
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 385 Session of
2007

INTRODUCED BY CORMAN, WONDERLING, COSTA, C. WILLIAMS, TOMLINSON,
KITCHEN, PUNT, TARTAGLIONE, M. WHITE, WOZNIAK, WASHINGTON,
FERLO AND FONTANA, MARCH 13, 2007

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED,
JUNE 25, 2008

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 providing for interconnected Voice over Internet Protocol
6 service; and establishing the VoIP 911 Emergency Services
7 Fund.

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

10 Section 1. Section 2 of the act of July 9, 1990 (P.L.340,
11 No.78), known as the Public Safety Emergency Telephone Act, is
12 amended by adding definitions to read:

13 Section 2. Definitions.

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

17 * * *

18 "Interconnected Voice over Internet Protocol service

1 customer" or "VoIP service customer." A person who is billed by
2 an interconnected Voice over Internet Protocol provider, is the
3 end user of VoIP service and who has designated a primary place
4 of use within the Commonwealth of Pennsylvania.

5 "Interconnected Voice over Internet Protocol provider" or
6 "VoIP provider." A person engaged in the business of providing
7 VoIP service to end-use customers in this Commonwealth,
8 including resellers.

9 "Interconnected Voice over Internet Protocol service" or
10 "VoIP service." Service as defined by all orders issued by the
11 Federal Communications Commission pursuant to the proceeding
12 entitled "IP-Enabled Services", (WC Docket No. 04-36; FCC 05-
13 116), codified at 47 CFR Part 9 (relating to interconnected
14 Voice over Internet Protocol services), any successor proceeding
15 and any other FCC order that affects the provision of 911 <—
16 SERVICE OR E-911 service to VoIP service customers or further
17 defines interconnected Voice over Internet Protocol service.

18 * * *

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

24 * * *

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

28 * * *

29 SECTION 1.1. SECTION 7 OF THE ACT IS AMENDED BY ADDING A <—
30 SUBSECTION TO READ:

1 SECTION 7. COLLECTION AND DISBURSEMENT OF CONTRIBUTION.

2 * * *

3 (F) PROHIBITION AGAINST RELEASE OF INFORMATION.--NEITHER THE
4 COUNTY TREASURER, THE AGENCY, NOR ANY EMPLOYEE, AGENT OR
5 REPRESENTATIVE OF A PSAP OR PUBLIC AGENCY SHALL DIVULGE ANY
6 INFORMATION ACQUIRED WITH RESPECT TO ANY WIRE LINE TELEPHONE
7 SERVICE PROVIDER, ITS CUSTOMERS, REVENUES OR EXPENSES, TRADE
8 SECRETS, ACCESS LINE COUNTS, COMMERCIAL INFORMATION AND SUCH
9 OTHER PROPRIETARY INFORMATION WHILE ACTING OR CLAIMING TO ACT AS
10 SUCH EMPLOYEE, AGENT OR REPRESENTATIVE, AND ALL SUCH INFORMATION
11 IS HEREBY REQUIRED TO BE KEPT CONFIDENTIAL EXCEPT THAT
12 AGGREGATIONS OF INFORMATION WHICH DO NOT IDENTIFY OR EFFECTIVELY
13 IDENTIFY NUMBERS OF CUSTOMERS, REVENUES OR EXPENSES, TRADE
14 SECRETS, ACCESS LINES, COMMERCIAL INFORMATION AND SUCH OTHER
15 PROPRIETARY INFORMATION ATTRIBUTABLE TO ANY INDIVIDUAL WIRE LINE
16 TELEPHONE SERVICE PROVIDER MAY BE MADE PUBLIC.

17 Section 2. Sections 11.7, 11.8 and 11.9 of the act, added
18 December 30, 2003 (P.L.384, No.56), are amended to read:

19 Section 11.7. Public disclosure and confidentiality of
20 information.

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

23 (b) Prohibition against release of information.--Neither the
24 State Treasurer, the agency, nor any employee, agent or
25 representative of a PSAP or public agency shall divulge any
26 information acquired with respect to any wireless provider or
27 VoIP provider, its customers, revenues or expenses, trade
28 secrets, commercial information and such other proprietary
29 information while acting or claiming to act as such employee,
30 agent or representative, and all such information is hereby

1 required to be kept confidential except that aggregations of
2 information which do not identify or effectively identify
3 numbers of customers, revenues or expenses, trade secrets,
4 commercial information and such other proprietary information
5 attributable to any individual wireless provider or VoIP
6 provider may be made public.

7 Section 11.8. Wireless provider and VoIP provider records.

8 (a) Access.--Upon request from and pursuant to agreement
9 with a PSAP, each wireless provider shall provide E-911 service
10 data base information and each VoIP provider shall provide VoIP
11 service data base information OR AUTOMATIC LOCATION INFORMATION <—
12 as permitted under the law to the requesting PSAP. Such
13 information shall remain the property of the disclosing wireless
14 provider or VoIP provider and, except as otherwise provided by
15 applicable Federal or State law, shall be used by the PSAP only
16 in connection with providing emergency response services to a
17 call to a 911 system or to a wireless E-911 system.

18 (b) Violations.--A person commits a misdemeanor of the third
19 degree who:

20 (1) Uses or discloses wireless E-911 service data base
21 information or VoIP service data base information for
22 purposes other than handling a call to a 911 system or to a
23 wireless E-911 system without the consent of the wireless
24 service customer or VoIP service customer, or as otherwise
25 provided by applicable Federal or State law.

26 (2) Knowingly uses the telephone number of a 911 system
27 [or], wireless E-911 system or VoIP service data base
28 information to avoid any charges for the services of a local
29 exchange carrier, competitive local exchange carrier,
30 interexchange carrier [or], wireless provider or VoIP

1 provider.

2 (c) Privacy waived.--The provisions of 66 Pa.C.S. § 2906
3 (relating to dissemination of telephone numbers and other
4 identifying information) shall have no application to wireless
5 providers or VoIP providers to the extent they are engaged in
6 providing wireless E-911 service, 911 service or related
7 services.

8 Section 11.9. Immunity.

9 (a) Generally.--No wireless provider or VoIP provider or its
10 officers, directors, employees, agents or vendors shall be
11 liable to any person for civil damages resulting from or caused
12 by such [wireless provider's] providers', its officers',
13 directors', employees', agents' or suppliers' participation in
14 or acts, failure or omissions in connection with that
15 participation in the development, design, installation,
16 operation, maintenance, performance or provision of wireless E-
17 911 service or 911 service, except for willful or wanton
18 misconduct.

19 (b) Parity of liability.--A wireless provider or VoIP
20 provider shall have the same immunity from liability for
21 transmission errors or failures, network outages or other
22 technical problems that arise in the course of handling
23 emergency calls or providing emergency services, including
24 wireless E-911 service, as a local exchange carrier enjoys in
25 the course of handling such calls or providing such services.

26 (c) Release of information.--No wireless provider or VoIP
27 provider or its employees or agents shall be liable to any
28 person for releasing wireless service customer information or
29 VoIP service customer information to the agency or to any 911
30 system or wireless E-911 system, public agency or PSAP as

1 required by this act or any law.

2 Section 3. The act is amended by adding a section to read:

3 Section 11.14. Collection and disbursement of VoIP 911 fee.

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

5 (1) Each VoIP provider or telecommunications carrier, on
6 the first monthly billing cycle after the effective date of
7 this section, shall collect a \$1 fee per month for each
8 telephone number or successor dialing protocol assigned by a
9 VoIP provider to a VoIP service customer number that has
10 outbound calling capability and remit the collection
11 quarterly OR, AT THE OPTION OF THE PROVIDER OR <—
12 TELECOMMUNICATIONS CARRIER, MONTHLY, less the actual
13 uncollectibles experienced by the VoIP provider TO THE COUNTY <—
14 TREASURER OR, IN A HOME RULE COUNTY, THE COUNTY OFFICIAL
15 RESPONSIBLE FOR THE COLLECTION AND DISBURSEMENT OF FUNDS OR,
16 AS PROVIDED IN SUBSECTION (D), to the State Treasurer. This
17 fee shall be stated separately in the VoIP service customer's
18 paper or electronic billing and the fee shall be collected
19 apart from and in addition to any fee levied by the VoIP
20 provider in whole or in part for the provision of 911
21 services or E-911 services.

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

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

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

30 (iii) For lines 101 through 250, each line shall be

1 billed at 0.50 of the approved contribution rate.

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

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

6 (3) If a VoIP provider receives a partial payment for a
7 monthly bill from a VoIP service customer, the VoIP provider
8 may apply the payment against the amount the VoIP service
9 customer owes the VoIP provider first and then shall remit to
10 the COUNTY OR THE State Treasurer the lesser amount, if any, <—
11 as shall result therefrom.

12 (4) The fees collected and remitted under this
13 subsection shall not be subject to taxes or charges levied by
14 the Commonwealth or any political subdivision of this
15 Commonwealth, nor shall the fees be considered revenue of the
16 VoIP provider for any purpose.

17 (5) As reimbursement for administrative costs to cover
18 its expenses of billing, collecting and remitting the fees
19 during the reporting period, the VoIP provider is allowed to
20 retain for reimbursement up to 2% of the total fees collected
21 under this subsection, IF REMITTED TO THE COUNTY, OR UP TO 1% <—
22 OF THE TOTAL FEES COLLECTED IF REMITTED TO THE STATE
23 TREASURER.

24 (6) To the extent that a VoIP provider obtains
25 connections to the public switched telephone network from a
26 telecommunications carrier, that telecommunications carrier
27 shall not be required to assess or make contributions to any
28 911 or E-911 fund in connection with the customers or the
29 telephone numbers for which the VoIP provider is responsible
30 for collecting and making contributions under this section.

1 If, however, the telecommunications carrier is, by agreement
2 with the VoIP provider, required to make 911 or E-911
3 contributions on behalf of the VoIP provider customer, the
4 VoIP provider will not be responsible for collecting and
5 making contributions under this section.

6 (b) Reporting by VoIP providers.--With each remittance a
7 VoIP provider and telecommunications carrier shall supply the
8 following information to the COUNTY TREASURER OR, IN A HOME RULE <—
9 COUNTY, THE COUNTY OFFICIAL RESPONSIBLE FOR THE COLLECTION AND
10 DISBURSEMENT OF FUNDS OR, AS APPLICABLE UNDER SUBSECTION (D), TO
11 THE State Treasurer and to the agency:

12 (1) The total fees collected under subsection (a)(1)
13 from its VoIP service customers during the reporting period.
14 If the telecommunications carrier has remitted the fees to
15 the COUNTY OR THE agency pursuant to an agreement with the <—
16 VoIP provider, the VoIP provider must provide notification of
17 such reporting agreement along with the telecommunications
18 carrier's name and 911 or E-911 account number.

19 (2) All VoIP providers and telecommunications carriers
20 shall provide the COUNTY OR, IF REMITTING TO THE STATE <—
21 TREASURER, THE agency with such information as it shall
22 request, including the primary place of use of each
23 interconnected VoIP service customer, in writing in order to
24 discharge its obligations under this section, including, but
25 not limited to, the collection and deposit of the VoIP fee
26 and its administration of the fund. Information supplied by
27 VoIP providers pursuant to this section shall remain
28 confidential and release of such information shall be
29 governed by section 11.7.

30 (c) Collection enforcement.--A VoIP provider has no

obligation to take any legal action to enforce the collection of
any fee imposed pursuant to this section.

(D) REMITTANCE OF FEES.--REMITTANCE OF FEES SHALL BE TO THE
COUNTY TREASURER OR, IN A HOME RULE COUNTY, THE COUNTY OFFICIAL
RESPONSIBLE FOR THE COLLECTION AND DISBURSEMENT OF FUNDS, WHO
SHALL DEPOSIT RECEIPTS INTO THE RESTRICTED ACCOUNT ESTABLISHED
UNDER SECTION 7(C). REMITTANCE TO COUNTIES SHALL CONSIST OF THE
FEES COLLECTED FROM VOIP SERVICE CUSTOMERS LOCATED IN THAT
COUNTY, LESS ANY REDUCTIONS OR ADMINISTRATIVE FEES PERMITTED BY
THIS SECTION. THE VOIP PROVIDER MAY INSTEAD, AT ITS OPTION,
REMIT THE FEES TO THE STATE TREASURER FOR DEPOSIT AND
DISTRIBUTION AS PROVIDED UNDER SUBSECTIONS (E) AND (F).
ELECTIONS SHALL BE BY RULES ESTABLISHED BY THE AGENCY, WHICH
SHALL INCLUDE APPROPRIATE NOTIFICATION TO THE AFFECTED COUNTIES
OF THE EXERCISE OF THIS OPTION.

~~(d)~~ (E) Establishment of fund.--There is hereby established
in the State Treasury a nonlapsing restricted interest-bearing
account to be known as the VoIP 911 Emergency Services Fund. The
fund shall consist of the fees ~~collected~~ REMITTED TO THE STATE
TREASURER pursuant to this section.

~~(e)~~ (F) Distribution of fees.--Moneys in the fund
established by ~~this section~~ SUBSECTION (E) and the interest it
accrues are hereby appropriated on a continuing basis to the
agency to be disbursed by the agency. The agency shall make
~~semiannual~~ QUARTERLY disbursements from the account to each
county by ~~March 1 and September 1~~ MARCH 31, JUNE 30, SEPTEMBER
30 AND DECEMBER 31 of each year in an amount equal to the amount
of fees collected from VoIP service customers located in that
county and for the purpose of assisting counties with the
implementation of an agency-approved plan adopted under section

1 5. THE AGENCY MAY RETAIN UP TO 1% OF THE FEES FOR COSTS INCURRED <—
2 IN ADMINISTERING THIS SUBSECTION.

3 Section 4. This act shall take effect in 120 days.