

THE GENERAL ASSEMBLY OF PENNSYLVANIA


HOUSE BILL

No. 2321 Session of 2010

INTRODUCED BY FAIRCHILD, BEAR, BELFANTI, BRADFORD, CALTAGIRONE, CARROLL, CAUSER, CLYMER, CREIGHTON, DeWEESE, EVERETT, FLECK, GABLER, GEIST, GIBBONS, GODSHALL, GRELL, GROVE, HALUSKA, HARHAI, HARHART, HARKINS, HARRIS, HENNESSEY, HESS, HICKERNELL, M. KELLER, KNOWLES, KULA, MAJOR, MARSHALL, MARSICO, MICOZZIE, MILLARD, MILLER, MOUL, MURT, OBERLANDER, O'NEILL, PICKETT, RAPP, REED, SAYLOR, SIPTROTH, SOLOBAY, SONNEY, STERN, TALLMAN, TRUE, VULAKOVICH, WATSON, YUDICHAK, SWANGER, BEYER, GINGRICH, HORNAMAN AND FARRY, MARCH 12, 2010

SENATOR CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, OCTOBER 12, 2010

AN ACT

1 Amending Titles 4 (Amusements), 18 (Crimes and Offenses) and 35
2 (Health and Safety) of the Pennsylvania Consolidated
3 Statutes, CONSOLIDATING THE PUBLIC SAFETY EMERGENCY TELEPHONE
4 ACT; FURTHER PROVIDING FOR DEFINITIONS, FOR THE WIRELESS
5 E-911 EMERGENCY SERVICES FUND AND FOR FUNDING FOR SUPPORT; 
6 PROVIDING FOR A LEGISLATIVE STUDY AND FOR TERMINATION;
7 consolidating statutory provisions relating to firefighters,
8 the State Fire Commissioner and grants to fire companies and
9 other services; making editorial changes; and making related
10 repeals.

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

13 Section 1. Section 1408(b) of Title 4 of the Pennsylvania
14 Consolidated Statutes is amended to read:

15 § 1408. Transfers from State Gaming Fund.

16 * * *

17 (b) Transfer for Volunteer Fire Company Grant Program.--

1 Annually, the sum of \$25,000,000 shall be transferred from the
2 State Gaming Fund to the Volunteer Fire Company Grant Program
3 established under [the act of July 31, 2003 (P.L.73, No.17),
4 known as the Volunteer Fire Company and Volunteer Ambulance
5 Service Grant Act] 35 Pa.C.S. Ch. 78 (relating to grants to
6 volunteer fire companies and volunteer services).

7 * * *

8 Section 2. Section 3301(h.1) of Title 18 is amended to read:
9 § 3301. Arson and related offenses.

10 * * *

11 [(h.1) Prohibition on certain service.--A person convicted
12 of violating this section or any similar offense under Federal
13 or State law shall be prohibited from serving as a firefighter
14 in this Commonwealth and shall be prohibited from being
15 certified as a firefighter under section 4 of the act of
16 November 13, 1995 (P.L.604, No.61), known as the State Fire
17 Commissioner Act. Proof of nonconviction must consist of either
18 of the following:

19 (1) An official criminal history record check obtained
20 pursuant to Chapter 91 (relating to criminal history record
21 information) indicating no arson convictions.

22 (2) A dated and signed statement by the person swearing
23 to the following:

24 I have never been convicted of an offense that
25 constitutes the crime of "arson and related offenses" under
26 18 Pa.C.S. § 3301 or any similar offense under any Federal or
27 State law. I hereby certify that the statements contained
28 herein are true and correct to the best of my knowledge and
29 belief. I understand that if I knowingly make any false
30 statement herein, I am subject to penalties prescribed by

1 law, including, but not limited to, a fine of at least
2 \$1,000.]

3 * * *

4 SECTION 2.1. TITLE 35 IS AMENDED BY ADDING A PART TO READ: ←

5 PART III

6 PUBLIC SAFETY

7 CHAPTER

8 53. EMERGENCY TELEPHONE SERVICE

9 CHAPTER 53

10 EMERGENCY TELEPHONE SERVICE

11 SEC.

12 5301. SCOPE OF CHAPTER.

13 5302. DEFINITIONS.

14 5303. TELECOMMUNICATIONS MANAGEMENT.

15 5304. COUNTIES.

16 5304.1. PENNSYLVANIA STATE POLICE.

17 5305. COUNTY PLAN.

18 5306. SPECIAL PUBLIC MEETING.

19 5307. COLLECTION AND DISBURSEMENT OF CONTRIBUTION.

20 5308. EXPENDITURES FOR NONRECURRING COSTS, TRAINING, MOBILE

21 COMMUNICATIONS EQUIPMENT, MAINTENANCE AND OPERATION

22 OF 911 SYSTEMS.

23 5309. TELEPHONE RECORDS.

24 5310. PENALTY.

25 5311. (RESERVED).

26 5311.1. IMMUNITY.

27 5311.2. POWERS AND DUTIES OF AGENCY.

28 5311.3. ADVISORY COMMITTEE.

29 5311.4. WIRELESS E-911 EMERGENCY SERVICES FUND.

30 5311.5. DISBURSEMENT OF FUND AMOUNTS BY AGENCY.

1 5311.6. REPORTING.
2 5311.7. PUBLIC DISCLOSURE AND CONFIDENTIALITY OF INFORMATION.
3 5311.8. WIRELESS PROVIDER AND VOIP PROVIDER RECORDS.
4 5311.9. IMMUNITY.
5 5311.10. AGENCY FUNDING FOR WIRELESS E-911 SUPPORT.
6 5311.11. RATE REGULATION.
7 5311.12. REGULATIONS.
8 5311.13. ENFORCEMENT.
9 5311.14. COLLECTION AND DISBURSEMENT OF VOIP 911 FEE.
10 5312. (RESERVED).
11 5312.1. LEGISLATIVE STUDY.
12 5398. TERMINATION.
13 § 5301. SCOPE OF CHAPTER.
14 THIS CHAPTER RELATES TO EMERGENCY TELEPHONE SERVICE.
15 § 5302. DEFINITIONS.
16 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
17 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
18 CONTEXT CLEARLY INDICATES OTHERWISE:
19 "911 SYSTEM." A SYSTEM, INCLUDING ENHANCED 911 SERVICE BUT
20 EXCLUDING A WIRELESS E-911 SYSTEM, WHICH PERMITS A PERSON
21 DIALING 911 BY TELEPHONE TO BE CONNECTED TO A PUBLIC SAFETY
22 ANSWERING POINT, VIA NORMAL TELEPHONE FACILITIES, FOR THE
23 REPORTING OF POLICE, FIRE, MEDICAL OR OTHER EMERGENCY
24 SITUATIONS.
25 "ADVISORY COMMITTEE." THE E-911 EMERGENCY SERVICES ADVISORY
26 COMMITTEE.
27 "AGENCY." THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY.
28 "ALI." AUTOMATIC LOCATION INFORMATION.
29 "ANI." AUTOMATIC NUMBER IDENTIFICATION.
30 "ASSOCIATED WITH PENNSYLVANIA." THE TERM SHALL MEAN:

1 (1) IN THE CASE OF THE MOBILE TELEPHONE NUMBER (MTN),
2 THE GEOGRAPHICAL LOCATION ASSOCIATED WITH THE FIRST SIX
3 DIGITS OR NPA-NXX OF THE MTN.

4 (2) IN THE CASE OF A CUSTOMER SERVICE ADDRESS, THE
5 PHYSICAL LOCATION OF THE ADDRESS.

6 "AUTOMATIC LOCATION INFORMATION." THE DELIVERY OR RECEIPT OF
7 THE STREET ADDRESS OF THE TELEPHONE OR THE GEOGRAPHIC LOCATION
8 OF THE WIRELESS DEVICE, AS SPECIFIED IN THE FCC E-911 ORDER,
9 BEING USED TO PLACE A CALL TO A 911 SYSTEM OR TO A WIRELESS
10 E-911 SYSTEM.

11 "AUTOMATIC NUMBER IDENTIFICATION." THE DELIVERY OR RECEIPT
12 OF THE TELEPHONE NUMBER ASSIGNED TO THE TELEPHONE OR WIRELESS
13 DEVICE BEING USED TO PLACE A CALL TO A 911 SYSTEM OR TO A
14 WIRELESS E-911 SYSTEM.

15 "COMMISSION." THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.

16 "COMPETITIVE LOCAL EXCHANGE CARRIER." A LOCAL EXCHANGE
17 CARRIER THAT HAS BEEN CERTIFICATED AS A COMPETITIVE LOCAL
18 EXCHANGE CARRIER BY THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.

19 "CONSUMER." A PERSON WHO PURCHASES PREPAID WIRELESS
20 TELECOMMUNICATIONS SERVICE OR A PREPAID WIRELESS DEVICE IN A
21 RETAIL TRANSACTION.

22 "CONTRIBUTION RATE." A FEE ASSESSED AGAINST A TELEPHONE
23 SUBSCRIBER FOR THE NONRECURRING COSTS, MAINTENANCE AND OPERATING
24 COSTS OF A 911 SYSTEM.

25 "COUNCIL." THE PENNSYLVANIA EMERGENCY MANAGEMENT COUNCIL.

26 "COUNTY." THE TERM SHALL INCLUDE A CITY OF THE FIRST CLASS
27 COTERMINOUS WITH A COUNTY.

28 "COUNTY PLAN." A DOCUMENT SUBMITTED BY THE COUNTY ON A
29 TRIENNIAL BASIS TO THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY
30 OUTLINING ITS PROPOSED AND EXISTING WIRELINE AND WIRELESS 911

1 AND E-911 SYSTEMS AND PROCEDURES, INCLUDING A CONTRIBUTION RATE,
2 FOR THE FORTHCOMING THREE YEARS.

3 "EMERGENCY NOTIFICATION SERVICES." SERVICES PROVIDED BY
4 AUTHORIZED AGENCIES OF FEDERAL, STATE, COUNTY OR LOCAL
5 GOVERNMENTS, OR BY PERSONS AUTHORIZED BY THESE GOVERNMENTS, THAT
6 NOTIFY THE PUBLIC, USING ANI/ALI DATABASE INFORMATION, OF
7 EMERGENCIES DECLARED BY THESE GOVERNMENTS.

8 "EMERGENCY SUPPORT SERVICES." INFORMATION OR DATABASE
9 MANAGEMENT SERVICES PROVIDED BY AUTHORIZED AGENCIES OF FEDERAL,
10 STATE, COUNTY OR LOCAL GOVERNMENTS, OR BY PERSONS AUTHORIZED BY
11 THESE GOVERNMENTS, THAT ARE USED IN SUPPORT OF PSAPS OR
12 EMERGENCY NOTIFICATION SERVICES.

13 "ENHANCED 911 SERVICE" OR "E-911." EMERGENCY TELEPHONE
14 SERVICE PROVIDING FOR AUTOMATIC IDENTIFICATION OF CALLER
15 LOCATION AND CALLING NUMBER.

16 "FCC E-911 ORDER." ALL OF THE FOLLOWING:

17 (1) ALL ORDERS ISSUED BY THE FEDERAL COMMUNICATIONS
18 COMMISSION PURSUANT TO THE PROCEEDING ENTITLED "REVISION OF
19 THE COMMISSION'S RULES TO ENSURE COMPATIBILITY WITH ENHANCED
20 911 EMERGENCY CALLING SYSTEMS" (CC DOCKET NO. 94-102)
21 CODIFIED AT 47 CFR § 20.18 (RELATING TO 911 SERVICE) AND ANY
22 SUCCESSOR PROCEEDING.

23 (2) ANY FEDERAL COMMUNICATIONS COMMISSION ORDER THAT
24 AFFECTS THE PROVISION OF WIRELESS E-911 SERVICE TO WIRELESS
25 SERVICE CUSTOMERS.

26 "FUND." THE WIRELESS E-911 EMERGENCY SERVICES FUND.

27 "INTERCONNECTED VOICE OVER INTERNET PROTOCOL PROVIDER." A
28 PERSON ENGAGED IN THE BUSINESS OF PROVIDING VOIP SERVICE TO END-
29 USE CUSTOMERS IN THIS COMMONWEALTH, INCLUDING RESELLERS.

30 "INTERCONNECTED VOICE OVER INTERNET PROTOCOL SERVICE."

1 SERVICE AS DEFINED BY ANY OF THE FOLLOWING:

2 (1) ALL ORDERS ISSUED BY THE FEDERAL COMMUNICATIONS
3 COMMISSION PURSUANT TO THE PROCEEDING ENTITLED "IP-ENABLED
4 SERVICES" (WC DOCKET NO. 04-36; FCC 05-116), CODIFIED AT 47
5 CFR PART 9 (RELATING TO INTERCONNECTED VOICE OVER INTERNET
6 PROTOCOL SERVICES), AND ANY SUCCESSOR PROCEEDING.

7 (2) ANY FEDERAL COMMUNICATIONS COMMISSION ORDER THAT
8 AFFECTS THE PROVISION OF 911 SERVICE OR E-911 SERVICE TO VOIP
9 SERVICE CUSTOMERS OR FURTHER DEFINES INTERCONNECTED VOICE
10 OVER INTERNET PROTOCOL SERVICE.

11 "INTERCONNECTED VOICE OVER INTERNET PROTOCOL SERVICE
12 CUSTOMER." A PERSON WHO IS BILLED BY AN INTERCONNECTED VOICE
13 OVER INTERNET PROTOCOL PROVIDER, WHO IS THE END USER OF VOIP
14 SERVICE AND WHO HAS DESIGNATED A PRIMARY PLACE OF USE WITHIN
15 THIS COMMONWEALTH.

16 "INTEREXCHANGE CARRIER." A PERSON THAT IS AUTHORIZED BY THE
17 PENNSYLVANIA PUBLIC UTILITY COMMISSION TO PROVIDE LONG-DISTANCE
18 TELECOMMUNICATIONS SERVICE.

19 "LOCAL EXCHANGE CARRIER." A PERSON, INCLUDING A COMPETITIVE
20 LOCAL EXCHANGE CARRIER, THAT IS AUTHORIZED BY THE PENNSYLVANIA
21 PUBLIC UTILITY COMMISSION TO PROVIDE LOCAL EXCHANGE
22 TELECOMMUNICATIONS SERVICE OR EXCHANGE ACCESS.

23 "LOCAL EXCHANGE TELEPHONE SERVICE." THE PROVISION OF
24 TELEPHONIC MESSAGE TRANSMISSION WITHIN AN EXCHANGE, AS DEFINED
25 AND DESCRIBED IN TARIFFS FILED WITH AND APPROVED BY THE
26 PENNSYLVANIA PUBLIC UTILITY COMMISSION.

27 "MOBILE TELEPHONE NUMBER" OR "MTN." THE TELEPHONE NUMBER
28 ASSIGNED TO A WIRELESS TELEPHONE AT THE TIME OF INITIAL
29 ACTIVATION.

30 "NPA-NXX." THE FIRST SIX DIGITS OF A TEN-DIGIT TELEPHONE

NUMBER, INCLUDING A MOBILE TELEPHONE NUMBER, REPRESENTING THE
AREA CODE AND EXCHANGE OF THE TELEPHONE NUMBER.

"PERSON." THE TERM INCLUDES A CORPORATION, A PARTNERSHIP, AN
ASSOCIATION, THE FEDERAL GOVERNMENT, THE STATE GOVERNMENT, A
POLITICAL SUBDIVISION, A MUNICIPAL OR OTHER LOCAL AUTHORITY AND
A NATURAL PERSON.

"PREPAID WIRELESS DEVICE." A WIRELESS TELEPHONE THAT IS
PURCHASED STRICTLY FOR THE PURPOSE OF INITIATING A PREPAID
CALLING SERVICE. THE TERM DOES NOT INCLUDE TRADITIONAL WIRELESS
DEVICES USED FOR MONTHLY CALLING PLANS.

"PREPAID WIRELESS E-911 SURCHARGE." THE CHARGE THAT IS
REQUIRED TO BE COLLECTED BY A SELLER FROM A CONSUMER IN THE
AMOUNT ESTABLISHED UNDER SECTION 5311.4(B.1) (RELATING TO
WIRELESS E-911 EMERGENCY SERVICES FUND).

"PREPAID WIRELESS PROVIDER." A PERSON THAT PROVIDES PREPAID
WIRELESS TELECOMMUNICATIONS SERVICE PURSUANT TO A LICENSE ISSUED
BY THE FEDERAL COMMUNICATIONS COMMISSION.

"PREPAID WIRELESS TELECOMMUNICATIONS SERVICE." A WIRELESS
TELECOMMUNICATIONS SERVICE THAT MEETS ALL OF THE FOLLOWING:

(1) ALLOWS A CALLER TO DIAL 911 TO ACCESS THE 911
SYSTEM.

(2) IS PAID FOR IN ADVANCE AND SOLD IN PREDETERMINED
UNITS OR DOLLARS OF WHICH THE NUMBER MAY OR MAY NOT DECLINE
WITH USE IN A KNOWN AMOUNT.

"PRIMARY PLACE OF USE." THE STREET ADDRESS REPRESENTATIVE OF
WHERE THE CUSTOMER'S USE OF THE VOIP SERVICE PRIMARILY OCCURS.
FOR THE PURPOSE OF VOIP 911 FEES, PRIMARY PLACE OF USE IS THE
CUSTOMER'S REGISTERED LOCATION ON THE DATE THE CUSTOMER IS
BILLED.

"PSAP." A PUBLIC SAFETY ANSWERING POINT.

1 "PUBLIC AGENCY." ANY OF THE FOLLOWING:

2 (1) THE COMMONWEALTH.

3 (2) A POLITICAL SUBDIVISION, PUBLIC AUTHORITY OR
4 MUNICIPAL AUTHORITY.

5 (3) AN ORGANIZATION LOCATED IN WHOLE OR IN PART WITHIN
6 THIS COMMONWEALTH WHICH PROVIDES OR HAS THE AUTHORITY TO
7 PROVIDE FIREFIGHTING, LAW ENFORCEMENT, AMBULANCE, EMERGENCY
8 MEDICAL OR OTHER EMERGENCY SERVICES.

9 "PUBLIC SAFETY ANSWERING POINT." THE AGENCY-APPROVED FIRST
10 POINT AT WHICH CALLS FOR EMERGENCY ASSISTANCE FROM INDIVIDUALS
11 ARE ANSWERED AND WHICH IS OPERATED 24 HOURS A DAY.

12 "RETAIL TRANSACTION." THE PURCHASE OF PREPAID WIRELESS
13 TELECOMMUNICATIONS SERVICE OR A PREPAID WIRELESS DEVICE FROM A
14 SELLER FOR ANY PURPOSE OTHER THAN RESALE.

15 "SELLER." A PERSON WHO SELLS PREPAID WIRELESS
16 TELECOMMUNICATIONS SERVICE OR A PREPAID WIRELESS DEVICE TO
17 ANOTHER PERSON.

18 "TELECOMMUNICATIONS CARRIER." ANY PROVIDER OF
19 TELECOMMUNICATIONS SERVICES AS DEFINED BY THE TELECOMMUNICATIONS
20 ACT OF 1996 (PUBLIC LAW 104-104, 110 STAT. 56).

21 "TELEPHONE SUBSCRIBER." A PERSON WHO CONTRACTS WITH A LOCAL
22 EXCHANGE CARRIER WITHIN THIS COMMONWEALTH FOR RESIDENTIAL OR
23 COMMERCIAL LOCAL EXCHANGE TELEPHONE SERVICE. IF THE SAME PERSON
24 HAS SEVERAL TELEPHONE DIAL TONE ACCESS LINES, EACH DIAL TONE
25 ACCESS LINE SHALL CONSTITUTE A SEPARATE SUBSCRIPTION. FOR
26 PURPOSES OF THE CONTRIBUTION RATE, THE TERM SHALL NOT INCLUDE
27 PAY STATIONS OWNED OR OPERATED BY A REGULATED PUBLIC UTILITY, OR
28 NONPUBLIC UTILITIES AS THE TERM IS USED IN 66 PA.C.S. § 2913(B)
29 (RELATING TO MINIMUM SERVICE REQUIREMENT).

30 "VENDOR." A PERSON OTHER THAN A LOCAL EXCHANGE CARRIER OR A

1 WIRELESS PROVIDER WHO SUPPLIES 911 OR WIRELESS E-911 SYSTEM
2 SERVICES OR EQUIPMENT.

3 "VOIP PROVIDER." INTERCONNECTED VOICE OVER INTERNET PROTOCOL
4 PROVIDER.

5 "VOIP SERVICE." INTERCONNECTED VOICE OVER INTERNET PROTOCOL
6 SERVICE."

7 "VOIP SERVICE CUSTOMER." AN INTERCONNECTED VOICE OVER
8 INTERNET PROTOCOL SERVICE CUSTOMER.

9 "WIRELESS E-911 SERVICE." SERVICE PROVIDED BY A WIRELESS
10 PROVIDER, PURSUANT TO THE FCC E-911 ORDER.

11 "WIRELESS E-911 STATE PLAN." A DOCUMENT TO BE PREPARED,
12 MAINTAINED AND KEPT CURRENT BY THE PENNSYLVANIA EMERGENCY
13 MANAGEMENT AGENCY PROVIDING FOR ALL ASPECTS OF THE DEVELOPMENT,
14 IMPLEMENTATION, OPERATION AND MAINTENANCE OF A STATEWIDE
15 INTEGRATED WIRELESS E-911 SYSTEM, INCLUDING THE EXCLUSIVE
16 AUTHORITY TO FORMULATE TECHNICAL STANDARDS AND DETERMINE
17 PERMITTED USES OF AND AMOUNTS DISBURSED FROM THE WIRELESS E-911
18 EMERGENCY SERVICES FUND.

19 "WIRELESS E-911 SURCHARGE." A MONTHLY FEE ASSESSED UPON EACH
20 WIRELESS SERVICE CUSTOMER, OTHER THAN A PREPAID WIRELESS SELLER,
21 PROVIDER OR CONSUMER, SUBJECT TO THE PREPAID WIRELESS E-911
22 SURCHARGE UNDER SECTION 5311.4(B.1) (RELATING TO WIRELESS E-911
23 EMERGENCY SERVICES FUND), FOR EACH WIRELESS TWO-WAY
24 COMMUNICATION DEVICE FOR WHICH THAT CUSTOMER IS CHARGED BY A
25 WIRELESS PROVIDER FOR WIRELESS SERVICE.

26 "WIRELESS E-911 SYSTEM." AN E-911 SYSTEM WHICH PERMITS
27 WIRELESS SERVICE CUSTOMERS DIALING 911 TO BE CONNECTED TO A
28 PUBLIC SAFETY ANSWERING POINT FOR THE REPORTING OF POLICE, FIRE,
29 MEDICAL OR OTHER EMERGENCY SITUATIONS.

30 "WIRELESS PROVIDER." A PERSON ENGAGED IN THE BUSINESS OF

1 PROVIDING WIRELESS SERVICE TO END-USE CUSTOMERS IN THIS
2 COMMONWEALTH, INCLUDING RESELLERS.

3 "WIRELESS SERVICE." COMMERCIAL MOBILE RADIO SERVICE AS
4 DEFINED UNDER SECTION 332(D) OF THE COMMUNICATIONS ACT OF 1934
5 (48 STAT. 1604, 47 U.S.C. § 332(D)) WHICH PROVIDES REAL-TIME,
6 TWO-WAY VOICE SERVICE THAT IS INTERCONNECTED WITH THE PUBLIC
7 SWITCHED TELEPHONE NETWORK.

8 "WIRELESS SERVICE CUSTOMER." A PERSON WHO IS BILLED BY A
9 WIRELESS PROVIDER OR WHO RECEIVES PREPAID WIRELESS TELEPHONE
10 SERVICE FROM A WIRELESS PROVIDER FOR WIRELESS SERVICE WITHIN
11 THIS COMMONWEALTH.

12 § 5303. TELECOMMUNICATIONS MANAGEMENT.

13 (A) POWERS AND DUTIES OF AGENCY.--THE AGENCY SHALL HAVE THE
14 FOLLOWING POWERS AND DUTIES:

15 (1) TO ADOPT RULES AND REGULATIONS PURSUANT TO THIS
16 CHAPTER AND PROMULGATE, ADOPT, PUBLISH AND USE GUIDELINES FOR
17 THE IMPLEMENTATION OF THIS CHAPTER. RULES, REGULATIONS AND
18 GUIDELINES PROPOSED UNDER THE AUTHORITY OF THIS SECTION SHALL
19 BE SUBJECT TO REVIEW BY THE GENERAL COUNSEL AND THE ATTORNEY
20 GENERAL IN THE MANNER PROVIDED FOR THE REVIEW OF PROPOSED
21 RULES AND REGULATIONS PURSUANT TO THE ACT OF OCTOBER 15, 1980
22 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT,
23 AND THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE
24 REGULATORY REVIEW ACT.

25 (2) TO ESTABLISH GUIDELINES AND APPLICATION PROCEDURES
26 FOR THE ESTABLISHMENT OF CONTRIBUTION RATES.

27 (3) TO RECEIVE, REVIEW AND APPROVE OR DISAPPROVE ALL 911
28 SYSTEM COUNTY PLANS.

29 (4) TO FORWARD A COPY OF EACH COUNTY PLAN APPLICATION TO
30 THE COUNCIL AND THE COMMISSION FOR THEIR REVIEW AS REQUIRED

1 UNDER THIS CHAPTER.

2 (5) TO SUBMIT AN ANNUAL REPORT NOT LATER THAN MARCH 1 OF
3 EACH YEAR TO THE GOVERNOR AND THE GENERAL ASSEMBLY, WHICH
4 PLAN INCLUDES AT LEAST THE FOLLOWING:

5 (I) THE EXTENT TO WHICH 911 SYSTEMS CURRENTLY EXIST
6 IN THIS COMMONWEALTH.

7 (II) THOSE COUNTIES WHICH HAVE COMPLETED
8 INSTALLATION, AND THE COSTS AND EXPENSES FOR
9 INSTALLATION.

10 (III) AN ANTICIPATED SCHEDULE FOR INSTALLING A 911
11 SYSTEM ON A COUNTY BASIS FOR THAT YEAR.

12 (6) TO ESTABLISH MINIMUM TRAINING AND CERTIFICATION
13 STANDARDS FOR EMERGENCY DISPATCHERS, CALL TAKERS AND
14 SUPERVISORS.

15 (7) TO ESTABLISH TECHNICAL STANDARDS FOR THE COUNTY
16 PLANS.

17 (8) TO ESTABLISH STANDARDS FOR PERFORMANCE REVIEW AND
18 QUALITY ASSURANCE PROGRAMS FOR 911 SYSTEMS TO ENSURE PUBLIC
19 SAFETY AND IMPROVE THE PERFORMANCE OF 911 SYSTEMS.

20 (9) TO ESTABLISH STANDARDS FOR ACCURACY OF 911 DATABASE
21 SYSTEMS.

22 (10) TO ESTABLISH A PROGRAM OF COMMUNICATION BETWEEN THE
23 AGENCY AND COUNTY 911 COORDINATORS FOR THE PURPOSE OF SHARING
24 INFORMATION AMONG COUNTIES AND TO DEVELOP RECOMMENDATIONS TO
25 IMPROVE 911 SYSTEMS THROUGHOUT THIS COMMONWEALTH.

26 (11) TO PRESCRIBE, IN COOPERATION WITH THE COUNCIL AND
27 THE COMMISSION, THE APPLICATIONS AND FORMS NECESSARY TO CARRY
28 OUT THE PROVISIONS OF THIS CHAPTER.

29 (12) TO TAKE THE ACTIONS NECESSARY TO IMPLEMENT,
30 ADMINISTER AND ENFORCE THE PROVISIONS OF THIS CHAPTER.

1 (B) POWERS AND DUTIES OF COUNCIL.--THE COUNCIL SHALL HAVE
2 THE FOLLOWING POWERS AND DUTIES:

3 (1) TO REVIEW ALL COUNTY PLANS, INCLUDING THE INITIAL
4 APPLICATION FORWARDED BY THE AGENCY FOR CONFORMITY TO THE
5 MINIMUM STANDARDS.

6 (2) TO REVIEW COUNTY PLANS TO DETERMINE IF EQUIPMENT
7 CONFORMS TO THE TECHNICAL STANDARDS.

8 (3) TO RECOMMEND APPROVAL OF PLANS OR INDICATE
9 DEFICIENCIES IN PLANS TO THE AGENCY.

10 (C) POWERS AND DUTIES OF COMMISSION.--THE COMMISSION SHALL
11 HAVE THE FOLLOWING POWERS AND DUTIES:

12 (1) REVIEW THE CONTRIBUTION RATE REQUESTED BY THE COUNTY
13 BASED ON THE COSTS OF THE PLAN.

14 (2) APPROVE OR MODIFY THE CONTRIBUTION RATE REQUESTED BY
15 THE COUNTY AND FORWARD ITS DECISION TO THE AGENCY.

16 (D) EXEMPTION.--THE PENNSYLVANIA STATE POLICE
17 TELECOMMUNICATIONS FACILITIES ARE EXEMPT FROM THE
18 TELECOMMUNICATIONS MANAGEMENT OF THE AGENCY, COUNCIL AND THE
19 COMMISSION.

20 § 5304. COUNTIES.

21 (A) POWERS AND DUTIES.--THE BOARD OF COUNTY COMMISSIONERS,
22 OR, IN A HOME RULE COUNTY, THE APPROPRIATE BODY ACCORDING TO THE
23 HOME RULE CHARTER, SHALL HAVE THE FOLLOWING POWERS AND DUTIES IN
24 RELATION TO A 911 SYSTEM AND WIRELESS E-911 SYSTEM:

25 (1) TO DESIGNATE A MEMBER OF COUNTY GOVERNMENT AS THE
26 COUNTY 911 COORDINATOR. THE COUNTY COORDINATOR SHALL SERVE AS
27 A POINT OF CONTACT WITH THE AGENCY AND SHALL DEVELOP A COUNTY
28 PLAN FOR THE IMPLEMENTATION, OPERATION AND MAINTENANCE OF A
29 911 SYSTEM. WHERE TECHNOLOGICALLY FEASIBLE, THE COUNTY PLAN
30 SHALL BE ADEQUATE TO PROVIDE SERVICE FOR THE ENTIRE COUNTY.

1 (2) TO MAKE ARRANGEMENTS WITH EACH TELEPHONE COMPANY
2 PROVIDING LOCAL EXCHANGE TELEPHONE SERVICE WITHIN THE
3 COUNTY'S JURISDICTION TO PROVIDE 911 SERVICE.

4 (3) TO SEND A COPY OF THE PROPOSED COUNTY PLAN TO THE
5 APPROPRIATE TELEPHONE COMPANY UPON SUBMISSION OF THE PLAN TO
6 THE AGENCY.

7 (4) TO COOPERATE WITH THE AGENCY, THE COUNCIL AND THE
8 COMMISSION IN THE PREPARATION AND SUBMISSION OF THE COUNTY
9 PLAN AND CONTRIBUTION RATE.

10 (5) TO EXECUTE ALL CONTRACTS, MUTUAL AID AGREEMENTS,
11 CROSS-SERVICE AGREEMENTS AND ALL OTHER NECESSARY DOCUMENTS
12 WHICH MAY BE REQUIRED IN THE IMPLEMENTATION OF THE COUNTY
13 PLAN.

14 (6) TO OBTAIN ANNUALLY FROM EACH TELEPHONE SERVICE
15 PROVIDER A LIST OF THE PROVIDER'S LOCAL TELEPHONE EXCHANGES
16 WITHIN THE COUNTY AND THE ADDRESSES OF THAT PROVIDER'S
17 CENTRAL OFFICES SERVING THOSE EXCHANGES. WITHOUT EXCEPTION,
18 THE SERVICE PROVIDER SHALL PROVIDE THE LIST TO THE BOARD.

19 (7) TO NOTIFY THE AGENCY AND ALL ADJACENT COUNTIES OF
20 THE LOCAL TELEPHONE EXCHANGES WHICH PROVIDE TELEPHONE SERVICE
21 TO RESIDENTS WITHIN THE COUNTY, SPECIFICALLY NOTING EXCHANGES
22 KNOWN TO PROVIDE TELEPHONE SERVICE TO RESIDENTS OF MORE THAN
23 ONE COUNTY. NOTICE SHALL BE PROVIDED AT THE TIME THE COUNTY
24 PLAN IS SUBMITTED TO THE AGENCY AND WHEN LOCAL TELEPHONE
25 SERVICE IS NEWLY INITIATED FOR LOCAL TELEPHONE EXCHANGE
26 WITHIN THE COUNTY.

27 (8) TO COOPERATE WITH THE PENNSYLVANIA STATE POLICE.
28 SUBJECT TO SUBPARAGRAPHS (I) THROUGH (III), A COUNTY THAT
29 UTILIZES ANI/ALI DATABASE SERVICES SHALL, UPON REQUEST OF THE
30 COMMISSIONER OF THE PENNSYLVANIA STATE POLICE OR THE DESIGNEE

1 OF THE COMMISSIONER, PROVIDE AUTHORITY TO ACCESS ALL ANI/ALI
2 DATABASE INFORMATION RELATING TO 911 CALLS FOR EMERGENCY
3 SERVICES, WHETHER THE DATABASE IS HELD BY THE COUNTY OR BY A
4 COMMERCIAL ENTITY.

5 (I) IN ORDER TO ENSURE THAT NO COUNTY OR PSAP
6 EXPERIENCES DEGRADATION OF SERVICE OR ADDITIONAL COSTS AS
7 A RESULT OF COMPLYING WITH THIS SUBSECTION:

8 (A) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE,
9 AT ITS COST, ANY EQUIPMENT, COMPUTER SOFTWARE OR
10 TELECOMMUNICATIONS EQUIPMENT OR SERVICES, EXCLUSIVE
11 OF RECURRING PERSONNEL COSTS FOR COUNTY PERSONNEL,
12 THAT ARE NECESSARY TO ENABLE ITS ACCESS TO ANY
13 ANI/ALI DATABASE INFORMATION; AND

14 (B) ALL MEANS OF ACCESS MUST BE APPROVED BY THE
15 COUNTY, PSAP AND THE PENNSYLVANIA STATE POLICE BEFORE
16 THE COUNTY IS REQUIRED TO AUTHORIZE OR PROVIDE THE
17 ACCESS. IN THE EVENT OF A DISPUTE BETWEEN THE
18 PENNSYLVANIA STATE POLICE AND A COUNTY OR PSAP
19 REGARDING APPROVAL BY THE COUNTY AND PSAP, THE
20 DISPUTE SHALL BE MEDIATED BY THE OFFICE OF
21 INFORMATION TECHNOLOGY OF THE COMMONWEALTH'S OFFICE
22 OF ADMINISTRATION. THE OFFICE OF INFORMATION
23 TECHNOLOGY MAY BRING IN A COMMONWEALTH MEDIATOR FROM
24 THE OFFICE OF GENERAL COUNSEL TO PROVIDE ASSISTANCE
25 IN RESOLVING THE DISPUTE.

26 (II) THE ANI/ALI DATABASE INFORMATION TO WHICH
27 ACCESS IS AUTHORIZED OR ENABLED UNDER THIS PARAGRAPH OR
28 SECTION 5304.1(A)(3) (RELATING TO PENNSYLVANIA STATE
29 POLICE) SHALL BE USED ONLY IN PROVIDING EMERGENCY
30 RESPONSE SERVICES TO A 911 CALL. A PERSON WHO USES OR

1 DISCLOSES THE ANI/ALI DATABASE INFORMATION UNDER THIS
2 SUBPARAGRAPH FOR ANY OTHER PURPOSE COMMITS A MISDEMEANOR
3 OF THE THIRD DEGREE.

4 (III) NOTHING CONTAINED IN THIS PARAGRAPH SHALL BE
5 CONSTRUED TO IMPOSE ON WIRELESS PROVIDERS ANY OBLIGATIONS
6 BEYOND THOSE CREATED BY APPLICABLE FEDERAL COMMUNICATIONS
7 COMMISSION ORDERS AND REGULATIONS. PUBLIC AGENCIES,
8 COUNTIES, PSAPS AND WIRELESS PROVIDERS SHALL NOT BE
9 LIABLE TO ANY PERSON FOR ERRORS IN ANY OF THE ANI/ALI
10 DATABASE INFORMATION WHICH MAY BE ACCESSED BY OR PROVIDED
11 TO THE PENNSYLVANIA STATE POLICE UNDER THIS PARAGRAPH.

12 (9) TO COMPLY WITH REPORTING REQUIREMENTS ESTABLISHED BY
13 THE AGENCY.

14 (B) PERSONS OUTSIDE COUNTY.--WHEN AN INDIVIDUAL PHYSICALLY
15 RESIDES IN AN ADJACENT COUNTY BUT RECEIVES LOCAL EXCHANGE
16 TELEPHONE SERVICE FROM A CENTRAL OFFICE IN A COUNTY WHICH
17 PROVIDES 911 SERVICE, IT SHALL BE THE RESPONSIBILITY OF THE
18 COUNTY WITH THE 911 SERVICE TO NOTIFY THE APPROPRIATE PUBLIC
19 AGENCY OF A REQUEST FOR EMERGENCY SERVICE FROM THE INDIVIDUAL.

20 (C) CITIES OF SECOND CLASS, SECOND CLASS A AND THIRD
21 CLASS.--A CITY OF THE SECOND CLASS, SECOND CLASS A OR THIRD
22 CLASS THAT HAS ESTABLISHED A 911 SYSTEM PRIOR TO SEPTEMBER 4,
23 1990, MAY EXERCISE THE POWERS AND DUTIES OF COUNTIES UNDER THIS
24 CHAPTER. A CITY OF THE SECOND CLASS, SECOND CLASS A OR THIRD
25 CLASS THAT HAS NOT ESTABLISHED A 911 SYSTEM PRIOR TO SEPTEMBER
26 4, 1990, MAY EXERCISE THE POWERS AND DUTIES OF COUNTIES UNDER
27 THIS CHAPTER ONLY WHEN THE COUNTY HAS CHOSEN NOT TO EXERCISE
28 THOSE POWERS AND DUTIES. THE POWERS AND DUTIES GRANTED TO CITIES
29 UNDER THIS SECTION SHALL BE APPLICABLE AND MAY BE EXERCISED ONLY
30 WITHIN THE BOUNDARIES OF THE CITY. NO ACTION BY A CITY UNDER

1 THIS SECTION SHALL PREEMPT THE POWERS AND DUTIES OF A COUNTY TO
2 ESTABLISH A 911 SYSTEM OUTSIDE THE BOUNDARIES OF THE CITY AT ANY
3 TIME. THE AGENCY MAY ESTABLISH REGULATIONS GOVERNING THE
4 EXERCISE OF POWERS AND DUTIES GRANTED TO CITIES OF THE SECOND
5 CLASS, SECOND CLASS A AND THIRD CLASS BY THIS SECTION.

6 § 5304.1. PENNSYLVANIA STATE POLICE.

7 (A) POWERS AND DUTIES.--THE COMMISSIONER OF THE PENNSYLVANIA
8 STATE POLICE, OR THE DESIGNEE OF THE COMMISSIONER, SHALL HAVE
9 THE FOLLOWING POWERS AND DUTIES IN RELATION TO A PENNSYLVANIA
10 STATE POLICE TELECOMMUNICATIONS FACILITY:

11 (1) TO DESIGNATE, WITH SPECIFICITY, WHICH PENNSYLVANIA
12 STATE POLICE FACILITIES SHALL BE CONSIDERED PENNSYLVANIA
13 STATE POLICE TELECOMMUNICATIONS FACILITIES UNDER THIS
14 CHAPTER.

15 (2) TO DESIGNATE A COMMANDER OF A PENNSYLVANIA STATE
16 POLICE TELECOMMUNICATIONS FACILITY, WHO SHALL SERVE AS THE
17 POINT OF CONTACT WITH THE AGENCY AND THE COUNTIES AND SHALL
18 OVERSEE THE IMPLEMENTATION, OPERATION AND MAINTENANCE OF A
19 PENNSYLVANIA STATE POLICE TELECOMMUNICATIONS FACILITY. A
20 PENNSYLVANIA STATE POLICE FACILITY SHALL, WHERE
21 TECHNOLOGICALLY FEASIBLE, BE ADEQUATE TO PROVIDE SERVICE TO
22 THE DESIGNATED AREA OF COVERAGE.

23 (3) TO REQUEST AUTHORITY TO ACCESS ANI/ALI DATABASE
24 INFORMATION RELATING TO 911 CALLS FOR EMERGENCY SERVICES FROM
25 THE COUNTIES AND PSAPS WITHIN THE DESIGNATED AREA OF COVERAGE
26 OF A PENNSYLVANIA STATE POLICE TELECOMMUNICATIONS FACILITY.
27 NO COUNTY OR PSAP SHALL BE REQUIRED TO COMPLY WITH SUCH A
28 REQUEST UNLESS IT IS MADE BY THE COMMISSIONER OF THE
29 PENNSYLVANIA STATE POLICE OR THE DESIGNEE OF THE COMMISSIONER
30 UNDER SECTION 5304(A) (8) (RELATING TO COUNTIES).

1 (4) TO PROVIDE TRAINING AND CERTIFICATION FOR ALL CALL
2 TAKERS/DISPATCHERS AND CALL TAKER/DISPATCHER SUPERVISORS THAT
3 MEET OR EXCEED THE TRAINING AND CERTIFICATION STANDARDS THAT
4 ARE PROVIDED FOR IN 4 PA. CODE CH. 120C (RELATING TO TRAINING
5 AND CERTIFICATION STANDARDS FOR 911 EMERGENCY COMMUNICATIONS
6 PERSONNEL) OR ANY SUCCESSOR STANDARD.

7 (B) INELIGIBLE REIMBURSEMENT.--THE PENNSYLVANIA STATE POLICE
8 IS NOT ELIGIBLE TO RECEIVE REIMBURSEMENT FROM THE MONEY
9 COLLECTED FROM THE CONTRIBUTION RATE OR WIRELESS E-911
10 SURCHARGE, NOR MAY THE PENNSYLVANIA STATE POLICE IMPOSE A
11 MONTHLY CONTRIBUTION RATE UPON THE TELEPHONE SUBSCRIBERS ON THE
12 LOCAL EXCHANGE ACCESS LINE OR ANY WIRELESS E-911-RELATED
13 SURCHARGE UPON WIRELESS SERVICE CUSTOMERS.
14 \$ 5305. COUNTY PLAN.

15 (A) MINIMUM STANDARDS.--UPON THE AGREEMENT OF THE GOVERNING
16 BODY OF A COUNTY TO ESTABLISH A 911 SYSTEM, A PLAN SHALL BE
17 DRAFTED MEETING AT LEAST THE STANDARDS PROMULGATED BY THE
18 AGENCY. THE COUNTY MAY OBTAIN TECHNICAL ASSISTANCE FROM THE
19 AGENCY IN FORMULATING ITS PLAN. EACH 911 PLAN SHALL BE DESIGNED
20 TO MEET THE INDIVIDUAL CIRCUMSTANCES OF EACH COMMUNITY AND THE
21 PUBLIC AGENCIES PARTICIPATING IN THE 911 SYSTEM.

22 (B) COMPLETION.--UPON COMPLETION OF THE PLAN, THE COUNTY
23 SHALL FORWARD IT TO THE AGENCY, WITH A COPY OF THE PLAN BEING
24 SENT TO THOSE TELEPHONE COMPANIES AFFECTED BY THE PLAN. WHEN THE
25 PLAN IS SUBMITTED TO THE AGENCY, THE COUNTY SHALL ALSO PROVIDE
26 EACH ADJACENT COUNTY WITH A LIST OF LOCAL TELEPHONE EXCHANGES
27 INCLUDED IN THE PLAN, SPECIFICALLY NOTING EXCHANGES KNOWN TO
28 PROVIDE TELEPHONE SERVICE TO RESIDENTS OF MORE THAN ONE COUNTY.

29 (C) AGENCY REVIEW.--

30 (1) THE AGENCY SHALL REVIEW EACH COUNTY PLAN FOR

1 COMPLETENESS AND SHALL FORWARD A COPY OF THE COUNTY PLAN AND
2 THE PROPOSED CONTRIBUTION RATE TO THE COUNCIL AND THE
3 COMMISSION FOR REVIEW AS REQUIRED BY THIS SECTION.

4 (2) AFTER THE COUNTY PLAN HAS BEEN REVIEWED BY THE
5 COUNCIL AND THE COMMISSION, THE AGENCY SHALL APPROVE OR
6 REJECT A COUNTY PLAN BASED ON THE RECOMMENDATIONS OF THE
7 COUNCIL AND THE COMMISSION.

8 (3) IF THE COUNTY PLAN IS REJECTED, THE AGENCY SHALL
9 RETURN THE COUNTY PLAN AND EXPLAIN THE DEFICIENCIES THAT
10 CAUSED THE REJECTION.

11 (D) COUNCIL REVIEW.--THE COUNCIL SHALL HAVE 90 DAYS TO
12 REVIEW THE PLAN AND MAKE SUGGESTED REVISIONS TO THE PLAN. THE
13 AGENCY MAY ACT AS AGENT FOR THE COUNCIL IN THE ADMINISTRATION OF
14 THE PLAN APPROVAL PROCESS.

15 (E) COMMISSION REVIEW.--

16 (1) THE COMMISSION SHALL REVIEW THE COUNTY PLAN ONLY IN
17 RELATION TO THE CONTRIBUTION RATE AND MAY MODIFY ONLY THOSE
18 CONTRIBUTION RATES WHICH IT FINDS EXCESSIVE TO MEET THE COSTS
19 STATED IN THE PLAN. THE RATES SHALL BE REVIEWED AND A
20 DECISION FORWARDED TO THE AGENCY WITHIN 90 DAYS OF THE DATE
21 OF SUBMISSION.

22 (2) IF THE COMMISSION FAILS TO REVIEW THE CONTRIBUTION
23 RATE WITHIN 90 DAYS, THE CONTRIBUTION RATE WILL BE DEEMED
24 APPROVED BY THE COMMISSION.

25 (F) PRESENT SYSTEMS.--

26 (1) A COUNTY WHICH HAS A PRESENT 911 SYSTEM MAY
27 ESTABLISH A CONTRIBUTION RATE TO COVER NONRECURRING AND
28 OPERATING COSTS OF AN EXISTING 911 SYSTEM BY USING THE SAME
29 CONTRIBUTION RATE APPROVAL MECHANISM AS A NEW 911 SYSTEM FOR
30 THE PURPOSES OF THIS CHAPTER.

1 (2) A COUNTY WHICH DID NOT HAVE A 911 SYSTEM IN
2 OPERATION ON SEPTEMBER 4, 1990, BUT WHICH AWARDED A CONTRACT
3 FOR A 911 SYSTEM PRIOR TO SEPTEMBER 4, 1990, SHALL BE
4 CONSIDERED TO HAVE A PRESENT SYSTEM.

5 (G) REGIONAL SYSTEMS.--NOTHING IN THIS CHAPTER SHALL BE
6 CONSTRUED TO PROHIBIT THE FORMATION OF MULTIJURISDICTIONAL OR
7 REGIONAL 911 SYSTEMS, AND ANY REGIONAL SYSTEM ESTABLISHED UNDER
8 THIS CHAPTER SHALL INCLUDE THE TERRITORY OF TWO OR MORE
9 COUNTIES.

10 (G.1) CONTRIBUTION RATE.--

11 (1) COUNTIES OF THE FIRST THROUGH SECOND CLASS A MAY
12 IMPOSE A MONTHLY CONTRIBUTION RATE IN AN AMOUNT NOT TO EXCEED
13 \$1 PER LINE ON EACH LOCAL EXCHANGE ACCESS LINE. COUNTIES OF
14 THE THIRD THROUGH FIFTH CLASS MAY IMPOSE MONTHLY CONTRIBUTION
15 RATES IN AN AMOUNT NOT TO EXCEED \$1.25 PER LINE ON EACH LOCAL
16 EXCHANGE ACCESS LINE. COUNTIES OF THE SIXTH THROUGH EIGHTH
17 CLASS MAY IMPOSE A MONTHLY CONTRIBUTION RATE IN AN AMOUNT NOT
18 TO EXCEED \$1.50 PER LINE ON EACH LOCAL EXCHANGE ACCESS LINE.

19 (2) THE FOLLOWING SHALL APPLY:

20 (I) THE CONTRIBUTION RATE MAY BE USED BY COUNTIES
21 FOR THE EXPENSES OF IMPLEMENTING, EXPANDING OR UPGRADING
22 A 911 SYSTEM.

23 (II) EXPENSES ELIGIBLE FOR REIMBURSEMENT THROUGH THE
24 CONTRIBUTION RATE SHALL INCLUDE TELEPHONE TERMINAL
25 EQUIPMENT, TRUNK LINE SERVICE INSTALLATION, NETWORK
26 CHANGES, BUILDING OF INITIAL DATABASE AND ANY OTHER
27 NONRECURRING COSTS TO ESTABLISH A 911 SYSTEM. THE
28 CONTRIBUTION RATE MAY ALSO BE USED TO FUND RECURRING
29 COSTS UNDER SECTION 5308(B) (RELATING TO EXPENDITURES FOR
30 NONRECURRING COSTS, TRAINING, MOBILE COMMUNICATIONS

1 EQUIPMENT, MAINTENANCE AND OPERATION OF 911 SYSTEMS).

2 (III) EXPENSES NOT ELIGIBLE FOR REIMBURSEMENT
3 THROUGH THE CONTRIBUTION RATE SHALL INCLUDE PURCHASE OF
4 REAL ESTATE, COSMETIC REMODELING, CENTRAL OFFICE
5 UPGRADES, HIRING OF DISPATCHERS, AMBULANCES, FIRE ENGINES
6 OR OTHER EMERGENCY VEHICLES, UTILITIES, TAXES AND OTHER
7 EXPENSES AS DETERMINED BY THE PENNSYLVANIA EMERGENCY
8 MANAGEMENT AGENCY.

9 (H) CONTRIBUTION RATE CHANGES.--

10 (1) ONCE A PLAN AND CONTRIBUTION RATE HAVE BEEN
11 ESTABLISHED, THE CONTRIBUTION RATE SHALL REMAIN FIXED FOR A
12 PERIOD OF AT LEAST THREE YEARS. UPDATING AND EXPANDING THE
13 PRESENT SYSTEM SHALL REQUIRE AN AMENDED PLAN TO BE FILED WITH
14 THE AGENCY. THE CONTRIBUTION RATE SHALL REMAIN FIXED FOR
15 THREE YEARS EVEN IF THE PRESENT SYSTEM IS UPDATED AND
16 EXPANDED.

17 (2) A REQUEST FOR A CONTRIBUTION RATE CHANGE MUST BE
18 SUBMITTED TO THE AGENCY, AND THE AGENCY SHALL FORWARD THE
19 REQUEST TO THE COMMISSION FOR APPROVAL AS PROVIDED UNDER
20 SUBSECTION (E).

21 (3) A CONTRIBUTION RATE INCREASE SHALL NOT BE PERMITTED
22 MORE OFTEN THAN EVERY THREE YEARS AND SHALL NOT TAKE EFFECT
23 UNLESS APPROVED BY THE COMMISSION.

24 (I) ASSESSMENT.--

25 (1) THE MONEY COLLECTED FROM THE TELEPHONE CONTRIBUTION
26 RATE SHALL BE UTILIZED FOR PAYMENTS OF NONRECURRING AND
27 RECURRING COSTS OF A 911 SYSTEM.

28 (2) THE CONTRIBUTION RATE MAY BE IMPOSED AT ANY TIME
29 SUBSEQUENT TO THE EXECUTION OF A CONTRACT WITH THE PROVIDER
30 OF A 911 SERVICE AT THE DISCRETION OF THE GOVERNING BODY OF

1 THE COUNTY AND PURSUANT TO APPROVAL OF THE COUNTY PLAN AND
2 CONTRIBUTION RATE UNDER THE PROVISIONS OF THIS SECTION.

3 (3) THE MONEY COLLECTED FROM THE CONTRIBUTION RATE:

4 (I) IS A COUNTY FEE COLLECTED BY THE TELEPHONE
5 COMPANY.

6 (II) SHALL NOT SUBJECT BE TO TAXES OR CHARGES LEVIED
7 ON OR BY THE TELEPHONE COMPANY.

8 (III) SHALL NOT BE CONSIDERED REVENUE OF THE
9 TELEPHONE COMPANY FOR ANY PURPOSE.

10 § 5306. SPECIAL PUBLIC MEETING.

11 (A) PUBLIC COMMENT.--BEFORE A COUNTY MAY ESTABLISH A
12 CONTRIBUTION RATE FOR NONRECURRING AND RECURRING COSTS UNDER
13 THIS CHAPTER, IT MUST OBTAIN PUBLIC COMMENT FROM THE RESIDENTS
14 OF THE COUNTY.

15 (B) REQUIREMENTS.--THE PROPOSED CONTRIBUTION RATE SHALL BE
16 FIXED BY THE GOVERNING BODY OF THE COUNTY IN THE FOLLOWING
17 MANNER:

18 (1) THE GOVERNING BODY SHALL CAUSE NOTICE OF INTENTION
19 TO FIX THE CONTRIBUTION RATE AT A SPECIAL PUBLIC MEETING ON A
20 DATE CERTAIN TO BE PUBLISHED IN A NEWSPAPER OF GENERAL
21 CIRCULATION AT LEAST TEN DAYS IN ADVANCE OF THE SPECIAL
22 PUBLIC MEETING. THE NOTICE SHALL INCLUDE THE PRECISE AMOUNT
23 OF THE PROPOSED MONTHLY CONTRIBUTION RATE.

24 (2) THE SPECIAL PUBLIC MEETING SHALL BE HELD DURING THE
25 HOURS OF 6 P.M. TO 9 P.M., PREVAILING TIME, SO AS TO AFFORD
26 THE PUBLIC THE GREATEST OPPORTUNITY TO ATTEND.

27 (3) THE SPECIAL MEETING SHALL BE HELD IN A CENTRALLY
28 LOCATED AREA OF THE COUNTY.

29 § 5307. COLLECTION AND DISBURSEMENT OF CONTRIBUTION.

30 (A) SUBSCRIBERS' CONTRIBUTION.--

1 (1) EACH SERVICE SUPPLIER THAT PROVIDES LOCAL EXCHANGE
2 TELEPHONE SERVICE WITHIN THE COUNTY SHALL COLLECT THE
3 CONTRIBUTION FROM EACH SUBSCRIBER AND FORWARD THE COLLECTION
4 QUARTERLY LESS THE ACTUAL UNCOLLECTIBLES EXPERIENCED BY THE
5 LOCAL EXCHANGE TELEPHONE COMPANIES TO THE COUNTY TREASURER
6 OR, IN A HOME RULE COUNTY, THE COUNTY OFFICIAL RESPONSIBLE
7 FOR THE COLLECTION AND DISBURSEMENT OF FUNDS.

8 (2) THE AMOUNT OF THE SUBSCRIBERS' CONTRIBUTION SHALL BE
9 STATED SEPARATELY IN THE TELEPHONE SUBSCRIBERS' BILLING.

10 (3) EACH SERVICE SUPPLIER SHALL RETAIN THE FAIR AND
11 REASONABLE COST TO ESTABLISH THE 911 CONTRIBUTION RATE
12 BILLING SYSTEM AND AN AMOUNT NOT TO EXCEED 2% OF THE GROSS
13 RECEIPTS COLLECTED TO COVER ACTUAL ADMINISTRATIVE COSTS.

14 (B) SUBSCRIBERS' CONTRIBUTION FOR MULTIPLE LINE SYSTEMS.--IN
15 THE CASE OF CENTREX OR SIMILAR MULTIPLE LINE SYSTEM SUBSCRIBERS,
16 EXCEPT PBX SUBSCRIBERS, THE FOLLOWING MULTIPLIERS SHALL BE
17 APPLIED TO DETERMINE THE CONTRIBUTION RATE OF EACH SUBSCRIBER:

18 (1) FOR THE FIRST 25 LINES, EACH LINE SHALL BE BILLED AT
19 THE APPROVED CONTRIBUTION RATE.

20 (2) FOR LINES 26 THROUGH 100, EACH LINE SHALL BE BILLED
21 AT 75% OF THE APPROVED CONTRIBUTION RATE.

22 (3) FOR LINES 101 THROUGH 250, EACH LINE SHALL BE BILLED
23 AT 50% OF THE APPROVED CONTRIBUTION RATE.

24 (4) FOR LINES 251 THROUGH 500, EACH LINE SHALL BE BILLED
25 AT 20% OF THE APPROVED CONTRIBUTION RATE.

26 (5) FOR LINES 501 OR MORE, EACH LINE SHALL BE BILLED AT
27 17.2% OF THE APPROVED CONTRIBUTION RATE.

28 (C) RESTRICTED ACCOUNT.--

29 (1) THE COUNTY TREASURER OR, IN A HOME RULE COUNTY, THE
30 COUNTY OFFICIAL RESPONSIBLE FOR THE COLLECTION AND

1 DISBURSEMENT OF FUNDS SHALL DEPOSIT THE MONEY RECEIVED IN AN
2 INTEREST-BEARING RESTRICTED ACCOUNT USED SOLELY FOR THE
3 PURPOSE OF NONRECURRING AND RECURRING CHARGES BILLED FOR THE
4 911 SYSTEM AND FOR THE PURPOSE OF MAKING PAYMENTS UNDER
5 SUBSECTION (D).

6 (2) THE GOVERNING BODY OF THE COUNTY SHALL MAKE AN
7 ANNUAL APPROPRIATION FROM THE ACCOUNT FOR THE 911 SYSTEM,
8 SUBJECT TO THE PROVISIONS OF SUBSECTION (D), AND MAY RETAIN
9 UP TO 1% OF THE GROSS RECEIPTS COLLECTED TO COVER
10 ADMINISTRATIVE COSTS.

11 (3) IF THE 911 SYSTEM IS DISCONTINUED OR A COUNTY FAILS
12 TO IMPLEMENT A 911 SYSTEM WITHIN THREE YEARS FROM THE
13 IMPOSITION OF A MONTHLY CONTRIBUTION RATE, ANY MONEY
14 REMAINING IN THE RESTRICTED ACCOUNT AFTER ALL PAYMENTS TO THE
15 911 SERVICE SUPPLIER HAVE BEEN MADE SHALL BE TRANSFERRED TO
16 THE GENERAL FUND OF THE COUNTY OR PROPORTIONATELY TO THE
17 GENERAL FUNDS OF EACH PARTICIPATING PUBLIC AGENCY.

18 (D) REIMBURSEMENT TO MUNICIPALITIES.--THE COUNTY TREASURER
19 OR, IN A HOME RULE COUNTY, THE COUNTY OFFICIAL RESPONSIBLE FOR
20 THE COLLECTION AND DISBURSEMENT OF FUNDS SHALL, ON A QUARTERLY
21 BASIS, PAY FROM FUNDS OF THE RESTRICTED ACCOUNT TO A
22 MUNICIPALITY WHICH OPERATES A 911 SYSTEM A SUM OF MONEY NOT LESS
23 THAN THAT CONTRIBUTED BY THE TELEPHONE SUBSCRIBERS OF THAT
24 MUNICIPALITY TO THE COUNTY 911 SYSTEM, LESS THE APPLICABLE
25 SERVICE SUPPLIER ADMINISTRATIVE COST PROVIDED BY SUBSECTION (A)
26 AND THE APPLICABLE COUNTY ADMINISTRATIVE COST PROVIDED BY
27 SUBSECTION (C).

28 (E) COLLECTION ENFORCEMENT.--

29 (1) THE LOCAL EXCHANGE TELEPHONE COMPANY SHALL NOT BE
30 REQUIRED TO TAKE ANY LEGAL ACTION TO ENFORCE THE COLLECTION

1 OF ANY CHARGE IMPOSED UNDER THIS CHAPTER. ACTION MAY BE
2 BROUGHT BY OR ON BEHALF OF THE PUBLIC AGENCY IMPOSING THE
3 CHARGE.

4 (2) THE LOCAL EXCHANGE TELEPHONE COMPANY SHALL ANNUALLY
5 PROVIDE, UPON REQUEST OF THE GOVERNING BODY OF THE COUNTY, A
6 LIST OF THE NAMES AND ADDRESSES OF THOSE SERVICE USERS WHICH
7 CARRY A BALANCE THAT CAN BE DETERMINED BY THE TELEPHONE
8 COMPANY TO BE THE NONPAYMENT OF ANY CHARGE IMPOSED UNDER THIS
9 CHAPTER.

10 (3) THE LOCAL EXCHANGE TELEPHONE COMPANY SHALL NOT BE
11 LIABLE FOR UNCOLLECTIBLE AMOUNTS.

12 (F) PROHIBITION AGAINST RELEASE OF INFORMATION.--NEITHER THE
13 COUNTY TREASURER, THE AGENCY, NOR ANY EMPLOYEE, AGENT OR
14 REPRESENTATIVE OF A PSAP OR PUBLIC AGENCY SHALL DIVULGE ANY
15 INFORMATION ACQUIRED WITH RESPECT TO ANY WIRELINE TELEPHONE
16 SERVICE PROVIDER, ITS CUSTOMERS, REVENUES OR EXPENSES, TRADE
17 SECRETS, ACCESS LINE COUNTS, COMMERCIAL INFORMATION AND OTHER
18 PROPRIETARY INFORMATION WHILE ACTING OR CLAIMING TO ACT AS THE
19 EMPLOYEE, AGENT OR REPRESENTATIVE, AND ALL INFORMATION SHALL BE
20 KEPT CONFIDENTIAL EXCEPT THAT AGGREGATIONS OF INFORMATION WHICH
21 DO NOT IDENTIFY OR EFFECTIVELY IDENTIFY NUMBERS OF CUSTOMERS,
22 REVENUES OR EXPENSES, TRADE SECRETS, ACCESS LINES, COMMERCIAL
23 INFORMATION AND OTHER PROPRIETARY INFORMATION ATTRIBUTABLE TO
24 ANY INDIVIDUAL WIRELINE TELEPHONE SERVICE PROVIDER MAY BE MADE
25 PUBLIC.

26 § 5308. EXPENDITURES FOR NONRECURRING COSTS, TRAINING, MOBILE
27 COMMUNICATIONS EQUIPMENT, MAINTENANCE AND OPERATION
28 OF 911 SYSTEMS.

29 (A) EXPENDITURES AUTHORIZED.--DURING A COUNTY'S FISCAL YEAR,
30 THE COUNTY MAY EXPEND THE AMOUNTS DISTRIBUTED TO IT FROM THE

1 CONTRIBUTION RATE FOR THE NONRECURRING COSTS, TRAINING, COSTS
2 FOR MOBILE COMMUNICATIONS EQUIPMENT, MAINTENANCE AND OPERATION
3 OF A COUNTY 911 SYSTEM.

4 (B) ITEMS INCLUDED IN NONRECURRING COSTS, TRAINING, MOBILE
5 COMMUNICATIONS EQUIPMENT, MAINTENANCE AND OPERATION COSTS.--

6 (1) MAINTENANCE AND OPERATION COSTS MAY INCLUDE
7 TELEPHONE COMPANY CHARGES, EQUIPMENT COSTS OR EQUIPMENT LEASE
8 CHARGES, REPAIRS, UTILITIES, DEVELOPMENT AND MAINTENANCE OF A
9 MASTER STREET ADDRESS GUIDE, ERECTION OF STREET SIGNS ON
10 STATE AND LOCAL HIGHWAYS, DATABASE MAINTENANCE COSTS,
11 PERSONNEL TRAINING, SALARY AND BENEFIT COSTS WHICH ARE
12 DIRECTLY RELATED TO THE PROVISION OF 911 SERVICES AND COSTS
13 FOR MOBILE COMMUNICATIONS EQUIPMENT, AUDIT COSTS AND
14 APPROPRIATE CARRYOVER COSTS FROM PREVIOUS YEARS.

15 (2) MAINTENANCE AND OPERATION COSTS SHALL NOT INCLUDE
16 ANY COST NECESSARY TO HOUSE THE 911 SYSTEM.

17 (3) NO MORE THAN 70% OF THE CONTRIBUTION RATE COLLECTED
18 DURING A COUNTY'S FISCAL YEAR MAY BE UTILIZED TO FUND
19 PERSONNEL TRAINING, SALARY AND BENEFIT COSTS.

20 (C) LIMITATIONS ON EXPENDITURES.--

21 (1) THE AGENCY SHALL ADOPT PROCEDURES TO ASSURE THAT THE
22 TOTAL AMOUNT COLLECTED FROM THE 911 CONTRIBUTION RATE SHALL
23 BE EXPENDED ONLY FOR THE NONRECURRING COSTS, COSTS FOR MOBILE
24 COMMUNICATIONS EQUIPMENT, MAINTENANCE AND OPERATION OF A
25 COUNTY 911 SYSTEM.

26 (2) NONRECURRING COSTS SHALL BE AMORTIZED OVER A MINIMUM
27 OF THREE YEARS.

28 (D) TRIENNIAL FINANCIAL AUDIT.--

29 (1) THE AGENCY SHALL REQUIRE A TRIENNIAL AUDIT OF EACH
30 COUNTY'S COLLECTION AND DISBURSEMENT OF CONTRIBUTION RATE

1 FUNDS AND EXPENDITURES FOR THE NONRECURRING COSTS, TRAINING,
2 COSTS FOR MOBILE COMMUNICATIONS EQUIPMENT, MAINTENANCE AND
3 OPERATION OF 911 SYSTEMS.

4 (2) THE TRIENNIAL AUDIT COST SHALL BE PAID BY THE
5 RESPECTIVE COUNTY FROM CONTRIBUTION RATE REVENUES AND SHALL
6 BE CONDUCTED CONSISTENT WITH GUIDELINES ESTABLISHED BY THE
7 AGENCY.

8 (E) PUBLIC EDUCATION.--A COUNTY MAY USE MONEY RECEIVED FROM
9 THE IMPOSITION OF THE CONTRIBUTION RATE TO EDUCATE THE PUBLIC ON
10 THE 911 SYSTEM. THE EDUCATION MAY INCLUDE, BUT IS NOT LIMITED
11 TO, CONFIRMING WITH ALL RESIDENTS OF THE COUNTY THEIR ACTUAL
12 STREET ADDRESSES.

13 § 5309. TELEPHONE RECORDS.

14 (A) ACCESS.--A TELEPHONE SERVICE SUPPLIER SHALL PROVIDE
15 CUSTOMER TELEPHONE NUMBERS, NAMES AND SERVICE ADDRESSES TO PSAPS
16 WHEN REQUESTED BY THEM FOR USE IN RESPONDING TO 911 CALLS AND,
17 WHEN REQUIRED, TO PROVIDERS OF EMERGENCY NOTIFICATION SERVICES
18 AND EMERGENCY SUPPORT SERVICES, SOLELY FOR THE PURPOSES OF
19 DELIVERING OR ASSISTING IN THE DELIVERY OF EMERGENCY
20 NOTIFICATION SERVICES AND EMERGENCY SUPPORT SERVICES. A WIRELESS
21 PROVIDER SHALL PROVIDE THE TELEPHONE NUMBER AND GEOGRAPHICAL
22 LOCATION OF THE WIRELESS DEVICE, AS REQUIRED UNDER THE FCC E-911
23 ORDER, TO PSAPS WHEN REQUESTED BY THEM FOR USE IN RESPONDING TO
24 911 CALLS. CUSTOMER TELEPHONE NUMBERS, NAMES AND SERVICE
25 ADDRESSES, AND TELEPHONE NUMBERS AND GEOGRAPHICAL LOCATIONS OF
26 WIRELESS DEVICES, SHALL REMAIN THE PROPERTY OF THE DISCLOSING
27 SERVICE SUPPLIER. THE TOTAL COST OF THE 911 SYSTEM OR WIRELESS
28 E-911 SYSTEM SHALL INCLUDE EXPENSES TO REIMBURSE TELEPHONE
29 SERVICE SUPPLIERS FOR PROVIDING AND MAINTAINING 911 INFORMATION.
30 A TELEPHONE SERVICE SUPPLIER SHALL NOT BE REIMBURSED DIRECTLY

1 FROM THE FUND FOR PROVIDING AND MAINTAINING 911 INFORMATION.
2 THIS INFORMATION SHALL BE USED ONLY IN PROVIDING EMERGENCY
3 RESPONSE SERVICES TO A 911 CALL OR FOR PURPOSES OF DELIVERING OR
4 ASSISTING IN THE DELIVERY OF EMERGENCY NOTIFICATION SERVICES OR
5 EMERGENCY SUPPORT SERVICES, EXCEPT AS PROVIDED IN SUBSECTION
6 (C). A PERSON WHO USES OR DISCLOSES ANI/ALI DATABASE INFORMATION
7 FOR PURPOSES OTHER THAN PROVIDING EMERGENCY RESPONSE SERVICES TO
8 A 911 CALL, DELIVERING OR ASSISTING IN THE DELIVERY OF EMERGENCY
9 NOTIFICATION SERVICES OR EMERGENCY SUPPORT SERVICES OR OTHER
10 THAN AS PROVIDED IN SUBSECTION (C) COMMITS A MISDEMEANOR OF THE
11 THIRD DEGREE.

12 (B) PRIVACY WAIVED.--PRIVATE LISTING SERVICE CUSTOMERS IN A
13 911 SERVICE DISTRICT SHALL WAIVE THE PRIVACY AFFORDED BY
14 NONLISTED AND NONPUBLISHED NUMBERS WITH RESPECT TO THE DELIVERY
15 OF EMERGENCY SERVICES.

16 (C) IMMUNITY.--NO TELEPHONE COMPANY, WIRELESS PROVIDER,
17 VENDOR OR AGENT, EMPLOYEE OR DIRECTOR OF A TELEPHONE COMPANY,
18 PROVIDERS OF EMERGENCY NOTIFICATION SERVICES OR PROVIDERS OF
19 EMERGENCY SUPPORT SERVICES SHALL BE LIABLE TO ANY PERSON WHO
20 DIRECTLY OR INDIRECTLY USES THE 911 EMERGENCY SERVICE OR
21 WIRELESS E-911 EMERGENCY SERVICE ESTABLISHED UNDER THIS CHAPTER
22 OR PROVIDES INFORMATION TO 911 SYSTEMS OR WIRELESS E-911 SYSTEMS
23 WITH RESPECT TO THE DELIVERY OF EMERGENCY SERVICES:

24 (1) FOR RELEASE TO PSAPS, PROVIDERS OF EMERGENCY
25 NOTIFICATION SERVICES OR PROVIDERS OF EMERGENCY SUPPORT
26 SERVICES OF INFORMATION SPECIFIED IN THIS SECTION, INCLUDING
27 NONPUBLISHED TELEPHONE NUMBERS;

28 (2) FOR RELEASE TO THE COMMISSION, THE FEDERAL
29 COMMUNICATIONS COMMISSION OR ANY OTHER FEDERAL OR
30 COMMONWEALTH AGENCY WITH THE AUTHORITY TO REGULATE THE

1 PROVISION OF TELECOMMUNICATIONS SERVICES, OF TELEPHONE
2 COMPANY INFORMATION SPECIFIED IN THIS SECTION THAT IS NOT
3 ALREADY PART OF PUBLIC RECORDS, INCLUDING, AS APPLICABLE,
4 INFORMATION REGARDING NUMBERS OF LINES SERVED BY AN
5 INDIVIDUAL COMPANY BUT EXCLUDING NONPUBLIC INFORMATION
6 REGARDING THE COMPANY'S INDIVIDUAL CUSTOMER NAMES, ADDRESSES
7 AND TELEPHONE NUMBERS; OR

8 (3) FOR INTERRUPTIONS, OMISSIONS, DEFECTS, ERRORS,
9 MISTAKES OR DELAYS IN TRANSMISSION OCCURRING IN THE COURSE OF
10 THE DELIVERY OF EMERGENCY SERVICES OR WIRELESS E-911 SERVICE
11 UNDER THIS CHAPTER, UNLESS THE INTERRUPTIONS, OMISSIONS,
12 DEFECTS, ERRORS, MISTAKES OR DELAYS ARE CAUSED BY THE WILLFUL
13 OR WANTON MISCONDUCT OF THE TELEPHONE COMPANY, WIRELESS
14 PROVIDER OR VENDOR, THEIR AGENTS, EMPLOYEES OR DIRECTORS.
15 NOTHING IN THIS PARAGRAPH MAY PRECLUDE THE APPLICATION OF ANY
16 COMMISSION TARIFF OR REGULATION WITHIN ITS JURISDICTION
17 PERTAINING TO ALLOWANCES FOR TELEPHONE SERVICE INTERRUPTIONS.

18 § 5310. PENALTY.

19 A PERSON WHO INTENTIONALLY CALLS THE 911 EMERGENCY NUMBER FOR
20 OTHER THAN EMERGENCY PURPOSES COMMITS A MISDEMEANOR OF THE THIRD
21 DEGREE.

22 § 5311. (RESERVED).

23 § 5311.1. IMMUNITY.

24 A 911 SYSTEM OR A WIRELESS E-911 SYSTEM RUN BY COUNTY AND
25 LOCAL GOVERNMENTS SHALL BE A LOCAL AGENCY WHICH SHALL ENJOY
26 LOCAL GOVERNMENTAL IMMUNITY AS PROVIDED UNDER 42 PA.C.S. CH. 85
27 SUBCH. C (RELATING TO ACTIONS AGAINST LOCAL PARTIES).

28 § 5311.2. POWERS AND DUTIES OF AGENCY.

29 (A) ADMINISTRATION.--THE AGENCY SHALL HAVE THE FOLLOWING
30 POWERS AND DUTIES IN RELATION TO A WIRELESS E-911 SYSTEM:

1 (1) TO DESIGNATE AT LEAST ONE EMPLOYEE OF THE AGENCY WHO
2 SHALL SERVE AS A POINT OF CONTACT AT THE AGENCY FOR ALL
3 MATTERS INVOLVING WIRELESS E-911 SYSTEMS IN THIS
4 COMMONWEALTH.

5 (2) TO OVERSEE THE DEVELOPMENT, IMPLEMENTATION,
6 OPERATION AND MAINTENANCE OF A STATEWIDE INTEGRATED WIRELESS
7 E-911 SYSTEM, FORMULATE TECHNICAL STANDARDS AND DETERMINE
8 PERMITTED USES OF AND AMOUNTS DISBURSED FROM THE WIRELESS
9 E-911 EMERGENCY SERVICES FUND, INCLUDING THE COSTS OF PSAPS
10 AND WIRELESS PROVIDERS THAT ARE ELIGIBLE FOR PAYMENT FROM THE
11 FUND.

12 (3) TO APPROVE EACH COUNTY'S COUNTY PLAN, OR AMENDMENT
13 TO ITS AGENCY-APPROVED COUNTY PLAN, INCORPORATING WIRELESS
14 E-911 SERVICE CAPABILITIES AS MAY BE SUBMITTED BY THE COUNTY
15 TO THE AGENCY.

16 (B) WIRELESS E-911 STATE PLAN.--THE AGENCY SHALL PREPARE,
17 MAINTAIN AND KEEP CURRENT, AFTER ADEQUATE PUBLIC NOTICE AND
18 OPPORTUNITY TO COMMENT AND AFTER CONSIDERATION OF THE
19 RECOMMENDATIONS OF THE WIRELESS SUBCOMMITTEE OF THE ADVISORY
20 COMMITTEE, A WIRELESS E-911 STATE PLAN PROVIDING FOR ALL ASPECTS
21 OF THE DEVELOPMENT, IMPLEMENTATION, OPERATION AND MAINTENANCE OF
22 A STATEWIDE INTEGRATED WIRELESS E-911 SYSTEM IN ACCORDANCE WITH
23 THE FCC E-911 ORDER. UNDER THE PLAN, THE AGENCY SHALL:

24 (1) ESTABLISH MODEL AGREEMENTS FOR MUTUAL AID
25 AGREEMENTS, CROSS-SERVICE AGREEMENTS, SERVICE CONTRACTS AND
26 ALL OTHER DOCUMENTS BY AND AMONG PUBLIC AGENCIES, PSAPS AND
27 WIRELESS PROVIDERS THAT MAY BE REQUIRED IN THE IMPLEMENTATION
28 OF THE WIRELESS E-911 STATE PLAN, REVIEW THE AGREEMENTS AND
29 DOCUMENTS FOR CONSISTENCY WITH THE APPLICABLE COUNTY PLAN AND
30 ASSIST THE PARTIES IN ASSURING THEIR EXECUTION.

1 (2) REQUIRE EACH WIRELESS PROVIDER TO NOTIFY THE AGENCY
2 OF EACH COUNTY IN WHICH IT IS LICENSED ON MARCH 29, 2004, AND
3 PROVIDES WIRELESS SERVICE AND, AT THE TIME NEW SERVICE IS
4 INITIATED, EACH COUNTY IN WHICH IT IS LICENSED AND INITIATES
5 WIRELESS SERVICE; AND TO NOTIFY COUNTIES OF WIRELESS SERVICE
6 WITHIN EACH COUNTY, SPECIFICALLY NOTING WIRELESS SERVICE TO
7 MORE THAN ONE COUNTY. IN THE EVENT OF DISPUTES AMONG PSAPS
8 REGARDING THE PSAP TO WHICH A WIRELESS PROVIDER ROUTES 911
9 CALLS, THE ROUTING SHALL BE DETERMINED BY THE AGENCY.

10 (3) ESTABLISH UNIFORM STATEWIDE STANDARDS FOR THE FORMAT
11 AND CONTENT OF WIRELESS AUTOMATIC LOCATION INFORMATION AND
12 WIRELESS AUTOMATIC NUMBER IDENTIFICATION, WHICH STANDARDS
13 SHALL BE THE STANDARDS ADOPTED BY THE NATIONAL EMERGENCY
14 NUMBER ASSOCIATION, AS AMENDED BY THAT ORGANIZATION. WIRELESS
15 PROVIDERS WILL USE THE APPLICABLE NATIONAL EMERGENCY NUMBER
16 ASSOCIATION DATA TRANSMISSION FORMAT STANDARDS TO DELIVER THE
17 DATA TO THE WIRELESS E-911 SYSTEM.

18 (4) FORWARD A COPY OF THE COMPLETED PLAN AND ANY
19 REVISION OF THE PLAN TO ALL AFFECTED COUNTIES, PSAPS,
20 WIRELESS PROVIDERS, LOCAL EXCHANGE CARRIERS, COMPETITIVE
21 LOCAL EXCHANGE CARRIERS AND INTEREXCHANGE CARRIERS.

22 (5) REQUIRE EACH WIRELESS PROVIDER TO PROVIDE THE AGENCY
23 WITH A 24-HOUR, SEVEN-DAYS-A-WEEK CONTACT TELEPHONE NUMBER OR
24 PAGER NUMBER FOR USE BY PSAPS IN EMERGENCY SITUATIONS.

25 § 5311.3. ADVISORY COMMITTEE.

26 (A) ESTABLISHMENT.--THERE IS ESTABLISHED AN ADVISORY
27 COMMITTEE TO BE KNOWN AS THE E-911 EMERGENCY SERVICES ADVISORY
28 COMMITTEE.

29 (B) MEMBERS.--THE ADVISORY COMMITTEE SHALL BE COMPRISED OF
30 THE FOLLOWING PERSONS:

1 (1) THE DIRECTOR OF THE AGENCY OR HIS DESIGNEE, WHO
2 SHALL ACT AS CHAIRPERSON.

3 (2) TWO COUNTY COMMISSIONERS.

4 (3) FOUR COUNTY 911 PROGRAM MANAGERS.

5 (4) FOUR WIRELESS PROVIDERS LICENSED BY THE FEDERAL
6 COMMUNICATIONS COMMISSION.

7 (5) TWO LANDLINE TELEPHONE SERVICE PROVIDER
8 REPRESENTATIVES.

9 (6) TWO REPRESENTATIVES EACH FROM FIRE SERVICES,
10 EMERGENCY MEDICAL SERVICES AND POLICE.

11 (7) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
12 COMMUNICATIONS AND TECHNOLOGY COMMITTEE OF THE SENATE AND THE
13 CHAIRMAN AND MINORITY CHAIRMAN OF THE VETERANS AFFAIRS AND
14 EMERGENCY PREPAREDNESS COMMITTEE OF THE HOUSE OF
15 REPRESENTATIVES, OR THEIR DESIGNEES.

16 THE GOVERNOR, UPON RECOMMENDATION OF THE APPLICABLE STATEWIDE
17 ORGANIZATIONS, ASSOCIATIONS AND INDUSTRY SEGMENTS, SHALL APPOINT
18 THE COMMITTEE MEMBERS, WHO WILL EACH SERVE A TWO-YEAR TERM.
19 ADVISORY COMMITTEE MEMBERSHIP SHALL BE LIMITED TO ONE
20 REPRESENTATIVE PER ORGANIZATION OR CORPORATE ENTITY.

21 (C) ROLES AND RESPONSIBILITIES.--THE ADVISORY COMMITTEE
22 SHALL MAKE RECOMMENDATIONS TO THE AGENCY REGARDING THE
23 FORMULATION OF TECHNICAL, ADMINISTRATIVE AND OPERATIONAL
24 STANDARDS FOR USE IN OVERSEEING 911 PROGRAMS STATEWIDE.

25 (D) REIMBURSEMENT.--THE MEMBERS OF THE ADVISORY COMMITTEE
26 SHALL SERVE WITHOUT COMPENSATION BUT SHALL BE REIMBURSED FOR
27 THEIR ACTUAL AND NECESSARY TRAVEL AND OTHER EXPENSES IN
28 CONNECTION WITH ATTENDANCE AT MEETINGS CALLED BY THE
29 CHAIRPERSON.

30 (E) ADVISORY COMMITTEE SUBCOMMITTEES.--THE CHAIRPERSON MAY

1 CREATE, WITHIN THE COMMITTEE MEMBERSHIP, SUBCOMMITTEES TO STUDY
2 AND ADDRESS SPECIFIC TECHNICAL AND PROGRAM AREAS:

3 (1) A WIRELESS SUBCOMMITTEE SHALL BE CREATED AS A
4 PERMANENT SUBCOMMITTEE AND SHALL CONSIST OF THE FOLLOWING
5 PERSONS:

6 (I) THE ADVISORY COMMITTEE CHAIRPERSON.

7 (II) TWO COUNTY COMMISSIONERS.

8 (III) FOUR COUNTY 911 PROGRAM MANAGERS.

9 (IV) FOUR REPRESENTATIVES OF WIRELESS PROVIDERS
10 LICENSED BY THE FEDERAL COMMUNICATIONS COMMISSION.

11 (V) TWO LANDLINE TELEPHONE SERVICE PROVIDER
12 REPRESENTATIVES.

13 (2) WIRELESS SUBCOMMITTEE ROLES AND RESPONSIBILITIES:

14 (I) TO ADVISE THE AGENCY REGARDING THE DEVELOPMENT,
15 IMPLEMENTATION, OPERATION AND MAINTENANCE OF A STATEWIDE
16 INTEGRATED WIRELESS E-911 SYSTEM.

17 (II) TO MAKE RECOMMENDATIONS TO THE AGENCY REGARDING
18 THE PREPARATION AND PERIODIC REVISION OF A WIRELESS E-911
19 STATE PLAN PROVIDING FOR THE DEVELOPMENT, IMPLEMENTATION,
20 OPERATION AND MAINTENANCE OF A STATEWIDE INTEGRATED
21 WIRELESS E-911 SYSTEM IN ACCORDANCE WITH THE FCC E-911
22 ORDER.

23 (III) TO MAKE RECOMMENDATIONS TO THE AGENCY
24 REGARDING THE APPROVAL OR DISAPPROVAL OF WIRELESS
25 PROVIDER SERVICE AGREEMENTS AND THE FORMULATION OF
26 TECHNICAL STANDARDS.

27 (IV) TO MAKE RECOMMENDATIONS TO THE AGENCY REGARDING
28 THE DEVELOPMENT OF GUIDELINES, RULES AND REGULATIONS
29 REQUIRED TO ADDRESS THE ADMINISTRATION OF THE STATEWIDE
30 E-911 WIRELESS PLAN AND THE DISBURSEMENT OF MONEY FROM

1 THE WIRELESS E-911 EMERGENCY SERVICES FUND.

2 (V) TO MAKE RECOMMENDATIONS TO THE AGENCY REGARDING
3 THE DEVELOPMENT OF THE ANNUAL REPORT REQUIRED OF THE
4 AGENCY BY THIS CHAPTER, INCLUDING, BUT NOT LIMITED TO,
5 RECOMMENDATIONS CONCERNING ADJUSTMENTS OF THE WIRELESS
6 E-911 SURCHARGE.

7 § 5311.4. WIRELESS E-911 EMERGENCY SERVICES FUND.

8 (A) ESTABLISHMENT OF FUND.--THERE IS ESTABLISHED IN THE
9 STATE TREASURY A NONLAPSING RESTRICTED INTEREST-BEARING ACCOUNT
10 TO BE KNOWN AS THE WIRELESS E-911 EMERGENCY SERVICES FUND. THE
11 FUND SHALL CONSIST OF THE FEES COLLECTED UNDER SUBSECTIONS (B)
12 AND (B.1), FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY AND OF
13 FUNDS FROM ANOTHER SOURCE, PRIVATE OR PUBLIC. MONEY IN THE FUND
14 AND THE INTEREST IT ACCRUES IS APPROPRIATED TO THE PENNSYLVANIA
15 EMERGENCY MANAGEMENT AGENCY TO BE DISBURSED BY THE AGENCY. THE
16 MONEY IN THE FUND SHALL BE USED ONLY FOR THE FOLLOWING COSTS:

17 (1) PSAP AND WIRELESS PROVIDER COSTS RESULTING FROM
18 COMPLIANCE WITH THE FCC E-911 ORDER, INCLUDING DEVELOPMENT,
19 IMPLEMENTATION AND TESTING, OPERATION AND MAINTENANCE OF A
20 STATEWIDE INTEGRATED WIRELESS E-911 SYSTEM. COSTS PAID FROM
21 THE FUND MUST BE ELIGIBLE RECURRING OR NONRECURRING COSTS AS
22 DETERMINED BY THE AGENCY IN ACCORDANCE WITH SECTIONS
23 5311.2(A) (RELATING TO POWERS AND DUTIES OF AGENCY) AND
24 5311.5 (RELATING TO DISBURSEMENT OF FUND AMOUNTS BY AGENCY)
25 FOR WIRELESS E-911 SERVICE PROVIDED IN ACCORDANCE WITH THE
26 FCC E-911 ORDER OR A COUNTY PLAN OR AMENDED COUNTY PLAN
27 APPROVED BY THE AGENCY.

28 (2) THE AGENCY-APPROVED COSTS OF PSAPS SPECIFIED IN
29 SECTION 5308(B) (RELATING TO EXPENDITURES FOR NONRECURRING
30 COSTS, TRAINING, MOBILE COMMUNICATIONS EQUIPMENT, MAINTENANCE

1 AND OPERATION OF 911 SYSTEMS) THAT RELATE DIRECTLY OR
2 INDIRECTLY TO THE PROVISION OF WIRELESS E-911 SERVICE, TO THE
3 EXTENT:

4 (I) THE COSTS ARE NOT INCLUDED IN THE COSTS PAID
5 UNDER PARAGRAPH (1) AND THE APPROVED E-911 COSTS PROVIDED
6 IN PARAGRAPH (1) HAVE BEEN REIMBURSED; AND

7 (II) THE COSTS DO NOT EXCEED THE PERCENTAGE OF THE
8 ACTUAL RATIO OF DEMONSTRATED WIRELESS CALLS TO
9 DEMONSTRATED TOTAL EMERGENCY CALL VOLUME TIMES THE AMOUNT
10 OF MONEY IN THE FUND, AND FURTHER:

11 (A) THE AMOUNT OF THE COSTS THAT MAY BE
12 REIMBURSED IS LIMITED TO 25% OF THE FUND IF A
13 MAJORITY OF WIRELESS PROVIDERS SERVING THE GEOGRAPHIC
14 AREA COVERED BY THE PSAP HAVE BEEN TESTED AND
15 ACCEPTED BY THE PSAP FOR WIRELESS E-911 PHASE I
16 SERVICE.

17 (B) THE AMOUNT OF THE COSTS THAT MAY BE
18 REIMBURSED IS LIMITED TO 50% OF THE FUND IF ALL OF
19 THE WIRELESS PROVIDERS SERVING THE GEOGRAPHIC AREA
20 COVERED BY THE PSAP HAVE BEEN TESTED AND ACCEPTED BY
21 THE PSAP FOR WIRELESS E-911 PHASE I SERVICE.

22 (C) THE AMOUNT OF THE COSTS THAT MAY BE
23 REIMBURSED IS LIMITED TO 75% OF THE FUND IF A
24 MAJORITY OF WIRELESS PROVIDERS SERVING THE GEOGRAPHIC
25 AREA COVERED BY THE PSAP HAVE BEEN TESTED AND
26 ACCEPTED BY THE PSAP FOR WIRELESS E-911 PHASE II
27 SERVICE.

28 (D) THE AMOUNT OF THE COSTS THAT MAY BE
29 REIMBURSED IS LIMITED TO 100% OF THE FUND IF ALL OF
30 THE WIRELESS PROVIDERS SERVING THE GEOGRAPHIC AREA

1 COVERED BY THE PSAP HAVE BEEN TESTED AND ACCEPTED BY
2 THE PSAP FOR WIRELESS E-911 PHASE II SERVICE.

3 (III) IF, UNDER AN FCC E-911 WAIVER, A WIRELESS
4 PROVIDER IS TEMPORARILY RELIEVED OF ITS OBLIGATION TO
5 PROVIDE WIRELESS E-911 PHASE II SERVICE IN THE GEOGRAPHIC
6 AREA COVERED BY A REQUESTING PSAP, THE WIRELESS CARRIER
7 SHALL BE DISREGARDED IN THE DETERMINATIONS TO BE MADE
8 UNDER SUBPARAGRAPHS (I) AND (II) UNTIL THE WIRELESS
9 CARRIER'S OBLIGATION TO PROVIDE WIRELESS E-911 PHASE II
10 SERVICE AGAIN BECOMES EFFECTIVE.

11 (B) WIRELESS E-911 SURCHARGE.--EACH WIRELESS SERVICE
12 CUSTOMER SHALL PAY A FEE, TO BE KNOWN AS A WIRELESS E-911
13 SURCHARGE, IN AN AMOUNT OF \$1 PER MONTH FOR EACH DEVICE THAT
14 PROVIDES WIRELESS SERVICE FOR WHICH THAT CUSTOMER IS BILLED BY A
15 WIRELESS PROVIDER FOR WIRELESS SERVICE. THE FEE SHALL BE
16 COLLECTED APART FROM AND IN ADDITION TO A FEE LEVIED BY THE
17 WIRELESS PROVIDER IN WHOLE OR IN PART FOR THE PROVISION OF 911
18 SERVICES.

19 (1) WIRELESS PROVIDERS SHALL COLLECT THE FEE ON BEHALF
20 OF THE AGENCY AS PART OF THEIR BILLING PROCESS AND SHALL HAVE
21 NO OBLIGATION TO TAKE ANY LEGAL ACTION TO ENFORCE THE
22 COLLECTION OF THE SURCHARGE. ACTION MAY BE BROUGHT BY OR ON
23 BEHALF OF THE AGENCY. UPON WRITTEN REQUEST OF THE AGENCY,
24 EACH WIRELESS PROVIDER SHALL ANNUALLY PROVIDE A LIST OF THE
25 NAMES AND ADDRESSES OF THOSE WIRELESS SERVICE CUSTOMERS
26 CARRYING A BALANCE THAT HAVE FAILED TO PAY THE WIRELESS E-911
27 SURCHARGE. THE WIRELESS PROVIDER SHALL NOT BE LIABLE FOR THE
28 UNPAID AMOUNTS.

29 (2) IF A WIRELESS PROVIDER RECEIVES A PARTIAL PAYMENT
30 FOR A MONTHLY BILL FROM A WIRELESS SERVICE CUSTOMER, THE

1 WIRELESS PROVIDER SHALL APPLY THE PAYMENT AGAINST THE AMOUNT
2 THE WIRELESS SERVICE CUSTOMER OWES THE WIRELESS PROVIDER
3 FIRST AND SHALL REMIT TO THE STATE TREASURER THE LESSER
4 AMOUNT, IF ANY, RESULTING FROM THE APPLICATION.

5 (3) THE FEES COLLECTED UNDER THIS SUBSECTION SHALL NOT
6 BE SUBJECT TO TAXES OR CHARGES LEVIED BY THE COMMONWEALTH OR
7 A POLITICAL SUBDIVISION OF THIS COMMONWEALTH, NOR SHALL THE
8 FEES BE CONSIDERED REVENUE OF THE WIRELESS PROVIDER FOR ANY
9 PURPOSE.

10 (4) THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO
11 SELLERS, PROVIDERS OR CONSUMERS OF PREPAID WIRELESS
12 TELECOMMUNICATIONS SERVICE.

13 (B.1) PREPAID WIRELESS E-911 SURCHARGE.--

14 (1) THERE IS IMPOSED A PREPAID WIRELESS E-911 SURCHARGE
15 OF \$1 PER RETAIL TRANSACTION OR THE ADJUSTED SURCHARGE, IF
16 ANY, ESTABLISHED UNDER PARAGRAPH (5). THE \$1 SURCHARGE SHALL
17 BE APPLIED TO THE COST OF EACH RETAIL TRANSACTION REGARDLESS
18 OF WHETHER THE SERVICE OR PREPAID WIRELESS DEVICE WAS
19 PURCHASED IN PERSON, BY TELEPHONE, THROUGH THE INTERNET OR BY
20 ANY OTHER METHOD.

21 (2) A PREPAID WIRELESS E-911 SURCHARGE SHALL BE
22 COLLECTED BY THE SELLER FROM THE CONSUMER FOR EACH RETAIL
23 TRANSACTION OCCURRING IN THIS COMMONWEALTH. THE AMOUNT OF THE
24 PREPAID WIRELESS E-911 SURCHARGE SHALL BE EITHER SEPARATELY
25 STATED ON AN INVOICE, RECEIPT OR OTHER SIMILAR DOCUMENT THAT
26 IS PROVIDED TO THE CONSUMER BY THE SELLER OR OTHERWISE
27 DISCLOSED TO THE CONSUMER. A RETAIL TRANSACTION THAT IS
28 EFFECTED IN PERSON BY A CONSUMER AT A BUSINESS LOCATION OF
29 THE SELLER SHALL BE TREATED AS OCCURRING IN THIS COMMONWEALTH
30 IF THAT BUSINESS LOCATION IS IN THIS COMMONWEALTH, AND ANY

1 OTHER RETAIL TRANSACTION SHALL BE TREATED AS OCCURRING IN
2 THIS COMMONWEALTH IF THE RETAIL TRANSACTION IS TREATED AS
3 OCCURRING IN THIS COMMONWEALTH FOR THE PURPOSES OF SECTION
4 202(E.1) OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS
5 THE TAX REFORM CODE OF 1971.

6 (3) A PREPAID WIRELESS E-911 SURCHARGE IS A LIABILITY OF
7 THE CONSUMER AND NOT OF THE SELLER OR ANY PROVIDER, EXCEPT
8 THAT THE SELLER SHALL BE LIABLE TO REMIT THE PREPAID WIRELESS
9 E-911 SURCHARGES THAT THE SELLER COLLECTS FROM CONSUMERS AS
10 PROVIDED UNDER PARAGRAPH (6), INCLUDING THE CHARGES THAT THE
11 SELLER IS DEEMED TO COLLECT IF THE AMOUNT OF THE SURCHARGE
12 HAS NOT BEEN SEPARATELY STATED IN AN INVOICE, RECEIPT OR
13 OTHER SIMILAR DOCUMENT PROVIDED TO THE CONSUMER BY THE
14 SELLER.

15 (4) THE AMOUNT OF THE PREPAID WIRELESS E-911 SURCHARGE
16 THAT IS COLLECTED BY A SELLER FROM A CONSUMER, WHETHER OR NOT
17 THE AMOUNT IS SEPARATELY STATED ON AN INVOICE, RECEIPT OR
18 SIMILAR DOCUMENT PROVIDED TO THE CONSUMER BY THE SELLER,
19 SHALL NOT BE INCLUDED IN THE BASE FOR MEASURING A TAX, FEE,
20 SURCHARGE OR OTHER CHARGE THAT IS IMPOSED BY THE
21 COMMONWEALTH, A POLITICAL SUBDIVISION OR AN INTERGOVERNMENTAL
22 AGENCY.

23 (5) THE PREPAID WIRELESS E-911 SURCHARGE SHALL BE
24 PROPORTIONATELY INCREASED OR REDUCED, AS APPLICABLE, UPON ANY
25 CHANGE TO THE WIRELESS E-911 SURCHARGE IMPOSED UNDER
26 SUBSECTION (B). THE INCREASE OR REDUCTION SHALL BE EFFECTIVE
27 ON THE EFFECTIVE DATE OF THE CHANGE TO THE SURCHARGE IMPOSED
28 UNDER SUBSECTION (B) OR, IF LATER, THE FIRST DAY OF THE FIRST
29 CALENDAR MONTH TO OCCUR AT LEAST 60 DAYS AFTER THE EFFECTIVE
30 DATE OF THE CHANGE TO THE SURCHARGE IMPOSED UNDER SUBSECTION

1 (B) . THE DEPARTMENT OF REVENUE SHALL PROVIDE NOT LESS THAN 30
2 DAYS' NOTICE OF AN INCREASE OR REDUCTION ON ITS PUBLIC
3 INTERNET WEBSITE.

4 (6) PREPAID WIRELESS E-911 SURCHARGES COLLECTED BY A
5 SELLER SHALL BE REMITTED TO THE DEPARTMENT OF REVENUE AT THE
6 TIMES PROVIDED UNDER ARTICLE II OF THE TAX REFORM CODE OF
7 1971. THE DEPARTMENT SHALL ESTABLISH PAYMENT PROCEDURES THAT
8 SUBSTANTIALLY COINCIDE WITH THE PAYMENT PROCEDURES OF ARTICLE
9 II OF THE TAX REFORM CODE OF 1971, EXCEPT THE DEPARTMENT MAY
10 REQUIRE THE FILING OF RETURNS AND THE PAYMENT OF THE
11 SURCHARGE BY ELECTRONIC MEANS.

12 (7) DURING THE FIRST 180 DAYS AFTER THE EFFECTIVE DATE
13 OF THIS SECTION, A SELLER MAY DEDUCT AND RETAIN 35% OF THE
14 PREPAID WIRELESS SURCHARGES COLLECTED BY THE SELLER FROM
15 CONSUMERS FOR DIRECT START-UP COSTS. AFTER THE IMPLEMENTATION
16 PERIOD, A SELLER MAY DEDUCT AND RETAIN UP TO 3% OF PREPAID
17 WIRELESS E-911 SURCHARGES THAT ARE COLLECTED BY THE SELLER
18 FROM CONSUMERS FOR ADMINISTRATIVE PURPOSES.

19 (8) THE ASSESSMENT, AUDIT, APPEAL, COLLECTION AND
20 ENFORCEMENT PROCEDURES AND OTHER PERTINENT PROVISIONS
21 APPLICABLE TO THE SALES AND USE TAX IMPOSED UNDER ARTICLE II
22 OF THE TAX REFORM CODE OF 1971 SHALL APPLY TO PREPAID
23 WIRELESS E-911 SURCHARGES.

24 (9) THE DEPARTMENT SHALL ESTABLISH PROCEDURES BY WHICH A
25 SELLER OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE MAY
26 DOCUMENT THAT A SALE IS NOT A RETAIL TRANSACTION, WHICH
27 PROCEDURES SHALL SUBSTANTIALLY COINCIDE WITH THE PROCEDURES
28 FOR DOCUMENTING SALE FOR RESALE TRANSACTIONS FOR SALES AND
29 USE TAX PURPOSES UNDER ARTICLE II OF THE TAX REFORM CODE OF
30 1971.

1 (10) THE DEPARTMENT SHALL PAY ALL REMITTED PREPAID
2 WIRELESS E-911 SURCHARGES TO THE STATE TREASURER FOR DEPOSIT
3 INTO THE FUND WITHIN 30 DAYS OF RECEIPT, FOR USE AS PROVIDED
4 IN THIS CHAPTER. THE DEPARTMENT MAY RETAIN UP TO 2% OF
5 REMITTED SURCHARGES TO PAY FOR DEPARTMENT EXPENSES DIRECTLY
6 RELATED TO THE COSTS OF ADMINISTERING THE COLLECTION AND
7 REMITTANCE OF PREPAID WIRELESS E-911 SURCHARGES.

8 (11) THE PROVISIONS OF SECTION 5311.9 (RELATING TO
9 IMMUNITY) SHALL APPLY TO PROVIDERS AND SELLERS OF PREPAID
10 WIRELESS TELECOMMUNICATIONS SERVICE.

11 (12) THE PREPAID WIRELESS E-911 SURCHARGE SHALL BE THE
12 ONLY E-911 FUNDING OBLIGATION IMPOSED REGARDING PREPAID
13 WIRELESS TELECOMMUNICATIONS SERVICE IN THIS COMMONWEALTH. NO
14 TAX, FEE, SURCHARGE OR OTHER CHARGE MAY BE IMPOSED BY THE
15 COMMONWEALTH, A POLITICAL SUBDIVISION OR AN INTERGOVERNMENTAL
16 AGENCY FOR E-911 FUNDING PURPOSES, ON A PROVIDER, SELLER OR
17 CONSUMER WITH RESPECT TO THE SALE, PURCHASE, USE OR PROVISION
18 OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE.

19 (C) REMITTANCE OF FEES.--ON A QUARTERLY BASIS, EACH WIRELESS
20 PROVIDER SHALL REMIT THE FEES COLLECTED UNDER SUBSECTION (B) TO
21 THE STATE TREASURER FOR DEPOSIT INTO THE FUND.

22 (D) REIMBURSEMENT OF WIRELESS PROVIDER AND PSAP COSTS.--

23 (1) FROM EVERY REMITTANCE, THE WIRELESS PROVIDER SHALL
24 BE ENTITLED TO DEDUCT AND RETAIN AN AMOUNT NOT TO EXCEED 2%
25 OF THE GROSS RECEIPTS COLLECTED AS REIMBURSEMENT FOR THE
26 ADMINISTRATIVE COSTS INCURRED BY THE WIRELESS PROVIDER TO
27 BILL, COLLECT AND REMIT THE SURCHARGE.

28 (2) WIRELESS PROVIDERS AND PSAPS SHALL BE ENTITLED TO
29 PAYMENT FROM THE FUND IN THE MANNER PROVIDED IN SECTION
30 5311.5(C) FOR THE FOLLOWING COSTS:

1 (I) RECURRING COSTS APPROVED BY THE AGENCY UNDER
2 AGENCY RULES ASSOCIATED WITH THE DEVELOPMENT,
3 IMPLEMENTATION, OPERATION AND MAINTENANCE OF WIRELESS
4 E-911 SERVICE IN THE GEOGRAPHIC AREA SERVED BY THE
5 REQUESTING PSAP; AND

6 (II) NONRECURRING COSTS APPROVED BY THE AGENCY UNDER
7 AGENCY RULES ASSOCIATED WITH THE DEVELOPMENT,
8 IMPLEMENTATION, OPERATION AND MAINTENANCE OF WIRELESS
9 E-911 SERVICE IN THE GEOGRAPHIC AREA SERVED BY THE
10 REQUESTING PSAP.

11 (3) IN NO EVENT SHALL COSTS BE PAID THAT ARE NOT RELATED
12 TO A WIRELESS PROVIDER'S OR PSAP'S COMPLIANCE WITH
13 REQUIREMENTS ESTABLISHED BY THE WIRELESS E-911 STATE PLAN,
14 THE FCC E-911 ORDER OR THE WIRELESS E-911 PROVISIONS OF AN
15 AGENCY-APPROVED COUNTY PLAN OR AMENDED COUNTY PLAN.

16 (4) COSTS INCURRED BY A PSAP OR WIRELESS PROVIDER FOR
17 WIRELESS E-911 SERVICE SHALL BE PAID BY THE AGENCY PROVIDED
18 THAT THE COSTS COMPLY WITH THE REQUIREMENTS OF THIS SECTION
19 AND SECTION 5311.5, WERE INCURRED AFTER JANUARY 1, 1998, AND
20 ARE DETERMINED BY THE AGENCY, AFTER APPLICATION IN ACCORDANCE
21 WITH SECTION 5311.5(C), TO BE ELIGIBLE FOR PAYMENT FROM THE
22 FUND. COSTS THAT THE AGENCY DETERMINES TO BE ELIGIBLE SHALL
23 BE PAID AS PROVIDED IN SECTION 5311.5.

24 (5) NOTHING IN THIS CHAPTER SHALL PREVENT A WIRELESS
25 PROVIDER FROM RECOVERING ITS COSTS OF IMPLEMENTING AND
26 MAINTAINING WIRELESS E-911 SERVICE DIRECTLY FROM ITS
27 CUSTOMERS, WHETHER ITEMIZED ON THE CUSTOMER'S BILL OR BY ANY
28 OTHER LAWFUL METHOD. NO WIRELESS PROVIDER THAT LEVIES A
29 SEPARATE FEE FOR PROVISION OF E-911 WIRELESS SERVICE IN THE
30 GEOGRAPHIC AREA SERVED BY THE REQUESTING PSAP MAY RECEIVE A

1 REIMBURSEMENT FOR THE SAME COSTS.

2 (E) REPORTING BY WIRELESS PROVIDERS.--WITH EACH REMITTANCE A
3 WIRELESS PROVIDER SHALL SUPPLY THE FOLLOWING INFORMATION TO THE
4 STATE TREASURER AND TO THE AGENCY:

5 (1) THE TOTAL FEES COLLECTED THROUGH THE WIRELESS E-911
6 SURCHARGE FROM ITS WIRELESS SERVICE CUSTOMERS DURING THE
7 REPORTING PERIOD.

8 (2) THE TOTAL AMOUNT RETAINED BY IT AS REIMBURSEMENT FOR
9 ADMINISTRATIVE COSTS TO COVER ITS EXPENSES OF BILLING,
10 COLLECTING AND REMITTING THE FEES COLLECTED FROM THE WIRELESS
11 E-911 SURCHARGE DURING THE REPORTING PERIOD.

12 (3) UNTIL THE NONRECURRING COSTS HAVE BEEN RECOVERED BY
13 A WIRELESS PROVIDER, THE TOTAL AMOUNT IT HAS BEEN REIMBURSED
14 BY THE AGENCY FOR NONRECURRING COSTS ASSOCIATED WITH THE
15 DEVELOPMENT, IMPLEMENTATION, OPERATION AND MAINTENANCE OF
16 WIRELESS E-911 SERVICE DURING THE REPORTING PERIOD.

17 (F) INFORMATION TO BE SUPPLIED BY WIRELESS PROVIDERS.--
18 WIRELESS PROVIDERS SHALL PROVIDE THE AGENCY WITH THE INFORMATION
19 IT SHALL REQUEST IN WRITING IN ORDER TO DISCHARGE ITS
20 OBLIGATIONS UNDER THIS SECTION, INCLUDING THE COLLECTION AND
21 DEPOSIT OF THE WIRELESS E-911 SURCHARGE AND ITS ADMINISTRATION
22 OF THE FUND. INFORMATION SUPPLIED BY WIRELESS PROVIDERS UNDER
23 THIS SECTION SHALL REMAIN CONFIDENTIAL, AND RELEASE OF THE
24 INFORMATION SHALL BE GOVERNED BY SECTION 5311.7 (RELATING TO
25 PUBLIC DISCLOSURE AND CONFIDENTIALITY OF INFORMATION).

26 (G) PROHIBITION.--NO PART OF THE FUND, INCLUDING AN EXCESS
27 AMOUNT UNDER SECTION 5311.6(A) (RELATING TO REPORTING), SHALL BE
28 USED FOR ANY PURPOSE UNLESS EXPRESSLY AUTHORIZED BY THIS
29 CHAPTER.

30 (H) SURCHARGE SUNSET.--THE WIRELESS E-911 SURCHARGE FEE

1 ESTABLISHED IN SUBSECTIONS (B) AND (B.1) SHALL TERMINATE ON JUNE
2 30, 2014, UNLESS EXTENDED BY AN ACT OF THE GENERAL ASSEMBLY.
3 § 5311.5. DISBURSEMENT OF FUND AMOUNTS BY AGENCY.

4 (A) EXPENDITURES FOR WIRELESS E-911 SYSTEMS.--DURING EACH
5 FISCAL YEAR THE AGENCY MAY, ONLY IN FURTHERANCE OF THE WIRELESS
6 E-911 STATE PLAN, DISBURSE MONEY FROM THE WIRELESS E-911
7 EMERGENCY SERVICES FUND TO PSAPS WITH AGENCY-APPROVED COUNTY
8 PLANS OR AMENDED COUNTY PLANS AND WIRELESS PROVIDERS FOR THE
9 FOLLOWING PURPOSES:

10 (1) TO PAY THE COSTS OF PSAPS AND WIRELESS PROVIDERS
11 PROVIDED FOR IN SECTION 5311.4(A)(1) AND (D)(2) (RELATING TO
12 WIRELESS E-911 EMERGENCY SERVICES FUND) AND THE COSTS OF
13 PSAPS PROVIDED FOR IN SECTION 5311.4(A)(2).

14 (2) TO TRAIN EMERGENCY SERVICE PERSONNEL REGARDING
15 RECEIPT AND USE OF WIRELESS E-911 SERVICE INFORMATION.

16 (3) TO EDUCATE CONSUMERS REGARDING THE OPERATIONS,
17 LIMITATIONS, ROLE AND RESPONSIBLE USE OF WIRELESS E-911
18 SERVICE.

19 (B) LIMITATIONS ON USE OF FUND AMOUNTS BY PSAPS.--NO PSAP
20 SHALL RECEIVE A DISBURSEMENT FROM THE FUND FOR ANY COST
21 NECESSARY TO HOUSE THE WIRELESS E-911 SYSTEM OR FOR THE PURCHASE
22 OF REAL ESTATE, COSMETIC REMODELING, AMBULANCES, FIRE ENGINES OR
23 OTHER EMERGENCY VEHICLES, UTILITIES, TAXES AND OTHER EXPENSES AS
24 DETERMINED BY THE AGENCY. NO MORE THAN 70% OF THE DISBURSEMENTS
25 WHICH A PSAP RECEIVES FROM THE FUND DURING THE AGENCY'S FISCAL
26 YEAR MAY BE UTILIZED TO FUND PERSONNEL TRAINING, SALARY AND
27 BENEFIT COSTS.

28 (C) MANNER OF PAYMENT.--EACH PSAP AND WIRELESS PROVIDER
29 SHALL SUBMIT TO THE AGENCY EACH YEAR, NOT LATER THAN 120 DAYS
30 BEFORE THE FIRST DAY OF THE AGENCY'S FISCAL YEAR, THE ELIGIBLE

COSTS IT EXPECTS TO INCUR FOR WIRELESS E-911 SERVICE DURING THE
NEXT FISCAL YEAR OF THE AGENCY. THE SUBMISSION MAY INCLUDE
ELIGIBLE COSTS THAT THE PSAP OR WIRELESS PROVIDER HAS ALREADY
INCURRED FOR WIRELESS E-911 SERVICE AT THE TIME OF THE
SUBMISSION. THE AGENCY SHALL REVIEW THE SUBMISSION, ENSURE THAT
THE COSTS ARE ELIGIBLE FOR PAYMENT FROM THE FUND AND NOTIFY THE
SUBMITTING PSAP OR WIRELESS PROVIDER, NOT LATER THAN 30 DAYS
BEFORE THE FIRST DAY OF THE AGENCY'S FISCAL YEAR, OF THE
ELIGIBLE COSTS. THE AGENCY SHALL PAY TO EACH PSAP AND WIRELESS
PROVIDER, FROM THE FUND, THE AMOUNT OF THE SUBMITTED COSTS THE
AGENCY DETERMINED TO BE ELIGIBLE, WHETHER OR NOT THE COSTS HAVE
BEEN INCURRED AT OR BEFORE THE TIME OF PAYMENT AND WHETHER OR
NOT THE COSTS, IF ALREADY INCURRED, WERE INCURRED PRIOR TO MARCH
29, 2004. PAYMENT SHALL BE MADE IN FOUR EQUAL PAYMENTS DURING
THE FIRST MONTH OF EACH QUARTER OF THE AGENCY'S FISCAL YEAR AS
FOLLOWS:

(1) THE AGENCY SHALL FIRST PAY THE COSTS APPROVED FOR
EACH PSAP THAT ARE PAYABLE IN THE QUARTER.

(2) FOLLOWING THE PAYMENT OF APPROVED COSTS TO A PSAP
FOR PHASE I DEPLOYMENT OF WIRELESS E-911 SERVICE, AS SET
FORTH IN THE FCC E-911 ORDER, BUT ONLY AFTER THE PSAP HAS
ISSUED ITS REQUEST TO WIRELESS PROVIDERS TO FURNISH PHASE I
WIRELESS E-911 SERVICE PURSUANT TO THE FCC E-911 ORDER, THE
AGENCY SHALL PAY THE APPROVED COSTS OF WIRELESS PROVIDERS
THAT ARE PAYABLE IN THE QUARTER TO PROVIDE THE REQUESTED
WIRELESS E-911 SERVICE TO THAT PSAP.

(3) FOLLOWING THE PAYMENT OF APPROVED COSTS TO A PSAP
FOR PHASE II DEPLOYMENT OF WIRELESS E-911 SERVICE, AS SET
FORTH IN THE FCC E-911 ORDER, BUT ONLY AFTER THE PSAP HAS
ISSUED ITS REQUEST TO WIRELESS PROVIDERS TO FURNISH PHASE II

1 WIRELESS E-911 SERVICE PURSUANT TO THE FCC E-911 ORDER, THE
2 AGENCY SHALL PAY THE APPROVED COSTS OF WIRELESS PROVIDERS
3 THAT ARE PAYABLE IN THE QUARTER TO PROVIDE THE REQUESTED
4 WIRELESS E-911 SERVICE TO THAT PSAP.

5 (4) IN ANY QUARTER OF THE AGENCY'S FISCAL YEAR, ALL
6 COSTS SPECIFIED IN SECTION 5311.4(A) (1) THAT ARE APPROVED BY
7 THE AGENCY FOR PAYMENT TO PSAPS OR WIRELESS PROVIDERS SHALL
8 BE PAID BEFORE ANY OTHER COSTS PAYABLE UNDER THIS CHAPTER ARE
9 PAID TO ANY PSAP OR WIRELESS PROVIDER. IN THE FIRST QUARTER
10 OF THE AGENCY'S FISCAL YEAR, THE AGENCY SHALL DETERMINE
11 WHETHER PAYMENTS TO PSAPS AND WIRELESS PROVIDERS DURING THE
12 PRECEDING FISCAL YEAR EXCEEDED OR WERE LESS THAN THE ELIGIBLE
13 COSTS INCURRED BY EACH PSAP AND WIRELESS PROVIDER SUBMITTING
14 COSTS DURING THE FISCAL YEAR. EACH PSAP AND WIRELESS PROVIDER
15 SHALL PROVIDE VERIFICATION OF THE COSTS AS REQUIRED BY THE
16 AGENCY. ANY OVERPAYMENT SHALL BE REFUNDED TO THE AGENCY OR,
17 WITH THE AGENCY'S APPROVAL, MAY BE USED TO PAY AGENCY-
18 APPROVED COSTS THE PSAP OR WIRELESS PROVIDER SUBMITTED FOR
19 THE CURRENT FISCAL YEAR OF THE AGENCY. THE AMOUNT OF ANY
20 UNDERPAYMENT WILL BE PAID TO THE PSAP OR WIRELESS PROVIDER IN
21 ACCORDANCE WITH THIS SUBSECTION AND SUBSECTION (D) WITHIN THE
22 CURRENT FISCAL YEAR. THE AGENCY SHALL RECONSIDER A
23 DETERMINATION OF ELIGIBLE COSTS UNDER THIS SUBSECTION UPON
24 REQUEST BY A SUBMITTING PSAP OR WIRELESS PROVIDER AND SHALL
25 PROVIDE A PROCEDURE FOR THE RECONSIDERATION.

26 (D) PRO RATA SHARING OF FUND AMOUNTS.--

27 (1) IF THE TOTAL AMOUNT OF MONEY IN THE FUND IN ANY
28 QUARTER IS INSUFFICIENT TO PAY FOR BOTH AGENCY-APPROVED PSAP
29 COSTS AND AGENCY-APPROVED WIRELESS PROVIDER COSTS WHICH ARE
30 PAYABLE IN THE QUARTER UNDER SUBSECTION (C) FOR BOTH PHASE I

1 DEPLOYMENT AND PHASE II DEPLOYMENT OF WIRELESS E-911 SERVICE,
2 AS SET FORTH IN THE FCC E-911 ORDER, THEN PAYMENTS FROM THE
3 FUND FOR THAT QUARTER SHALL BE MADE AS FOLLOWS:

4 (I) THE AGENCY-APPROVED PHASE I DEPLOYMENT COSTS OF
5 A PSAP AND THOSE WIRELESS PROVIDERS TO WHICH THE PSAP HAS
6 ISSUED ITS REQUEST FOR PHASE I WIRELESS E-911 SERVICE
7 SHALL BE PAID BEFORE ANY AGENCY-APPROVED COSTS FOR PHASE
8 II DEPLOYMENT ARE PAID.

9 (II) IF, NOTWITHSTANDING SUBPARAGRAPH (I), THE TOTAL
10 AMOUNT OF MONEY IN THE FUND IN THE QUARTER IS
11 INSUFFICIENT TO PAY ALL PHASE I DEPLOYMENT COSTS OF BOTH
12 PSAPS AND WIRELESS PROVIDERS WHICH ARE PAYABLE IN THE
13 QUARTER, THEN EACH REQUESTING PSAP AND EACH REQUESTING
14 WIRELESS PROVIDER SHALL RECEIVE, FOR PAYMENT OF PHASE I
15 DEPLOYMENT COSTS, A PRO RATA SHARE OF THE TOTAL AMOUNT OF
16 MONEY IN THE FUND IN THE QUARTER.

17 (III) IF THE TOTAL AMOUNT OF MONEY IN THE FUND IN
18 THE QUARTER IS INSUFFICIENT TO PAY ALL AGENCY-APPROVED
19 PHASE II DEPLOYMENT COSTS OF BOTH PSAPS AND WIRELESS
20 PROVIDERS WHICH ARE PAYABLE IN THE QUARTER, THEN EACH
21 REQUESTING PSAP AND EACH REQUESTING WIRELESS PROVIDER
22 SHALL RECEIVE, FOR PAYMENT OF PHASE II DEPLOYMENT COSTS,
23 A PRO RATA SHARE OF THE TOTAL MONEY IN THE FUND WHICH ARE
24 AVAILABLE IN THE QUARTER FOR PAYMENT OF PHASE II
25 DEPLOYMENT COSTS.

26 (2) FOR ANY PSAP OR WIRELESS PROVIDER, PRO RATA SHARES
27 SHALL BE COMPUTED BASED UPON THE TOTAL DOLLAR AMOUNT OF MONEY
28 AVAILABLE IN THE FUND FOR PAYMENT OF PHASE I OR PHASE II
29 DEPLOYMENT COSTS, WHICHEVER IS APPLICABLE, MULTIPLIED BY THE
30 RATIO OF:

1 (I) THE TOTAL DOLLAR AMOUNT OF AGENCY-APPROVED BUT
2 UNPAID COSTS OF THAT PSAP OR WIRELESS PROVIDER FOR PHASE
3 I OR PHASE II DEPLOYMENT, WHICHEVER IS APPLICABLE; TO

4 (II) THE TOTAL DOLLAR AMOUNT OF ALL AGENCY-APPROVED
5 BUT UNPAID COSTS.

6 (3) ANY REMAINING UNPAID AGENCY-APPROVED PSAP COSTS OR
7 WIRELESS PROVIDER COSTS SHALL BE CARRIED FORWARD FOR PAYMENT
8 DURING THE NEXT FISCAL QUARTER. THE CARRYFORWARD PROCESS
9 SHALL CONTINUE EACH FISCAL QUARTER UNTIL ALL AGENCY-APPROVED
10 PSAP COSTS AND WIRELESS PROVIDER COSTS HAVE BEEN PAID. PRO
11 RATA AND OTHER PAYMENTS UNDER THIS SUBSECTION, INCLUDING, BUT
12 NOT LIMITED TO, PAYMENTS OF COSTS WHICH ARE CARRIED FORWARD
13 FOR PAYMENT IN SUBSEQUENT FISCAL QUARTERS, SHALL ALSO BE
14 SUBJECT TO ALL PROVISIONS AND REQUIREMENTS OF SUBSECTION (C)
15 EXCEPT FOR SUBSECTION (C) (1).

16 (E) TRIENNIAL FINANCIAL AUDIT.--THE AGENCY SHALL REQUIRE A
17 TRIENNIAL FINANCIAL AUDIT OF EACH PSAP'S USE OF THE
18 DISBURSEMENTS IT HAS RECEIVED FROM THE FUND AND OF A WIRELESS
19 PROVIDER'S COLLECTION, DEDUCTION, RETENTION, REMITTANCE AND USE
20 OF THE AMOUNTS COLLECTED BY THE WIRELESS PROVIDER UNDER THE
21 WIRELESS E-911 SURCHARGE OR THE DISBURSEMENTS IT RECEIVED FROM
22 THE FUND. THESE TRIENNIAL FINANCIAL AUDITS SHALL BE CONSISTENT
23 WITH GUIDELINES ESTABLISHED BY THE AGENCY, AND THE COST OF EACH
24 AUDIT SHALL BE PAID FROM THE FUND.

25 § 5311.6. REPORTING.

26 (A) ANNUAL REPORT BY AGENCY.--NOT LATER THAN MARCH 1 OF EACH
27 YEAR, THE AGENCY, AFTER CONSIDERATION OF THE RECOMMENDATIONS OF
28 THE ADVISORY COMMITTEE, SHALL SUBMIT AN ANNUAL REPORT, WHICH MAY
29 BE COMBINED WITH THAT REQUIRED BY SECTION 5303(A) (5) (RELATING
30 TO TELECOMMUNICATIONS MANAGEMENT), TO THE GOVERNOR AND THE

1 GENERAL ASSEMBLY. SUBJECT TO THE PROVISIONS OF SECTION 5311.7(B)
2 (RELATING TO PUBLIC DISCLOSURE AND CONFIDENTIALITY OF
3 INFORMATION), THE REPORT SHALL INCLUDE AT LEAST THE FOLLOWING:

4 (1) THE EXTENT TO WHICH WIRELESS E-911 SYSTEMS CURRENTLY
5 EXIST IN THIS COMMONWEALTH.

6 (2) THOSE PSAPS WHICH COMPLETED INSTALLATION OF WIRELESS
7 E-911 SYSTEMS PURSUANT TO THE WIRELESS E-911 STATE PLAN AND
8 THE COSTS AND EXPENSES FOR INSTALLATION.

9 (3) AN ITEMIZATION BY PSAP OR WIRELESS PROVIDER, PROJECT
10 AND DESCRIPTION AND EXPENDITURE FOR EACH WIRELESS E-911
11 EMERGENCY SERVICES FUND DISBURSEMENT MADE IN THE FISCAL YEAR
12 JUST CONCLUDED. THE ITEMIZATION SHALL INCLUDE AN EXPLANATION
13 OF HOW EACH PROJECT CONTRIBUTED TO THE FULFILLMENT OF THE
14 EXISTING WIRELESS E-911 STATE PLAN.

15 (4) THE PLANNED EXPENDITURES FOR THE NEXT FISCAL YEAR
16 FOR INSTALLATION OF WIRELESS E-911 SYSTEMS PURSUANT TO THE
17 WIRELESS E-911 STATE PLAN.

18 (5) THE TOTAL AGGREGATE FEES COLLECTED FROM ALL WIRELESS
19 PROVIDERS IN THE FISCAL YEAR JUST CONCLUDED BASED UPON THE
20 REPORTS OF THE PROVIDERS SUBMITTED UNDER SECTION 5311.4(E)
21 (RELATING TO WIRELESS E-911 EMERGENCY SERVICES FUND) AND ANY
22 OTHER FUNDS RECEIVED BY THE FUND.

23 (6) THE AMOUNT OF ANY UNEXPENDED FUNDS CARRIED FORWARD
24 IN THE FUND.

25 (7) THE AMOUNT OF ANY REMAINING UNPAID AGENCY-APPROVED
26 PSAP COSTS OR WIRELESS PROVIDER COSTS BEING CARRIED FORWARD
27 FOR PAYMENT DURING THE NEXT FISCAL QUARTER.

28 (8) ANY ADVANCES IN A WIRELESS PROVIDER'S SYSTEM
29 TECHNOLOGY OR EXPANSION OF ITS CUSTOMER SERVICE AREA WHICH
30 FURTHER THE GOAL OF PROVIDING ACCESS TO A WIRELESS E-911

1 SYSTEM REGARDLESS OF THE CUSTOMER'S GEOGRAPHIC LOCATION ON
2 ANY INTERSTATE HIGHWAY IN THIS COMMONWEALTH.

3 (B) STUDY OF WIRELESS E-911 EMERGENCY SERVICES

4 IMPLEMENTATION AND OPERATION.--THE AGENCY, AFTER CONSIDERATION
5 OF THE RECOMMENDATIONS OF THE ADVISORY COMMITTEE, SHALL REPORT
6 TO THE GOVERNOR AND THE GENERAL ASSEMBLY NO LESS THAN
7 TRIENNIALLY ITS RECOMMENDATIONS CONCERNING WIRELESS E-911
8 IMPLEMENTATION AND OPERATION, INCLUDING, BUT NOT LIMITED TO,
9 NECESSARY OR REQUIRED ACTIONS WHICH MUST BE UNDERTAKEN IN
10 RESPONSE TO THE FEDERAL COMMUNICATION COMMISSION'S DIRECTIVE IN
11 THE FCC E-911 ORDER. THE REPORT SHALL RECOMMEND MEASURES TO BE
12 TAKEN BY THE GENERAL ASSEMBLY.

13 § 5311.7. PUBLIC DISCLOSURE AND CONFIDENTIALITY OF INFORMATION.

14 (A) ANNUAL REPORT OF AGENCY.--THE ANNUAL REPORT OF THE
15 AGENCY SHALL BE A PUBLIC DOCUMENT.

16 (B) PROHIBITION AGAINST RELEASE OF INFORMATION.--NEITHER THE
17 STATE TREASURER, THE AGENCY, NOR ANY EMPLOYEE, AGENT OR
18 REPRESENTATIVE OF A PSAP OR PUBLIC AGENCY SHALL DIVULGE ANY
19 INFORMATION ACQUIRED WITH RESPECT TO ANY WIRELESS PROVIDER OR
20 VOIP PROVIDER, ITS CUSTOMERS, REVENUES OR EXPENSES, TRADE
21 SECRETS, COMMERCIAL INFORMATION AND OTHER PROPRIETARY
22 INFORMATION WHILE ACTING OR CLAIMING TO ACT AS THE EMPLOYEE,
23 AGENT OR REPRESENTATIVE, AND ALL INFORMATION IS REQUIRED TO BE
24 KEPT CONFIDENTIAL EXCEPT THAT AGGREGATIONS OF INFORMATION WHICH
25 DO NOT IDENTIFY OR EFFECTIVELY IDENTIFY NUMBERS OF CUSTOMERS,
26 REVENUES OR EXPENSES, TRADE SECRETS, COMMERCIAL INFORMATION AND
27 OTHER PROPRIETARY INFORMATION ATTRIBUTABLE TO ANY INDIVIDUAL
28 WIRELESS PROVIDER OR VOIP PROVIDER MAY BE MADE PUBLIC.

29 § 5311.8. WIRELESS PROVIDER AND VOIP PROVIDER RECORDS.

30 (A) ACCESS.--UPON REQUEST FROM AND PURSUANT TO AGREEMENT

1 WITH A PSAP, EACH WIRELESS PROVIDER SHALL PROVIDE E-911 SERVICE
2 DATABASE INFORMATION; AND EACH VOIP PROVIDER SHALL PROVIDE VOIP
3 SERVICE DATABASE INFORMATION OR AUTOMATIC LOCATION INFORMATION
4 AS PERMITTED UNDER THE LAW TO THE REQUESTING PSAP. THE
5 INFORMATION SHALL REMAIN THE PROPERTY OF THE DISCLOSING WIRELESS
6 PROVIDER OR VOIP PROVIDER AND, EXCEPT AS OTHERWISE PROVIDED BY
7 APPLICABLE FEDERAL OR STATE LAW, SHALL BE USED BY THE PSAP ONLY
8 IN CONNECTION WITH PROVIDING EMERGENCY RESPONSE SERVICES TO A
9 CALL TO A 911 SYSTEM OR TO A WIRELESS E-911 SYSTEM.

10 (B) VIOLATIONS.--A PERSON COMMITS A MISDEMEANOR OF THE THIRD
11 DEGREE IF THE PERSON DOES ANY OF THE FOLLOWING:

12 (1) USES OR DISCLOSES WIRELESS E-911 SERVICE DATABASE
13 INFORMATION OR VOIP SERVICE DATABASE INFORMATION FOR PURPOSES
14 OTHER THAN HANDLING A CALL TO A 911 SYSTEM OR TO A WIRELESS
15 E-911 SYSTEM WITHOUT THE CONSENT OF THE WIRELESS SERVICE
16 CUSTOMER OR VOIP SERVICE CUSTOMER OR AS OTHERWISE PROVIDED BY
17 APPLICABLE FEDERAL OR STATE LAW.

18 (2) KNOWINGLY USES THE TELEPHONE NUMBER OF A 911 SYSTEM,
19 WIRELESS E-911 SYSTEM OR VOIP SERVICE DATABASE INFORMATION TO
20 AVOID ANY CHARGES FOR THE SERVICES OF A LOCAL EXCHANGE
21 CARRIER, COMPETITIVE LOCAL EXCHANGE CARRIER, INTEREXCHANGE
22 CARRIER, WIRELESS PROVIDER OR VOIP PROVIDER.

23 (C) PRIVACY WAIVED.--THE PROVISIONS OF 66 PA.C.S. § 2906
24 (RELATING TO DISSEMINATION OF TELEPHONE NUMBERS AND OTHER
25 IDENTIFYING INFORMATION) SHALL NOT APPLY TO WIRELESS PROVIDERS
26 OR VOIP PROVIDERS TO THE EXTENT THEY ARE ENGAGED IN PROVIDING
27 WIRELESS E-911 SERVICE, 911 SERVICE OR RELATED SERVICES.

28 § 5311.9. IMMUNITY.

29 (A) GENERALLY.--

30 (1) THIS SUBSECTION APPLIES TO ALL OF THE FOLLOWING:

1 (I) A WIRELESS PROVIDER OR VOIP PROVIDER.

2 (II) AN OFFICER OR DIRECTOR OF A WIRELESS PROVIDER
3 OR VOIP PROVIDER.

4 (III) AN EMPLOYEE OR AGENT OF A WIRELESS PROVIDER OR
5 VOIP PROVIDER.

6 (IV) A VENDOR OF A WIRELESS PROVIDER OR VOIP
7 PROVIDER.

8 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), A PERSON
9 SPECIFIED IN PARAGRAPH (1) IS IMMUNE FROM LIABILITY FOR CIVIL
10 DAMAGES RESULTING FROM OR CAUSED BY AN ACT OR OMISSION IN THE
11 DEVELOPMENT, DESIGN, INSTALLATION, OPERATION, MAINTENANCE,
12 PERFORMANCE OR PROVISION OF WIRELESS E-911 SERVICE OR 911
13 SERVICE OF:

14 (I) THE WIRELESS PROVIDER OR VOIP PROVIDER;

15 (II) AN OFFICER OR DIRECTOR OF THE WIRELESS PROVIDER
16 OR VOIP PROVIDER;

17 (III) AN EMPLOYEE OR AGENT OR THE WIRELESS PROVIDER
18 OR VOIP PROVIDER; OR

19 (IV) A SUPPLIER OF THE WIRELESS PROVIDER OR VOIP
20 PROVIDER.

21 (3) IMMUNITY UNDER PARAGRAPH (2) DOES NOT APPLY TO
22 WILLFUL OR WANTON MISCONDUCT.

23 (B) PARITY OF LIABILITY.--A WIRELESS PROVIDER OR VOIP
24 PROVIDER SHALL HAVE THE SAME IMMUNITY FROM LIABILITY FOR
25 TRANSMISSION ERRORS OR FAILURES, NETWORK OUTAGES OR OTHER
26 TECHNICAL PROBLEMS THAT ARISE IN THE COURSE OF HANDLING
27 EMERGENCY CALLS OR PROVIDING EMERGENCY SERVICES, INCLUDING
28 WIRELESS E-911 SERVICE, AS A LOCAL EXCHANGE CARRIER ENJOYS IN
29 THE COURSE OF HANDLING THE CALLS OR PROVIDING THE SERVICES.

30 (C) RELEASE OF INFORMATION.--

1 (1) THIS SUBSECTION APPLIES TO ALL OF THE FOLLOWING:

2 (I) A WIRELESS PROVIDER OR VOIP PROVIDER.

3 (II) AN EMPLOYEE OR AGENT OF A WIRELESS PROVIDER OR
4 VOIP PROVIDER.

5 (2) A PERSON SPECIFIED IN PARAGRAPH (1) IS IMMUNE FROM
6 LIABILITY FOR RELEASING, AS REQUIRED BY THIS CHAPTER OR ANY
7 OTHER LAW, WIRELESS SERVICE CUSTOMER INFORMATION OR VOIP
8 SERVICE CUSTOMER INFORMATION TO THE AGENCY OR TO ANY 911
9 SYSTEM OR WIRELESS E-911 SYSTEM, PUBLIC AGENCY OR PSAP.

10 § 5311.10. AGENCY FUNDING FOR WIRELESS E-911 SUPPORT.

11 THE AGENCY IS AUTHORIZED TO RETAIN UP TO 2% OF THE ANNUAL
12 WIRELESS E-911 SURCHARGE AND PREPAID WIRELESS E-911 SURCHARGE
13 PROCEEDS TO PAY FOR AGENCY EXPENSES DIRECTLY RELATED TO
14 ADMINISTERING THE WIRELESS E-911 PROVISIONS OF THIS CHAPTER.
15 EXPENSES UNDER THIS SECTION INCLUDE PERSONNEL, TRAVEL,
16 ADMINISTRATIVE, FINANCIAL AUDITING AND PRINTING COSTS.

17 § 5311.11. RATE REGULATION.

18 NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO CONSTITUTE THE
19 REGULATION OF THE RATES CHARGED BY WIRELESS PROVIDERS FOR ANY
20 SERVICE OR FEATURE WHICH THEY PROVIDE TO THEIR WIRELESS SERVICE
21 CUSTOMERS OR TO PROHIBIT A WIRELESS PROVIDER FROM CHARGING A
22 WIRELESS SERVICE CUSTOMER FOR ANY SERVICE OR FEATURE PROVIDED TO
23 THE CUSTOMER.

24 § 5311.12. REGULATIONS.

25 THE COUNCIL HAS THE POWER TO ISSUE STATEMENTS OF POLICY AND
26 TO PROMULGATE REGULATIONS FOR THE IMPLEMENTATION OF THIS
27 CHAPTER.

28 § 5311.13. ENFORCEMENT.

29 IN ADDITION TO ANY POWERS EXPRESSLY ENUMERATED IN THIS
30 CHAPTER, THE AGENCY HAS THE POWER AND DUTY TO ENFORCE AND

1 EXECUTE, BY ITS REGULATIONS OR OTHERWISE, THIS CHAPTER. THE
2 AGENCY MAY INSTITUTE INJUNCTION, MANDAMUS OR OTHER APPROPRIATE
3 LEGAL PROCEEDINGS TO ENFORCE THIS CHAPTER AND REGULATIONS
4 PROMULGATED UNDER THIS CHAPTER.

5 § 5311.14. COLLECTION AND DISBURSEMENT OF VOIP 911 FEE.

6 (A) VOIP SERVICE CUSTOMER 911 CONTRIBUTION.--

7 (1) EACH VOIP PROVIDER OR TELECOMMUNICATIONS CARRIER
8 SHALL COLLECT A \$1 FEE PER MONTH FOR EACH TELEPHONE NUMBER OR
9 SUCCESSOR DIALING PROTOCOL ASSIGNED BY A VOIP PROVIDER TO A
10 VOIP SERVICE CUSTOMER NUMBER THAT HAS OUTBOUND CALLING
11 CAPABILITY. THE FOLLOWING APPLY:

12 (I) THE FEE, MINUS THE ACTUAL UNCOLLECTIBLES
13 EXPERIENCED BY THE VOIP PROVIDER, SHALL BE REMITTED:

14 (A) QUARTERLY; OR

15 (B) AT THE OPTION OF THE PROVIDER OR
16 TELECOMMUNICATIONS CARRIER, MONTHLY.

17 (II) THE REMITTANCE SHALL BE MADE AS FOLLOWS:

18 (A) EXCEPT AS SET FORTH IN CLAUSE (B), TO THE
19 COUNTY TREASURER.

20 (B) IN A HOME RULE COUNTY, AS FOLLOWS:

21 (I) TO THE COUNTY OFFICIAL RESPONSIBLE FOR
22 THE COLLECTION AND DISBURSEMENT OF FUNDS.

23 (II) AT THE OPTION OF THE REMITTER, TO THE
24 STATE TREASURER. ELECTION OF THE OPTION SHALL BE
25 BY REGULATIONS ESTABLISHED BY THE AGENCY, WHICH
26 SHALL INCLUDE APPROPRIATE NOTIFICATION TO THE
27 AFFECTED COUNTIES OF THE EXERCISE OF THIS OPTION.

28 (III) THE FEE SHALL BE STATED SEPARATELY IN THE VOIP
29 SERVICE CUSTOMER'S PAPER OR ELECTRONIC BILLING, AND THE
30 FEE SHALL BE COLLECTED APART FROM AND IN ADDITION TO ANY

FEE LEVIED BY THE VOIP PROVIDER IN WHOLE OR IN PART FOR
THE PROVISION OF 911 SERVICES OR E-911 SERVICES.

(2) IN THE CASE OF VOIP SERVICE CUSTOMERS PURCHASING
MULTIPLE DIAL TONE TELEPHONE ACCESS LINES FROM A VOIP
PROVIDER, THE FOLLOWING MULTIPLIERS SHALL BE APPLIED TO
DETERMINE THE CONTRIBUTION RATE OF EACH CUSTOMER:

(I) FOR THE FIRST 25 LINES, EACH LINE SHALL BE
BILLED AT THE APPROVED CONTRIBUTION RATE.

(II) FOR LINES 26 THROUGH 100, EACH LINE SHALL BE
BILLED AT 75% OF THE APPROVED CONTRIBUTION RATE.

(III) FOR LINES 101 THROUGH 250, EACH LINE SHALL BE
BILLED AT 50% OF THE APPROVED CONTRIBUTION RATE.

(IV) FOR LINES 251 THROUGH 500, EACH LINE SHALL BE
BILLED AT 20% OF THE APPROVED CONTRIBUTION RATE.

(V) FOR LINES 501 OR MORE, EACH LINE SHALL BE BILLED
AT 17.2% OF THE APPROVED CONTRIBUTION RATE.

(3) IF A VOIP PROVIDER RECEIVES A PARTIAL PAYMENT FOR A
MONTHLY BILL FROM A VOIP SERVICE CUSTOMER, THE VOIP PROVIDER:

(I) MAY FIRST APPLY THE PAYMENT AGAINST THE AMOUNT
THE VOIP SERVICE CUSTOMER OWES THE VOIP PROVIDER; AND

(II) SHALL THEN REMIT TO THE COUNTY OR THE STATE
TREASURER THE LESSER AMOUNT RESULTING FROM THE
APPLICATION OF THE PAYMENT.

(4) THE FEES COLLECTED AND REMITTED UNDER THIS
SUBSECTION SHALL NOT:

(I) BE SUBJECT TO TAXES OR CHARGES LEVIED BY THE
COMMONWEALTH OR A POLITICAL SUBDIVISION; NOR

(II) BE CONSIDERED REVENUE OF THE VOIP PROVIDER FOR
ANY PURPOSE.

(5) AS REIMBURSEMENT FOR ADMINISTRATIVE COSTS TO COVER

1 ITS EXPENSES OF BILLING, COLLECTING AND REMITTING THE FEES
2 DURING THE REPORTING PERIOD, THE VOIP PROVIDER IS ALLOWED TO
3 RETAIN FOR REIMBURSEMENT UP TO THE FOLLOWING PERCENTAGES OF
4 THE TOTAL FEES COLLECTED UNDER THIS SUBSECTION:

5 (I) IF REMITTANCE IS MADE TO THE COUNTY, 2%.

6 (II) IF REMITTANCE IS MADE TO THE STATE TREASURER,
7 1%.

8 (6) TO THE EXTENT THAT A VOIP PROVIDER OBTAINS
9 CONNECTIONS TO THE PUBLIC SWITCHED TELEPHONE NETWORK FROM A
10 TELECOMMUNICATIONS CARRIER, THAT TELECOMMUNICATIONS CARRIER
11 SHALL NOT BE REQUIRED TO ASSESS OR MAKE CONTRIBUTIONS TO ANY
12 911 OR E-911 FUND IN CONNECTION WITH THE CUSTOMERS OR THE
13 TELEPHONE NUMBERS FOR WHICH THE VOIP PROVIDER IS RESPONSIBLE
14 FOR COLLECTING AND MAKING CONTRIBUTIONS UNDER THIS SECTION.
15 IF, HOWEVER, THE TELECOMMUNICATIONS CARRIER IS, BY AGREEMENT
16 WITH THE VOIP PROVIDER, REQUIRED TO MAKE 911 OR E-911
17 CONTRIBUTIONS ON BEHALF OF THE VOIP PROVIDER CUSTOMER, THE
18 VOIP PROVIDER SHALL NOT BE RESPONSIBLE FOR COLLECTING AND
19 MAKING CONTRIBUTIONS UNDER THIS SECTION.

20 (B) REPORTING BY VOIP PROVIDERS.--

21 (1) WITH EACH REMITTANCE UNDER SUBSECTION (A), A VOIP
22 PROVIDER AND TELECOMMUNICATIONS CARRIER SHALL SUPPLY THE
23 FOLLOWING INFORMATION TO THE INDIVIDUAL RECEIVING THE
24 REMITTANCE AND TO THE AGENCY THE TOTAL FEES COLLECTED UNDER
25 SUBSECTION (A) (1) FROM ITS VOIP SERVICE CUSTOMERS DURING THE
26 REPORTING PERIOD. IF THE TELECOMMUNICATIONS CARRIER HAS
27 REMITTED THE FEES TO THE COUNTY OR THE AGENCY PURSUANT TO AN
28 AGREEMENT WITH THE VOIP PROVIDER, THE VOIP PROVIDER SHALL
29 PROVIDE NOTIFICATION OF THE REPORTING AGREEMENT ALONG WITH
30 THE TELECOMMUNICATIONS CARRIER'S NAME AND 911 OR E-911

1 ACCOUNT NUMBER.

2 (2) A VOIP PROVIDER AND TELECOMMUNICATIONS CARRIER SHALL
3 PROVIDE THE COUNTY OR, IF REMITTING TO THE STATE TREASURER,
4 THE AGENCY WITH REQUESTED INFORMATION, INCLUDING THE PRIMARY
5 PLACE OF USE OF EACH INTERCONNECTED VOIP SERVICE CUSTOMER, IN
6 ORDER TO DISCHARGE ITS OBLIGATIONS UNDER THIS SECTION. THE
7 INFORMATION SHALL BE IN WRITING. THIS PARAGRAPH INCLUDES THE
8 COLLECTION AND DEPOSIT OF THE VOIP FEE AND ITS ADMINISTRATION
9 OF THE FUND.

10 (B.1) CONFIDENTIALITY.--INFORMATION SUPPLIED BY VOIP
11 PROVIDERS UNDER THIS SECTION SHALL REMAIN CONFIDENTIAL, AND
12 RELEASE OF THE INFORMATION SHALL BE GOVERNED BY SECTION 5311.7
13 (RELATING TO PUBLIC DISCLOSURE AND CONFIDENTIALITY OF
14 INFORMATION).

15 (C) COLLECTION ENFORCEMENT.--A VOIP PROVIDER HAS NO
16 OBLIGATION TO TAKE LEGAL ACTION TO ENFORCE THE COLLECTION OF A
17 FEE IMPOSED UNDER THIS SECTION.

18 (D) DEPOSIT OF REMITTED FEES.--THE INDIVIDUAL WHO RECEIVES
19 FEES REMITTED UNDER THIS SECTION SHALL DEPOSIT RECEIPTS INTO THE
20 RESTRICTED ACCOUNT ESTABLISHED UNDER SECTION 5307(C) (RELATING
21 TO COLLECTION AND DISBURSEMENT OF CONTRIBUTION).

22 (E) ESTABLISHMENT OF FUND.--THERE IS ESTABLISHED IN THE
23 STATE TREASURY A NONLAPSING RESTRICTED INTEREST-BEARING ACCOUNT
24 TO BE KNOWN AS THE VOIP 911 EMERGENCY SERVICES FUND. THE VOIP
25 911 EMERGENCY SERVICES FUND SHALL CONSIST OF THE FEES REMITTED
26 TO THE STATE TREASURER UNDER THIS SECTION.

27 (F) DISTRIBUTION OF FEES.--MONEY IN THE VOIP 911 EMERGENCY
28 SERVICES FUND AND THE INTEREST IT ACCRUES ARE APPROPRIATED ON A
29 CONTINUING BASIS TO THE AGENCY TO BE DISBURSED BY THE AGENCY.
30 THE AGENCY SHALL MAKE QUARTERLY DISBURSEMENTS FROM THE ACCOUNT

1 TO EACH COUNTY BY MARCH 31, JUNE 30, SEPTEMBER 30 AND DECEMBER
2 31 IN AN AMOUNT EQUAL TO THE AMOUNT OF FEES COLLECTED FROM VOIP
3 SERVICE CUSTOMERS LOCATED IN THAT COUNTY. THE DISBURSEMENTS ARE
4 FOR THE PURPOSE OF ASSISTING COUNTIES WITH THE IMPLEMENTATION OF
5 AN AGENCY-APPROVED PLAN ADOPTED UNDER SECTION 5305 (RELATING TO
6 COUNTY PLAN). THE AGENCY MAY RETAIN UP TO 1% OF THE FEES FOR
7 COSTS INCURRED IN ADMINISTERING THIS SUBSECTION.

8 § 5312. (RESERVED).

9 § 5312.1. LEGISLATIVE STUDY.

10 (A) REQUIREMENT.--THE LEGISLATIVE BUDGET AND FINANCE
11 COMMITTEE SHALL STUDY THE 911 AND WIRELESS E-911 FUNDING SYSTEM
12 UNDER SECTION 5311.4 (RELATING TO WIRELESS E-911 EMERGENCY
13 SERVICES FUND). IN CONDUCTING THE STUDY, THE COMMITTEE SHALL
14 CONSIDER COST-BENEFIT ANALYSES TO DETERMINE THE COST
15 EFFECTIVENESS OF THE SYSTEMS BOTH WITHIN THE AGENCY AND THE
16 COUNTIES. AT A MINIMUM, THE COMMITTEE SHALL INQUIRE INTO AND
17 MAKE RECOMMENDATIONS WITH RESPECT TO:

18 (1) THE EFFICACY BY WHICH THE VOIP SERVICE 911 FEE, THE
19 CONTRIBUTION RATE, THE WIRELESS E-911 SURCHARGE AND THE
20 PREPAID WIRELESS E-911 SURCHARGE ARE COLLECTED AND REMITTED
21 FOR INTENDED PURPOSES SET FORTH IN THIS CHAPTER.

22 (2) THE EXPENDITURES AUTHORIZED FOR PAYMENT FROM A
23 COUNTY'S RESTRICTED ACCOUNT FOR THE PURPOSES OF NONRECURRING
24 AND RECURRING CHARGES BILLED FOR THE 911 SYSTEM.

25 (3) DISBURSEMENTS MADE BY THE AGENCY FROM THE FUND.

26 (4) THE METHOD AND AMOUNT OF FUNDING COLLECTED THROUGH
27 THE VOIP SERVICE 911 FEE, THE CONTRIBUTION RATE, THE WIRELESS
28 E-911 SURCHARGE AND THE PREPAID WIRELESS E-911 SURCHARGE IN
29 COMPARISON TO 911 AND WIRELESS E-911 FUNDING SYSTEMS UTILIZED
30 IN OTHER STATES.

1 (5) THE FEASIBILITY AND EFFECTIVENESS OF CONSOLIDATING
2 PSAPS IN THIS COMMONWEALTH.

3 (6) ANY OTHER COST-SAVING MEASURES THAT MAY BE UTILIZED
4 BY THE PSAPS OR THE AGENCY WHICH WILL NOT JEOPARDIZE PUBLIC
5 SAFETY.

6 (7) NATIONAL INITIATIVES BEING CONSIDERED OR IMPLEMENTED
7 IN OTHER STATES INTENDED TO PROVIDE COST SAVINGS IN 911
8 SYSTEMS WITHOUT IMPACTING PUBLIC SAFETY.

9 (8) A REVIEW OF THE CURRENT AUDITING REQUIREMENTS OF
10 STATE AND COUNTY 911 EXPENDITURES UNDER THIS CHAPTER.

11 (9) THE ISSUES THE COMMONWEALTH WILL NEED TO CONSIDER IN
12 INCORPORATING "NEXT GENERATION 911" AND OTHER NONTRADITIONAL
13 COMMUNICATION TECHNOLOGIES INTO ITS EMERGENCY RESPONSE
14 SYSTEM.

15 (10) ANY TECHNOLOGY-NEUTRAL 911 FUNDING OPTIONS BY
16 EITHER THE COMMONWEALTH OR POLITICAL SUBDIVISIONS WHICH DO
17 NOT RELY ON DISPARATE TECHNOLOGIES, FEE AMOUNTS AND GRANT
18 STRUCTURES.

19 (B) REPORT.--THE COMMITTEE SHALL SUBMIT A FINAL REPORT WITH
20 RECOMMENDATIONS TO THE SECRETARY OF THE SENATE AND THE CHIEF
21 CLERK OF THE HOUSE OF REPRESENTATIVES WITHIN 120 DAYS OF THE
22 EFFECTIVE DATE OF THIS SECTION BY DECEMBER 31, 2011, AND SHALL
23 TRANSMIT A COPY OF THE FINAL REPORT TO THE LEGISLATIVE REFERENCE
24 BUREAU FOR PUBLICATION IN THE PENNSYLVANIA BULLETIN WITHIN 30
25 DAYS OF THE SUBMISSION OF THE FINAL REPORT.

26 § 5398. TERMINATION.

27 THIS CHAPTER SHALL EXPIRE JUNE 30, 2014.

28 Section 3. Chapter 73 of Title 35 is amended by adding
29 subchapters to read:

30 SUBCHAPTER D

1 STATE FIREMEN'S TRAINING SCHOOL

2 Sec.

3 7351. Establishment, purpose and name.

4 7352. Supervision and control.

5 7353. Powers and duties.

6 7354. Persons admitted.

7 7355. Application for admission.

8 7356. Acquisition of site.

9 7357. Conveyance of land and plans for buildings and
10 structures.

11 7358. Leasing by Commonwealth.

12 § 7351. Establishment, purpose and name.

13 In order to enable the Department of Education more
14 effectively to train firefighters under the program of the
15 Public Service Institute Board established by the department
16 under its vocational education program, there is hereby
17 established a training school for firefighters for practical
18 training in the control and extinguishment of fires. The
19 training school shall be known as The Pennsylvania State
20 Firemen's Training School.

21 § 7352. Supervision and control.

22 The management of the school and the control and care of the
23 buildings and grounds owned and used by the Commonwealth for the
24 school and the conduct of instruction at the school shall be
25 under the direct supervision and control of the Department of
26 Education.

27 § 7353. Powers and duties.

28 The Department of Education and the Public Service Institute
29 Board shall have the power and their duty shall be:

30 (1) To fix the salaries of the employees of the school

1 in conformity with the standards established by the Executive
2 Board.

3 (2) To make rules and regulations for the government and
4 management of the school and the admission of firefighters
5 from the various political subdivisions to the school.

6 (3) To prescribe the courses of study and the practical
7 training in connection therewith.

8 (4) To accept on behalf of the Commonwealth donations of
9 land or equipment for the use of the school.

10 § 7354. Persons admitted.

11 All firefighters who are regularly employed by any local
12 political subdivision of this Commonwealth and all regularly
13 enrolled members of volunteer fire companies shall be eligible
14 for admission to the school and shall be chosen by the governing
15 authority of each political subdivision. The Public Service
16 Institute Board shall apportion the number admitted to the
17 school so that each county is represented in the ratio that the
18 number of firefighters in each county bears to the total number
19 of firefighters in this Commonwealth.

20 § 7355. Application for admission.

21 Application for admission shall be made to the Public Service
22 Institute Board by the political subdivisions in the manner
23 prescribed by the board.

24 § 7356. Acquisition of site.

25 The Secretary of Education, with the approval of the
26 Governor, may accept a gift of land suitable as a site for the
27 school or, if no gift of a suitable site is offered, the
28 secretary shall, with the approval of the Governor, select for
29 acquisition by the Department of General Services in the name of
30 the Commonwealth, a tract of land located in or adjacent to the

borough of Lewistown for the erection, construction, furnishing
and equipping thereon by Department of General Services of the
Pennsylvania State Firemen's Training School. The title to the
lands so acquired, whether by gift or otherwise, shall be
approved by the Attorney General. If it shall be found that the
Commonwealth owns State lands suitable in whole or in part for
such use, the lands may be designated by the Department of
Education, with the approval of the Governor and the department,
board or commission having possession and control of the lands,
and used for such purpose. Any additional lands necessary may be
selected and acquired as herein provided.

§ 7357. Conveyance of land and plans for buildings and
structures.

Upon the acquisition of any land in the name of the
Commonwealth or designation of any land of the Commonwealth, the
Department of General Services shall have the authority to erect
or construct and furnish and equip thereon the buildings and
other structures necessary for the Pennsylvania State Firemen's
Training School. The plans and specifications of the school,
whether erected on land acquired directly by Department of
General Services or by conveyance to it from the Commonwealth,
shall be subject to the approval of the Department of Education
and shall provide for suitable buildings and other necessary
equipment, structures and improvements.

§ 7358. Leasing by Commonwealth.

The Department of General Services, with the approval of the
Governor, is authorized to enter into a lease for not more than
99 years to acquire the use of the buildings and structures and
any lands connected therewith and the furnishings and equipment
thereof for the purpose of having the same managed and operated

1 by the Department of Education.

2 SUBCHAPTER E

3 VOLUNTEER FIRE COMPANY, AMBULANCE SERVICE

4 AND RESCUE SQUAD ASSISTANCE

5 Sec.

6 7361. Scope of subchapter.

7 7362. Legislative findings and declaration of purpose.

8 7363. Definitions.

9 7364. Assistance to volunteer fire companies, ambulance
10 services and rescue squads.

11 7365. Volunteer Companies Loan Fund.

12 7366. Powers and duties of agency.

13 7367. Authority to borrow.

14 7368. Bonds, issue, maturity and interest.

15 7369. Sale of bonds.

16 7370. Refunding bonds.

17 7371. Disposition and use of proceeds.

18 7372. Registration of bonds.

19 7373. Information to General Assembly.

20 7374. Volunteer Company Loan Sinking Fund and investments.

21 7375. Expenses of preparation, issue and sale of bonds.

22 7376. Repayment obligations for principal and interest.

23 7377. Quorum.

24 7378. Temporary financing authorization.

25 7378.1. Referendum for additional indebtedness.

26 7378.2. Authorization of contracts, reimbursement procedure and
27 amount.

28 7378.3. Reimbursement procedure and amount.

29 § 7361. Scope of subchapter.

30 This subchapter relates to volunteer fire company, ambulance

1 service and rescue squad assistance.

2 § 7362. Legislative findings and declaration of purpose.

3 (a) Findings.--The General Assembly finds that:

4 (1) Under the provisions of section 7(a)(3) of Article
5 VIII of the Constitution of Pennsylvania, the voters of the
6 Commonwealth approved by referenda on November 4, 1975, the
7 incurring of indebtedness of \$10,000,000 and on November 3,
8 1981, approved the incurring of an additional \$15,000,000 of
9 indebtedness and on November 6, 1990, approved the incurring
10 of an additional \$25,000,000 of indebtedness for loans to
11 volunteer fire companies, volunteer ambulance services and
12 volunteer rescue squads for the purpose of establishing or
13 modernizing facilities to house fire fighting apparatus
14 equipment, ambulances and rescue vehicles, and for purchasing
15 new fire fighting apparatus equipment, ambulances and rescue
16 vehicles, protective and communications equipment, and any
17 other accessory equipment necessary for the proper
18 performance of such organizations' duties.

19 (2) Under the provisions of section 7(a)(3) of Article
20 VIII of the Constitution of Pennsylvania, on November 5,
21 2002, the voters of this Commonwealth approved by referendum
22 the incurring of indebtedness for the establishment of a
23 program that utilizes capital and other related methods to
24 enhance and improve the delivery of volunteer fire and
25 volunteer emergency services in this Commonwealth. The
26 General Assembly further finds that the use of up to
27 \$50,000,000 of such indebtedness to expand the existing
28 program providing for loans to volunteer fire companies,
29 volunteer ambulance services and volunteer rescue squads as
30 authorized under this subchapter is an appropriate use of

1 such indebtedness.

2 (b) Purpose.--It is the purpose of this subchapter to
3 implement section 5 of the act of September 25, 1975 (P.L.296,
4 No.95), entitled "An act authorizing the indebtedness, with the
5 approval of the electors, of ten million dollars for loans to
6 volunteer fire companies, volunteer ambulance services and
7 volunteer rescue squads for the purpose of establishing or
8 modernizing facilities to house fire fighting apparatus
9 equipment, ambulances, and rescue vehicles, and for purchasing
10 new fire fighting apparatus equipment, ambulances, and rescue
11 vehicles, protective and communications equipment, and any other
12 accessory equipment necessary for the proper performance of such
13 organizations' duties"; section 5 of the act of June 30, 1981
14 (P.L.138, No.44), entitled "An act authorizing the indebtedness,
15 with the approval of the electors, of \$15,000,000 for loans to
16 volunteer fire companies, volunteer ambulance services and
17 volunteer rescue squads for the purpose of establishing or
18 modernizing facilities to house firefighting apparatus
19 equipment, ambulances, and rescue vehicles, and for purchasing
20 firefighting apparatus equipment, ambulances, and rescue
21 vehicles, protective and communications equipment, and any other
22 accessory equipment necessary for the proper performance of such
23 organizations' duties," and section 7378.1(5) (relating to
24 referendum for additional indebtedness); as well as implement in
25 part section 31.3 of the act of June 29, 2002 (P.L.559, No.89),
26 entitled "An act amending the act of March 4, 1971 (P.L.6,
27 No.2), entitled 'An act relating to tax reform and State
28 taxation by codifying and enumerating certain subjects of
29 taxation and imposing taxes thereon; providing procedures for
30 the payment, collection, administration and enforcement thereof;

1 providing for tax credits in certain cases; conferring powers
2 and imposing duties upon the Department of Revenue, certain
3 employers, fiduciaries, individuals, persons, corporations and
4 other entities; prescribing crimes, offenses and penalties,'
5 further providing, in sales and use tax, for definitions, for
6 imposition, for exclusions, for licenses, for collection, for
7 bulk and auction sales and for crimes; providing, in local tax
8 situs, for situs of mobile telecommunications services; further
9 providing, in personal income tax, for definitions, for classes
10 of income, for special tax provisions for poverty, for
11 contributions, for bulk and auction sales and transfers; in
12 corporate net income tax, for definitions, for imposition and
13 for interest in unincorporated entities; and in capital stock
14 and franchise tax, for definitions, for imposition, for deposit
15 of proceeds, for interest in unincorporated entities and for
16 applicability and expiration; establishing revenue-neutral
17 reconciliation in utilities gross receipts tax; providing, in
18 public utility realty tax and for surcharge; further providing,
19 in realty transfer tax, for furnishing stamps; in cigarette tax,
20 for incidence and rate, for floor tax, for commissions on sales
21 and for disposition of certain funds; in research and
22 development tax credit, for time limitations and for
23 termination; in inheritance tax, for definitions, for transfers
24 not subject to tax and for estate tax and for estate tax
25 returns; providing for immediate assessment, settlement or
26 collection and for depreciation of certain property in cities of
27 the first class; and making repeals," by providing for loans to
28 volunteer fire, ambulance and rescue companies to protect the
29 lives and property of the citizens of this Commonwealth pursuant
30 to and to execute the above favorable referenda in subsection

1 (a). The General Assembly has determined that volunteer fire
2 companies are most in need of loans and therefore intends that,
3 to the extent possible, a significant portion of the Volunteer
4 Companies Loan Fund be used to provide loans to volunteer fire
5 companies and that the balance be allocated to provide loans to
6 volunteer ambulance and volunteer rescue companies. The General
7 Assembly intends that the loans provided under this subchapter
8 be used to replace outmoded or unsafe equipment and buildings of
9 volunteer companies and that the loans be provided to volunteer
10 companies which are experiencing a need for equipment or
11 facilities to meet an increasing demand for a higher level of
12 service in the communities which they serve.

13 § 7363. Definitions.

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

17 "Accessory equipment." Fire fighting, ambulance and rescue
18 equipment necessary to carry out the ordinary functions of
19 supporting fires, life and rescue activities.

20 "Agency." The Pennsylvania Emergency Management Agency.

21 "Apparatus equipment." Elevated equipment, pumpers, tankers,
22 ladder trucks, utility or special service vehicles, ambulances,
23 rescue vehicles or other large equipment used for fire fighting
24 and emergency services.

25 "Communications equipment." Any voice or original
26 transmission system required to support the operation of the
27 volunteer fire company, volunteer ambulance service and
28 volunteer rescue squad.

29 "Establishing." In the context of establishing or
30 modernizing facilities, the term means both the construction of

1 new buildings and the acquisition or renovation of existing
2 structures.

3 "Facilities." Facilities used to house fire fighting
4 equipment, ambulances and rescue vehicles. The term shall not
5 include meeting halls, social rooms or any other facilities not
6 directly related to fire fighting.

7 "National Fire Protection Association (NFPA) standards."
8 Apparatus and equipment, including personal protective
9 equipment, shall be deemed to meet the requirements of
10 compliance with the applicable standards of the National Fire
11 Protection Association (NFPA), except that:

12 (1) New apparatus shall be constructed to meet or exceed
13 the standards in effect at the time of manufacture.

14 (2) Used fire fighting apparatus shall:

15 (i) in no instance meet lesser requirements than the
16 standards for apparatus adopted by the National Fire
17 Protection Association in 1991; and

18 (ii) beginning June 25, 1999, meet the National Fire
19 Protection Association standards for apparatus in effect
20 at the time of original manufacture, except that no loans
21 shall be considered or made for apparatus that cannot
22 meet the National Fire Protection Association standards
23 in effect no more than 12 years prior to the date of the
24 application for loan financing.

25 (3) New equipment shall meet or exceed the standards in
26 effect at the time of original manufacture.

27 (4) Used equipment shall meet or exceed the standards in
28 effect at the time of original manufacture, except that no
29 loans for used equipment shall be considered or made for
30 equipment more than five years old at the time of application

1 for loan assistance.

2 (5) In every instance, used equipment and apparatus
3 shall meet the applicable National Fire Protection
4 Association standards at the time that the loan funds are
5 advanced.

6 "Protective equipment." Any equipment used by fire fighters,
7 volunteer ambulance service personnel or volunteer rescue
8 service personnel to protect their person from injury while
9 performing their functions, including, but not limited to,
10 helmets, turnout coats and pants, boots, eyeshields, gloves and
11 self-contained respiratory protection units.

12 "Rescue vehicle." Any vehicle, whether a motor vehicle or a
13 watercraft, used for rescue services.

14 "Utility or special service vehicle." A vehicle carrying
15 accessory equipment, including, but not limited to, ladders,
16 oxygen equipment, generators and adaptors, floodlights, smoke
17 ejectors and other equipment necessary to perform the ordinary
18 functions of supporting fire fighting activities.

19 "Volunteer ambulance service." Any nonprofit chartered
20 corporation, association or organization located in this
21 Commonwealth and which is regularly engaged in the service of
22 providing emergency medical care and transportation of patients.

23 "Volunteer fire company." Any nonprofit chartered
24 corporation, association or organization located in this
25 Commonwealth which provides fire protection services and other
26 voluntary emergency services within this Commonwealth. Voluntary
27 emergency services provided by a volunteer fire company may
28 include voluntary ambulance and voluntary rescue services.

29 "Volunteer rescue service." Any nonprofit chartered
30 corporation, association or organization located in this

1 Commonwealth which provides rescue services in this
2 Commonwealth.

3 "Volunteer Companies Loan Fund." The fund established under
4 section 7365 (relating to Volunteer Companies Loan Fund).
5 § 7364. Assistance to volunteer fire companies, ambulance
6 service and rescue squads.

7 (a) General rule.--The agency is authorized, upon
8 application of any volunteer fire company, volunteer ambulance
9 service or volunteer rescue squad, to make loans for the
10 following purposes:

11 (1) Establishing or modernizing facilities that house
12 fire fighting equipment, ambulance or rescue vehicles. The
13 amount of a loan for establishing or modernizing facilities
14 made to any one volunteer fire company, ambulance service or
15 rescue squad shall not exceed 50% of the total cost of the
16 facilities or modernization or \$200,000, whichever is less,
17 and a notarized financial statement filed under subsection
18 (c) shall show that the applicant has available 20% of the
19 total cost of the facilities in unobligated funds. Proceeds
20 of the loan shall be used only for purposes of structure or
21 land acquisition or renovation or construction and shall not
22 be used for payment of fees for design, planning, preparation
23 of applications or any other cost not directly attributable
24 to structure or land acquisition or renovation or
25 construction.

26 (2) Purchasing fire fighting apparatus, ambulances or
27 rescue vehicles. The amount of a loan made for purchasing
28 fire fighting apparatus to any one volunteer fire company
29 shall not exceed \$100,000 for any single fire fighting
30 apparatus equipment or utility or special service vehicle or

1 heavy duty rescue vehicle as defined by regulation, or 50% of
2 the total cost of the equipment or vehicle, whichever is
3 less, except for loans for aerial apparatus as defined by
4 regulation, which shall not exceed \$150,000. The amount of a
5 loan made to any one volunteer fire company, ambulance
6 service or rescue squad for any ambulance or light duty
7 rescue vehicle as defined by regulation shall not exceed
8 \$50,000 and for a watercraft rescue vehicle shall not exceed
9 \$15,000 or 50% of the cost of the ambulance or rescue
10 vehicle, whichever is less, and a notarized financial
11 statement filed under subsection (c) shall show that the
12 applicant has available 20% of the total cost of the vehicle
13 in unobligated funds.

14 (3) Purchasing protective, accessory or communication
15 equipment. No volunteer fire company, ambulance service or
16 rescue squad shall receive a loan for protective, accessory
17 or communicative equipment more than once in any five-year
18 period. Each volunteer fire company, ambulance service or
19 rescue squad may apply for a loan for a mobile and portable
20 radio unit for each existing serviceable apparatus equipment,
21 ambulance or rescue vehicle. Radio equipment obtained through
22 loans under this subchapter shall be equipped with a
23 frequency or frequencies licensed by the Federal
24 Communications Commission for fire fighting or emergency
25 response purposes. A notarized financial statement shall be
26 filed and loans under this subchapter for the purchase of
27 protective, accessory or communicative equipment shall not
28 exceed \$10,000.

29 (4) Refinancing debt incurred or contracts entered into
30 after November 4, 1975, and used for the purchase of

1 apparatus equipment or for the construction or modernization
2 of facilities or for modification of apparatus equipment in
3 order to comply with National Fire Protection Association
4 standards.

5 (5) Repair or rehabilitation of apparatus equipment.
6 Where it has been determined that existing apparatus
7 equipment no longer meets the standards of the National Fire
8 Protection Association, and the repair or rehabilitation of
9 such equipment will bring it in compliance with National Fire
10 Protection Association standards, loans for the repair or
11 rehabilitation for a single apparatus equipment shall be for
12 at least \$1,000 but shall not exceed the lesser of \$35,000 or
13 80% of the total cost of repair or rehabilitation.

14 (6) Purchasing of used fire fighting apparatus,
15 equipment, used ambulances, used rescue vehicles, used
16 communications equipment, used accessory equipment or used
17 protective equipment, except that the used vehicles and
18 equipment shall meet the National Fire Protection Association
19 (NFPA) standards and loans for the purchase of a used single
20 apparatus equipment shall not exceed \$60,000 or 80% of the
21 total cost of the equipment, whichever is less.

22 (7) Purchasing Pennsylvania Fire Information Reporting
23 System (PennFIRS) hardware and software. A volunteer fire
24 company shall be eligible to apply one time only for a loan
25 of not more than \$2,000 or 75% of the cost of such
26 acquisition, whichever is less, and with a term not exceeding
27 five years for the purpose of acquiring the hardware and
28 software necessary to participate in the Pennsylvania Fire
29 Information Reporting System. The Office of the State Fire
30 Commissioner shall develop, at its discretion, such

1 procedures and forms as it may deem necessary to facilitate
2 loans for PennFIRS hardware and software. The loans shall be
3 secured as required by law.

4 (a.1) Limitation.--Loans under this subchapter may be made
5 for any of the purposes of subsection (a) undertaken by a
6 volunteer fire company, volunteer ambulance service and
7 volunteer rescue squad on or after November 4, 1975.

8 (b) Loans.--Loans made by the agency in the amount of
9 \$15,000 or less shall be for a period of not more than five
10 years. Loans in excess of \$15,000 but for \$50,000 or less shall
11 be for a period of not more than ten years. The payback period
12 of any loan in excess of \$50,000, except a loan for establishing
13 or modernizing facilities, shall not exceed 15 years. The
14 payback period for any loan in excess of \$100,000 for
15 establishing or modernizing facilities shall not exceed 20
16 years. Loans shall be subject to the payment of interest at 2%
17 per year and shall be subject to such security as shall be
18 determined by the agency. The total amount of interest earned by
19 the investment or reinvestment of all or any part of the
20 principal of any loan shall be returned to the agency and
21 transferred to the Volunteer Companies Loan Fund and shall not
22 be credited as payment of principal or interest on the loan.
23 Except as provided in subsection (a)(5) and (7), the minimum
24 amount of any loan shall be \$5,000.

25 (c) Applications.--Every application for a loan shall be
26 accompanied by a notarized financial statement of the volunteer
27 fire company, ambulance service or rescue squad and a financial
28 plan to show the amount of assets and projected revenues for the
29 repayment of the loan, any other obligations of the volunteer
30 company and operating expenses over the period of the loan.

1 Every application shall be accompanied by evidence sufficient to
2 show that all costs except the amount of the loan have been
3 obtained by assets of the volunteer company and other loans or
4 sources of revenue. If a volunteer fire company, ambulance
5 service or rescue squad is unable to meet the 20% requirement of
6 subsection (a), then a political subdivision which is served by
7 the volunteer company may pledge its credit in the amount of
8 funds necessary to satisfy the 20% requirement and, if it does
9 so, shall cosign the application submitted by the volunteer
10 company.

11 (d) Use.--Loans shall be used for the acquisition by
12 volunteer companies of new or used apparatus equipment, new or
13 used ambulances, new or used rescue vehicles, new or used
14 communications equipment, new or used accessory equipment or new
15 or used protective equipment or for the acquisition and
16 renovation of existing structures to house fire fighting
17 equipment, ambulance or rescue vehicles or for the construction
18 or modernization of facilities and, except as provided in
19 subsection (a)(4), shall not be used for operating expenses or
20 for the refinancing of renovated structures, refinancing of
21 construction or modernization of facilities, apparatus
22 equipment, communication equipment, accessory equipment, nor,
23 except as provided in subsection (a)(4), shall be made or used
24 to reduce any debt or other obligations issued prior to the
25 effective date of this subchapter.

26 (e) Payment.--Loans made by the agency shall be paid from
27 the Volunteer Companies Loan Fund to the volunteer fire
28 companies, ambulance services and rescue squads in accordance
29 with rules and regulations promulgated by the agency.

30 (f) Deposit.--All payments of interest on the loans and the

1 principal thereof shall be deposited by the agency in the
2 Volunteer Companies Loan Fund.

3 (g) Eligibility.--A volunteer fire company, ambulance
4 service and rescue squad shall be eligible for a loan regardless
5 of legal ownership in whole or in part by any political
6 subdivision of any facilities or apparatus equipment used by the
7 volunteer fire company, volunteer ambulance and volunteer rescue
8 squad. Any equipment or facilities financed may be transferred
9 to a political subdivision served by the volunteer fire company,
10 volunteer ambulance service or volunteer rescue squad subject to
11 such security as shall be determined by the agency.

12 (h) Maximum amount.--Notwithstanding any other provision of
13 this section to the contrary, the maximum amount of any loan to
14 a volunteer fire company, volunteer ambulance service and
15 volunteer rescue squad for the purchase of fire fighting
16 apparatus, ambulances or rescue vehicles manufactured or
17 assembled in this Commonwealth may exceed the loan limits set
18 forth in this section by \$10,000.

19 \$ 7365. Volunteer Companies Loan Fund.

20 (a) General rule.--There is created a special fund in the
21 Treasury Department to be known as the Volunteer Companies Loan
22 Fund to which shall be credited all appropriations made by the
23 General Assembly other than appropriations for expenses of
24 administering this subchapter or grants from other sources to
25 the agency as well as repayment of principal and interest on
26 loans made under this subchapter.

27 (b) Requisition.--Upon approval of the loan, the agency
28 shall routinely requisition from the Volunteer Companies Loan
29 Fund such amounts as shall be allocated by the agency for loans
30 to volunteer companies. When and as the amounts so allocated as

1 loans to volunteer companies are repaid pursuant to the terms of
2 the agreements made and entered into with the agency, the agency
3 shall pay such amounts into the Volunteer Companies Loan Fund,
4 it being the intent of this subchapter that the Volunteer
5 Companies Loan Fund shall operate as a revolving fund whereby
6 all appropriations and payments made thereto may be applied and
7 reapplied to the purposes of this subchapter.

8 § 7366. Powers and duties of agency.

9 (a) Mandatory.--The powers and duties of the agency shall
10 be:

11 (1) To appoint agents and employees, necessary to the
12 administration of this subchapter, and to prescribe their
13 duties and to fix their compensation within the limitations
14 provided by law.

15 (2) To accept grants from the Federal Government and any
16 other individual, agency or government for use in the
17 Volunteer Companies Loan Fund.

18 (3) To loan money over a term of years, but in no case
19 in excess of 20 years.

20 (4) To promulgate such rules and regulations as it deems
21 necessary to carry out its powers and duties under this
22 subchapter.

23 (b) Discretionary.--The powers and duties of the agency may
24 be:

25 (1) To require security for all loans.

26 (2) To specify priority of liens against any facilities,
27 apparatus equipment, ambulances, rescue vehicles or any
28 equipment purchased by volunteer companies using funds loaned
29 under this subchapter to pay all or any part of the purchase
30 price, as the agency may require by regulation.

1 § 7367. Authority to borrow.

2 Under the provisions of section 7(a)(3) of Article VIII of
3 the Constitution of Pennsylvania and the referenda approved by
4 the electorate on November 4, 1975, November 3, 1981, November
5 6, 1990, and November 5, 2002, the Governor, Auditor General and
6 State Treasurer are authorized and directed to borrow, on the
7 credit of the Commonwealth, money not exceeding in the aggregate
8 the sum of \$100,000,000 to implement this subchapter, the act of
9 September 25, 1975 (P.L.296, No.95), entitled "An act
10 authorizing the indebtedness, with the approval of the electors,
11 of ten million dollars for loans to volunteer fire companies,
12 volunteer ambulance services and volunteer rescue squads for the
13 purpose of establishing or modernizing facilities to house fire
14 fighting apparatus equipment, ambulances, and rescue vehicles,
15 and for purchasing new fire fighting apparatus equipment,
16 ambulances, and rescue vehicles, protective and communications
17 equipment, and any other accessory equipment necessary for the
18 proper performance of such organizations' duties," and the act
19 of June 30, 1981 (P.L.138, No.44), entitled "An act authorizing
20 the indebtedness, with the approval of the electors, of
21 \$15,000,000 for loans to volunteer fire companies, volunteer
22 ambulance services and volunteer rescue squads for the purpose
23 of establishing or modernizing facilities to house firefighting
24 apparatus equipment, ambulances, and rescue vehicles, and for
25 purchasing firefighting apparatus equipment, ambulances, and
26 rescue vehicles, protective and communications equipment, and
27 any other accessory equipment necessary for the proper
28 performance of such organizations' duties," as well as to
29 implement in part section 31.3 of the act of June 29, 2002
30 (P.L.559, No.89), entitled "An act amending the act of March 4,

1 1971 (P.L.6, No.2), entitled 'An act relating to tax reform and
2 State taxation by codifying and enumerating certain subjects of
3 taxation and imposing taxes thereon; providing procedures for
4 the payment, collection, administration and enforcement thereof;
5 providing for tax credits in certain cases; conferring powers
6 and imposing duties upon the Department of Revenue, certain
7 employers, fiduciaries, individuals, persons, corporations and
8 other entities; prescribing crimes, offenses and penalties,'
9 further providing, in sales and use tax, for definitions, for
10 imposition, for exclusions, for licenses, for collection, for
11 bulk and auction sales and for crimes; providing, in local tax
12 situs, for situs of mobile telecommunications services; further
13 providing, in personal income tax, for definitions, for classes
14 of income, for special tax provisions for poverty, for
15 contributions, for bulk and auction sales and transfers; in
16 corporate net income tax, for definitions, for imposition and
17 for interest in unincorporated entities; and in capital stock
18 and franchise tax, for definitions, for imposition, for deposit
19 of proceeds, for interest in unincorporated entities and for
20 applicability and expiration; establishing revenue-neutral
21 reconciliation in utilities gross receipts tax; providing, in
22 public utility realty tax and for surcharge; further providing,
23 in realty transfer tax, for furnishing stamps; in cigarette tax,
24 for incidence and rate, for floor tax, for commissions on sales
25 and for disposition of certain funds; in research and
26 development tax credit, for time limitations and for
27 termination; in inheritance tax, for definitions, for transfers
28 not subject to tax and for estate tax and for estate tax
29 returns; providing for immediate assessment, settlement or
30 collection and for depreciation of certain property in cities of

1 the first class; and making repeals."

2 § 7368. Bonds, issue, maturity and interest.

3 (a) General rule.--As evidence of the indebtedness
4 authorized by this subchapter, general obligation bonds of the
5 Commonwealth shall be issued from time to time for such total
6 amounts, in such form, in such denominations, and subject to
7 such terms and conditions of issue, redemption and maturity,
8 rate or rates of interest, and time of payment of interest, as
9 the Governor, Auditor General and State Treasurer shall direct,
10 except that the latest stated maturity date shall not exceed 30
11 years from the date of the bond first issued for each series.

12 (b) Facsimile signatures.--All bonds issued under the
13 authority of this subchapter shall bear facsimile signatures of
14 the Governor, Auditor General and State Treasurer, and a
15 facsimile of the Great Seal of the Commonwealth and shall be
16 countersigned by two duly authorized officers of the duly
17 authorized loan and transfer agents of the Commonwealth.

18 (c) Direct obligations.--All bonds issued in accordance with
19 this subchapter shall be direct obligations of the Commonwealth,
20 and the full faith and credit of the Commonwealth are hereby
21 pledged for the payment of the interest thereon as the same
22 shall become due and the payment of the principal thereof at
23 maturity. All bonds issued under this subchapter shall be exempt
24 from taxation for State and local purposes. The principal of and
25 interest on such bonds shall be payable in lawful money of the
26 United States.

27 (d) Types of bonds.--Bonds may be issued as coupon bonds or
28 registered as to both principal and interest as the issuing
29 officials may determine. If interest coupons are attached, they
30 shall contain the facsimile signature of the State Treasurer.

1 (e) Authorization.--The issuing officials shall provide for
2 the amortization of the bonds in substantial and regular amounts
3 over the term of the debt, except that the first retirement of
4 principal shall be stated to mature prior to the expiration of a
5 period of time equal to one-tenth of the time from the date of
6 the first obligation issue to evidence such debt to the date of
7 the expiration of the term of the debt. Retirements of principal
8 shall be regular and substantial if made in annual or semiannual
9 amounts whether by stated serial maturities or by mandatory
10 sinking fund retirements computed in accordance with either a
11 level annual debt service plan, as nearly as may be, or upon the
12 equal annual maturities plan.

13 (f) Preparation and printing.--The Governor, the Auditor
14 General and the State Treasurer shall have the necessary bonds
15 prepared and printed. Upon preparation and printing, the bonds
16 immediately shall be deposited with the duly authorized loan and
17 transfer agent of the Commonwealth and shall remain in the
18 agent's possession until sold in accordance with this
19 subchapter.

20 § 7369. Sale of bonds.

21 (a) General rule.--Bonds shall be offered for sale at not
22 less than 98% of the principal amount and accrued interest and
23 shall be sold by the Governor, the Auditor General and State
24 Treasurer to the highest and best bidder or bidders after due
25 public advertisement, on such terms and conditions and upon such
26 open competitive bidding, as the Governor, Auditor General and
27 State Treasurer shall direct. The manner and character of
28 advertisement and the times of advertising shall be prescribed
29 by the Governor, the Auditor General and the State Treasurer.

30 (b) Private sale.--Any portion of any bond issue so offered

1 and not sold or subscribed for may be disposed of by private
2 sale by the Governor, the Auditor General and the State
3 Treasurer, in such manner and at such prices, not less than 98%
4 of the principal amount and accrued interest, as the Governor
5 shall direct. No commission shall be allowed or paid for the
6 sale of any bonds issued under the authority of this subchapter.

7 (c) Series.--When bonds are issued from time to time, the
8 bonds of each issue shall constitute a separate series to be
9 designated by the issuing officials or may be combined for sale
10 as one series with other general obligation bonds of the
11 Commonwealth.

12 § 7370. Refunding bonds.

13 The Governor, Auditor General and the State Treasurer are
14 authorized to provide, by resolution, for the issuance of
15 refunding bonds for the purpose of refunding any bonds issued
16 under this subchapter and then outstanding, either by voluntary
17 exchange with the holders of the outstanding bonds, or by
18 providing funds to redeem and retire such outstanding bonds with
19 accrued interest and any premium payable thereon, at maturity or
20 at any call date. The issuance of such refunding bonds, the
21 maturities and other details thereof, the rights of the holders
22 thereof and the duties of the Governor, Auditor General and the
23 State Treasurer in respect to the same shall be governed by this
24 subchapter, insofar as this subchapter may be applicable.

25 Refunding bonds may be issued by the Governor, Auditor General
26 and the State Treasurer to refund bonds originally issued or to
27 refund bonds previously issued for refunding purposes.

28 § 7371. Disposition and use of proceeds.

29 (a) General rule.--The proceeds realized from the sale of
30 bonds under this subchapter shall be paid into the Volunteer

1 Companies Loan Fund and are specifically dedicated to the
2 purposes of the referenda of November 4, 1975, November 3, 1981,
3 November 6, 1990, and November 5, 2002, as implemented by this
4 subchapter. The moneys shall be paid by the State Treasurer
5 periodically to those agencies or authorities authorized to
6 expend the moneys at such times and in such amounts as may be
7 necessary to satisfy the funding needs of the agency or
8 authority.

9 (b) Investing.--Pending their application to the purposes
10 authorized, moneys held or deposited by the State Treasurer may
11 be invested or reinvested as are other funds in the custody of
12 the State Treasurer in the manner provided by law. All earnings
13 received from the investment or deposit of such funds shall be
14 paid into the State treasury to the credit of the Volunteer
15 Companies Loan Fund.

16 § 7372. Registration of bonds.

17 The Auditor General shall prepare the necessary registry book
18 to be kept in the office of the duly authorized loan and
19 transfer agent of the Commonwealth for the registration of any
20 bonds, at the request of owners thereof, according to the terms
21 and conditions of issue directed by the Governor, the Auditor
22 General and the State Treasurer. All bonds which are issued
23 without interest coupons attached shall be registered in the
24 registry books kept by the duly authorized loan and transfer
25 agent of the Commonwealth.

26 § 7373. Information to General Assembly.

27 It shall be the duty of the Governor to include in every
28 budget submitted to the General Assembly, full information
29 relating to the issuance of bonds under this subchapter, and the
30 status of the sinking fund of the Commonwealth for the payment

of the interest on said bonds and the principal thereof at maturity.

§ 7374. Volunteer Company Loan Sinking Fund and investments.

All bonds issued under this subchapter shall be redeemed at maturity and all interest due from time to time on such bonds shall be paid from the Volunteer Company Loan Sinking Fund, which is hereby created. For the specific purpose of redeeming bonds issued under this subchapter at maturity and paying all interest thereon in accordance with the information received from the Governor, the General Assembly shall appropriate moneys to the Volunteer Company Loan Sinking Fund for the payment of interest on such bonds and the principal thereof at maturity.

All moneys paid into the Volunteer Company Loan Sinking Fund and all of such moneys not necessary to pay accruing interest shall be invested by the Board of Finance and Revenue in such securities as are provided by law for the investment of the sinking funds of the Commonwealth.

§ 7375. Expenses of preparation, issue and sale of bonds.

There is appropriated to the State Treasurer from the proceeds of the bonds issued as much moneys as may be necessary for all costs and expenses in connection with the issue of and sale and registration of the bonds in connection with this subchapter.

§ 7376. Repayment obligations for principal and interest.

The General Assembly shall appropriate an amount equal to moneys received from the agency under section 7365 (relating to Volunteer Companies Loan Fund) and such other moneys as may be necessary to meet repayment obligations for principal and interest into the Volunteer Company Loan Sinking Fund.

§ 7377. Quorum.

1 Whenever under this subchapter an action is to be taken or a
2 decision is to be made by the Governor, the Auditor General and
3 the State Treasurer, and the three officers shall not be able to
4 agree unanimously, the action or decision of the Governor and
5 either the Auditor General or State Treasurer shall be binding
6 and final.

7 § 7378. Temporary financing authorization.

8 (a) General rule.--Pending the issuance of bonds of the
9 Commonwealth, the Governor, Auditor General and State Treasurer
10 are authorized on the credit of the Commonwealth to make
11 temporary borrowings of such moneys as may from time to time be
12 necessary to carry out the purposes of this subchapter and are
13 authorized in the name and on behalf of the Commonwealth to
14 enter into loan or credit agreements with any banks or trust
15 companies or other lending institutions or persons in the United
16 States having power to enter into the same.

17 (b) Notes.--All temporary borrowings made under the
18 authority of this section shall be evidenced by notes of the
19 Commonwealth, which shall be issued from time to time for such
20 amounts not exceeding in the aggregate the sum of \$100,000,000
21 in such form and in such denominations, and subject to such
22 terms and conditions of issue, prepayment or redemption and
23 maturity, rate of interest and time of payment of interest, as
24 the issuing officials shall direct. All notes issued under the
25 authority of this section shall bear the facsimile signatures of
26 the issuing officials and a facsimile of the Great Seal of the
27 Commonwealth, and shall be countersigned by one duly authorized
28 officer of a duly authorized loan and transfer agent of the
29 Commonwealth.

30 (c) Funding of notes.--All such notes shall be funded and

1 retired by the issuance and sale of bonds of the Commonwealth to
2 the extent that payment of such notes has not otherwise been
3 made or provided for.

4 (d) Proceeds.--The proceeds of all such temporary borrowings
5 shall be paid into the Volunteer Companies Loan Fund.

6 § 7378.1. Referendum for additional indebtedness.

7 The following shall apply:

8 (1) The question of incurring indebtedness of
9 \$25,000,000 for loans to volunteer fire companies, volunteer
10 ambulance services and volunteer rescue squads for the
11 purpose of establishing or modernizing facilities to house
12 firefighting apparatus equipment, ambulances and rescue
13 vehicles, and for purchasing firefighting apparatus
14 equipment, ambulances and rescue vehicles, protective and
15 communications equipment and any other accessory equipment
16 necessary for the proper performance of such organizations'
17 duties, shall be submitted to the electors at the next
18 primary, municipal or general election held after July 15,
19 1976.

20 (2) The Secretary of the Commonwealth shall forthwith
21 certify the question to the county boards of election.

22 (3) The question shall be in substantially the following
23 form:

24 Do you favor the incurring of indebtedness of
25 \$25,000,000 for loans to volunteer fire companies,
26 volunteer ambulance services and volunteer rescue squads
27 for the purpose of establishing or modernizing facilities
28 to house firefighting apparatus equipment, ambulances and
29 rescue vehicles, and for purchasing firefighting
30 apparatus equipment, ambulances and rescue vehicles,

1 protective and communications equipment, and any other
2 accessory equipment necessary for the proper performance
3 of such organizations' duties?

4 (4) The election shall be conducted in accordance with
5 the act of June 3, 1937 (P.L.1333, No.320), known as the
6 Pennsylvania Election Code, except that the time limits for
7 advertisement of notice of the election may be waived as to
8 the question.

9 (5) Proceeds of borrowing shall be used through loans to
10 volunteer fire companies, volunteer ambulance services and
11 volunteer rescue squads pursuant to and for any purpose
12 established by this subchapter.

13 § 7378.2. Authorization of contracts, reimbursement procedure
14 and amount.

15 The following shall apply:

16 (1) The Secretary of General Services is authorized to
17 enter into contracts with local volunteer fire, ambulance and
18 rescue companies to provide services necessary to extinguish
19 fires or perform any other allied services on State-owned
20 property.

21 (2) The Secretary of Transportation is authorized to
22 enter into contracts with local volunteer fire, ambulance and
23 rescue companies to provide services necessary to extinguish
24 fires or perform any other allied services on limited access
25 highways, other than the Pennsylvania Turnpike.

26 § 7378.3. Reimbursement procedure and amount.

27 The following shall apply:

28 (1) A contract between the Secretary of General Services
29 or the Secretary of Transportation and a local volunteer
30 fire, ambulance and rescue company shall provide that the

1 Department of General Services or the Department of
2 Transportation shall, monthly, upon receipt of proper proof,
3 reimburse each contracted volunteer fire, ambulance and
4 rescue company attending and providing fire control or other
5 allied services on State-owned property or limited access
6 highways, as the case may be, a minimum amount of \$50 for
7 each verified fire or emergency call and the cost of any
8 special extinguishing agents utilized, which the volunteer
9 fire, ambulance and rescue company made in the preceding
10 month as certified by the person in charge at the particular
11 State-owned property or by an individual or individuals
12 designated by the Secretary of Transportation to verify
13 services rendered on limited access highways.

14 (2) A contract between the Department of General
15 Services or the Department of Transportation and a local
16 volunteer ambulance or rescue company shall also provide that
17 the ambulance or rescue company request reimbursement from
18 collectible insurance proceeds available as a result of the
19 fire or emergency situation for which the ambulance or rescue
20 company provided allied services. Proceeds payable to the
21 ambulance or rescue company shall be deducted from the
22 reimbursement for services provided pursuant to a contract
23 entered into under this subchapter. Prior to payment for
24 services rendered, the local volunteer ambulance or rescue
25 company shall provide proof that they requested reimbursement
26 from collectible insurance proceeds.

27 (3) A false alarm on State-owned property to which a
28 volunteer fire, ambulance or rescue company responds shall
29 constitute a fire or emergency call and shall be reimbursed
30 at a rate set by the contract with the Secretary of General

Services, but shall not be less than \$25 for each occurrence.

SUBCHAPTER F

STATE FIRE COMMISSIONER

Sec.

7381. Scope of subchapter.

7382. Definitions.

7383. State Fire Commissioner.

7384. Pennsylvania State Fire Academy.

7385. Pennsylvania Volunteer Loan Assistance Program.

7386. Fire Safety Advisory Committee.

7387. Appropriations.

§ 7381. Scope of subchapter.

This subchapter relates to the State Fire Commissioner.

§ 7382. Definitions.

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

"Agency." The Pennsylvania Emergency Management Agency.

"Commissioner." The State Fire Commissioner.

"Committee." The Fire Safety Advisory Committee.

§ 7383. State Fire Commissioner.

(a) State Fire Commissioner.--There shall be a State Fire Commissioner, who, through the Lieutenant Governor, shall report to the Governor on all matters concerning fire safety in this Commonwealth. The Office of the State Fire Commissioner shall be within the agency for administrative purposes only, and the commissioner shall not report to the director of the agency. The commissioner shall have the power and duty to:

(1) Coordinate the activities of State and local community interests engaged in fire prevention and control

1 activities.

2 (2) Serve as a focal point for information relative to
3 fires, property damage, injuries and the loss of life.

4 (3) Disseminate, through periodic reports, information
5 about fire prevention efforts and fire control techniques.

6 (4) Develop and participate in a program of public
7 information and education designed to create a public
8 awareness of the incidence and the ravages of fire and
9 methods the individual can take to prevent fires and minimize
10 loss when they occur.

11 (5) Serve as a central point to support local efforts
12 and interests in all matters pertinent to fire prevention and
13 control.

14 (b) Transfer.--The commissioner shall use, employ and
15 expend, in connection with the functions, powers and duties
16 enumerated in subsection (a) for the position of the
17 commissioner, contract obligations, if any, records, files,
18 property, supplies and equipment now being used or held in
19 connection with such functions, powers and duties and the
20 unexpended balance of appropriations, allocations, Federal
21 grants and other funds available or to be made available for use
22 in connection with such functions, powers and duties as
23 previously were vested in the agency by Reorganization Plan No.5
24 of 1981 (P.L.612).

25 (c) Qualifications and appointment.--The commissioner shall
26 be a person who, by reason of training, experience and
27 attainment, is qualified to coordinate fire prevention and
28 control activities. The commissioner shall be appointed by the
29 Governor after consultation with the fire service community. The
30 commissioner shall act as the Commonwealth's primary

1 representative with the Statewide fire service community.

2 § 7384. Pennsylvania State Fire Academy.

3 (a) Creation.--There is created the Pennsylvania State Fire
4 Academy, which shall be under the operational control of the
5 commissioner. The commissioner shall administratively provide
6 for the erection or construction, the furnishing, the staffing
7 and the equipping of buildings and structures through the
8 Department of General Services and for the leasing thereof by
9 the Commonwealth for the use and support of the Pennsylvania
10 State Fire Academy. The Pennsylvania State Firemen's Training
11 School and the powers and duties of the Department of Education
12 and the Public Service Institute Board pertaining to the
13 Pennsylvania State Firemen's Training School, which were
14 transferred to the agency under Reorganization Plan No.6 of 1981
15 (P.L.613) and which are set forth in Subchapter D (relating to
16 State Firemen's Training School), are hereby transferred to and
17 vested in the commissioner.

18 (b) Transfer.--There are transferred to the commissioner, to
19 be used, employed and expended in connection with the functions,
20 powers and duties enumerated in subsection (a), personnel,
21 contract obligations, if any, records, files, property, supplies
22 and equipment now being used or held in connection with such
23 functions, powers and duties and the unexpended balance of
24 appropriations, allocations, Federal grants and other funds
25 available or to be made available for use in connection with
26 such functions, powers and duties as previously were vested in
27 the Department of Education and the Public Service Institute
28 Board under Subchapter D, and transferred to the agency by
29 Reorganization Plan No.6 of 1981 (P.L.613).

30 (c) Hazardous chemical and radioactive material training.--

1 The Pennsylvania State Fire Academy shall serve as the resident
2 Commonwealth government center for hazardous chemical and
3 radioactive material training. The Pennsylvania State Fire
4 Academy is authorized to use resident and field staff to support
5 this training.

6 (d) Firefighter training and certification.--A Statewide
7 firefighter training program shall be implemented by the
8 commissioner to educate the fire service community about the
9 importance of firefighter health and safety. This program shall
10 include measures designed to increase the mobility of training
11 courses throughout this Commonwealth, to enhance firefighter
12 accessibility to training course offerings and to improve and
13 expand training for and response capability to emergencies with
14 emphasis on hazardous materials incidents. The program shall
15 also include implementation of a firefighter certification
16 program in accordance with parameters developed by the
17 commissioner consistent with established standards. The
18 acquisition of physical resources to enhance Statewide
19 capability shall be coordinated by the commissioner.

20 (e) Administration.--

21 (1) The commissioner may assess reasonable fees on for-
22 profit corporations and businesses and on students who are
23 nonresidents of this Commonwealth for fire, rescue and
24 emergency service training programs provided to them by the
25 Pennsylvania State Fire Academy, but in no event shall any
26 member of a municipal or volunteer fire, rescue, ambulance or
27 other emergency service organization located within this
28 Commonwealth be charged for training provided at the
29 Pennsylvania State Fire Academy.

30 (2) The commissioner may charge all students for class

1 materials and supplies directly related to the conduct of
2 classes provided at the Pennsylvania State Fire Academy and
3 for insignia, patches and similar memorabilia indicating
4 student attendance or achievement at the Pennsylvania State
5 Fire Academy.

6 (3) All revenues generated by these fees and charges
7 shall augment the appropriation made to the Office of the
8 State Fire Commissioner.

9 § 7385. Pennsylvania Volunteer Loan Assistance Program.

10 (a) Creation.--There shall be a loan assistance program,
11 which shall be implemented by the commissioner, for volunteer
12 agencies, known as the Pennsylvania Volunteer Loan Assistance
13 Program, which shall make loans under Subchapter E (relating to
14 volunteer fire company, ambulance service and rescue squad
15 assistance). The Pennsylvania Volunteer Loan Assistance Program
16 and the powers and duties previously vested in the Department of
17 Community Affairs, which were transferred to the agency under
18 Reorganization Plan No.7 of 1981 (P.L.615) and which are set
19 forth under Subchapter E, are hereby transferred to and vested
20 in the commissioner.

21 (b) Transfer.--There are transferred to the commissioner, to
22 be used, employed and expended in connection with the functions,
23 powers and duties enumerated in subsection (a), personnel,
24 contractual obligations, if any, mortgages, liens, encumbrances
25 and any other secured interests, records, files, property,
26 supplies and equipment now being used or held in connection with
27 such functions, powers and duties and the unexpended balance of
28 appropriations, allocations and other funds available or to be
29 made available for use in connection with such functions, powers
30 and duties as previously were vested in the Department of

1 Community Affairs under Subchapter E and transferred to the
2 agency by Reorganization Plan No.7 of 1981 (P.L.615).

3 (c) Regulations.--The Volunteer Loan Assistance Program
4 regulations found in 4 Pa. Code Ch. 113 (relating to volunteer
5 fire company, ambulance service and rescue squad assistance) are
6 hereby transferred to the commissioner from the agency. The
7 commissioner shall fully implement and administer those
8 regulations on or before January 12, 1996. The commissioner may
9 be substituted for the agency throughout the regulations and the
10 regulations may be renumbered and published in the Pennsylvania
11 Bulletin as final regulations without those regulatory changes
12 being subject to the provisions of the act of June 25, 1982
13 (P.L.633, No.181), known as the Regulatory Review Act.
14 § 7386. Fire Safety Advisory Committee.

15 (a) Creation.--

16 (1) There is created the Fire Safety Advisory Committee
17 to assist the commissioner. The committee shall consist of
18 nine members, as follows:

19 (i) The director of the agency, ex officio.

20 (ii) The commissioner, who shall serve as chairman.

21 (iii) Two paid firefighters to be appointed by the
22 Governor from a list of at least six nominees submitted
23 by the Pennsylvania Professional Firefighters
24 Association.

25 (iv) One member of the public to be appointed by the
26 Governor.

27 (v) Four volunteer firefighters, one each to be
28 appointed by the President pro tempore of the Senate, the
29 Minority Leader of the Senate, the Speaker of the House
30 of Representatives and the Minority Leader of the House

1 of Representatives.

2 (2) Members of the committee shall serve at the pleasure
3 of their appointing authority. The committee shall advise the
4 commissioner on matters pertaining to the operation of the
5 Pennsylvania State Fire Academy and any other matters as the
6 commissioner may request.

7 (b) Expenses.--Members of the committee shall receive
8 reimbursement for reasonable travel, hotel and other necessary
9 expenses incurred in the performance of their duties in
10 accordance with Commonwealth regulations.

11 § 7387. Appropriations.

12 All appropriations for the commissioner shall be by a
13 separate line item in the General Appropriation Act.

14 Section 4. Title 35 is amended by adding a chapter to read:

15 CHAPTER 74

16 VOLUNTEER FIREFIGHTERS

17 Subchapter

18 A. Preliminary Provisions

19 B. Relief Association

20 C. Employment Sanctions

21 D. Special Fire Police

22 SUBCHAPTER A

23 PRELIMINARY PROVISIONS

24 Sec.

25 7401. Scope of chapter.

26 7402. Definitions (Reserved).

27 7403. Insurance and compensation.

28 § 7401. Scope of chapter.

29 This chapter relates to volunteer firefighters.

30 § 7402. Definitions (Reserved).

1 § 7403. Insurance and compensation.

2 A city, borough or township may expend out of the public
3 funds of the municipality an amount necessary to secure
4 insurance or compensation for volunteer firemen killed or
5 injured while going to, returning from or attending fires in the
6 municipality or territory adjacent thereto.

7 SUBCHAPTER B

8 RELIEF ASSOCIATION

9 Sec.

10 7411. Scope of subchapter.

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19 § 7411. Scope of subchapter.

20 This subchapter relates to relief associations.

21 § 7412. Definitions.

22 The following words and phrases when used in this subchapter
23 shall have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 "Fire service." The service of organized groups of
26 individuals, not only in training for and in active duty in the
27 protection of the public against fire, but also in the training
28 for and the performance of such other activities as are commonly
29 undertaken by fire companies and their affiliated organizations,
30 including, but not limited to, fire prevention, first aid,

1 rescue and salvage, ambulance service, fire police work, radio
2 communications, assistance at accidents, control of crowds both
3 on the fire grounds and at occasions of public or general
4 assembly, animal rescue, abatement of conditions due to storm,
5 flood or general peril, abatement or removal of hazards to
6 safety and participation in public celebrations, parades,
7 demonstrations and fundraising campaigns.

8 "Volunteer firefighter." A person who is a member of:

9 (1) a fire company organized and existing under the laws
10 of this Commonwealth;

11 (2) a fire police unit, rescue squad, ambulance corps or
12 other like organization affiliated with one or more fire
13 companies; or

14 (3) a fire company or affiliated organization which
15 participates in the fire service but does not look to that
16 service as his or her primary means of livelihood.

17 A person does not lose status as a volunteer firefighter solely
18 because he or she may also be a paid firefighter, so long as the
19 person is acting within the scope of his or her responsibilities
20 as a member of a volunteer fire company at the pertinent time
21 and not within the scope of his or her responsibilities as a
22 paid firefighter.

23 "Volunteer firefighters' relief association." An
24 organization formed primarily to afford financial protection to
25 volunteer firefighters against the consequences of misfortune
26 suffered as a result of their participation in the fire service.
27 The organization may contain within its membership the members
28 of one or more fire companies and may serve secondary purposes,
29 as set forth in this subchapter, but only if adequate provisions
30 have been first made to serve the primary purpose.

1 § 7413. Statement of purpose.

2 The purpose of this subchapter is to encourage individuals to
3 take part in the fire service as volunteer firefighters by
4 establishing criteria and standards for orderly administration
5 and conduct of affairs of firefighters' relief associations to
6 ensure, as far as circumstances will reasonably permit, that
7 funds shall be available for the protection of volunteer
8 firefighters and their heirs in order to provide:

9 (1) Financial assistance to volunteer firefighters who
10 may suffer injury or misfortune by reason of their
11 participation in the fire service.

12 (2) Financial assistance to the widow, children and
13 other dependents of volunteer firefighters who lose their
14 lives as a result of their participation in the fire service.

15 (3) For payment, either by insurance or by operation of
16 a beneficial fund, of a sum certain to designated
17 beneficiaries of a participating member following the death
18 of a member for any cause, and to establish criteria which
19 members must meet in order to qualify as participants in a
20 death benefit fund.

21 (4) Safeguards for preserving life, health and safety of
22 volunteer firefighters to ensure their availability to
23 participate in the fire service.

24 (5) Financial assistance to volunteer firefighters who,
25 after having actively participated in the fire service for a
26 specified minimum term, are no longer physically able to
27 continue participation and are in need of financial
28 assistance.

29 (6) Funds to aid rehabilitation of volunteer
30 firefighters who have suffered an impairment of their

1 physical capacity to continue to perform their normal
2 occupations.

3 (7) Sufficient funds to ensure the efficient and
4 economic handling of the business of firefighters' relief
5 associations in accomplishing the objectives of this section.

6 § 7414. Construction.

7 This subchapter shall be:

8 (1) Construed, applied and interpreted, so far as
9 circumstances permit, as justifying the actions of the
10 officers and members of volunteer firefighters' relief
11 associations affected by it, when the actions appear to have
12 been taken in good faith and in a bona fide belief that they
13 were in furtherance of the purposes of this subchapter.

14 (2) Strictly construed and applied against persons
15 responsible:

16 (i) for actions taken in willful disregard of the
17 purposes of this subchapter, or with reckless
18 indifference to those purposes; and

19 (ii) if an action which has been called into
20 question results, has resulted or was likely to result in
21 an unmerited personal benefit to one or more of the
22 persons responsible for taking that action.

23 § 7415. Structure.

24 (a) General rule.--A volunteer firefighters' relief
25 association may be a body corporate, governed by a charter and
26 bylaws or an unincorporated association of individuals governed
27 by bylaws and a constitution. In either case, it must provide
28 for taking and preserving minutes of all meetings and
29 maintenance of such books of account as may be necessary and
30 appropriate to afford a permanent record of its fiscal affairs.

1 (b) Constitution or charter.--The constitution or charter
2 shall:

3 (1) State the name, purposes and form of the
4 organization.

5 (2) Designate the class or classes of persons eligible
6 for membership and procedures to be followed in making
7 amendments.

8 (c) Bylaws.--The bylaws shall:

9 (1) Specify the requirements for securing membership,
10 voting rights of different classes of members, if there be
11 different classes, and conditions under which membership may
12 be terminated.

13 (2) State the notice requirements and procedure to be
14 followed in calling meetings, as well as quorum requirements
15 for regular and special meetings of the membership and for
16 regular and special meetings of the body which governs the
17 operations of the association between membership meetings,
18 and shall designate that body, whether it be a board of
19 directors, trustees or any similar body such as an executive
20 committee. Unless otherwise provided for in the bylaws,
21 powers and duties of officers, directors and trustees shall
22 be those which normally pertain to such positions in
23 nonprofit corporations.

24 (3) Require that the signatures of at least two
25 officers, one of whom shall be the disbursing officer, shall
26 be required to bind the association by formal contract or to
27 issue a negotiable instrument.

28 (4) Require that the disbursing officer, whether
29 designated treasurer, comptroller, financial secretary or
30 otherwise, shall be bonded by corporate surety for faithful

1 performance of duty. The amount of the bond shall be at least
2 as great as the maximum cash balance in current funds of the
3 association at any time during the fiscal year, and the
4 premium on the bond shall be a proper charge against funds of
5 the association.

6 (5) State the procedure to be followed in nominating and
7 electing officers, trustees, directors and members of the
8 executive committee, according to the provisions which have
9 been made for establishment of those positions.

10 (6) Establish procedures for the approval and payment of
11 expenditures, investment of funds and sale of investments.

12 (7) Set out the procedure to be followed in amending
13 bylaws.

14 (8) Specify notice required with respect to proposed
15 bylaw amendments, including the time, place and date when the
16 proposed amendments shall be considered.

17 (9) Be faithfully preserved, along with amendments
18 thereto and the effective date of the amendments, in
19 permanent form.

20 (10) Contain such other provisions as may, to the
21 membership, seem appropriate or necessary to the orderly
22 conduct of affairs of the association.

23 (d) Standing procedures.--In addition to adopting bylaws, an
24 association may adopt standing procedures, which shall be such
25 matters as the membership may regard to be of a routine nature.
26 Standing procedures may be adopted, modified or repealed by
27 motion and majority vote but shall not be inconsistent with the
28 bylaws, and they shall be recorded as an appendix to the bylaws.

29 (e) Charitable corporation.--A volunteer firefighters'
30 relief association organized or conducted in accordance with the

requirements of this section shall be regarded as a charitable corporation for all purposes, including the right to establish exemption from the operation of certain taxes.

§ 7416. Funds.

(a) General rule.--A volunteer firefighters' relief association may solicit and receive gifts and contributions from any source, including municipal corporations, but shall not have the right to receive any portion of the money distributed to political subdivisions of this Commonwealth under Chapter 7 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, unless and until the governing body of at least one political subdivision shall have certified to the Auditor General that the association is a bona fide volunteer firefighters' relief association, affiliated with a fire company which affords protection against fire to all or a portion of the political subdivision.

(b) Deposit.--Funds of a volunteer firefighters' relief association may be deposited in any bank, trust company or other banking establishment accredited by the Commonwealth or insured by the Government of the United States.

(c) Investments.--All or any part of the funds of a volunteer firefighters' relief association may be invested:

(1) In any form of investment named in 20 Pa.C.S. Ch. 73 (relating to municipalities investments). First mortgages insuring repayment of loans by relief associations shall provide for a minimum interest payment of 3% and not exceed 80% of the appraised value of real property covered by the mortgage.

(2) In any obligation of a political subdivision, having

1 the power to levy or collect taxes.

2 (3) In any obligation of an incorporated fire company,
3 provided that the obligation is:

4 (i) Secured by assets of the company having capital
5 value equal to at least 150% of the amount of the
6 obligation at the time it is made.

7 (ii) Subject to provisions which amortize the loan
8 at a rate ensuring that the depreciated value of the
9 assets pledged shall continue to be at least 150% of the
10 balance due.

11 (d) Limitation.--No investment shall be acquired, encumbered
12 or sold except pursuant to resolution duly enacted by the
13 governing body of the association.

14 (e) Income from investments.--Income from investments may be
15 invested or spent in the same way as any other income.

16 (f) Funds of any volunteer firefighters' relief association
17 may be spent:

18 (1) To pay for such normal and reasonable running
19 expenses as may be appropriate to the businesslike conduct of
20 the affairs of the association, including legal fees, rental
21 or purchase of offices, payment of reasonable compensation of
22 employees and purchase of office equipment and supplies.

23 (2) To purchase contracts of insurance which, at a
24 minimum, shall afford financial assistance to active members
25 of the fire service represented by the association against
26 losses due to injury suffered in the fire service and may
27 also provide, in the order named:

28 (i) for payments to the surviving spouse or other
29 dependents of a member in the event of the member's
30 death;

1 (ii) for protection of active firefighters against
2 disease;

3 (iii) for replacement or purchase of prosthetic
4 devices such as visual aids, hearing aids, dentures,
5 braces, crutches and the like, where those devices have
6 been lost or damaged while the owner was engaged in the
7 fire service or where the need for those devices arose
8 because of functional impairment attributable to
9 participation in the fire service;

10 (iv) for repair or replacement, if necessary, of
11 articles of clothing or pocket pagers damaged or lost in
12 the course of participation in the fire service; and

13 (v) for disability incurred after service for a
14 minimum of 20 years as a volunteer firefighter.

15 (3) To maintain a beneficiary or death benefit fund and
16 to pay a sum certain from that fund to the beneficiary of a
17 participant in that fund upon death. If a beneficiary is not
18 designated or a designated one has predeceased the
19 participant, the sum certain shall be paid to the estate of
20 the participant.

21 (4) To pay in full or in part for damage or loss in any
22 of the categories mentioned in paragraph (2) in a specific
23 case where:

24 (i) no policy of insurance is in force covering the
25 risk; or

26 (ii) the amount payable under insurance policies in
27 force is inadequate to cover the loss.

28 (5) To pay the cost of procuring and forwarding tokens
29 of sympathy and goodwill to a volunteer firefighter who may
30 be ill or hospitalized as a result of participation in the

1 fire service or who may die or who may be seriously ill for
2 any reason.

3 (6) To make cash payments to families in distressed
4 circumstances by reason of age, infirmity or other disability
5 suffered by one of the family members in the course of
6 participation in the fire service as a volunteer firefighter.

7 (7) To acquire and to maintain membership in any
8 Statewide association or corporation which extends advice and
9 assistance to firefighters' relief associations and to pay to
10 a duly elected delegate the reasonable expenses of travel and
11 maintenance for attending a meeting of the Statewide
12 association or corporation.

13 (8) To contribute to or to purchase contracts of
14 insurance which will contribute to the cost of rehabilitating
15 and retraining volunteer firefighters who, by reason of their
16 participation in the fire service, have suffered a major
17 impairment of the ability to continue their vocation.

18 (9) To pay for medical and surgical bills arising from
19 injuries sustained by volunteer firefighters while engaged in
20 activities of a fire company to the extent that the bills are
21 not covered by insurance provided by the relief association.

22 (10) To pay reasonable expenses actually and necessarily
23 incurred for attending bona fide firefighters' training
24 schools.

25 (11) To purchase safeguards for preserving life, health
26 and safety of volunteer firefighters to ensure their
27 availability to participate in the volunteer fire service.

28 (12) To secure insurance against legal liability of
29 volunteer firefighters for loss and expense from claims
30 arising out of performance of official and authorized duties

1 while going to, returning from or attending fires or
2 performing their duties as special fire police.

3 (13) To maintain comprehensive health, physical fitness
4 and physical monitoring programs that provide for physical
5 fitness activities, nutrition education and instruction and
6 health and fitness evaluation and monitoring, provided that
7 the programs have been approved by the nearest State-licensed
8 health care facility which is authorized to provide that
9 service.

10 (14) To purchase exercise and fitness equipment for use
11 by volunteer firefighters, except that expenditures for
12 exercise and fitness equipment shall not exceed \$2,000 in any
13 two-year period.

14 (15) To purchase fire hoses and nozzles.

15 (16) To purchase fire prevention materials for public
16 distribution.

17 § 7417. Cooperation agreements.

18 Two or more volunteer firefighters' relief associations may
19 jointly cooperate to enter into agreements to make expenditures
20 that are authorized under this subchapter. A joint cooperation
21 agreement may be enforced by and against a volunteer
22 firefighters' relief association.

23 § 7418. Audits.

24 (a) General rule.--The Office of Auditor General shall have
25 the power, and its duty shall be, to audit the accounts and
26 records of every volunteer firefighters' relief association
27 receiving money under Chapter 7 of the act of December 18, 1984
28 (P.L.1005, No.205), known as the Municipal Pension Plan Funding
29 Standard and Recovery Act, as far as may be necessary to satisfy
30 the Auditor General that the money received was or is being

1 expended for no purpose other than that authorized by this
2 subchapter. Copies of all audits shall be furnished to the
3 Governor.

4 (b) Findings.--If the Auditor General finds that any money
5 received by a volunteer firefighters' relief association has
6 been expended for a purpose other than one authorized by this
7 subchapter, the Auditor General shall immediately notify the
8 Governor and shall decline to approve further requisitions
9 calling for payment to the volunteer firefighters' relief
10 association until the improperly expended amount has been
11 reimbursed to the relief association fund.

12 § 7419. Dissolution.

13 (a) Withdrawal.--If the voters elect to replace a volunteer
14 fire company with a full-paid fire department or company and the
15 volunteer company which has been replaced ceases to render fire
16 service to any community, the volunteer company shall withdraw
17 from the volunteer firefighters' relief association which had
18 extended protection to its membership.

19 (b) Continuation.--Notwithstanding withdrawal of a company
20 under subsection (a), the volunteer firefighters' relief
21 association shall continue granting financial assistance to its
22 remaining members and their families in death, sickness and
23 distress suffered through the unfortunate elements of life.

24 (c) New members prohibited.--A volunteer firefighters'
25 relief association continuing under subsection (b) shall not
26 receive any new members.

27 (d) Application.--When the membership of a relief
28 association functioning under subsection (b) diminishes to five
29 members, the association shall apply to the local common pleas
30 court for dissolution.

1 (e) Determination.--Upon receipt of an application under
2 subsection (d), the court shall direct that:

3 (1) all bills, including the costs of dissolution, be
4 paid; and

5 (2) the balance of funds in the treasury of the
6 volunteer firefighters' relief association subject to
7 dissolution be paid to the pension fund of the paid fire
8 department created as set forth in subsection (a).

9 SUBCHAPTER C

10 EMPLOYMENT SANCTIONS

11 Sec.

12 7421. Scope of subchapter.

13 7422. Definitions.

14 7423. Prohibition on termination and discipline.

15 7424. Prohibition on discrimination.

16 7425. Lost time.

17 7426. Statements.

18 7427. Violations.

19 § 7421. Scope of subchapter.

20 This subchapter relates to employment sanctions.

21 § 7422. Definitions.

22 The following words and phrases when used in this subchapter
23 shall have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 "Discipline." The taking of an action against an employee
26 which adversely affects his regular pay to an extent greater
27 than permitted by section 7425 (relating to lost time), his job
28 status, his opportunity for promotion or his right to any
29 benefit granted by the employer to other similarly situated
30 employees.

1 "Discriminate." To discharge or to discipline in a manner
2 inconsistent with the employer's treatment of other similarly
3 situated employees who are injured in the course of their
4 employment or related activities.

5 "Employer." An individual, partnership, association,
6 corporation, business trust or a person or group of persons
7 acting directly or indirectly in the interest of an employer in
8 relation to any employee.

9 "Line of duty." Going to, coming from or during fire
10 prevention and safety activities which includes fire prevention,
11 first aid, rescue and salvage, ambulance service, fire police
12 work, assistance at accidents, control of crowds both on the
13 fire grounds and at occasions of public or general assembly,
14 animal rescue, abatement of conditions due to storm, flood or
15 general peril, abatement or removal of hazards to safety and
16 other activities as are commonly undertaken by fire companies,
17 ambulance services or rescue squads or their affiliated
18 organizations.

19 § 7423. Prohibition on termination and discipline.

20 No employer shall terminate or discipline an employee who is
21 a volunteer fireman, a volunteer member of the fire police or a
22 volunteer member of an ambulance service or rescue squad and, in
23 the line of duty, has responded to a call prior to the time he
24 was due to report for work resulting in a loss of time from his
25 employment.

26 § 7424. Prohibition on discrimination.

27 No employer shall discriminate against an employee because
28 the employee has been injured in the line of duty as a volunteer
29 fireman, a volunteer member of the fire police or a volunteer
30 member of an ambulance service or rescue squad, nor shall an

employer discriminate against an employee injured in the line of duty as a volunteer fireman, a volunteer member of the fire police or a volunteer member of an ambulance service or rescue squad who subsequently returns to work after receiving workers' compensation benefits under the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act.

§ 7425. Lost time.

Time lost from employment as provided in section 7423 (relating to prohibition on termination and discipline) may be charged to the regular pay of the employee.

§ 7426. Statements.

An employee losing time as provided in section 7423 (relating to prohibition on termination and discipline) shall supply his employer with a statement from the chief executive officer of his volunteer fire company, ambulance service or rescue squad or its affiliated organization stating that he responded to a call and the time of the call.

§ 7427. Violations.

(a) Employers.--An employer who willfully and knowingly violates this subchapter shall be required to revoke a disciplinary action and any penalty attached thereto, or to reinstate such employee to his former position and shall be required to pay the employee all lost wages and benefits for the period between termination and reinstatement and reasonable attorney fees incurred in an action to recover lost wages and benefits.

(b) Statute of limitations.--An action to enforce this subchapter shall be commenced within two years of the date of violation, and the action shall be commenced in the court of common pleas of the county in which the employer is located.

1 SUBCHAPTER D

2 SPECIAL FIRE POLICE

3 Sec.

4 7431. Scope of subchapter.

5 7432. Definitions (Reserved).

6 7433. Nomination.

7 7434. Confirmation.

8 7435. Powers.

9 7436. Power and authority in places other than where appointed.

10 7437. Badge of authority and subordination.

11 § 7431. Scope of subchapter.

12 This subchapter applies to a volunteer fire company in any
13 city, borough, town, township or home rule municipality.

14 § 7432. Definitions (Reserved).

15 § 7433. Nomination.

16 An entity under section 7431 (relating to scope of
17 subchapter) may nominate any of its members as special fire
18 police.

19 § 7434. Confirmation.

20 Special fire police nominated under this subchapter shall,
21 before they enter upon their duties, be confirmed by the mayor
22 of the city, the mayor of the borough or town, the chairman of
23 the board of commissioners or supervisors of the township or the
24 chief executive officer of a home rule municipality, as the case
25 may be.

26 § 7435. Powers.

27 (a) Specific powers.--When confirmed and sworn and
28 displaying a badge of authority, special fire police shall have
29 full power to regulate traffic and keep crowds under control at
30 or in the vicinity of any fire on which their companies are in

attendance and to exercise other police powers necessary to
facilitate and prevent interference with the work of firemen in
extinguishing fires. They shall also have the police powers
necessary to perform their duties when functioning as special
fire police at any function, event or parade conducted by, and
under the auspices of, a volunteer fire company, or another
event, function or parade conducted by an organization other
than a volunteer fire company, provided that the request to
perform these duties is made by the governing body of the city,
borough, town, township or home rule municipality in which the
event will be conducted, or when accidents, floods or any other
emergencies require performance of traffic-control and crowd-
control duties. The duties may be performed without prior
request from the governing body until the arrival of proper
State, city, borough, town, township or home rule municipality
police authority and thereafter subject to direction of the
police authority until the emergency no longer exists. A person
functioning as special fire police and performing a duty under
any of the conditions in this subsection shall be deemed to be
performing the duties of his employment.

(b) Identification.--Fire police performing the duties under
this subchapter shall be identifiable by, at minimum, the
wearing of a distinctive arm band, hat, uniform or insignia.

(c) Construction.--Under no circumstances shall this
subchapter be construed to grant special fire police the right
to use firearms or other weapons in the exercise of special fire
police powers granted by this subchapter.

§ 7436. Power and authority in places other than where
appointed.

Whenever a volunteer fire company is in attendance on a fire

1 or when the special fire police are on special duty as provided
2 under this subchapter, the special fire police in a city,
3 borough, town or township, other than the one in which the fire
4 company is organized, shall have the same power and authority in
5 another city, borough, town or township as they would have where
6 they were appointed.

7 § 7437. Badge of authority and subordination.

8 All special fire police when on duty shall display a badge of
9 authority and shall be subject to the control of the chief of
10 police, if any, of the city, borough, town or township in which
11 they are serving, or, if none, of a member of the Pennsylvania
12 State Police.

13 Section 5. Title 35 is amended by adding sections to read:

14 § 7708. Fire force disbanded in favor of volunteers.

15 (a) General rule.--No county, city, borough, town or
16 township which has paid employes on its fire force, including,
17 but not limited to, fire apparatus operators, except by
18 referendum, shall disband such fire force in favor of having
19 such services performed by volunteers.

20 (b) Question.--The following shall apply:

21 (1) Whenever authorized by ordinance of the governing
22 body or upon petition of the registered voters of any
23 municipality to the county board of electors of the county
24 wherein the municipality is located, an election shall be
25 held in the municipality upon the following question:

26 Shall the (county, city, borough, town or township)
27 disband the paid fire force in favor of having fire
28 protection services performed by volunteers?

29 The petition calling for such election shall be in the form
30 required by this section and shall be signed by electors of

1 the municipality comprising 20% of the number of electors
2 registered to vote in the municipality. Within five days
3 after the final enactment of an ordinance authorizing such
4 election, the municipal clerk or secretary shall file a
5 certified copy of the ordinance with the county board of
6 elections, together with a copy of the question to be
7 submitted to the electors. At the next municipal or general
8 or primary election occurring not less than the 13th Tuesday
9 after the filing of the ordinance or the petition with the
10 county election board, it shall cause the question in
11 paragraph (1) to be submitted to the electors of the
12 municipality as other questions are submitted under the
13 provisions of the act of June 3, 1937 (P.L.1333, No.320),
14 known as the Pennsylvania Election Code.

15 (2) A referendum petition under this section shall be
16 filed not later than the 13th Tuesday prior to the election,
17 and the petition and the proceedings therein shall be in the
18 manner and subject to the provisions of the election laws
19 which relate to the signing, filing and adjudication of
20 nomination petitions insofar as such provisions are
21 applicable, except that no petition shall be signed or
22 circulated prior to the 20th Tuesday before the election nor
23 later than the 13th Tuesday before the election.

24 (3) A city of the third class may conduct a referendum
25 under this section or, at the option of city council, under
26 Article X of the act of June 23, 1931 (P.L.932, No.317),
27 known as The Third Class City Code.

28 § 7709. Fires on State premises.

29 (a) General rule.--When requested by a State officer or a
30 deputy serving as custodian of the premises, a volunteer fire,

1 ambulance and rescue company or any member thereof is authorized
2 to enter Commonwealth-owned premises for the purpose of fighting
3 a fire.

4 (b) Free assistance.--The Attorney General shall provide
5 free legal assistance to any volunteer fire, ambulance and
6 rescue company or member thereof who has entered State lands and
7 premises for the purpose of fighting a fire when such ambulance
8 or rescue company or member thereof is joined as a defendant in
9 any civil action arising out of the performance of his or its
10 duty under this section in fighting a fire after entering State
11 premises on proper request.

12 § 7710. Firefighters and Auxiliaries Day.

13 (a) General rule.--In recognition of the invaluable services
14 performed by more than 500,000 firefighters and the similar
15 contributions made by their auxiliaries, the Sunday of the week
16 designated by the Governor as Fire Prevention Week shall be
17 Firefighters and their Auxiliaries Day. It is set aside to
18 commemorate the tireless efforts of those dedicated men and
19 women who brave incredible dangers so that all the citizenry can
20 lead fruitful lives without fear of the devastating consequences
21 of fire.

22 (b) Proclamation.--The Governor shall issue a proclamation
23 each year calling upon all Pennsylvanians to commemorate the too
24 often unheralded gallantry and personal sacrifices of
25 firefighters and their auxiliaries and to observe that day with
26 appropriate honors, ceremonies and prayers.

27 § 7711. Firefighters' Memorial Flag.

28 (a) Establishment.--There is established a Firefighters'
29 Memorial Flag for this Commonwealth.

30 (b) Description.--The flag established in subsection (a)

1 shall be a field of blue with a gold keystone in the center
2 which surrounds a Maltese cross, and, at the bottom of the blue
3 field, in gold capital letters, there is shown the phrase, "Lest
4 We Forget."

5 (c) Use of flag.--The Firefighters' Memorial Flag may be
6 displayed over firefighters' memorials, during firefighter
7 funeral processions and from the poles of any public ground or
8 political subdivision for a period of not more than seven days
9 after the death of a firefighter, and as further directed by the
10 Pennsylvania State Fire Commissioner.

11 (d) Agency responsibility.--The Pennsylvania Emergency
12 Management Agency, through the Office of the Pennsylvania State
13 Fire Commissioner, shall maintain the official flag and have the
14 responsibility to implement the provisions of this act and
15 oversee the production, acquisition and distribution of the
16 flag.

17 (e) Limitation.--Authorized utilization of the Firefighters'
18 Memorial Flag by the Commonwealth or an entity thereof shall not
19 constitute a presumption of eligibility nor be permissible as
20 substantiating evidence for claims filed under the act of June
21 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law
22 Enforcement Personnel Death Benefits Act.

23 (f) Appropriation.--The moneys necessary for the production,
24 acquisition and distribution of the Firefighters' Memorial Flag
25 in the first year shall be paid from period appropriations from
26 the Pennsylvania Emergency Management Agency's budget as funds
27 are required to support memorializing firefighters in this
28 Commonwealth. Such funds are to be allocated to a segregated
29 account maintained by the State Fire Commissioner.

30 § 7712. Firefighters' Memorial Sunday.

The Sunday that marks the beginning of Fire Prevention Week of every year shall be designated "Firefighters' Memorial Sunday" to honor paid and volunteer firemen who have died during the previous year, either in the line of duty or of natural causes. If Fire Prevention Week begins on a day other than Sunday, the Sunday that falls within Fire Prevention Week shall be designated Firefighters' Memorial Sunday.

§ 7713. Prohibition on certain service.

A person convicted of violating 18 Pa.C.S. § 3301 (relating to arson and related offenses) or any similar offense under Federal or State law shall be prohibited from serving as a firefighter in this Commonwealth and shall be prohibited from being certified as a firefighter under Subchapter F of Chapter 73 (relating to State Fire Commissioner). Proof of nonconviction must consist of either of the following:

(1) An official criminal history record check obtained under 18 Pa.C.S. Ch. 91 (relating to criminal history record information) indicating no arson convictions.

(2) A dated and signed statement by the person swearing to the following:

I have never been convicted of an offense that constitutes the crime of "arson and related offenses" under 18 Pa.C.S. § 3301 or any similar offense under any Federal or State law. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understand that if I knowingly make any false statement herein, I am subject to penalties prescribed by law, including, but not limited to, a fine of at least \$1,000.

Section 6. Title 35 is amended by adding a chapter to read:

1 CHAPTER 78

2 GRANTS TO VOLUNTEER FIRE COMPANIES AND VOLUNTEER SERVICES

3 Subchapter

4 A. Preliminary Provisions

5 B. Volunteer Fire Company Grant Program

6 C. Volunteer Ambulance Service Grant Program

7 D. Grant Funding Provisions

8 E. Miscellaneous Provisions

9 SUBCHAPTER A

10 PRELIMINARY PROVISIONS

11 Sec.

12 7801. Scope of chapter.

13 7802. Definitions.

14 § 7801. Scope of chapter.

15 This chapter relates to grants to volunteer fire companies
16 and volunteer ambulance services.

17 § 7802. Definitions.

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

21 "Advanced life support services." The term shall have the
22 meaning given to it in Chapter 81 (relating to emergency medical
23 services system).

24 "Agency." The Pennsylvania Emergency Management Agency.

25 "Basic life support services." The term shall have the
26 meaning given to it in Chapter 81 (relating to emergency medical
27 services system).

28 "Commissioner." The State Fire Commissioner.

29 "Facility." A structure or portion thereof intended for the
30 purpose of storage or protection of firefighting apparatus,

ambulances and rescue vehicles and related equipment and gear.
The term does not include meeting halls, social halls, social
rooms, lounges or any other facility not directly related to
firefighting or the furnishing of ambulance or rescue services.

"Grant program." The Volunteer Fire Company Grant Program
established in Subchapter B (relating to volunteer fire company
grant program) or the Volunteer Ambulance Service Grant Program
established in Subchapter C (relating to volunteer ambulance
service grant program).

"Invalid coach." The term shall have the meaning given to it
in Chapter 81 (relating to emergency medical services system).

"Volunteer ambulance service." Any nonprofit chartered
corporation, association or organization located in this
Commonwealth, which is licensed by the Department of Health and
is not associated or affiliated with any hospital and which is
regularly engaged in the provision of emergency medical
services, including basic life support or advanced life support
services and advanced life support squads as defined in 28 Pa.
Code § 1005.1 (relating to general provisions). The term shall
not include any corporation, association or organization that is
primarily engaged in the operation of invalid coaches which are
intended for the routine transport of persons who are
convalescent or otherwise nonambulatory and do not ordinarily
require emergency medical treatment while in transit.

"Volunteer fire company." A nonprofit chartered corporation,
association or organization located in this Commonwealth which
provides fire protection or rescue services and which may offer
other voluntary emergency services within this Commonwealth.
Voluntary emergency services provided by a volunteer fire
company may include voluntary ambulance and voluntary rescue

1 services.

2 "Volunteer rescue company." A nonprofit chartered
3 corporation, association or organization located in this
4 Commonwealth that provides rescue services as part of the
5 response to fires or vehicle accidents within this Commonwealth.

6 SUBCHAPTER B

7 VOLUNTEER FIRE COMPANY GRANT PROGRAM

8 Sec.

9 7811. Establishment.

10 7812. Publication and notice.

11 7813. Award of grants.

12 7814. Consolidation incentive.

13 § 7811. Establishment.

14 The Volunteer Fire Company Grant Program is established and
15 shall be administered by the agency in consultation with the
16 commissioner. Grants provided under this program shall be used
17 to improve and enhance the capabilities of the volunteer fire
18 company to provide firefighting, ambulance and rescue services.

19 § 7812. Publication and notice.

20 The agency shall publish notice of the grant program
21 availability through the Legislative Reference Bureau for
22 publication in the Pennsylvania Bulletin:

23 (1) within 30 days of June 28, 2007, for the fiscal
24 years beginning July 1, 2006, and July 1, 2007; and

25 (2) by August 8 for fiscal years beginning after June
26 30, 2008.

27 § 7813. Award of grants.

28 (a) Authorization.--The agency is authorized to make a grant
29 award to each eligible volunteer fire company for the following:

30 (1) Construction and renovation of the fire company's

1 facility and purchase or repair of fixtures and furnishings
2 necessary to maintain or improve the capability of the
3 company to provide fire, ambulance and rescue services.

4 (2) Repair of firefighting, ambulance or rescue
5 equipment or purchase thereof.

6 (3) Debt reduction associated with paragraph (1) or (2).

7 (4) Training and certification of members.

8 (b) Limits.--

9 (1) Except as provided in paragraph (3), grants shall be
10 not less than \$2,500 and not more than \$15,000 per volunteer
11 fire company.

12 (2) Grants may be awarded on a pro rata basis if the
13 total dollar amount of the approved application exceeds the
14 amount of funds appropriated by the General Assembly for this
15 purpose.

16 (3) In a municipality where there are two or more
17 volunteer fire companies and if two or more fire companies
18 consolidated their use of equipment, firefighters and
19 services within five years preceding the date of the current
20 year application submission deadline, the consolidated entity
21 shall be deemed eligible to receive a grant not to exceed the
22 amount of the combined total for which the individual
23 companies would have been eligible had they not consolidated.

24 (c) Time for filing application and department action.--

25 (1) Within 30 days of June 28, 2007, for the fiscal
26 years beginning July 1, 2006, and July 1, 2007, and by
27 September 1 of each year thereafter, the agency shall provide
28 written instructions for grants under this chapter to the
29 fire chief and president of every volunteer fire company in
30 this Commonwealth.

1 (2) Within 45 days of June 28, 2007, for the fiscal
2 years beginning July 1, 2006, and July 1, 2007, and by
3 September 8 of each year thereafter, the agency shall provide
4 applications to the fire chief and president of every
5 volunteer fire company. The application for the fiscal years
6 commencing July 1, 2006, and July 1, 2007, shall be a
7 combined application. Volunteer fire companies seeking grants
8 under this chapter shall submit completed applications to the
9 agency. The application period shall remain open for 45 days
10 each year. The agency shall act to approve or disapprove
11 applications within 60 days of the application submission
12 deadline each year. Applications which have not been approved
13 or disapproved by the agency within 60 days after the close
14 of the application period each year shall be deemed approved.

15 (d) Eligibility.--To receive grant funds under this chapter,
16 a volunteer fire company shall have actively responded to one or
17 more fire or rescue emergencies during the previous calendar
18 year and must have signed and be under an agreement to actively
19 participate in the Pennsylvania Fire Information Reporting
20 System which is administered by the agency.

21 § 7814. Consolidation incentive.

22 If, after July 31, 2003, two or more volunteer fire companies
23 consolidate their use of facilities, equipment, firefighters and
24 services, the consolidated entity may, upon notification of the
25 agency, be eligible for a reduction of the interest rate payable
26 on any outstanding principal balance owed, as of the date of
27 consolidation, by any or all of the consolidating companies to
28 the Volunteer Companies Loan Fund for loans made under the act
29 of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire
30 Company, Ambulance Service and Rescue Squad Assistance Act, or

1 under Subchapter E of Chapter 73 (relating to volunteer fire
2 company, ambulance service and rescue squad assistance). The
3 reduction in the interest rate payable shall be from 2% to 1%.
4 Upon receipt of such notification, the agency, in conjunction
5 with the State Fire Commissioner, shall determine and verify
6 that the consolidated entity is in fact a bona fide consolidated
7 volunteer fire company. If the agency determines that the
8 consolidated entity is a bona fide consolidated volunteer fire
9 company, it shall reduce the interest rate payable on any
10 outstanding principal balance owed to the Volunteer Companies
11 Loan Fund for loans made under the former Volunteer Fire
12 Company, Ambulance Service and Rescue Squad Assistance Act, or
13 under Subchapter E of Chapter 73, for which the consolidating
14 companies or the consolidated entity may be individually or
15 jointly responsible. The agency may promulgate such rules and
16 regulations as may be necessary to carry out the provisions of
17 this section.

18 Subchapter C

19 VOLUNTEER AMBULANCE SERVICE GRANT PROGRAM

20 Sec.

21 7821. Establishment.

22 7822. Publication and notice.

23 7823. Award of grants.

24 § 7821. Establishment.

25 The Volunteer Ambulance Service Grant Program is established
26 and shall be administered by the agency. Grants provided under
27 this program shall be used to improve and enhance the
28 capabilities of the volunteer ambulance services to provide
29 ambulance, emergency medical, basic life support and advanced
30 life support services.

1 § 7822. Publication and notice.

2 The agency shall publish notice of the grant program
3 availability through the Legislative Reference Bureau for
4 publication in the Pennsylvania Bulletin:

5 (1) within 30 days of June 28, 2007, for the fiscal
6 years beginning July 1, 2006, and July 1, 2007; and

7 (2) by August 8 for fiscal years beginning after June
8 30, 2008.

9 § 7823. Award of grants.

10 (a) Authorization.--The agency is authorized to make a grant
11 award to each eligible volunteer ambulance service for the
12 following:

13 (1) Construction and renovation of the volunteer
14 ambulance service's facility and purchase or repair of
15 fixtures, furnishings, office equipment and support services
16 necessary to maintain or improve the capability of the
17 ambulance service to provide ambulance, emergency medical,
18 basic life support and advanced life support services.

19 (2) Repair of ambulance equipment or purchase thereof.

20 (3) Debt reduction associated with paragraph (1) or (2).

21 (4) Training and certification of members.

22 (b) Limits.--

23 (1) Grants shall be not less than \$2,500 and not more
24 than \$10,000 per volunteer ambulance service.

25 (2) Grants may be awarded on a pro rata basis if the
26 total dollar amount of the approved application exceeds the
27 amount of funds appropriated by the General Assembly for this
28 purpose.

29 (3) If two or more volunteer ambulance services
30 consolidated their use of equipment, personnel and services

1 within five years preceding the date of the current year
2 application submission deadline, the consolidated entity
3 shall be deemed eligible to receive a grant not to exceed the
4 amount of the combined total for which the individual
5 companies would have been eligible had they not consolidated.

6 (c) Time for filing application and department action.--

7 (1) Within 30 days of June 28, 2007, for the fiscal
8 years commencing July 1, 2006, and July 1, 2007, and by
9 September 1 of each year thereafter, the agency shall provide
10 written instructions for grants under this chapter to the
11 president of every volunteer ambulance service in this
12 Commonwealth.

13 (2) Within 45 days of the effective date of June 28,
14 2007, for the fiscal years commencing July 1, 2006, and July
15 1, 2007, and by September 8 of each year, the agency shall
16 provide applications to the president of every volunteer
17 ambulance service. The application for the fiscal years
18 commencing July 1, 2006, and July 1, 2007, shall be a
19 combined application. Volunteer ambulance services seeking
20 grants under this chapter shall submit completed applications
21 to the agency. The application period shall remain open for
22 45 days each year. The agency shall act to approve or
23 disapprove applications within 60 days of the application
24 submission deadline each year. Applications which have not
25 been approved or disapproved by the agency within 60 days
26 after the close of the application period each year shall be
27 deemed approved.

28 SUBCHAPTER D

29 GRANT FUNDING PROVISIONS

30 Sec.

1 7831. Volunteer Fire Company Grant Program.

2 7832. Volunteer Ambulance Service Grant Program.

3 7833. Allocation of appropriated funds.

4 § 7831. Volunteer Fire Company Grant Program.

5 The sum of \$22,000,000 of the amount appropriated to the
6 agency for volunteer company grants under section 225 of the act
7 of March 20, 2003 (P.L.463, No.1A), known as the General
8 Appropriation Act of 2003, shall be expended for the purpose of
9 making grants to eligible volunteer fire companies under
10 Subchapter B (relating to volunteer fire company grant program).

11 § 7832. Volunteer Ambulance Service Grant Program.

12 The sum of \$3,000,000 of the amount appropriated to the
13 agency for volunteer company grants under section 225 of the act
14 of March 20, 2003 (P.L.463, No.1A), known as the General
15 Appropriation Act of 2003, shall be expended for the purpose of
16 making grants to eligible volunteer ambulance companies under
17 Subchapter C (relating to volunteer ambulance service grant
18 program).

19 § 7833. Allocation of appropriated funds.

20 (a) Prohibition.--No money from the appropriation for
21 volunteer company grants shall be used for expenses or costs
22 incurred by the agency for the administration of the grant
23 programs authorized under Subchapters B (relating to volunteer
24 fire company grant program) and C (relating to volunteer
25 ambulance service grant program).

26 (b) Grant allocation.--Unless otherwise expressly stated,
27 money appropriated to the agency for purposes of volunteer
28 company grants shall be allocated as follows:

29 (1) Eighty-eight percent of the amount appropriated
30 shall be used for making grants to eligible volunteer fire

1 companies under Subchapter B.

2 (2) Twelve percent of the amount appropriated shall be
3 used for making grants to eligible volunteer ambulance
4 companies under Subchapter C.

5 SUBCHAPTER E

6 MISCELLANEOUS PROVISIONS

7 Sec.

8 7841. Expiration of authority.

9 7842. Special provisions.

10 § 7841. Expiration of authority.

11 The authority of the agency to award grants under Subchapters
12 B (relating to volunteer fire company grant program) and C
13 (relating to volunteer ambulance service grant program) shall
14 expire June 30, 2012.

15 § 7842. Special provisions.

16 (a) Claim.--An applicant for a grant under this chapter who
17 failed to return a signed agreement for the preceding year shall
18 not be permitted to apply for a grant in the current year unless
19 the applicant has provided the commissioner with a reasonable
20 written explanation as to why it did not claim its grant.

21 (b) Delinquency.--An applicant for a grant under this
22 chapter who is delinquent in loan payments to the Pennsylvania
23 Volunteer Loan Assistance Program established under the act of
24 July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire
25 Company, Ambulance Service and Rescue Squad Assistance Act,
26 shall agree to use its grant funds to pay any arrears to the
27 Commonwealth or it will not be qualified to receive a grant. Any
28 organization agreeing to this arrangement who fails to make the
29 payment to the Commonwealth shall be disqualified from applying
30 to the grant program for a period of three years.

1 (c) Demonstration.--An applicant for a grant under this
2 chapter must demonstrate that it complied with all of the terms
3 of its grant agreement in the previous year regarding the use of
4 the grant money it received in previous years or it shall not be
5 eligible to receive a grant in the current year.

6 (d) Approval.--An applicant shall not be approved for a
7 grant to be used for purposes other than those stated in section
8 7813(a) (relating to award of grants) or 7823(a) (relating to
9 award of grants).

10 Section 7. (a) The following acts and parts of acts are
11 repealed:

12 (1) Act 1925-267.

13 (2) Act 1941-74.

14 (3) Act 1949-547.

15 (4) Act 1955-51.

16 (5) The act of June 11, 1968 (P.L.149, No.84), known as
17 the Volunteer Firefighters' Relief Association Act.

18 (6) Act 1974-264.

19 (7) Act 1976-114.

20 (8) The act of July 15, 1976 (P.L.1036, No.208), known
21 as the Volunteer Fire Company, Ambulance Service and Rescue
22 Squad Assistance Act.

23 (9) Act 1977-83.

24 (10) Act 1982-162.

25 (10.1) THE ACT OF JULY 9, 1990 (P.L.340, NO.78), KNOWN
26 AS THE PUBLIC SAFETY EMERGENCY TELEPHONE ACT.

27 (11) Act 1990-168.

28 (12) Act 1992-127.

29 (13) The act of November 13, 1995 (P.L.604, No.61),
30 known as the State Fire Commissioner Act.



1 (14) The act of July 31, 2003 (P.L.73, No.17), known as
2 the Volunteer Fire Company and Volunteer Ambulance Service
3 Grant Act.

4 (15) 18 Pa.C.S. § 3301(h.1).

5 (B) THE ADDITION OF 35 PA.C.S. CH. 53 IS A CONTINUATION OF
6 THE ACT OF JULY 9, 1990 (P.L.340, NO.78), KNOWN AS THE PUBLIC
7 SAFETY EMERGENCY TELEPHONE ACT. THE FOLLOWING APPLY:

8 (1) EXCEPT AS OTHERWISE PROVIDED IN 35 PA.C.S. CH. 53,
9 ALL ACTIVITIES INITIATED UNDER THE PUBLIC SAFETY EMERGENCY
10 TELEPHONE ACT SHALL CONTINUE AND REMAIN IN FULL FORCE AND
11 EFFECT AND MAY BE COMPLETED UNDER 35 PA.C.S. CH. 53. ORDERS,
12 REGULATIONS, RULES AND DECISIONS WHICH WERE MADE UNDER THE
13 PUBLIC SAFETY EMERGENCY TELEPHONE ACT AND WHICH ARE IN EFFECT
14 ON THE EFFECTIVE DATE OF SECTION 2(2) OF THIS ACT SHALL
15 REMAIN IN FULL FORCE AND EFFECT UNTIL REVOKED, VACATED OR
16 MODIFIED UNDER 35 PA.C.S. CH. 53.

17 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), ANY DIFFERENCE
18 IN LANGUAGE BETWEEN 35 PA.C.S. CH. 53 AND THE PUBLIC SAFETY
19 EMERGENCY TELEPHONE ACT IS INTENDED ONLY TO CONFORM TO THE
20 STYLE OF THE PENNSYLVANIA CONSOLIDATED STATUTES AND IS NOT
21 INTENDED TO CHANGE OR AFFECT THE LEGISLATIVE INTENT, JUDICIAL
22 CONSTRUCTION OR ADMINISTRATION AND IMPLEMENTATION OF THE
23 PUBLIC SAFETY EMERGENCY TELEPHONE ACT.

24 (3) PARAGRAPH (2) DOES NOT APPLY TO ANY OF THE
25 FOLLOWING:

26 (I) THE OMISSION OF THE FOLLOWING DEFINITIONS IN 35
27 PA.C.S. § 5302:

28 (A) "ACTIVE PREPAID WIRELESS ACCOUNT."

29 (A.1) "PREPAID WIRELESS TELEPHONE SERVICE."

30 (B) "SUFFICIENT POSITIVE BALANCE."

1 (II) THE ADDITION OF ANY OF THE FOLLOWING PROVISIONS
2 IN TITLE 35:

3 (A) THE ADDITION OF THE FOLLOWING DEFINITIONS IN
4 SECTION 5302:

5 (I) "CONSUMER."

6 (II) "PREPAID WIRELESS DEVICE."

7 (III) "PREPAID WIRELESS E-911 SURCHARGE."

8 (IV) "PREPAID WIRELESS PROVIDER."

9 (V) "PREPAID WIRELESS TELECOMMUNICATIONS
10 SERVICE."

11 (V.1) "RETAIL TRANSACTION." ←

12 (V.2) "SELLER."

13 (VI) "WIRELESS E-911 SURCHARGE."

14 (B) THE FOLLOWING PROVISIONS OF SECTION 5311.4:

15 (I) SUBSECTION (A) INTRODUCTORY PARAGRAPH.

16 (II) SUBSECTION (B) INTRODUCTORY PARAGRAPH

17 AND (4).

18 (III) SUBSECTION (B.1).

19 (IV) SUBSECTION (H).

20 (C) SECTION 5311.10.

21 (D) SECTION 5312.1.

22 (E) SECTION 5398.

23 ~~(b)~~ (B.1) Continuation is as follows: ←

24 (1) The addition of 35 Pa.C.S. § 7403 is a continuation
25 of Act 1925-267. The following apply:

26 (i) Except as otherwise provided in 35 Pa.C.S. §
27 7403, all activities initiated under Act 1925-267 shall
28 continue and remain in full force and effect and may be
29 completed under 35 Pa.C.S. § 7403. Orders, regulations,
30 rules and decisions which were made under Act 1925-267

1 and which are in effect on the effective date of
2 subsection (b)(1) shall remain in full force and effect
3 until revoked, vacated or modified under 35 Pa.C.S. §
4 7403.

5 (ii) Except as set forth in subparagraph (iii), any
6 difference in language between 35 Pa.C.S. § 7403 and Act
7 1925-267 is intended only to conform to the style of the
8 Pennsylvania Consolidated Statutes and is not intended to
9 change or affect the legislative intent, judicial
10 construction or administration and implementation of Act
11 1925-267.

12 (iii) Subparagraph (ii) does not apply to the
13 addition of any of the following provisions of 35 Pa.C.S.
14 § 7403:

15 (A) (Reserved).

16 (B) (Reserved).

17 (2) The addition of 35 Pa.C.S. Ch. 74 Subch. D is a
18 continuation of Act 1941-74. The following apply:

19 (i) Except as otherwise provided in 35 Pa.C.S. Ch.
20 74 Subch. D, all activities initiated under Act 1941-74
21 shall continue and remain in full force and effect and
22 may be completed under 35 Pa.C.S. Ch. 74 Subch. D.
23 Orders, regulations, rules and decisions which were made
24 under Act 1941-74 and which are in effect on the
25 effective date of subsection (a)(2) shall remain in full
26 force and effect until revoked, vacated or modified under
27 35 Pa.C.S. Ch. 74 Subch. D.

28 (ii) Except as set forth in subparagraph (iii), any
29 difference in language between 35 Pa.C.S. Ch. 74 Subch. D
30 and Act 1941-74 is intended only to conform to the style

1 of the Pennsylvania Consolidated Statutes and is not
2 intended to change or affect the legislative intent,
3 judicial construction or administration and
4 implementation of Act 1941-74.

5 (iii) Subparagraph (ii) does not apply to the
6 addition of any of the following provisions of 35 Pa.C.S.
7 Ch. 74 Subch. D:

8 (A) (Reserved).

9 (B) (Reserved).

10 (3) The addition of 35 Pa.C.S. Ch. 73 Subch. D is a
11 continuation of Act 1949-547. The following apply:

12 (i) Except as otherwise provided in 35 Pa.C.S. Ch.
13 73 Subch. D, all activities initiated under Act 1949-547
14 shall continue and remain in full force and effect and
15 may be completed under 35 Pa.C.S. Ch. 73 Subch. D.
16 Orders, regulations, rules and decisions which were made
17 under Act 1949-547 and which are in effect on the
18 effective date of subsection (a)(3) shall remain in full
19 force and effect until revoked, vacated or modified under
20 35 Pa.C.S. Ch. 73 Subch. D.

21 (ii) Except as set forth in subparagraph (iii), any
22 difference in language between 35 Pa.C.S. Ch. 73 Subch. D
23 and Act 1949-547 is intended only to conform to the style
24 of the Pennsylvania Consolidated Statutes and is not
25 intended to change or affect the legislative intent,
26 judicial construction or administration and
27 implementation of Act 1949-547.

28 (iii) Subparagraph (ii) does not apply to the
29 addition of any of the following provisions of 35 Pa.C.S.
30 Ch. 73 Subch. D:

1 (A) (Reserved).

2 (B) (Reserved).

3 (4) (Reserved).

4 (5) The addition of 35 Pa.C.S. Ch. 74 Subch. B is a
5 continuation of the Volunteer Firefighters' Relief
6 Association Act. The following apply:

7 (i) Except as otherwise provided in 35 Pa.C.S. Ch.
8 74 Subch. B, all activities initiated under the Volunteer
9 Firefighters' Relief Association Act shall continue and
10 remain in full force and effect and may be completed
11 under 35 Pa.C.S. Ch. 74 Subch. B. Orders, regulations,
12 rules and decisions which were made under the Volunteer
13 Firefighters' Relief Association Act. and which are in
14 effect on the effective date of subsection (b) (5) shall
15 remain in full force and effect until revoked, vacated or
16 modified under 35 Pa.C.S. Ch. 74 Subch. B.

17 (ii) Except as set forth in subparagraph (iii), any
18 difference in language between 35 Pa.C.S. Ch. 74 Subch. B
19 and the Volunteer Firefighters' Relief Association Act.
20 is intended only to conform to the style of the
21 Pennsylvania Consolidated Statutes and is not intended to
22 change or affect the legislative intent, judicial
23 construction or administration and implementation of the
24 Volunteer Firefighters' Relief Association Act.

25 (iii) Subparagraph (ii) does not apply to the
26 addition of any of the following provisions of 35 Pa.C.S.
27 Ch. 74 Subch. B:

28 (A) (Reserved).

29 (B) (Reserved).

30 (6) The addition of 35 Pa.C.S. § 7708 is a continuation

1 of Act 1974-264. The following apply:

2 (i) Except as otherwise provided in 35 Pa.C.S. §
3 7708, all activities initiated under Act 1974-264 shall
4 continue and remain in full force and effect and may be
5 completed under 35 Pa.C.S. § 7708. Orders, regulations,
6 rules and decisions which were made under Act 1974-264
7 and which are in effect on the effective date of
8 subsection (a)(6) shall remain in full force and effect
9 until revoked, vacated or modified under 35 Pa.C.S. §
10 7708.

11 (ii) Except as set forth in subparagraph (iii), any
12 difference in language between 35 Pa.C.S. § 7708 and Act
13 1974-264 is intended only to conform to the style of the
14 Pennsylvania Consolidated Statutes and is not intended to
15 change or affect the legislative intent, judicial
16 construction or administration and implementation of Act
17 1974-264.

18 (iii) Subparagraph (ii) does not apply to the
19 addition of any of the following provisions of 35 Pa.C.S.
20 § 7708:

21 (A) (Reserved).

22 (B) (Reserved).

23 (7) The addition of 35 Pa.C.S. § 7709 is a continuation
24 of Act 1976-114. The following apply:

25 (i) Except as otherwise provided in 35 Pa.C.S. §
26 7709, all activities initiated under Act 1976-114 shall
27 continue and remain in full force and effect and may be
28 completed under 35 Pa.C.S. § 7709. Orders, regulations,
29 rules and decisions which were made under Act 1976-114
30 and which are in effect on the effective date of

subsection (a)(7) act shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. § 7709.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. § 7709 and Act 1976-114 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1976-114.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. § 7709:

(A) (Reserved).

(B) (Reserved).

(8) The addition of 35 Pa.C.S. Ch. 73 Subch. E is a continuation of the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. Ch. 73 Subch. E, all activities initiated under the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 73 Subch. E. Orders, regulations, rules and decisions which were made under the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act and which are in effect on the effective date of subsection (a)(8) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 73 Subch. E.

(ii) Except as set forth in subparagraph (iii), any

1 difference in language between 35 Pa.C.S. Ch. 73 Subch. E
2 and the Volunteer Fire Company, Ambulance Service and
3 Rescue Squad Assistance Act is intended only to conform
4 to the style of the Pennsylvania Consolidated Statutes
5 and is not intended to change or affect the legislative
6 intent, judicial construction or administration and
7 implementation of the Volunteer Fire Company, Ambulance
8 Service and Rescue Squad Assistance Act.

9 (iii) Subparagraph (ii) does not apply to the
10 addition of any of the following provisions of 35 Pa.C.S.
11 Ch. 73 Subch. E:

12 (A) (Reserved).

13 (B) (Reserved).

14 (9) The addition of 35 Pa.C.S. Ch. 74 Subch. C is a
15 continuation of Act 1977-83. The following apply:

16 (i) Except as otherwise provided in 35 Pa.C.S. Ch.
17 74 Subch. C, all activities initiated under Act 1977-83
18 shall continue and remain in full force and effect and
19 may be completed under 35 Pa.C.S. Ch. 74 Subch. C.
20 Orders, regulations, rules and decisions which were made
21 under Act 1977-83 and which are in effect on the
22 effective date of subsection (a)(9) shall remain in full
23 force and effect until revoked, vacated or modified under
24 35 Pa.C.S. Ch. 74 Subch. C.

25 (ii) Except as set forth in subparagraph (iii), any
26 difference in language between 35 Pa.C.S. Ch. 74 Subch. C
27 and Act 1977-83 is intended only to conform to the style
28 of the Pennsylvania Consolidated Statutes and is not
29 intended to change or affect the legislative intent,
30 judicial construction or administration and

1 implementation of Act 1977-83.

2 (iii) Subparagraph (ii) does not apply to the
3 addition of any of the following provisions of 35 Pa.C.S.
4 Ch. 74 Subch. C:

5 (A) (Reserved).

6 (B) (Reserved).

7 (10) The addition of 35 Pa.C.S. § 7710 is a continuation
8 of Act 1982-162. The following apply:

9 (i) Except as otherwise provided in 35 Pa.C.S. §
10 7710, all activities initiated under Act 1982-162 shall
11 continue and remain in full force and effect and may be
12 completed under 35 Pa.C.S. § 7710. Orders, regulations,
13 rules and decisions which were made under Act 1982-162
14 and which are in effect on the effective date of
15 subsection (a)(10) shall remain in full force and effect
16 until revoked, vacated or modified under 35 Pa.C.S. §
17 7710.

18 (ii) Except as set forth in subparagraph (iii), any
19 difference in language between 35 Pa.C.S. § 7710 and Act
20 1982-162 is intended only to conform to the style of the
21 Pennsylvania Consolidated Statutes and is not intended to
22 change or affect the legislative intent, judicial
23 construction or administration and implementation of Act
24 1982-162.

25 (iii) Subparagraph (ii) does not apply to the
26 addition of any of the following provisions of 35 Pa.C.S.
27 § 7710:

28 (A) (Reserved).

29 (B) (Reserved).

30 (11) The addition of 35 Pa.C.S. § 7711 is a continuation

1 of Act 1990-168. The following apply:

2 (i) Except as otherwise provided in 35 Pa.C.S. §
3 7711, all activities initiated under act 1990-168 shall
4 continue and remain in full force and effect and may be
5 completed under 35 Pa.C.S. § 7711. Orders, regulations,
6 rules and decisions which were made under Act 1990-168
7 and which are in effect on the effective date of
8 subsection (a)(11) shall remain in full force and effect
9 until revoked, vacated or modified under 35 Pa.C.S. §
10 7711.

11 (ii) Except as set forth in subparagraph (iii), any
12 difference in language between 35 Pa.C.S. § 7711 and Act
13 1990-168 is intended only to conform to the style of the
14 Pennsylvania Consolidated Statutes and is not intended to
15 change or affect the legislative intent, judicial
16 construction or administration and implementation of Act
17 1990-168.

18 (iii) Subparagraph (ii) does not apply to the
19 addition of any of the following provisions of 35 Pa.C.S.
20 § 7711:

21 (A) (Reserved).

22 (B) (Reserved).

23 (12) The addition of 35 Pa.C.S. § 7712 is a continuation
24 of Act 1992-127. The following apply:

25 (i) Except as otherwise provided in 35 Pa.C.S. §
26 7712, all activities initiated under Act 1992-127 shall
27 continue and remain in full force and effect and may be
28 completed under 35 Pa.C.S. § 7712. Orders, regulations,
29 rules and decisions which were made under Act 1992-127
30 and which are in effect on the effective date of

subsection (a)(12) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. § 7712.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. § 7712 and Act 1992-127 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1992-127.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. § 7712:

(A) (Reserved).

(B) (Reserved).

(13) The addition of 35 Pa.C.S. Ch. 73 Subch. F is a continuation of the State Fire Commissioner Act. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. Ch. 73 Subch. F, all activities initiated under the State Fire Commissioner Act shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 73 Subch. F. Orders, regulations, rules and decisions which were made under the State Fire Commissioner Act and which are in effect on the effective date of subsection (a)(13) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 73 Subch. F.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. Ch. 73 Subch. F

1 and the State Fire Commissioner Act is intended only to
2 conform to the style of the Pennsylvania Consolidated
3 Statutes and is not intended to change or affect the
4 legislative intent, judicial construction or
5 administration and implementation of the State Fire
6 Commissioner Act.

7 (iii) Subparagraph (ii) does not apply to the
8 addition of any of the following provisions of 35 Pa.C.S.
9 Ch. 73 Subch. F:

10 (A) (Reserved).

11 (B) (Reserved).

12 (14) The addition of 35 Pa.C.S. Ch. 78 is a continuation
13 of the Volunteer Fire Company and Volunteer Ambulance Service
14 Grant Act. The following apply:

15 (i) Except as otherwise provided in 35 Pa.C.S. Ch.
16 78, all activities initiated under the Volunteer Fire
17 Company and Volunteer Ambulance Service Grant Act shall
18 continue and remain in full force and effect and may be
19 completed under 35 Pa.C.S. Ch. 78. Orders, regulations,
20 rules and decisions which were made under the Volunteer
21 Fire Company and Volunteer Ambulance Service Grant Act
22 and which are in effect on the effective date of
23 subsection (a)(14) shall remain in full force and effect
24 until revoked, vacated or modified under 35 Pa.C.S. Ch.
25 78.

26 (ii) Except as set forth in subparagraph (iii), any
27 difference in language between 35 Pa.C.S. Ch. 78 and the
28 Volunteer Fire Company and Volunteer Ambulance Service
29 Grant Act is intended only to conform to the style of the
30 Pennsylvania Consolidated Statutes and is not intended to

1 change or affect the legislative intent, judicial
2 construction or administration and implementation of the
3 Volunteer Fire Company and Volunteer Ambulance Service
4 Grant Act.

5 (iii) Subparagraph (ii) does not apply to the
6 addition of any of the following provisions of 35 Pa.C.S.
7 Ch. 78:

8 (A) (Reserved).

9 (B) (Reserved).

10 (15) The addition of 35 Pa.C.S. § 7713 is a continuation
11 of 18 Pa.C.S. § 3301(h.1). The following apply:

12 (i) Except as otherwise provided in 35 Pa.C.S. §
13 7713, all activities initiated under 18 Pa.C.S. §
14 3301(h.1) shall continue and remain in full force and
15 effect and may be completed under 35 Pa.C.S. § 7713.
16 Orders, regulations, rules and decisions which were made
17 under 18 Pa.C.S. § 3301(h.1) and which are in effect on
18 the effective date of subsection (a)(15) shall remain in
19 full force and effect until revoked, vacated or modified
20 under 35 § 7713.

21 (ii) Any difference in language between 35 Pa.C.S. §
22 7713 and 18 Pa.C.S. § 3301(h.1) is intended only to
23 effectuate the transfer of material within the
24 Pennsylvania Consolidated Statutes and is not intended to
25 change or affect the legislative intent, judicial
26 construction or administration and implementation of 18
27 Pa.C.S. § 3301(h.1).

28 (c) As used in this section, the following words and phrases
29 shall have the meanings given to them in this subsection unless
30 the context clearly indicates otherwise:

1 "Act 1925-267." The act of May 2, 1925 (P.L.494, No.267),
2 entitled "An act authorizing municipalities to expend money for
3 the purpose of insuring volunteer firemen against death or
4 injuries while going to or returning from or attending fires."

5 "Act 1941-74." The act of June 18, 1941 (P.L.137, No.74),
6 entitled "An act providing for the appointment, powers and
7 control of members of volunteer fire companies as special fire
8 police, and conferring powers on them at fires attended by their
9 fire companies in any city, borough, town, township or home rule
10 municipality."

11 "Act 1949-547." The act of May 26, 1949 (P.L.1844, No.547),
12 entitled "An act establishing the Pennsylvania State Firemen's
13 Training School in or adjacent to the borough of Lewistown;
14 providing for its operation and maintenance by the Department of
15 Public Instruction; authorizing the acquisition of a site either
16 by gift or purchase by the Commonwealth or by The General State
17 Authority, or the use of land now owned by the Commonwealth;
18 providing for the erection or construction and the furnishing
19 and equipping of the buildings and structures by The General
20 State Authority, and the leasing thereof by the Commonwealth;
21 and conferring powers and imposing duties upon the Department of
22 Public Instruction and the Public Service Institute Board."

23 "Act 1955-51." The act of June 13, 1955 (P.L.173, No.51),
24 entitled "An act relating to volunteer fire companies;
25 prohibiting any municipality from replacing a volunteer fire
26 company by a paid fire company unless a majority of the electors
27 of the municipality voting are in favor of the change; and
28 providing for referendum to ascertain the will of the electors."

29 "Act 1974-264." The act of December 10, 1974 (P.L.802,
30 No.264), entitled, as amended, "An act prohibiting the disbanding

1 of a paid fire force in favor of having such services performed
2 by volunteers; and providing for the conduct of a referendum."

3 "Act 1976-114." The act of June 26, 1976 (P.L.459, No.114),
4 "An act authorizing volunteer fire, ambulance and rescue
5 companies and members thereof to enter State premises to fight
6 fire under certain conditions; and providing for legal advice
7 from the Attorney General for such persons in certain cases."

8 "Act 1977-83." The act of December 1, 1977 (P.L.249, No.83),
9 entitled, as amended, "An act prohibiting employers from firing
10 employees who lose time from employment in the line of duty as
11 volunteer firemen, fire police and volunteer members of
12 ambulance services and rescue squads; and providing penalties."

13 "Act 1982-162." The act of June 19, 1982 (P.L.557, No.162),
14 entitled "An act providing for the observance of the Sunday of
15 Fire Prevention Week as a commemorative day designated as
16 Firefighters and their Auxiliaries Day."

17 "Act 1990-168." The act of December 7, 1990 (P.L.679,
18 No.168), entitled "An act providing for a flag for firefighters
19 who have died in the line of duty; providing for responsibility
20 of the Pennsylvania State Fire Commissioner; and making an
21 appropriation from contributions."

22 "Act 1992-127." The act of December 4, 1992 (P.L.791,
23 No.127), entitled "An act designating the Sunday that marks the
24 beginning of Fire Prevention Week as 'Firemen's Memorial
25 Sunday.'"

26 ~~Section 8. This act shall take effect in 60 days.~~

27 SECTION 8. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

28 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
29 IMMEDIATELY:

30 (I) THE ADDITION OF 35 PA.C.S. § 5312.1.

1 (II) THIS SECTION.

2 (2) THE ADDITION OF 35 PA.C.S. § 5311.4(B.1)(1), (2), ←
3 (3), (4), (5), (6), (7), (8), (10) AND (12) SHALL TAKE EFFECT
4 JULY 1, 2011.

5 ~~(2)~~ (3) THE REMAINING PROVISIONS OF 35 PA.C.S. CH. 53 ←
6 SHALL TAKE EFFECT JANUARY 1, 2011.

7 ~~(3)~~ (4) SECTION 7(A)(10.1) AND (B) OF THIS ACT SHALL ←
8 TAKE EFFECT JANUARY 1, 2011.

9 ~~(4)~~ (5) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN ←
10 60 DAYS.