county is
15 encouraged to implement a 911 emergency communication system and
16 to consider maximum integration of telecommunications facilities
17 and capabilities within their planning, in order to economize
18 the costs, as well as to effect a more rapid response
19 capability.

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

22 Section 1. Short title.

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

25 Section 2. Definitions.

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

29 "911 emergency communication system" or "911 system." A
30 system which permits a person dialing "911" by telephone to be

1 connected to a public safety answering point, via normal
2 telephone facilities, for the reporting of police, fire, medical
3 or other emergency situations.

4 "Agency." The Pennsylvania Emergency Management Agency.

5 "Commission." The Pennsylvania Public Utility Commission.

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

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

30 "Council." The Pennsylvania Emergency Management Council.

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

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

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

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

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

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

21 "Telephone subscriber." A person who contracts with a
22 telephone company within this Commonwealth for local exchange
23 telephone service, either residential or commercial. When the
24 same person, business or organization has several telephone dial
25 tone access lines, each dial tone access line shall constitute a
26 separate subscription. For purposes of the contribution rate,
27 the term shall not include pay stations owned or operated by a
28 regulated public utility.

29 Section 3. Telecommunications management.

30 (a) Powers and duties of department.--The department shall

1 have the following powers and duties:

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

3 Provided, That the department shall have the power and
4 authority to promulgate, adopt, publish and use guidelines
5 for the implementation of this act for a period of one year
6 immediately following the effective date of this section
7 pending adoption of final rules and regulations. Guidelines
8 proposed under the authority of this section shall be subject
9 to review by the General Counsel and the Attorney General in
10 the manner provided for the review of proposed rules and
11 regulations pursuant to the act of October 15, 1980 (P.L.950,
12 No.164), known as the Commonwealth Attorneys Act, but shall
13 not be subject to review pursuant to the act of June 25, 1982
14 (P.L.633, No.181), known as the Regulatory Review Act.

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

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

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

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

25 (i) The extent to which 911 systems currently exist
26 in Pennsylvania.

27 (ii) Those counties which completed installation,
28 and costs and expenses for installation.

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

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

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

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

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

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

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

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

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

Section 4. Counties.

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

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

1 county's jurisdiction to provide 911 service.

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

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

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

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

19 (c) Cities of the second class, second class A and third
20 class.--Any city of the second class, second class A or third
21 class that has established a 911 system prior to the effective
22 date of this act may exercise the powers and duties of counties
23 under this act. Any city of the second class, second class A or
24 third class that has not established a 911 system prior to the
25 effective date of this act may exercise the powers and duties of
26 counties under this act only when the county has chosen not to
27 exercise those powers and duties. The powers and duties granted
28 to cities under this section shall be applicable and may be
29 exercised only within the boundaries of the city. No action by a
30 city pursuant to this section shall preempt the powers and

1 duties of a county to establish a 911 system outside the
2 boundaries of the city at any time. The department may establish
3 regulations governing the exercise of powers and duties granted
4 to cities of the second class, second class A and third class by
5 this section.

6 Section 5. County plan.

7 (a) Minimum standards.--Upon the agreement of the governing
8 authority of a county to establish a 911 system, a plan shall be
9 drafted meeting at least the minimum technical standards
10 promulgated by the council. The county may obtain technical
11 assistance from the council in formulating its plan. Each 911
12 plan shall be designed to meet the individual circumstances of
13 each community and the public agencies participating in the 911
14 system.

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

18 (c) Department review.--The department shall initially
19 review the county plan for completeness. The department shall
20 forward a copy of the county plan and the proposed contribution
21 rate to the council and the commission for review as required by
22 this section. After the county plan has been reviewed by the
23 council and the commission, the department shall approve or
24 reject a county plan based on the recommendations of the council
25 and the commission. If the county plan is rejected, the
26 department shall return the county plan and explain the
27 deficiencies that caused the rejection.

28 (d) Council review.--The council shall have 60 days to
29 review the plan and make suggested revisions of the plan. The
30 council shall submit its findings in writing to the department.

1 The Pennsylvania Emergency Management Agency may act as agent
2 for the council in the administration of the plan approval
3 process.

4 (e) Commission review.-- The commission shall review the
5 county plan only in relation to the contribution rate and may
6 modify only those contribution rates which it finds excessive to
7 meet the costs stated in the plan. The rates shall be reviewed
8 and a decision forwarded to the department within 60 days of the
9 date of submission. If the commission fails to review the
10 contribution rate within 60 days, the contribution rate will be
11 deemed approved by the commission.

12 (f) Present systems.--Those counties that presently have 911
13 systems may establish a contribution rate to cover nonrecurring
14 and operating costs of an existing 911 system by using the same
15 contribution rate approval mechanism as a new 911 system for the
16 purposes of this act, a county which does not have a 911 system
17 in operation on the effective date of this act but which awarded
18 a contract for such a system prior to the effective date of this
19 act shall be considered to have a present system.

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

24 (h) Contribution rate changes.--Once a plan and contribution
25 rate has been established, the contribution rate shall remain
26 fixed for a period of at least three years. Updating and
27 expanding the present system shall require an amended plan to be
28 filed with the department. The contribution rate shall remain
29 fixed for three years even if the present system is updated and
30 expanded. Requests for contribution rate changes shall be

1 submitted to the department to be forwarded to the commission
2 for approval as provided by subsection (e). Contribution rate
3 increases shall not be permitted more often than every three
4 years and shall not take effect unless approved by the
5 commission.

6 (i) Assessment.--The moneys collected from the telephone
7 contribution rate shall be utilized for payments of nonrecurring
8 and recurring costs of a 911 system. The contribution rate may
9 be imposed at any time subsequent to the execution of a contract
10 with the provider of a 911 service at the discretion of the
11 governing body and pursuant to approval of the county plan and
12 contribution rate under the provisions of this section. The
13 money collected from the contribution rate is a county fee
14 collected by the telephone company; the money is not subject to
15 taxes or charges levied on or by the telephone company. The
16 money collected from the contribution rate shall not be
17 considered revenue of the telephone company for any purpose.

18 Section 6. Special public meeting.

19 (a) Public comment.--Before any county may establish a
20 contribution rate for nonrecurring and recurring costs under
21 this act, it shall obtain public comment from the residents of
22 the county.

23 (b) Requirements.--The proposed contribution rate shall be
24 fixed by the county commissioners in the following manner:

25 (1) The county commissioners shall cause notices of
26 intention to fix the contribution rate at a special public
27 meeting on a date certain to be published in a newspaper of
28 general circulation at least 10 days in advance of the
29 special public meeting. The notice shall include the precise
30 amount of the proposed monthly contribution rate.

1 (2) The special public meeting shall be held during the
2 hours of 6:00 p.m. to 9:00 p.m., prevailing time, so as to
3 afford the public the greatest opportunity to attend.

4 (3) The special meeting shall be held in a centrally
5 located area of the county.

6 Section 7. Collection and disbursement of contribution.

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

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

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

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

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

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

3 (5) For lines 501 or more, each line shall be billed at
4 0.172 of the approved contribution rate.

5 (c) Restricted account.--The county treasurer, or, in a home
6 rule county, the county official responsible for the collection
7 and disbursement of funds shall deposit the moneys received in
8 an interest-bearing restricted account used solely for the
9 purpose of nonrecurring and recurring charges billed for the 911
10 system and for the purpose of making payments under subsection
11 (d). The governing body of the county shall make an annual
12 appropriation from such account for the 911 system, subject to
13 the provisions of subsection (d), and may retain up to 1% of the
14 gross receipts collected to cover administrative costs. If the
15 911 system is discontinued or a county fails to implement a 911
16 system within three years from the imposition of a monthly
17 contribution rate, any money remaining in the restricted account
18 after all payments to the 911 service supplier have been made
19 shall be transferred to the general fund of the county or
20 proportionately to the general funds of each participating
21 public agency.

22 (d) Reimbursement to municipalities.--The county treasurer
23 shall, on a quarterly basis, pay from funds of the restricted
24 account to a municipality which operates a 911 system, a sum of
25 money not less than that contributed by the telephone
26 subscribers of that municipality to the county 911 system, less
27 the applicable service supplier administrative cost provided by
28 subsection (a) and the applicable county administrative cost
29 provided by subsection (c).

30 (e) Collection enforcement.--The local exchange telephone

1 company has no obligation to take any legal action to enforce
2 the collection of any charge imposed pursuant to this act. Such
3 action may be brought by or on behalf of the public agency
4 imposing the charge. The local exchange telephone company shall
5 annually provide, upon request of the governing body, a list of
6 the names and addresses of those service users which carry a
7 balance that can be determined by the telephone company to be
8 the nonpayment of any charge imposed pursuant to this act. The
9 local exchange telephone company is not liable for uncollectible
10 amounts.

11 Section 8. Expenditures for nonrecurring costs, maintenance and
12 operation of 911 systems.

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

17 (b) Items included in nonrecurring costs, maintenance and
18 operation costs.--Maintenance and operation costs may include
19 telephone company charges, equipment costs or equipment lease
20 charges, repairs, utilities, data base maintenance costs,
21 personnel salary and benefit costs which are directly related to
22 the provision of 911 services, audit costs and appropriate
23 carryover costs from previous years. Maintenance and operation
24 costs shall not include any cost necessary to house the 911
25 system. No more than 60% of the contribution rate collected
26 during each county's fiscal year may be utilized to fund
27 personnel salary and benefit costs.

28 (c) Limitations on expenditures.--The department shall adopt
29 procedures to assure that the total amount collected from the
30 911 contribution rate shall be expended only for the

1 nonrecurring costs, maintenance and operation of a county 911
2 system. Nonrecurring costs shall be amortized over a minimum of
3 three years.

4 (d) Triennial audit.--The department shall require a
5 triennial audit of each county's expenditures for the
6 nonrecurring costs, maintenance and operation of 911 systems.
7 The triennial audit cost shall be paid by the respective county
8 from contribution rate revenues.

9 Section 9. Telephone records.

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

22 (b) Privacy waived.--Private listing service customers in a
23 911 service district shall waive the privacy afforded by
24 nonlisted and nonpublished numbers when using the 911 emergency
25 service.

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

29 (1) for release to a public safety answering point of
30 information specified in this section that is not already

1 part of the public records including nonpublished telephone
2 numbers; or

3 (2) for interruptions, omissions, defects, errors,
4 mistakes or delays in transmission occurring in the course of
5 rendering 911 emergency service under this act, unless such
6 interruptions, omissions, defects, errors, mistakes or delays
7 are caused by the willful or wanton misconduct of the
8 telephone company, its agents or employees or directors:

9 Provided, however, That nothing herein shall preclude the
10 application of any commission tariff or regulation pertaining
11 to allowances for telephone service interruptions.

12 Section 10. Penalty.

13 Any person who intentionally calls the 911 emergency number
14 for other than emergency purposes commits a misdemeanor of the
15 third degree.

16 Section 11. Rules and regulations.

17 The department, in cooperation with the council and the
18 commission, may prescribe such application forms and promulgate
19 such guidelines, rules and regulations as may be necessary to
20 carry out the provisions of this act.

21 Section 12. Repeals.

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

24 Section 13. Effective date.

25 This act shall take effect in 60 days.