

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 911 Session of 2015

INTRODUCED BY BARRAR, SAINATO, BOBACK, CAUSER, COHEN, DELOZIER, EVERETT, GREINER, HACKETT, HARKINS, A. HARRIS, JAMES, JOZWIAK, MALONEY, MARSHALL, MCGINNIS, MENTZER, MILLARD, RAPP, ROZZI, SACCONI, TALLMAN, PETRI, TOOHIL, FARRY, PASHINSKI, RADER, DAVIDSON, MAHONEY, WARNER AND REGAN, APRIL 13, 2015

SENATOR VULAKOVICH, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, IN SENATE, AS AMENDED, JUNE 2, 2015

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, further providing for emergency
3 telephone service.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. The heading of Chapter 53 of Title 35 of the
7 Pennsylvania Consolidated Statutes is amended to read:

8 CHAPTER 53

9 [EMERGENCY TELEPHONE SERVICE] 911 EMERGENCY COMMUNICATION

10 SERVICES

11 Section 2. Sections 5302, 5303, 5304, 5304.1, 5305 and 5306
12 of Title 35 are amended to read:

13 § 5302. Definitions.

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

1 "911 communication." Transmission of information to a PSAP
2 for the initial reporting of police, fire, medical or other
3 emergency situation.

4 "911 communications service." As follows:

5 (1) A service that allows the two-way transmission,
6 conveyance or routing of voice, data, audio, video or any
7 information of signals, including cable and internet protocol
8 services, to a point or between or among points by or through
9 any electronic, radio, satellite, cable, optical, microwave
10 or other medium or method in existence on or after the
11 effective date of this definition, regardless of protocol
12 used for the transmission or conveyance, only if that service
13 is capable of contacting a PSAP by entering or dialing the
14 digits 911 and is subject to applicable Federal or State
15 requirements to provide the 911 dialing capability.

16 (2) The term does not include wireless and Internet-
17 protocol-enabled services that are exempt from Federal
18 Communications Commission regulations for 911 communications
19 service, 911 service and next generation 911 service.

20 "911 service provider." An entity that provides all or parts
21 of the network, software applications, databases, CPE
22 components and operations and management procedures required to
23 support a 911 system.

24 "911 system." [A system, including enhanced 911 service, but
25 excluding a wireless E-911 system, which permits a person
26 dialing 911 by telephone to be connected to a public safety
27 answering point, via normal telephone facilities, for the
28 reporting of police, fire, medical or other emergency
29 situations.] A system capable of receiving and processing a 911
30 communication throughout a defined geographic area. The term

1 shall include a city, county, regional 911 system or a PSAP.

2 ["Advisory committee." The E-911 Emergency Services Advisory
3 Committee.]

4 "Agency." The Pennsylvania Emergency Management Agency.

5 "ALI." Automatic location information.

6 "ANI." Automatic number identification.

7 ["Associated with Pennsylvania." The term shall mean:

8 (1) In the case of the mobile telephone number (MTN),
9 the geographical location associated with the first six
10 digits or NPA-NXX of the MTN.

11 (2) In the case of a customer service address, the
12 physical location of the address.]

13 "Automatic location information." [The delivery or receipt
14 of the street address of the telephone or the geographic
15 location of the wireless device, as specified in the FCC E-911
16 Order, being used to place a call to a 911 system or to a
17 wireless E-911 system.] The delivery or receipt of location
18 information, including, but not limited to, the street address
19 or geographic location of a telecommunication device, as
20 specified in the FCC 911 Order, being used to communicate with a
21 911 system.

22 "Automatic number identification." [The delivery or receipt
23 of the telephone number assigned to the telephone or wireless
24 device being used to place a call to a 911 system or to a
25 wireless E-911 system.] The delivery or receipt of a telephone
26 number assigned to a telecommunication device being used to
27 communicate with a 911 system.

28 "Board." The 911 board established under section 5303(b)
29 (relating to telecommunications management).

30 "Call." A two-way communication established using a 911

1 communications service.

2 "Call back number." A number used by a public safety
3 answering point to recontact the location from which a 911 call
4 was placed. This number may or may not be the number of the
5 telephone station used to originate the 911 call.

6 ["Commission." The Pennsylvania Public Utility Commission.]

7 ~~"Communication provider." Any person that offers or provides~~<--
8 ~~communication service to subscribers or consumers for a fee~~
9 ~~within this Commonwealth.~~

10 "Communication service." Any service that provides to a
11 subscriber or consumer the capability to initiate, route,
12 transmit or complete a 911 communication from or through any
13 telecommunication device that utilizes telephone numbers,
14 Internet protocol addresses or functional equivalents or
15 technological successors.

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 "Department." The Department of Revenue of the Commonwealth.

4 "Emergency location identification number" or "ELIN." A
5 valid North American Numbering Plan format telephone number
6 assigned to a multiline telephone system operator by the
7 appropriate authority which is used to route the call to a
8 public safety answering point and is used to retrieve the
9 automatic location information for the public safety answering
10 point. The ELIN may be the same number as the automatic number
11 identification. The North American Numbering Plan number may in
12 some cases not be a dialable number.

13 "Emergency notification services." Services provided by
14 authorized agencies of Federal, State, county or local
15 governments, or by persons authorized by these governments, that
16 notify the public[, using] and may use ANI/ALI database
17 information, of emergencies declared by these governments.

18 ~~"Emergency response location." A location to which a 911~~ <--
19 ~~emergency response team may be dispatched and which is specific~~
20 ~~enough to provide a reasonable opportunity for the emergency~~
21 ~~response team to quickly locate a caller anywhere within the~~
22 ~~location.~~

23 "Emergency support services." Information or database
24 management services provided by authorized agencies of Federal,
25 State, county or local governments, or by persons authorized by
26 these governments, that are used in support of PSAPs or
27 emergency notification services.

28 "Enhanced 911 service" or ["E-911."] "911." [Emergency
29 telephone service providing for automatic identification of
30 caller location and calling number.] Emergency communication

1 service providing for automatic identification of caller
2 location and calling number, which includes network switching,
3 database and PSAP premise elements capable of providing
4 automatic location identification data and a call back number.

5 "FCC [E-911] 911 Order." All of the following:

6 (1) All orders OR FINAL RULES issued by the Federal <--
7 Communications Commission pursuant to the proceeding entitled
8 "Revision of the Commission's Rules to Ensure Compatibility
9 with Enhanced 911 Emergency Calling Systems" (CC Docket No.
10 94-102) codified at 47 CFR § 20.18 (relating to 911 service), <--
11 "WIRELESS E-911 LOCATION ACCURACY REQUIREMENTS" CODIFIED AT
12 47 CFR PT. 20 (RELATING TO COMMERCIAL MOBILE SERVICES) and
13 any successor proceeding.

14 (2) Any Federal Communications Commission order that
15 affects the provision of wireless [E-911] 911 service to
16 wireless service customers.

17 "Fund." The [Wireless E-911 Emergency Services Fund.] 911
18 Fund established under section 5306.1 (relating to fund).

19 "Hybrid system." A system providing both manual and pooled
20 access for outgoing calls. During installation, either pooled or
21 manual access is selected.

22 "Industry standards." Publicly available technical
23 requirements or standards adopted by an emergency communications
24 industry association or standard-setting organization,
25 including, but not limited to, the National Emergency Number
26 Association and the Association of Public Safety Communications
27 Officials International.

28 "Interconnected Voice over Internet Protocol provider." A
29 person engaged in the business of providing interconnected VoIP
30 service to end-use [customers] subscribers in this Commonwealth,

1 including resellers.

2 "Interconnected Voice over Internet Protocol service."

3 Service as defined by any of the following:

4 (1) All orders issued by the Federal Communications
5 Commission pursuant to the proceeding entitled "IP-Enabled
6 Services" (WC Docket No. 04-36; FCC 05-116), codified at 47
7 CFR Part 9 (relating to interconnected Voice over Internet
8 Protocol services), and any successor proceeding.

9 (2) Any Federal Communications Commission order that
10 affects the provision of 911 service [or E-911 service] to
11 VoIP service [customers] subscribers or further defines
12 interconnected Voice over Internet Protocol service.

13 "Interconnected Voice over Internet Protocol service
14 [customer] subscriber." A person who is billed by an
15 interconnected Voice over Internet Protocol provider, who is the
16 end user of VoIP service and [who] has designated a [primary]
17 place of primary use within this Commonwealth.

18 ["Interexchange carrier." A person that is authorized by the
19 Pennsylvania Public Utility Commission to provide long-distance
20 telecommunications service.]

21 "Key telephone system." A type of multiline telephone system
22 which provides shared access to several outside lines through
23 buttons or keys, and which has identified access lines with
24 direct line appearances or terminations on each telephone
25 station.

26 "Local exchange carrier." A person[, including a competitive
27 local exchange carrier, that is authorized by the Pennsylvania
28 Public Utility Commission to provide local exchange
29 telecommunications service or exchange access] that provides
30 local exchange telecommunications service within this

1 Commonwealth.

2 ["Local exchange telephone service." The provision of
3 telephonic message transmission within an exchange, as defined
4 and described in tariffs filed with and approved by the
5 Pennsylvania Public Utility Commission.

6 "Mobile telephone number" or "MTN." The telephone number
7 assigned to a wireless telephone at the time of initial
8 activation.

9 "NPA-NXX." The first six digits of a ten-digit telephone
10 number, including a mobile telephone number, representing the
11 area code and exchange of the telephone number.]

12 "Local exchange telecommunications service." The
13 transmission of voice messages that originate and terminate
14 within a prescribed local calling area, INCLUDING SERVICES <--
15 subject to REGULATION BY the Pennsylvania Public Utility <--
16 Commission.

17 "Local notification." A system capability ~~where~~ THAT DIRECTS <--
18 a call to 911 from a multiline telephone system extension ~~is~~ <--
19 ~~directed~~ through the 911 network to a public safety answering
20 point and simultaneously notifies an attendant or other designee <--
21 A DESIGNATED INDIVIDUAL to identify the location of the <--
22 telephone that has dialed 911.

23 "Master street address guide." A database of street names
24 and house number ranges within the associated communities
25 defining emergency services zones and their associated emergency
26 services numbers to enable proper routing of 911 calls.

27 "Multiline telephone system" or "MLTS." A system comprised
28 of common control units, telephone sets, control hardware and
29 software and adjunct systems used to support capabilities,
30 including, but not limited to, network and premises-based

1 systems such as Centrex, VoIP, Hybrid, and Key Telephone Systems
2 and PBX as classified under 47 CFR § 68.162 (relating to
3 requirements for telecommunication certification bodies),
4 whether owned or leased by private individuals and businesses or
5 by government agencies and nonprofit entities.

6 "Multiline telephone system (MLTS) manager." The person
7 authorized to implement a multiline telephone system, either
8 through purchase or lease of an MLTS or the purchasing of MLTS
9 services, as the means by which to make 911 calls.

10 "Multiline telephone system (MLTS) operator." The person
11 responsible for ensuring that a 911 call placed from a multiline
12 telephone system is transmitted and received in accordance with
13 this chapter regardless of the MLTS technology used to generate
14 the call. The MLTS operator may be the MLTS manager or a third
15 party acting on behalf of the MLTS manager.

16 ~~"Next Generation 911" or "NG911." An Internet Protocol (IP)~~ <--
17 ~~based system that allows digital information, including voice,~~
18 ~~photos, videos and text messages, to flow seamlessly from the~~
19 ~~public, through the 911 network and on to emergency responders.~~

20 "Next generation 911 service." 911 service using, in whole
21 or in part, next generation 911 technology.

22 "Next generation 911 technology." Equipment, products or
23 services that enable a PSAP to receive calls for emergency
24 assistance by voice, text, video, Internet protocol or other
25 technology authorized by Federal law, regulation or industry
26 standard. The term includes any new technology with the same or
27 similar functionality.

28 "Other emergency communications service." Services covered
29 by the term as defined in 47 U.S.C. § 615b(8) (relating to
30 definitions).

1 "Other emergency communications service provider." Entities
2 covered by that term as defined in 47 U.S.C. § 615b(9).

3 ~~"Pa StarNet." The Commonwealth's Statewide wireless voice~~ <--
4 ~~and data network for public safety and 911 communications as~~
5 ~~used by Commonwealth agencies, the General Assembly, certain~~
6 ~~county and municipal agencies and businesses.~~

7 "Person." The term includes a corporation, LLC, a
8 partnership, an association, the Federal Government, the State
9 government, a political subdivision, a municipal or other local
10 authority and a natural person.

11 ~~"Place of primary use." The street address representative of~~ <--
12 ~~where the subscriber's use of the wireless or VoIP service~~
13 ~~primarily occurs. For the purpose of the surcharge assessed on a~~
14 ~~VoIP service subscriber, place of primary use is the VoIP~~
15 ~~service subscriber's registered location on the date the VoIP~~
16 ~~service subscriber is billed.~~

17 "Prepaid wireless device." [A wireless telephone that is
18 purchased strictly for the purpose of initiating a prepaid
19 calling service. The term does not include traditional wireless
20 devices used for monthly calling plans.] A device that is
21 purchased with a prepaid wireless telecommunications service and
22 is strictly used for that purpose.

23 ["Prepaid wireless E-911 surcharge." The charge that is
24 required to be collected by a seller from a consumer in the
25 amount established under section 5311.4(b.1) (relating to
26 Wireless E-911 Emergency Services Fund).]

27 "Prepaid wireless provider." A person that provides prepaid
28 wireless telecommunications service [pursuant to a license
29 issued by the Federal Communications Commission].

30 "Prepaid wireless telecommunications service." A wireless

1 telecommunications service that meets all of the following:

2 (1) Allows a caller to [dial] transmit the digits 911 to
3 access [the] a 911 system.

4 (2) [Is] Must be paid for in advance and sold in
5 predetermined units or dollars of which the number may or may
6 not decline with use in a known amount.

7 ["Primary place of use." The street address representative
8 of where the customer's use of the VoIP service primarily
9 occurs. For the purpose of VoIP 911 fees, primary place of use
10 is the customer's registered location on the date the customer
11 is billed.]

12 "Private 911 emergency answering point." An answering point
13 operated by a nonpublic safety entity ~~which provides functional~~ <--
14 WHICH: <--

15 (1) PROVIDES FUNCTIONAL alternative and adequate means
16 of signaling and directing responses to emergencies as an
17 adjunct to public safety ~~responses, trains~~ RESPONSES. <--

18 (2) TRAINS individuals intercepting calls for assistance
19 in accordance with applicable local emergency
20 telecommunications ~~requirements and provides~~ REQUIREMENTS. <--

21 (3) PROVIDES incident reporting to the public safety
22 emergency response centers in accordance with State and local
23 requirements.

24 "Private branch exchange" or "PBX." A private telephone
25 network switch that is connected to a publicly switched
26 telephone network.

27 "Provider." A person that provides service to the public for
28 a fee that includes 911 communications service, including, but
29 not limited to, a local exchange carrier, a wireless provider, a
30 prepaid wireless provider, a VoIP provider or a provider of next

1 generation 911 or successor services.

2 ["PSAP." A public safety answering point.]

3 "Public agency." Any of the following:

4 (1) The Commonwealth.

5 (2) A political subdivision, public authority or
6 municipal authority.

7 (3) An organization located in whole or in part within
8 this Commonwealth which provides or has the authority to
9 provide firefighting, law enforcement, ambulance, emergency
10 medical or other emergency services.

11 "Public safety answering [point."] point" or "PSAP." The
12 agency-approved [first point at which calls for emergency
13 assistance from individuals are answered and which is operated
14 24 hours a day.] entity that receives 911 communications from a
15 defined geographic area and processes those calls according to a
16 specific operational policy.

17 "Public switched telephone network." The network of
18 equipment, lines and controls assembled to establish
19 communication paths between calling and called parties in North
20 America.

21 "Regional." A geographic area that includes more than one
22 county.

23 "Regional ESiNET." An Internet Protocol-based system which
24 consists of managed networks, shared applications and the
25 ability to replicate emergency 911 features and functions.

26 "Regionalization of technology." The adoption of technology
27 that increases the efficiency of a 911 system by allowing
28 multiple PSAPs to use the same equipment or service.

29 "Retail transaction." The purchase of prepaid wireless
30 telecommunications service or a prepaid wireless device bundled

1 with prepaid wireless telecommunications service from a seller
2 for any purpose other than resale.

3 "Seller." A person who sells prepaid wireless
4 telecommunications service or a prepaid wireless device bundled
5 with prepaid wireless telecommunications service to another
6 person.

7 "Shared residential MLTS service." The use of a multiline
8 telephone system to provide service to residential facilities
9 even if the service is not delineated for purposes of billing.
10 For purposes of this definition, residential facilities shall be
11 liberally construed to mean single family and multifamily
12 facilities.

13 "Shared telecommunications services." The provision of
14 telecommunications and information management services and
15 equipment within a user group located in discrete private
16 premises in building complexes, campuses or high-rise buildings
17 by a commercial shared services provider or by a user
18 association through privately owned subscriber premises
19 equipment and associated data processing and information
20 management services, including the provision of connections to
21 the facilities of a local exchange carrier and to interexchange
22 carriers.

23 "Subscriber." A person who contracts with and is billed by a
24 provider within this Commonwealth for a 911 communications
25 service. In the case of wireless service, the term shall mean a
26 person who contracts with a provider if the person's place of
27 primary use is within this Commonwealth.

28 ~~"Successor service." A successor technology to next~~
29 ~~generation 911 technology that provides the same or similar~~
30 ~~functionality.~~

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1 "Telecommunications." The term shall have the meaning given
2 to it in 47 U.S.C. § 153(50) (relating to definitions).

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

6 "Telecommunication device" or "device." Any equipment or
7 item made or adapted for use by a subscriber or consumer to
8 initiate, route or transmit 911 communications using a 911
9 communications service.

10 ["Telephone subscriber." A person who contracts with a local
11 exchange carrier within this Commonwealth for residential or
12 commercial local exchange telephone service. If the same person
13 has several telephone dial tone access lines, each dial tone
14 access line shall constitute a separate subscription. For
15 purposes of the contribution rate, the term shall not include
16 pay stations owned or operated by a regulated public utility, or
17 nonpublic utilities as the term is used in 66 Pa.C.S. § 2913(b)
18 (relating to minimum service requirement).]

19 ~~"Temporary residence." A facility such as a dormitory,~~ <--
20 ~~hotel, motel or health care or nursing home FACILITY." A~~ <--
21 ~~DORMITORY, HOTEL, MOTEL, HEALTH CARE FACILITY, LONG-TERM CARE~~
22 ~~FACILITY, NURSING HOME OR OTHER FACILITY AS DETERMINED BY THE~~
23 ~~AGENCY that provides temporary occupancy for transient TO~~ <--
24 ~~TEMPORARY residents and that is served by a multiline telephone~~
25 ~~system.~~

26 "Uniform 911 surcharge" or "surcharge." The fee assessed to
27 a subscriber or consumer as provided for under this chapter.

28 "Vendor." A person [other than a local exchange carrier or a
29 wireless provider] who supplies 911 [or wireless E-911] system
30 services or equipment to enable the transmission of a 911

1 communication to a PSAP or to support a 911 system or a
2 consultant representing the person, county or PSAP.

3 "VoIP provider." Interconnected Voice over Internet Protocol
4 provider.

5 "VoIP service." Interconnected Voice over Internet Protocol
6 service.["]

7 "VoIP service [customer] subscriber." An Interconnected
8 Voice over Internet Protocol service [customer] subscriber.

9 "Wireless [E-911] 911 service." [Service] 911 communications
10 service provided by a wireless provider, pursuant to the FCC [E-
11 911] 911 Order, including text-to-911 or any successor
12 requirements.

13 ["Wireless E-911 State plan." A document to be prepared,
14 maintained and kept current by the Pennsylvania Emergency
15 Management Agency providing for all aspects of the development,
16 implementation, operation and maintenance of a Statewide
17 integrated wireless E-911 system, including the exclusive
18 authority to formulate technical standards and determine
19 permitted uses of and amounts disbursed from the Wireless E-911
20 Emergency Services Fund.

21 "Wireless E-911 surcharge." A monthly fee assessed upon each
22 wireless service customer, other than a prepaid wireless seller,
23 provider or consumer, subject to the prepaid wireless E-911
24 surcharge under section 5311.4(b.1) (relating to Wireless E-911
25 Emergency Services Fund), for each wireless two-way
26 communication device for which that customer is charged by a
27 wireless provider for wireless service.

28 "Wireless E-911 system." An E-911 system which permits
29 wireless service customers dialing 911 to be connected to a
30 public safety answering point for the reporting of police, fire,

1 medical or other emergency situations.]

2 "Wireless provider." A person engaged in the business of
3 providing wireless service to end-use [customers] subscribers in
4 this Commonwealth, including resellers.

5 "Wireless service." Commercial mobile radio service as
6 defined under section 332(d) of the Communications Act of 1934
7 (48 Stat. 1604, 47 U.S.C. § 332(d)) which provides real-time,
8 two-way voice service that is interconnected with the public
9 switched telephone network. The term does not include prepaid
10 wireless telecommunications service.

11 "Wireless service customer." A person who is billed for
12 wireless service by a wireless provider or who [receives]
13 purchases prepaid wireless [telephone] telecommunications
14 service [from a wireless provider for wireless service] within
15 this Commonwealth.

16 ~~"Workspace." The physical building area where work is~~ <--
17 ~~normally performed. This is a net square footage measurement~~
18 ~~which includes hallways, conference rooms, restrooms and break~~
19 ~~rooms, but does not include wall thickness, shafts, heating~~
20 ~~equipment spaces, ventilating equipment spaces, air conditioning~~
21 ~~equipment spaces, mechanical spaces, electrical spaces or~~
22 ~~similar areas where employees do not normally have access.~~

23 § 5303. Telecommunications management.

24 (a) Powers and duties of agency.--The agency shall have the
25 following powers and duties:

26 (1) To adopt rules and regulations [pursuant to] as
27 necessary to enforce this chapter [and promulgate, adopt,
28 publish and use guidelines for the implementation of this
29 chapter. Rules, regulations and guidelines]. Rules and
30 regulations proposed under the authority of this section

1 shall be subject to review by the General Counsel and the
2 Attorney General in the manner provided for the review of
3 proposed rules and regulations pursuant to the act of October
4 15, 1980 (P.L.950, No.164), known as the Commonwealth
5 Attorneys Act, and the act of June 25, 1982 (P.L.633,
6 No.181), known as the Regulatory Review Act.

7 (2) To [establish] publish guidelines and application
8 procedures for the [establishment of contribution rates]
9 collection and distribution of fees collected under this
10 chapter.

11 (3) To receive, review and approve or disapprove all 911
12 system [county] plans in accordance with standards developed
13 in consultation with the board.

14 [(4) To forward a copy of each county plan application
15 to the council and the commission for their review as
16 required under this chapter.

17 (5) To submit an annual report not later than March 1 of
18 each year to the Governor and the General Assembly, which
19 plan includes at least the following:

20 (i) The extent to which 911 systems currently exist
21 in this Commonwealth.

22 (ii) Those counties which have completed
23 installation, and the costs and expenses for
24 installation.

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

27 (6) To establish minimum training and certification
28 standards for emergency dispatchers, call takers and
29 supervisors.

30 (7) To establish technical standards for the county

1 plans.

2 (8) To establish standards for performance review and
3 quality assurance programs for 911 systems to ensure public
4 safety and improve the performance of 911 systems.

5 (9) To establish standards for accuracy of 911 database
6 systems.

7 (10) To establish a program of communication between the
8 agency and county 911 coordinators for the purpose of sharing
9 information among counties and to develop recommendations to
10 improve 911 systems throughout this Commonwealth.

11 (11) To prescribe, in cooperation with the council and
12 the commission, the applications and forms necessary to carry
13 out the provisions of this chapter.

14 (12) To take the actions necessary to implement,
15 administer and enforce the provisions of this chapter.]

16 (4) To establish, in consultation with the board, a
17 Statewide 911 plan that sets forth priorities for 911 systems
18 in this Commonwealth and plans for next generation 911
19 technology.

20 (5) To designate a State 911 coordinator who shall be an
21 employee of the agency.

22 (6) To provide administrative and support staff to the
23 board as necessary.

24 (7) To establish formulas and methods to distribute
25 money in accordance with section 5306.1 (relating to fund) in
26 consultation with the board.

27 (8) To establish and publish annually uniform standards
28 relating to technology, next generation 911 technology,
29 administration and operation of 911 systems in consultation
30 with the board.

1 (9) To cooperate with county and regional 911 systems to
2 develop interconnectivity of 911 systems through the
3 establishment, enhancement, operation and maintenance of an
4 Internet protocol network.

5 (10) To establish and publish annually, in consultation
6 with the board, eligible uses for money received under this
7 chapter, including next generation 911 technology.

8 (11) To request information and require audits or
9 reports relating to program compliance from any entity
10 remitting the surcharge to or receiving disbursements from
11 the fund.

12 (11.1) To subpoena witnesses, administer oaths, examine
13 witnesses, take such testimony and compel the production of
14 such books, records, papers and documents as it may deem
15 necessary or proper in and pertinent to any proceeding,
16 investigation or hearing.

17 (12) To require a biennial performance audit of each 911
18 system's use of money from the fund, including allocations to
19 capital or operating reserves.

20 (13) To prescribe the applications and forms necessary
21 to enforce this chapter.

22 (14) To report to the General Assembly annually on the
23 revenue and distributions from the fund for the previous
24 fiscal year and the compliance with the Commonwealth's 911
25 priorities.

26 (15) To adopt, in consultation with the board, minimum
27 training and certification standards for emergency
28 dispatchers, call takers and supervisors.

29 (16) TO DEVELOP, IN CONSULTATION WITH THE BOARD, A
30 COMPREHENSIVE PLAN FOR THE IMPLEMENTATION OF A STATEWIDE

<--

1 INTEROPERABLE INTERNET PROTOCOL NETWORK USING NEXT GENERATION
2 911 TECHNOLOGY THAT COORDINATES THE DELIVERY OF FEDERAL,
3 STATE, REGIONAL AND LOCAL EMERGENCY SERVICES.

4 ~~(16)~~ (17) To enforce this chapter through injunction, <--
5 mandamus or other appropriate proceeding.

6 ~~(17)~~ (18) To take other actions necessary to implement <--
7 and enforce this chapter.

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

10 (1) To review all county plans, including the initial
11 application forwarded by the agency for conformity to the
12 minimum standards.

13 (2) To review county plans to determine if equipment
14 conforms to the technical standards.

15 (3) To recommend approval of plans or indicate
16 deficiencies in plans to the agency.

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

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

21 (2) Approve or modify the contribution rate requested by
22 the county and forward its decision to the agency.]

23 Establishment of 911 board.--There is established a board
24 within the agency to be known as the 911 board. <--
25 The following
26 shall apply:

27 ~~(1) The board shall be comprised of the following~~
28 ~~persons:~~

29 ~~(i) The chairman and minority chairman of the~~
30 ~~Veterans Affairs and Emergency Preparedness Committee of~~
~~the Senate and the chairman and minority chairman of the~~

~~Veterans Affairs and Emergency Preparedness Committee of the House of Representatives or their designees.~~

~~(ii) The director of the agency, who shall act as chairperson.~~

~~(iii) The State 911 coordinator.~~

~~(iv) Four county commissioners or home rule equivalent.~~

~~(v) Four county or regional 911 coordinators.~~

~~(vi) Four representatives of communication service providers, including one local exchange carrier, one VoIP provider and two wireless providers.~~

~~(vii) One representative of the Pennsylvania State Police, who shall serve as a nonvoting member.~~

~~(2) The Governor shall appoint the board members under paragraph (1) (iv), (v), (vi) and (vii) upon the recommendation of Statewide organizations and industry segments. Recommendations for appointments under paragraph (1) (iv) shall be requested by the Governor from the County Commissioners Association of Pennsylvania and recommendations for appointments under paragraph (1) (v) shall be requested by the Governor from the State chapters of the National Emergency Number Association and the Association of Public Communications Officials. The following shall apply:~~

~~(i) Members under paragraph (1) (iv), (v) and (vi) are appointed to terms of two years and may serve no more than three consecutive terms.~~

~~(ii) The Statewide organizations shall ensure that nominees are sufficiently proficient in 911 policies, operations and technologies and that the nominees provide a diverse representation from the western, central and~~

1 ~~eastern regions of this Commonwealth.~~

2 ~~(iii) The Governor shall make the initial~~
3 ~~appointments of members under paragraph (1)(iv), (v),~~
4 ~~(vi) and (vii) within 90 days of the effective date of~~
5 ~~this subparagraph. Initial terms for members appointed~~
6 ~~under paragraph (1)(iv), (v) and (vi) shall be divided~~
7 ~~between one year and two year terms.~~

8 ~~(iv) The Governor may remove an appointed member of~~
9 ~~the board for cause upon written notice to the board.~~

10 ~~(v) A member's nonparticipation in three consecutive~~
11 ~~board meetings may be considered cause for removal.~~

12 ~~(3) Twelve members of the board shall constitute a~~
13 ~~quorum. When a quorum is present, three fourths consent of~~
14 ~~members present and voting is required for any action of the~~
15 ~~board.~~

16 ~~(4) The board shall meet at least once quarterly and at~~
17 ~~THE BOARD SHALL BE COMPRISED OF THE FOLLOWING:~~ <--

18 ~~(1) THE FOLLOWING STATE OFFICIALS, WHO SHALL SERVE AS~~
19 ~~VOTING MEMBERS:~~

20 ~~(I) THE DIRECTOR OF THE AGENCY, WHO SHALL ACT AS~~
21 ~~CHAIRPERSON.~~

22 ~~(II) THE STATE 911 COORDINATOR.~~

23 ~~(III) THE COMMISSIONER OF THE PENNSYLVANIA STATE~~
24 ~~POLICE.~~

25 ~~(IV) THE CHAIRMAN OF THE VETERANS AFFAIRS AND~~
26 ~~EMERGENCY PREPAREDNESS COMMITTEE OF THE SENATE.~~

27 ~~(V) THE MINORITY CHAIRMAN OF THE VETERANS AFFAIRS~~
28 ~~AND EMERGENCY PREPAREDNESS COMMITTEE OF THE SENATE.~~

29 ~~(VI) THE CHAIRMAN OF THE VETERANS AFFAIRS AND~~
30 ~~EMERGENCY PREPAREDNESS COMMITTEE OF THE HOUSE OF~~

1 REPRESENTATIVES.

2 (VII) THE MINORITY CHAIRMAN OF THE VETERANS AFFAIRS
3 AND EMERGENCY PREPAREDNESS COMMITTEE OF THE HOUSE OF
4 REPRESENTATIVES.

5 (2) THE FOLLOWING LOCAL OFFICIALS, WHO SHALL SERVE AS
6 VOTING MEMBERS:

7 (I) THE MAYOR OF A CITY OF THE FIRST CLASS.

8 (II) A COUNTY COMMISSIONER OF A COUNTY OF THE SECOND
9 CLASS, OR A HOME RULE EQUIVALENT.

10 (III) A COUNTY COMMISSIONER OF A COUNTY OF THE
11 SECOND CLASS A, OR A HOME RULE EQUIVALENT.

12 (IV) A COUNTY COMMISSIONER OF A COUNTY OF THE THIRD
13 OR FOURTH CLASS, OR ITS HOME RULE EQUIVALENT.

14 (V) TWO COUNTY COMMISSIONERS OF A COUNTY OF THE
15 FIFTH, SIXTH, SEVENTH OR EIGHTH CLASS, OR A HOME RULE
16 EQUIVALENT.

17 (VI) THE 911 COORDINATOR OF A CITY OF THE FIRST
18 CLASS.

19 (VII) THE 911 COORDINATOR OF A COUNTY OF THE SECOND
20 CLASS.

21 (VIII) THE 911 COORDINATOR OF A COUNTY OF THE SECOND
22 CLASS A.

23 (IX) THE 911 COORDINATOR OF A COUNTY OF THE THIRD OR
24 FOURTH CLASS.

25 (X) TWO 911 COORDINATORS OF A COUNTY OF THE FIFTH,
26 SIXTH, SEVENTH OR EIGHTH CLASS.

27 (3) A REPRESENTATIVE FROM THE FOLLOWING STATE AGENCIES,
28 WHO SHALL SERVE AS NONVOTING MEMBERS, TO BE APPOINTED BY THE
29 CHIEF EXECUTIVE OR ADMINISTRATIVE OFFICER OF EACH AGENCY:

30 (I) THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.

1 (II) THE OFFICE OF THE STATE FIRE COMMISSIONER.

2 (III) THE TREASURY DEPARTMENT.

3 (IV) THE PENNSYLVANIA GAME COMMISSION.

4 (V) THE PENNSYLVANIA FISH AND BOAT COMMISSION.

5 (VI) THE GOVERNOR'S OFFICE OF ADMINISTRATION.

6 (VII) THE DEPARTMENT OF CORRECTIONS.

7 (VIII) THE DEPARTMENT OF HUMAN SERVICES.

8 (IX) THE OFFICE OF ATTORNEY GENERAL.

9 (X) THE PENNSYLVANIA COMMISSION ON CRIME AND
10 DELINQUENCY.

11 (XI) THE DEPARTMENT OF HEALTH.

12 (XII) THE DEPARTMENT OF MILITARY AND VETERANS
13 AFFAIRS.

14 (XIII) THE OFFICE OF CONSUMER ADVOCATE.

15 (4) A REPRESENTATIVE FROM THE FOLLOWING STATEWIDE
16 ASSOCIATIONS, WHO SHALL SERVE AS NONVOTING MEMBERS:

17 (I) THE PENNSYLVANIA CHIEFS OF POLICE ASSOCIATION.

18 (II) THE FRATERNAL ORDER OF POLICE.

19 (III) THE PENNSYLVANIA EMERGENCY HEALTH SERVICES
20 COUNCIL.

21 (IV) THE PENNSYLVANIA PUBLIC TRANSPORTATION
22 ASSOCIATION.

23 (V) THE ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS
24 OFFICIALS.

25 (VI) THE PENNSYLVANIA CHAPTER OF THE NATIONAL
26 EMERGENCY NUMBER ASSOCIATION.

27 (VII) THE KEYSTONE EMERGENCY MANAGEMENT ASSOCIATION.

28 (VIII) THE PENNSYLVANIA PROFESSIONAL FIRE FIGHTERS
29 ASSOCIATION.

30 (IX) THE FIREMEN'S ASSOCIATION OF THE STATE OF

1 PENNSYLVANIA.

2 (X) THE PENNSYLVANIA WIRELESS ASSOCIATION.

3 (XI) THE PENNSYLVANIA TELEPHONE ASSOCIATION.

4 (XII) THE BROADBAND CABLE ASSOCIATION OF

5 PENNSYLVANIA.

6 (XIII) THE PENNSYLVANIA MUNICIPAL LEAGUE.

7 (XIV) THE PENNSYLVANIA STATE ASSOCIATION OF

8 BOROUGHES.

9 (XV) THE PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP
10 SUPERVISORS.

11 (XVI) THE PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP
12 COMMISSIONERS.

13 (5) A MEMBER OF THE GENERAL PUBLIC, WHO SHALL SERVE AS A
14 NONVOTING MEMBER.

15 (B.1) DESIGNEE.--A VOTING MEMBER OF THE BOARD MAY APPOINT A
16 DESIGNEE WHO MUST BE AN EMPLOYEE OF THE SAME AGENCY OR
17 ORGANIZATION AS THE VOTING MEMBER TO ATTEND MEETINGS.

18 (B.2) GUBERNATORIAL APPOINTEES.--THE GOVERNOR SHALL APPOINT
19 THE BOARD MEMBERS UNDER SUBSECTION (B) (2), (4) AND (5) UPON THE
20 RECOMMENDATION OF STATEWIDE ORGANIZATIONS AND INDUSTRY SEGMENTS.
21 RECOMMENDATIONS FOR APPOINTMENTS OF COUNTY OFFICIALS UNDER
22 SUBSECTION (B) (2) SHALL BE REQUESTED BY THE GOVERNOR FROM THE
23 COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA AND
24 RECOMMENDATIONS FOR APPOINTMENTS OF 911 COORDINATORS UNDER
25 SUBSECTION (B) (2) SHALL BE REQUESTED BY THE GOVERNOR FROM THE
26 STATE CHAPTERS OF THE NATIONAL EMERGENCY NUMBER ASSOCIATION AND
27 THE ASSOCIATION OF PUBLIC COMMUNICATIONS OFFICIALS. THE
28 FOLLOWING SHALL APPLY:

29 (1) MEMBERS APPOINTED BY THE GOVERNOR ARE APPOINTED TO
30 TERMS OF TWO YEARS AND MAY SERVE NO MORE THAN THREE

1 CONSECUTIVE TERMS.

2 (2) THE STATEWIDE ORGANIZATIONS SHALL ENSURE THAT
3 NOMINEES ARE SUFFICIENTLY PROFICIENT IN 911 POLICIES,
4 OPERATIONS AND TECHNOLOGIES AND THAT THE NOMINEES PROVIDE A
5 DIVERSE REPRESENTATION FROM THE WESTERN, CENTRAL AND EASTERN
6 REGIONS OF THIS COMMONWEALTH.

7 (3) THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS OF
8 MEMBERS UNDER SUBSECTION (B) (2), (4) AND (5) WITHIN 90 DAYS
9 OF THE EFFECTIVE DATE OF THIS PARAGRAPH. INITIAL TERMS FOR
10 MEMBERS APPOINTED BY THE GOVERNOR SHALL BE DIVIDED BETWEEN
11 ONE-YEAR AND TWO-YEAR TERMS.

12 (4) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER OF THE
13 BOARD FOR CAUSE UPON WRITTEN NOTICE TO THE BOARD.

14 (5) A MEMBER'S NONPARTICIPATION IN THREE CONSECUTIVE
15 BOARD MEETINGS MAY BE CONSIDERED CAUSE FOR REMOVAL.

16 (B.3) QUORUM.--THIRTEEN MEMBERS OF THE BOARD SHALL
17 CONSTITUTE A QUORUM. WHEN A QUORUM IS PRESENT, THREE-FOURTHS
18 CONSENT OF MEMBERS PRESENT AND VOTING IS REQUIRED FOR ANY ACTION
19 OF THE BOARD.

20 (B.4) MEETINGS.--THE BOARD SHALL MEET AT LEAST ONCE
21 QUARTERLY AND AT any special session called by the chairperson.
22 All meetings of the board shall be conducted in accordance with
23 65 Pa.C.S. Ch. 7 (relating to open meetings).

24 ~~(5) The members of the board shall serve without~~ <--

25 (B.5) COMPENSATION.--THE MEMBERS OF THE BOARD SHALL SERVE <--
26 WITHOUT compensation but shall be reimbursed for their actual
27 and necessary travel and other expenses in connection with
28 attendance at meetings called by the chairperson.

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

1 (1) To advise the agency on regulations and guidelines
2 relating to the administration and operation of 911 systems
3 in this Commonwealth relating to the following:

4 (i) Standards for performance reviews and quality
5 assurance programs to ensure public safety and maintain
6 and improve the performance of 911 systems.

7 (ii) Measures to ensure the compliance of 911
8 systems with current industry standards and applicable
9 Federal regulations.

10 (iii) Cost-saving measures to include joint
11 purchasing opportunities.

12 (iv) Measures to promote regionalization of PSAPs.

13 (v) Measures to promote next generation 911
14 technology.

15 (vi) 911 planning guidelines.

16 (vii) Training standards for emergency dispatchers,
17 call takers and supervisors.

18 (2) To provide advice and recommendations to the agency
19 to develop and adopt formulas and methods to distribute money
20 from the fund under section 5306.1 (relating to fund).

21 (3) To ~~establish a program of communication~~ PROMOTE <--
22 EFFECTIVE COMMUNICATION AND INFORMATION SHARING between the
23 agency and county 911 coordinators ~~to share information and~~ <--
24 develop recommendations to improve 911 systems in this
25 Commonwealth.

26 (4) To ~~promote the deployment of~~ ADVISE THE AGENCY ON <--
27 PLANS TO DEPLOY next generation 911 technology in 911 systems
28 in this Commonwealth.

29 (5) To promote the regional use of technology.

30 (6) To promote sharing of information among the agency,

1 911 systems and other State and local agencies relating to
2 the operation and improvement of 911 systems.

3 (d) Exemption.--The Pennsylvania State Police
4 telecommunications facilities are exempt from the
5 telecommunications management of the agency[, council and the
6 commission] and the board.

7 § 5304. Counties.

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

13 (1) To designate a member of county government as the
14 county 911 coordinator. The county coordinator shall serve as
15 a point of contact with the agency and shall develop a county
16 plan for the implementation, operation and maintenance of a
17 911 system. Where technologically feasible, the county plan
18 shall be adequate to provide service for the entire county.

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

22 (3) To send a copy of the proposed county plan to the
23 appropriate telephone company upon submission of the plan to
24 the agency.

25 (4) To cooperate with the agency, the council and the
26 commission in the preparation and submission of the county
27 plan and contribution rate.]

28 (1) To ensure the provision of a 911 system in the
29 county's respective jurisdiction. A county may provide a 911
30 system to the county's jurisdiction through participation in

1 a regional 911 system.

2 (2) To develop, maintain or adopt a 911 plan for the
3 county and submit the plan to the agency for review.

4 (i) The plan shall be reviewed and updated at a
5 frequency prescribed by the board.

6 (ii) A county may adopt the 911 plan of a regional
7 911 system if the county is a participating member of
8 that regional 911 system.

9 (3) To cooperate with the agency, the board and the
10 Pennsylvania State Police.

11 (4) To comply with the guidelines, standards and
12 reporting requirements established by the agency.

13 (5) To execute all contracts, agreements, mutual aid
14 agreements, cross-service agreements and all other [necessary
15 documents which may be required in the implementation of the
16 county plan.] documents necessary to implement its 911 plan.

17 [(6) To obtain annually from each telephone service
18 provider a list of the provider's local telephone exchanges
19 within the county and the addresses of that provider's
20 central offices serving those exchanges. Without exception,
21 the service provider shall provide the list to the board.]

22 (7) To notify the agency and all adjacent counties of
23 the local telephone exchanges which provide telephone service
24 to residents within the county, specifically noting exchanges
25 known to provide telephone service to residents of more than
26 one county. Notice shall be provided at the time the county
27 plan is submitted to the agency and when local telephone
28 service is newly initiated for local telephone exchange
29 within the county.]

30 (6) To designate a 911 coordinator for the county. The <--

1 ~~911 coordinator shall serve as a point of contact with the~~
2 ~~agency and board and shall develop~~ WHO SHALL DEVELOP AND <--
3 ~~SUBMIT a plan for the implementation, operation and~~
4 ~~maintenance of a 911 system.~~

5 (7) To cooperate with the board in the preparation and
6 submission of the 911 system plan.

7 (8) To cooperate with the Pennsylvania State Police.
8 Subject to subparagraphs (i) through (iii), a county that
9 utilizes ANI/ALI database services shall, upon request of the
10 Commissioner of the Pennsylvania State Police or the designee
11 of the commissioner, provide authority to access all ANI/ALI
12 database information relating to 911 calls for emergency
13 services, whether the database is held by the county or by a
14 commercial entity[.], following the established procedures of
15 the database owner. The following shall apply:

16 (i) In order to ensure that no county or PSAP
17 experiences degradation of service or additional costs as
18 a result of complying with this subsection:

19 (A) the Pennsylvania State Police shall provide,
20 at its cost, any equipment, computer software or
21 telecommunications equipment or services, exclusive
22 of recurring personnel costs for county personnel,
23 that are necessary to enable its access to any
24 ANI/ALI database information; and

25 (B) all means of access must be approved by the
26 county, PSAP and the Pennsylvania State Police before
27 the county is required to authorize or provide the
28 access. In the event of a dispute between the
29 Pennsylvania State Police and a county or PSAP
30 regarding approval by the county and PSAP, the

1 dispute shall be mediated by the Office of
2 Information Technology of the Commonwealth's Office
3 of Administration. The Office of Information
4 Technology may bring in a Commonwealth mediator from
5 the Office of General Counsel to provide assistance
6 in resolving the dispute.

7 (ii) The ANI/ALI database information to which
8 access is authorized or enabled under this paragraph or
9 section 5304.1(a)(3) (relating to Pennsylvania State
10 Police) shall be used only in providing emergency
11 response services to a 911 call. A person who uses or
12 discloses the ANI/ALI database information under this
13 subparagraph for any other purpose commits a misdemeanor
14 of the third degree.

15 (iii) Nothing contained in this paragraph shall be
16 construed to impose on [wireless] providers any
17 obligations beyond those created by applicable Federal
18 Communications Commission orders and regulations. Public
19 agencies, counties, PSAPs and wireless providers shall
20 not be liable to any person for errors in any of the
21 ANI/ALI database information which may be accessed by or
22 provided to the Pennsylvania State Police under this
23 paragraph.

24 †(9) To comply with reporting requirements established <--
25 by the agency.

26 [(b) Persons outside county.--When an individual physically <--
27 resides in an adjacent county but receives local exchange
28 telephone service from a central office in a county which
29 provides 911 service, it shall be the responsibility of the
30 county with the 911 service to notify the appropriate public

1 agency of a request for emergency service from the individual.]

2 (c) Cities of second class, second class A and third
3 class.--A city of the second class, second class A or third
4 class that has established a 911 system prior to September 4,
5 1990, may [exercise the powers and duties of counties under this
6 chapter] join a county or regional PSAP. [A city of the second
7 class, second class A or third class that has not established a
8 911 system prior to September 4, 1990, may exercise the powers
9 and duties of counties under this chapter only when the county
10 has chosen not to exercise those powers and duties. The powers
11 and duties granted to cities under this section shall be
12 applicable and may be exercised only within the boundaries of
13 the city. No action by a city under this section shall preempt
14 the powers and duties of a county to establish a 911 system
15 outside the boundaries of the city at any time. The agency may
16 establish regulations governing the exercise of powers and
17 duties granted to cities of the second class, second class A and
18 third class by this section.]

19 (D) CERTAIN CITIES OF THE THIRD CLASS.--

<--

20 (1) BEGINNING ON THE EFFECTIVE DATE OF THIS SUBSECTION
21 AND FOR FOUR YEARS THEREAFTER, A PRO RATA SHARE OF FUNDS
22 PROVIDED TO A COUNTY WITH A CITY OF THE THIRD CLASS WITH A
23 POPULATION OF MORE THAN 60,000 BUT LESS THAN 80,000 LOCATED
24 WITHIN ITS BOUNDARIES SHALL BE DISTRIBUTED BY THE COUNTY TO
25 THE CITY OF THE THIRD CLASS. DISTRIBUTION SHALL BE BASED ON
26 THE ENTIRE POPULATION OF THE CITY, WHETHER OR NOT PORTIONS OF
27 THE CITY ARE LOCATED IN ANOTHER COUNTY.

28 (2) BEGINNING ON THE EFFECTIVE DATE OF THIS SUBSECTION
29 AND FOR FOUR YEARS THEREAFTER, A PRO RATA SHARE OF FUNDS
30 PROVIDED TO A COUNTY WITH A CITY OF THE THIRD CLASS WITH A

1 POPULATION OF MORE THAN 105,000 BUT LESS THAN 110,000 LOCATED
2 WITHIN ITS BOUNDARIES SHALL BE DISTRIBUTED BY THE COUNTY TO
3 THE CITY OF THE THIRD CLASS.

4 § 5304.1. Pennsylvania State Police.

5 (a) Powers and duties.--The Commissioner of the Pennsylvania
6 State Police, or the designee of the commissioner, shall have
7 the following powers and duties in relation to a Pennsylvania
8 State Police telecommunications facility:

9 (1) To designate, with specificity, which Pennsylvania
10 State Police facilities shall be considered Pennsylvania
11 State Police telecommunications facilities under this
12 chapter.

13 (2) To designate a commander of a Pennsylvania State
14 Police telecommunications facility, who shall serve as the
15 point of contact with the agency and the counties and shall
16 oversee the implementation, operation and maintenance of a
17 Pennsylvania State Police telecommunications facility. A
18 Pennsylvania State Police facility shall, where
19 technologically feasible, be adequate to provide service to
20 the designated area of coverage.

21 (3) To request authority to access ANI/ALI database
22 information relating to 911 calls for emergency services from
23 the counties and PSAPs within the designated area of coverage
24 of a Pennsylvania State Police telecommunications facility.
25 No county or PSAP shall be required to comply with such a
26 request unless it is made by the Commissioner of the
27 Pennsylvania State Police or the designee of the commissioner
28 under section 5304(a)(8) (relating to counties).

29 (4) To provide training and certification for all call
30 takers/dispatchers and call taker/dispatcher supervisors that

1 meet or exceed the training and certification standards that
2 are provided for in 4 Pa. Code Ch. 120c (relating to training
3 and certification standards for 911 emergency communications
4 personnel) or any successor standard.

5 (b) Ineligible reimbursement.--The Pennsylvania State Police
6 is not eligible to receive reimbursement from the [money
7 collected from the contribution rate or wireless E-911
8 surcharge] fund, nor may the Pennsylvania State Police impose a
9 [monthly contribution rate] tax, fee or surcharge upon [the
10 telephone] subscribers [on the local exchange access line or any
11 wireless E-911-related surcharge upon wireless service
12 customers] or customers of any provider.

13 § 5305. [County] 911 system plan.

14 (a) Minimum standards.--Upon the agreement of [the governing
15 body of] a county to establish a 911 system as a regional or
16 single county PSAP, a plan shall be [drafted meeting] ADOPTED <--
17 THAT MEETS at least the standards promulgated by the agency. The
18 county may obtain technical assistance from the agency in
19 formulating its plan. Each 911 system plan shall be designed to
20 meet the individual circumstances of each community and [the <--
21 public agencies] PUBLIC AGENCY participating in the 911 <--
22 system~~].~~ and THE PLAN shall consider efficiencies to be <--
23 achieved by FROM regionalization of technology and voluntary <--
24 PSAP consolidation. The 911 system plan AND CONSOLIDATION, AND <--
25 may include consideration of and plan for next generation 911 <--
26 technology.

27 [(b) Completion.--Upon completion of the plan, the county
28 shall forward it to the agency, with a copy of the plan being
29 sent to those telephone companies affected by the plan. When the
30 plan is submitted to the agency, the county shall also provide

1 each adjacent county with a list of local telephone exchanges
2 included in the plan, specifically noting exchanges known to
3 provide telephone service to residents of more than one county.

4 (c) Agency review.--

5 (1) The agency shall review each county plan for
6 completeness and shall forward a copy of the county plan and
7 the proposed contribution rate to the council and the
8 commission for review as required by this section.

9 (2) After the county plan has been reviewed by the
10 council and the commission, the agency shall approve or
11 reject a county plan based on the recommendations of the
12 council and the commission.

13 (3) If the county plan is rejected, the agency shall
14 return the county plan and explain the deficiencies that
15 caused the rejection.

16 (d) Council review.--The council shall have 90 days to
17 review the plan and make suggested revisions to the plan. The
18 agency may act as agent for the council in the administration of
19 the plan approval process.

20 (e) Commission review.--

21 (1) The commission shall review the county plan only in
22 relation to the contribution rate and may modify only those
23 contribution rates which it finds excessive to meet the costs
24 stated in the plan. The rates shall be reviewed and a
25 decision forwarded to the agency within 90 days of the date
26 of submission.

27 (2) If the commission fails to review the contribution
28 rate within 90 days, the contribution rate will be deemed
29 approved by the commission.

30 (f) Present systems.--

1 (1) A county which has a present 911 system may
2 establish a contribution rate to cover nonrecurring and
3 operating costs of an existing 911 system by using the same
4 contribution rate approval mechanism as a new 911 system for
5 the purposes of this chapter.

6 (2) A county which did not have a 911 system in
7 operation on September 4, 1990, but which awarded a contract
8 for a 911 system prior to September 4, 1990, shall be
9 considered to have a present system.

10 (g) Regional systems.--Nothing in this chapter shall be
11 construed to prohibit the formation of multijurisdictional or
12 regional 911 systems, and any regional system established under
13 this chapter shall include the territory of two or more
14 counties.

15 (g.1) Contribution rate.--

16 (1) Counties of the first through second class A may
17 impose a monthly contribution rate in an amount not to exceed
18 \$1 per line on each local exchange access line. Counties of
19 the third through fifth classes may impose monthly
20 contribution rates in an amount not to exceed \$1.25 per line
21 on each local exchange access line. Counties of the sixth
22 through eighth classes may impose a monthly contribution rate
23 in an amount not to exceed \$1.50 per line on each local
24 exchange access line.

25 (2) The following shall apply:

26 (i) The contribution rate may be used by counties
27 for the expenses of implementing, expanding or upgrading
28 a 911 system.

29 (ii) Expenses eligible for reimbursement through the
30 contribution rate shall include telephone terminal

1 equipment, trunk line service installation, network
2 changes, building of initial database and any other
3 nonrecurring costs to establish a 911 system. The
4 contribution rate may also be used to fund recurring
5 costs under section 5308(b) (relating to expenditures for
6 nonrecurring costs, training, mobile communications
7 equipment, maintenance and operation of 911 systems).

8 (iii) Expenses not eligible for reimbursement
9 through the contribution rate shall include purchase of
10 real estate, cosmetic remodeling, central office
11 upgrades, hiring of dispatchers, ambulances, fire engines
12 or other emergency vehicles, utilities, taxes and other
13 expenses as determined by the Pennsylvania Emergency
14 Management Agency.

15 (h) Contribution rate changes.--

16 (1) Once a plan and contribution rate have been
17 established, the contribution rate shall remain fixed for a
18 period of at least three years. Updating and expanding the
19 present system shall require an amended plan to be filed with
20 the agency. The contribution rate shall remain fixed for
21 three years even if the present system is updated and
22 expanded.

23 (2) A request for a contribution rate change must be
24 submitted to the agency, and the agency shall forward the
25 request to the commission for approval as provided under
26 subsection (e).

27 (3) A contribution rate increase shall not be permitted
28 more often than every three years and shall not take effect
29 unless approved by the commission.

30 (i) Assessment.--

1 (1) The money collected from the telephone contribution
2 rate shall be utilized for payments of nonrecurring and
3 recurring costs of a 911 system.

4 (2) The contribution rate may be imposed at any time
5 subsequent to the execution of a contract with the provider
6 of a 911 service at the discretion of the governing body of
7 the county and pursuant to approval of the county plan and
8 contribution rate under the provisions of this section.

9 (3) The money collected from the contribution rate:

10 (i) Is a county fee collected by the telephone
11 company.

12 (ii) Shall not be subject to taxes or charges levied
13 on or by the telephone company.

14 (iii) Shall not be considered revenue of the
15 telephone company for any purpose.]

16 (b) Board review.--

17 (1) The board shall review each 911 system plan for
18 completeness and may recommend the approval or disapproval of
19 the plan to the agency.

20 (2) If the 911 system plan is recommended for
21 disapproval by the board, the agency shall return the plan
22 and explain the deficiencies that caused the recommendation.

23 (c) Regional systems.--Nothing in this chapter shall be
24 construed to prohibit the formation of multijurisdictional or
25 regional 911 systems.

26 [§ 5306. Special public meeting.

27 (a) Public comment.--Before a county may establish a
28 contribution rate for nonrecurring and recurring costs under
29 this chapter, it must obtain public comment from the residents
30 of the county.

1 (b) Requirements.--The proposed contribution rate shall be
2 fixed by the governing body of the county in the following
3 manner:

4 (1) The governing body shall cause notice of intention
5 to fix the contribution rate at a special public meeting on a
6 date certain to be published in a newspaper of general
7 circulation at least ten days in advance of the special
8 public meeting. The notice shall include the precise amount
9 of the proposed monthly contribution rate.

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

13 (3) The special meeting shall be held in a centrally
14 located area of the county.]

15 Section 3. Title 35 is amended by adding sections to read:
16 § 5306.1. Fund.

17 (a) Establishment.--There is established in the State
18 Treasury a nonlapsing restricted interest-bearing account to be
19 known as the 911 Fund.

20 (b) Composition of fund.--The fund shall consist of the
21 following:

22 (1) The surcharge remitted under section 5307 (relating
23 to payment, collection and remittance of surcharge by
24 providers of 911 communications services) and the prepaid
25 wireless surcharge remitted under section 5307.1 (relating to
26 payment, collection and remittance of surcharge by sellers of
27 prepaid wireless telecommunications service).

28 (2) Any money appropriated by the General Assembly.

29 (3) Money from any other public or private source.

30 (4) Interest accrued by the fund.

1 (c) Use.--

2 (1) The money in the fund shall be used only for
3 reasonably necessary costs that enhance, operate or maintain
4 a 911 system in this Commonwealth, in accordance with the
5 Statewide 911 plan established by the agency. For the
6 purposes of this paragraph, reasonably necessary costs shall
7 be determined by the agency, in consultation with the board,
8 consistent with the following:

9 (i) The agency shall establish factors for
10 reasonably necessary costs.

11 (ii) The agency shall provide the factors annually
12 through agency guidelines.

13 (iii) Notwithstanding any guidelines provided by the
14 agency, use of the fund by a 911 system or the agency to
15 establish, enhance, operate or maintain Statewide
16 interconnectivity of 911 systems or to establish a
17 capital or operating reserve consistent with a 911 system
18 plan shall be deemed reasonably necessary.

19 (2) Money from the fund shall not be expended on a 911
20 system that does not conform to the standards and guidance
21 published by the agency.

22 (3) Money from the fund shall not be transferred for
23 General Fund use by the Commonwealth or counties.

24 (d) Distribution.--Within 30 days after the end of each
25 quarter, the agency shall determine the amount available from
26 the fund for distribution and make disbursements in accordance
27 with the Statewide 911 plan and this chapter and in accordance
28 with the following:

29 (1) Not less than ~~75%~~ 80% of the amount in the fund
30 shall be disbursed to a 911 system through a mathematical

<--

1 formula established by the agency in consultation with the
2 board OF WHICH AT LEAST 30% SHALL SOLELY BE BASED ON <--
3 POPULATION.

4 ~~(2) Twelve percent of the amount in the fund shall be~~ <--
5 ~~disbursed at the agency's discretion, in consultation with~~
6 ~~the board, to 911 systems for initiatives that the agency~~
7 ~~reasonably believes will improve 911 systems in this~~
8 ~~Commonwealth.~~

9 ~~(3) (2) Up to 6% 15% of the amount in the fund shall be~~ <--
10 ~~used BY THE AGENCY to establish, enhance, operate or maintain~~ <--
11 ~~Statewide interconnectivity of 911 systems, including, but~~
12 ~~not limited to, the use or obligations of money for debt~~
13 ~~service related to regional or Statewide interconnectivity.~~

14 ~~(4) Five (3) THREE percent of the amount available~~ <--
15 ~~shall be disbursed equally to the PSAPs of this~~
16 ~~Commonwealth.Consolidation of PSAPs after the effective date~~
17 ~~of this paragraph shall not reduce an allocation TO A COUNTY~~ <--
18 ~~under this paragraph.~~

19 ~~(5) (4) Not greater than 2% of the amount in the fund~~ <--
20 ~~may be retained by the agency to pay for agency expenses~~
21 ~~directly related to administering the provisions of this~~
22 ~~chapter. Any excess shall be added to the amounts available~~
23 ~~for distribution under paragraph (1). AUDITS CONDUCTED BY THE~~ <--
24 ~~AGENCY UNDER THIS SECTION SHALL BE FUNDED FROM AMOUNTS~~
25 ~~RETAINED UNDER THIS PARAGRAPH.~~

26 (e) Distribution formula considerations.--

27 (1) The distribution formula established by the agency
28 under subsection (d) shall fairly and proportionately reflect
29 911 system needs.

30 (2) The initial distribution formula shall be

1 established and implemented by the agency, in consultation
2 with the board, no later than 18 months following the
3 effective date of this section.

4 (3) The distribution formula shall be reviewed every two
5 years and may be adjusted annually.

6 (4) In developing and evaluating the distribution
7 formula, the agency, in consultation with the board, shall
8 consider and may include the following factors that permit
9 the formula to reflect 911 system needs:

10 (i) Base level costs common to all 911 systems.

11 (ii) Population, including high or low population <--
12 density AND POPULATION DENSITY. <--

13 (iii) Call volume, including definition of what
14 constitutes a call as published by the agency.

15 (iv) Extenuating factors such as topography,
16 concentrated exposure such as transit or industrial
17 facilities, or cyclical exposures such as high-attendance
18 public events.

19 (5) In development of the distribution formula, the
20 agency, in consultation with the board, shall consider the
21 911 system's average reported allowable 911 system costs for
22 the five years immediately preceding the effective date of
23 this section.

24 (6) Notwithstanding the provisions of paragraph (5), the
25 total annual disbursement from the fund to any one 911 system
26 may not exceed the actual annual costs to enhance, operate or
27 maintain that 911 system in accordance with the Statewide 911
28 system plan. Actual costs may include amortization or
29 depreciation of allowable capital costs OF THE 911 SYSTEM as <--
30 determined using generally accepted accounting principles and

1 approved plan allocations to capital and operating reserves, <--
2 IF APPROVED BY THE AGENCY.

3 (f) Interim distribution formula.--Commencing on the
4 effective date of this subsection, until the board develops and
5 the agency implements a distribution formula under subsection
6 (e), the money available under subsection ~~(d)~~ (D) (1) AND (3) <--
7 shall be distributed to each 911 system as follows:

8 (1) A share equivalent to 106% times the respective 911
9 system's average of local exchange telephone carriers
10 surcharge collections under section 5305 (relating to 911
11 system plan) for the five years immediately preceding the
12 effective date of this section.

13 (2) A share equivalent to 106% times the respective 911
14 system's average of VoIP provider's surcharge collections
15 under section 5307 (relating to payment, collection and
16 remittance of surcharge by providers of 911 communications
17 services) for the five years immediately preceding the
18 effective date of this section.

19 (3) The remaining amount distributed to each 911 system
20 shall be based on the ratio that its average reported
21 allowable 911 system costs for the five years immediately
22 preceding the effective date of this paragraph bear to the
23 average reported allowable 911 system costs for all 911
24 systems for the five years immediately preceding the
25 effective date of this paragraph.

26 (g) Surplus.--

27 (1) If excess money remains available in the fund after
28 the distribution and balanced disbursements required under
29 subsections (d) and (e), the agency shall distribute the
30 remaining money for the enhancement, operation or maintenance

1 of 911 systems as provided under subsection (d)(1) in this
2 Commonwealth in accordance with the Statewide 911 system
3 plan.

4 (2) If the fund experiences a surplus as described in
5 this section for eight consecutive quarters, the agency shall
6 provide written notice of the surplus to the General Assembly
7 and the written notice shall include a recommended reduced
8 surcharge for consideration by the General Assembly.

9 (3) The written notice required under paragraph (2)
10 shall be submitted to the General Assembly within 60 days
11 after the end of the eighth consecutive quarter experiencing
12 the surplus.

13 (H) COUNTY ACTION REQUIRED.--A COUNTY SHALL NOT BE ELIGIBLE <--
14 TO RECEIVE FUNDS UNDER THIS SECTION UNLESS THE GOVERNING BODY OF
15 THE COUNTY ADOPTS A RESOLUTION AUTHORIZING ACCEPTANCE OF THE
16 FUNDS. THE COUNTY SHALL PROVIDE PUBLIC NOTICE OF THE INTENT TO
17 ADOPT THE RESOLUTION. A COPY OF THE RESOLUTION SHALL BE PROVIDED
18 TO THE AGENCY.

19 ~~(h)~~ (I) Audits.-- <--

20 (1) The fund shall be audited in a manner and on a
21 frequency consistent with other restricted receipts accounts
22 administered by the Commonwealth.

23 (2) The agency shall require a biennial performance
24 audit of each PSAP's use of the disbursements it has received
25 from the fund, including amounts placed in capital or
26 operating reserve consistent with published guidelines
27 established by the agency. ~~The cost of each audit shall be~~ <--
28 ~~paid from the fund.~~

29 § 5306.2. Uniform 911 surcharge.

30 (a) Surcharge imposed.--Each subscriber or consumer shall

1 pay a surcharge of \$1.65 PER MONTH for each 911 communications <--
2 service or prepaid wireless device for which that subscriber or
3 consumer is billed by a provider or seller. The surcharge shall
4 be collected apart from and in addition to a fee levied by the
5 provider or seller, in whole or in part, for the provision of
6 911 services. The surcharge shall be subject to the following:

7 (1) The surcharge shall be uniform, competitively
8 neutral and in an equal amount for subscribers or consumers
9 of all 911 communications services.

10 (2) Except as provided under section 5307.1 (relating to
11 payment, collection and remittance of surcharge by sellers of
12 prepaid wireless telecommunications service), the surcharge
13 shall be paid to the State Treasurer for deposit in the fund.
14 THE TREASURER MAY RETAIN UP TO 1% OF THE REMITTED SURCHARGE <--
15 TO PAY EXPENSES DIRECTLY RELATED TO THE COST OF COLLECTION.

16 (3) No subscriber or consumer shall be required to pay
17 more than one surcharge per number or device.

18 (b) Provider administrative costs.--Each provider collecting
19 the surcharge may retain an amount not to exceed 1% of the gross
20 receipts of surcharges collected as reimbursement for its actual
21 administrative costs.

22 (c) Collection of surcharge.--The collection of the
23 surcharge by each provider shall be subject to the following:

24 (1) Providers shall collect the surcharge on behalf of
25 the agency as part of their billing process and shall have no
26 obligation to take any legal action to enforce the collection
27 of the surcharge. Action may be brought by or on behalf of
28 the agency. Upon written request of the agency, each wireless
29 provider shall annually provide a list of the names and
30 addresses of those wireless service customers whose accounts

1 are considered a bad debt as determined by the provider's
2 books and records that have failed to pay the surcharge.

3 (2) Providers shall not be liable for the unpaid
4 amounts.

5 (3) If a provider receives a partial payment for a
6 monthly bill from a subscriber, the provider shall apply the
7 payment against the amount the subscriber owes the provider
8 first and shall remit to the State Treasurer the lesser
9 amount, if any, resulting from the application.

10 (4) The surcharge shall not be:

11 (i) Subject to taxes or charges levied by the
12 Commonwealth or a political subdivision of this
13 Commonwealth or an intergovernmental agency for 911
14 funding purposes on a provider, seller or consumer with
15 respect to the sale, purchase, use or provision of a
16 communication service.

17 (ii) Considered revenue of the provider.

18 (5) Nothing under this chapter shall prevent a provider
19 from recovering costs of implementing and maintaining 911
20 communications service directly from the provider's
21 subscribers, whether itemized on the subscriber's bill or by
22 any other lawful method.

23 Section 4. Section 5307 of Title 35 is amended to read:

24 § 5307. [Collection and disbursement of contribution.] Payment,
25 collection and remittance of surcharge by providers
26 of 911 communications services.

27 (a) [Subscribers' contribution] Collection and remittance of
28 surcharge.--

29 (1) [Each service supplier that provides local exchange
30 telephone service within the county] Providers shall collect

1 the [contribution] surcharge from each subscriber and forward
2 the collection quarterly less the actual uncollectibles
3 [experienced by the local exchange telephone companies] to
4 the [county treasurer or, in a home rule county, the county
5 official responsible for the collection and disbursement of
6 funds] State Treasurer for deposit in the fund.

7 (2) The [amount of the subscribers' contribution]
8 surcharge shall be stated separately in the [telephone
9 subscribers'] subscriber 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] Multiline
15 telephone systems.--In the case of Centrex or similar [multiple
16 line] multiline telephone system subscribers, except PBX
17 subscribers, the following multipliers shall be applied to
18 determine the [contribution] rate of the surcharge for each
19 subscriber:

20 (1) For the first 25 lines, each line shall be [billed
21 at] assessed the [approved contribution rate] surcharge.

22 (2) For lines 26 through 100, each line shall be [billed
23 at] assessed 75% of the [approved contribution rate]
24 surcharge.

25 (3) For lines 101 through 250, each line shall be
26 [billed at] assessed 50% of the [approved contribution rate]
27 surcharge.

28 (4) For lines 251 through 500, each line shall be
29 [billed at] assessed 20% of the [approved contribution rate]
30 surcharge.

1 (5) For lines 501 or more, each line shall be [billed
2 at] assessed 17.2% of the [approved contribution rate]
3 surcharge.

4 (6) As of July 1, 2015, for each digital transmission
5 link, including primary rate interface service or Digital
6 Signal-1 (DS-1) level service, or equivalent, that can be
7 channelized and split into 23 or 24 voice-grade or data-grade
8 channels for voice communications, that when the digits 9-1-1
9 are dialed provides the subscriber access to a PSAP through
10 permissible interconnection to the dedicated 911 system, a
11 subscriber shall be assessed 12 surcharges.

12 (7) Surcharges on VoIP service shall apply to no more
13 than the number of VoIP service lines for which the VoIP
14 service providers enable the capacity for simultaneous calls
15 regardless of actual usage, to be connected to the public-
16 switched telephone network. EACH VOIP PROVIDER OR <--
17 TELECOMMUNICATIONS CARRIER SHALL COLLECT THE MONTHLY
18 SUBSCRIBER FEE FOR EACH TELEPHONE NUMBER OR SUCCESSOR DIALING
19 PROTOCOL ASSIGNEE BY A VOIP PROVIDER TO A VOIP SERVICE
20 CUSTOMER WHO HAS OUTBOUND CALLING CAPABILITY.

21 [(c) Restricted account.--

22 (1) The county treasurer or, in a home rule county, the
23 county official responsible for the collection and
24 disbursement of funds shall deposit the money received in an
25 interest-bearing restricted account used solely for the
26 purpose of nonrecurring and recurring charges billed for the
27 911 system and for the purpose of making payments under
28 subsection (d).

29 (2) The governing body of the county shall make an
30 annual appropriation from the account for the 911 system,

1 subject to the provisions of subsection (d), and may retain
2 up to 1% of the gross receipts collected to cover
3 administrative costs.

4 (3) If the 911 system is discontinued or a county fails
5 to implement a 911 system within three years from the
6 imposition of a monthly contribution rate, any money
7 remaining in the restricted account after all payments to the
8 911 service supplier have been made shall be transferred to
9 the general fund of the county or proportionately to the
10 general funds of each participating public agency.

11 (d) Reimbursement to municipalities.--The county treasurer
12 or, in a home rule county, the county official responsible for
13 the collection and disbursement of funds shall, on a quarterly
14 basis, pay from funds of the restricted account to a
15 municipality which operates a 911 system a sum of money not less
16 than that contributed by the telephone subscribers of that
17 municipality to the county 911 system, less the applicable
18 service supplier administrative cost provided by subsection (a)
19 and the applicable county administrative cost provided by
20 subsection (c).

21 (e) Collection enforcement.--

22 (1) The local exchange telephone company shall not be
23 required to take any legal action to enforce the collection
24 of any charge imposed under this chapter. Action may be
25 brought by or on behalf of the public agency imposing the
26 charge.

27 (2) The local exchange telephone company shall annually
28 provide, upon request of the governing body of the county, a
29 list of the names and addresses of those service users which
30 carry a balance that can be determined by the telephone

1 company to be the nonpayment of any charge imposed under this
2 chapter.

3 (3) The local exchange telephone company shall not be
4 liable for uncollectible amounts.

5 (f) Prohibition against release of information.--Neither the
6 county treasurer, the agency, nor any employee, agent or
7 representative of a PSAP or public agency shall divulge any
8 information acquired with respect to any wireline telephone
9 service provider, its customers, revenues or expenses, trade
10 secrets, access line counts, commercial information and other
11 proprietary information while acting or claiming to act as the
12 employee, agent or representative, and all information shall be
13 kept confidential except that aggregations of information which
14 do not identify or effectively identify numbers of customers,
15 revenues or expenses, trade secrets, access lines, commercial
16 information and other proprietary information attributable to
17 any individual wireline telephone service provider may be made
18 public.]

19 (c) Applicability.--The provisions of this section shall not
20 apply to sellers or consumers of prepaid wireless
21 telecommunications service.

22 Section 5. Title 35 is amended by adding a section to read:
23 § 5307.1. Payment, collection and remittance of surcharge by
24 sellers of prepaid wireless telecommunications
25 service.

26 (a) Surcharge.--The following apply:

27 (1) The surcharge shall be collected by the seller from
28 the consumer per each retail transaction occurring in this
29 Commonwealth.

30 (2) The surcharge shall be applied to the cost of each

1 retail transaction regardless of whether the retail
2 transaction occurred in person, by telephone, through the
3 Internet or by any other method. A retail transaction that is
4 effected CONDUCTED in person by a consumer at a business <--
5 location of the seller shall be treated as occurring in this
6 Commonwealth if that business location is in this
7 Commonwealth, and any. ANY other retail transaction shall be <--
8 treated as occurring in this Commonwealth if the retail
9 transaction is treated as occurring in this Commonwealth for <--
10 the purposes of UNDER section 202(e.1) of the act of March 4, <--
11 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

12 (3) The surcharge shall be either separately stated on
13 an invoice, receipt or other similar document that is
14 provided to the consumer by the seller or otherwise
15 conspicuously disclosed to the consumer by the seller.

16 (4) The surcharge is a liability of the consumer and not
17 of the seller or any provider, except that the seller shall
18 be liable to remit any surcharge collected from consumers A <--
19 CONSUMER as provided under paragraph (6), including the
20 charges that the seller is deemed to collect if the amount of
21 the surcharge has not been separately stated on an invoice,
22 receipt or other similar document provided to the consumer by
23 the seller.

24 (5) The amount of the surcharge that is collected by a
25 seller from a consumer, whether or not the amount is
26 separately stated on an invoice, receipt or similar document
27 provided to the consumer by the seller, shall not be included
28 in the base for measuring a tax, fee, surcharge or other
29 charge that is imposed by the Commonwealth, a political
30 subdivision or an intergovernmental agency.

1 (6) The surcharge collected by a seller, less 1.5% that
2 may be retained by the seller to cover administrative costs, <--
3 shall be remitted to the Department of Revenue at the times
4 provided under Article II of the Tax Reform Code of 1971. The
5 department shall establish payment procedures that
6 substantially coincide with the payment procedures of Article
7 II of the Tax Reform Code of 1971, except the department may
8 require the filing of returns and the payment of the
9 surcharge by electronic means.

10 (7) The assessment, audit, appeal, collection and
11 enforcement procedures and other ~~pertinent~~ provisions <--
12 ~~applicable to the sales and use tax imposed under Article II~~ <--
13 of the Tax Reform Code of 1971 shall apply to the surcharge
14 collected and remitted under this section.

15 (8) The provision of section 5311.1 (relating to
16 immunity) shall apply to prepaid wireless providers and
17 sellers.

18 (9) The surcharge shall be the only 911 funding
19 obligation imposed regarding prepaid wireless
20 telecommunications service in this Commonwealth. A tax, fee,
21 surcharge or other charge may not be imposed by the
22 Commonwealth, a political subdivision or an intergovernmental
23 agency for 911 funding purposes on a seller or consumer with
24 respect to the sale, purchase, use or provision of prepaid
25 wireless telecommunications service. The surcharge shall not
26 be considered revenue of any seller.

27 (10) Each seller that remits the surcharge shall certify
28 the accuracy of the remittance annually using the procedures
29 and forms provided by the agency.

30 (b) Department of Revenue.--The following shall apply to the

1 department:

2 (1) The department shall establish procedures by which a
3 seller of prepaid wireless telecommunications service may
4 document that a sale is not a retail transaction, which
5 procedures shall substantially coincide with the procedures
6 for documenting sale for resale transactions for sales and
7 use tax purposes under Article II of the Tax Reform Code of
8 1971.

9 (2) The department shall pay all remitted surcharges to
10 the State Treasurer for deposit into the fund within 30 days
11 of receipt, for use as provided for under this chapter.

12 (3) The department may retain up to 2% 1% of remitted <--
13 surcharges to pay for expenses directly related to the costs
14 of administering the collection and remittance of surcharges
15 collected under this section.

16 Section 6. Sections 5308, 5309, 5310, ~~5311.1~~, 5311.2, <--
17 5311.3, 5311.4, 5311.5, 5311.6, 5311.7, 5311.8, 5311.9, 5311.10,
18 5311.11, 5311.12, 5311.13 and 5311.14 of Title 35 are amended to
19 read:

20 [§ 5308. Expenditures for nonrecurring costs, training, mobile
21 communications equipment, maintenance and operation
22 of 911 systems.

23 (a) Expenditures authorized.--During a county's fiscal year,
24 the county may expend the amounts distributed to it from the
25 contribution rate for the nonrecurring costs, training, costs
26 for mobile communications equipment, maintenance and operation
27 of a county 911 system.

28 (b) Items included in nonrecurring costs, training, mobile
29 communications equipment, maintenance and operation costs.--

30 (1) Maintenance and operation costs may include

1 telephone company charges, equipment costs or equipment lease
2 charges, repairs, utilities, development and maintenance of a
3 master street address guide, erection of street signs on
4 State and local highways, database maintenance costs,
5 personnel training, salary and benefit costs which are
6 directly related to the provision of 911 services and costs
7 for mobile communications equipment, audit costs and
8 appropriate carryover costs from previous years.

9 (2) Maintenance and operation costs shall not include
10 any cost necessary to house the 911 system.

11 (3) No more than 70% of the contribution rate collected
12 during a county's fiscal year may be utilized to fund
13 personnel training, salary and benefit costs.

14 (c) Limitations on expenditures.--

15 (1) The agency shall adopt procedures to assure that the
16 total amount collected from the 911 contribution rate shall
17 be expended only for the nonrecurring costs, costs for mobile
18 communications equipment, maintenance and operation of a
19 county 911 system.

20 (2) Nonrecurring costs shall be amortized over a minimum
21 of three years.

22 (d) Triennial financial audit.--

23 (1) The agency shall require a triennial audit of each
24 county's collection and disbursement of contribution rate
25 funds and expenditures for the nonrecurring costs, training,
26 costs for mobile communications equipment, maintenance and
27 operation of 911 systems.

28 (2) The triennial audit cost shall be paid by the
29 respective county from contribution rate revenues and shall
30 be conducted consistent with guidelines established by the

1 agency.

2 (e) Public education.--A county may use money received from
3 the imposition of the contribution rate to educate the public on
4 the 911 system. The education may include, but is not limited
5 to, confirming with all residents of the county their actual
6 street addresses.]

7 § 5309. Telephone records.

8 (a) Access.--A telephone service supplier shall provide
9 customer telephone numbers, names and service addresses to PSAPs
10 when requested by them for use in responding to 911 calls and,
11 when required, to providers of emergency notification services
12 and emergency support services, solely for the purposes of
13 delivering or assisting in the delivery of emergency
14 notification services and emergency support services. A wireless
15 provider shall provide the telephone number and geographical
16 location of the wireless device, as required under the FCC E-911
17 Order, to PSAPs when requested by them for use in responding to
18 911 calls. Customer telephone numbers, names and service
19 addresses, and telephone numbers and geographical locations of
20 wireless devices, shall remain the property of the disclosing
21 service supplier. The total cost of the 911 system [or wireless
22 E-911 system] shall include expenses to reimburse telephone
23 service suppliers for providing and maintaining 911 information.
24 A telephone service supplier shall not be reimbursed directly
25 from the fund for providing and maintaining 911 information.
26 This information shall be used only in providing emergency
27 response services to a 911 call or for purposes of delivering or
28 assisting in the delivery of emergency notification services or
29 emergency support services[, except as provided in subsection <--
30 (c)]. A person who uses or discloses ANI/ALI database <--

1 information for purposes other than providing emergency response
2 services to a 911 call, delivering or assisting in the delivery
3 of emergency notification services [or emergency support <--
4 services or other than as provided in subsection (c)] commits a <--
5 misdemeanor of the third degree.

6 (b) Privacy waived.--Private listing service customers in a
7 911 service district shall waive the privacy afforded by
8 nonlisted and nonpublished numbers with respect to the delivery
9 of emergency services.

10 [(c) Immunity.--No telephone company, wireless provider, <--
11 vendor or agent, employee or director of a telephone company,
12 providers of emergency notification services or providers of
13 emergency support services shall be liable to any person who
14 directly or indirectly uses the 911 emergency service for <--
15 wireless E-911 emergency service+ established under this chapter <--
16 or provides information to 911 systems for wireless E-911 <--
17 systems+ with respect to the delivery of emergency services: <--

18 (1) for release to PSAPs, providers of emergency
19 notification services or providers of emergency support
20 services of information specified in this section, including
21 nonpublished telephone numbers;

22 (2) for release to the commission, the Federal
23 Communications Commission or any other Federal or
24 Commonwealth agency with the authority to regulate the
25 provision of telecommunications services of telephone company
26 information specified in this section that is not already
27 part of public records, including, as applicable, information
28 regarding numbers of lines served by an individual company
29 but excluding nonpublic information regarding the company's
30 individual customer names, addresses and telephone numbers;

1 or

2 (3) for interruptions, omissions, defects, errors,
3 mistakes or delays in transmission occurring in the course of
4 the delivery of emergency services for wireless E-911 <--
5 service under this chapter, unless the interruptions, <--
6 omissions, defects, errors, mistakes or delays are caused by
7 the willful or wanton misconduct of the telephone company,
8 wireless provider or vendor, their agents, employees or
9 directors. Nothing in this paragraph may preclude the
10 application of any commission tariff or regulation within its
11 jurisdiction pertaining to allowances for telephone service
12 interruptions.] <--

13 § 5310. Penalty.

14 (a) Communications with 911 systems.--A person who
15 intentionally calls the 911 emergency number for other than
16 emergency purposes commits a misdemeanor of the third degree.

17 (b) Information disclosure.--A person commits a misdemeanor
18 of the third degree if the person does any of the following:

19 (1) Uses or discloses database information for wireless
20 service, VoIP service, other emergency communications service
21 or next generation 911 service or ~~successor service~~ FUTURE <--
22 TECHNOLOGY PROVIDING THE SAME OR SIMILAR FUNCTIONALITY for
23 purposes other than handling a call to a 911 system, or a
24 system used for other emergency communications service, next
25 generation 911 service or ~~successor service~~ FUTURE TECHNOLOGY <--
26 PROVIDING THE SAME OR SIMILAR FUNCTIONALITY, without consent
27 of the subscriber or consumer as otherwise provided by
28 applicable Federal or State law.

29 (2) Knowingly uses the telephone number or database
30 information of a 911 system, other emergency communications

1 ~~service, next generation 911 service, successor service~~ <--
2 ~~FUTURE TECHNOLOGY PROVIDING THE SAME OR SIMILAR FUNCTIONALITY~~ <--
3 ~~or VoIP service to avoid any charges for the services of a~~
4 ~~provider.~~

5 § 5311.1. Immunity.

6 † ~~(A) LOCAL GOVERNMENT.--~~A 911 system or a wireless E-911 <--
7 system run by county and local governments shall be a local
8 agency which shall enjoy local governmental immunity as provided
9 under 42 Pa.C.S. Ch. 85 Subch. C (relating to actions against
10 local parties).† <--

11 ~~(a) General rule. A person, officer, director, employee,~~
12 ~~vendor or agent of the person that establishes, operates,~~
13 ~~enhances or maintains a 911 system or related communication~~
14 ~~service in this Commonwealth shall be immune from civil~~
15 ~~liability resulting from an act or omission in the design,~~
16 ~~installation, enhancement or operation of a 911 system or~~
17 ~~communication service related to 911, except in cases of willful~~
18 ~~or wanton misconduct.~~

19 ~~(b) Sovereign immunity reaffirmed. No provision of this~~
20 ~~chapter shall constitute a waiver of sovereign immunity for the~~
21 ~~purpose of 1 Pa.C.S. § 2310 (relating to sovereign immunity~~
22 ~~reaffirmed; specific waiver) or 42 Pa.C.S. Ch. 85 Subch. C~~
23 ~~(relating to actions against local parties).~~

24 ~~(c) Specific immunity.--~~

25 ~~(1) This subsection applies to the following:~~

26 ~~(i) Providers, prepaid wireless providers and~~
27 ~~sellers.~~

28 ~~(ii) Other emergency communications service~~
29 ~~providers.~~

30 ~~(iii) 911 service providers.~~

1 ~~(iv) An entity that provides access to 911~~
2 ~~communications service using next generation 911~~
3 ~~technology.~~

4 ~~(v) A vendor, agent, employee, officer or director~~
5 ~~of a provider, other emergency communications service~~
6 ~~provider, 911 service provider or entity that provides~~
7 ~~access to 911 communications service using next~~
8 ~~generation 911 technology, providers of emergency~~
9 ~~notification services or providers of emergency support~~
10 ~~services.~~

11 ~~(2) A person enumerated under paragraph (1) shall not be~~
12 ~~liable to any person who directly or indirectly uses the 911~~
13 ~~communications service or wireless 911 service established~~
14 ~~under this chapter, accesses a 911 system or provides~~
15 ~~information to 911 systems with respect to the delivery of~~
16 ~~emergency services for:~~

17 ~~(i) release to PSAPs, providers of emergency~~
18 ~~notification services or providers of emergency support~~
19 ~~services of information specified in this section,~~
20 ~~including nonpublished telephone numbers;~~

21 ~~(ii) release to the agency, the board, the Federal~~
22 ~~Communications Commission or any other Federal or~~
23 ~~Commonwealth agency of information specified in this~~
24 ~~section that is not already part of the public records,~~
25 ~~including, as applicable, information regarding numbers~~
26 ~~of lines or subscribers or consumers served by an~~
27 ~~individual provider but excluding nonpublic information~~
28 ~~regarding the provider's individual subscriber or~~
29 ~~consumer names, addresses and telephone numbers;~~

30 ~~(iii) interruptions, omissions, defects, errors,~~

~~mistakes or delays in transmission occurring in the
course of the delivery of 911 communications service,
other emergency communications service or next generation
911 service under this chapter, unless the interruptions,
omissions, defects, errors, mistakes or delays are caused
by the willful or wanton misconduct of the provider,
vendor, other emergency communications service provider
or entity that provides access to 911 communications
service using next generation 911 technology, or their
vendors, agents, employees, officers or directors.
Nothing under this paragraph may preclude the application
of any commission, tariff or regulation within any
jurisdiction pertaining to allowances for telephone
service interruptions; or~~

~~(iv) other matters related to the provisions of 911
communications service or a 911 system.~~

(B) ENTITIES.--THE FOLLOWING SHALL NOT BE LIABLE FOR AN ACT <--
OR OMISSION TO A PERSON WHO DIRECTLY OR INDIRECTLY USES A 911
EMERGENCY SERVICE OR PROVIDES INFORMATION TO 911 SYSTEMS UNDER
THIS SECTION EXCEPT FOR WILLFUL OR WANTON MISCONDUCT:

(1) A 911 SYSTEM.

(2) A 911 SERVICE PROVIDER.

(3) A PROVIDER OR COMMUNICATION SERVICE PROVIDER,
INCLUDING A PROVIDER OF NEXT GENERATION 911 TECHNOLOGY.

(4) AN OFFICER, DIRECTOR, EMPLOYEE, VENDOR OR AGENT OF
AN ENTITY LISTED UNDER PARAGRAPHS (1), (2) AND (3).

(C) APPLICABILITY.--THE IMMUNITY UNDER SUBSECTION (B) SHALL
APPLY TO THE FOLLOWING:

(1) THE RELEASE TO PSAPS, PROVIDERS OF EMERGENCY
NOTIFICATION SERVICES OR PROVIDERS OF EMERGENCY SUPPORT

1 SERVICES OF INFORMATION AUTHORIZED UNDER THIS CHAPTER,
2 INCLUDING NONPUBLISHED TELEPHONE NUMBERS.

3 (2) THE RELEASE TO THE FEDERAL COMMUNICATIONS
4 COMMISSION, THE COMMISSION, THE BOARD OR ANY FEDERAL OR
5 COMMONWEALTH AGENCY WITH THE AUTHORITY TO REGULATE THE
6 PROVISION OF TELECOMMUNICATIONS SERVICES OF TELEPHONE COMPANY
7 INFORMATION SPECIFIED IN THIS SECTION THAT IS NOT ALREADY
8 PART OF PUBLIC RECORDS, INCLUDING INFORMATION REGARDING THE
9 NUMBER OF LIENS SERVED BY AN INDIVIDUAL COMPANY, EXCEPT FOR
10 NONPUBLIC INFORMATION REGARDING THE COMPANY'S INDIVIDUAL
11 CUSTOMER NAMES, ADDRESSES AND TELEPHONE NUMBERS.

12 (3) INTERRUPTIONS, OMISSIONS, DEFECTS, ERRORS, MISTAKES
13 OR DELAYS IN TRANSMISSION OCCURRING IN THE COURSE OF THE
14 DELIVERY OF 911 EMERGENCY SERVICES AND OTHER EMERGENCY
15 SERVICES, INCLUDING NEXT GENERATION 911 SERVICES UNDER THIS
16 CHAPTER, UNLESS THE INTERRUPTIONS, OMISSIONS, DEFECTS,
17 ERRORS, MISTAKES OR DELAYS ARE CAUSED BY THE WILLFUL OR
18 WANTON MISCONDUCT OF A PERSON LISTED UNDER SUBSECTION (B).

19 (4) ANY OTHER MATTER RELATING TO THE PROVISION OF 911
20 COMMUNICATIONS SERVICE OR A 911 SYSTEM.

21 [§ 5311.2. Powers and duties of agency.

22 (a) Administration.--The agency shall have the following
23 powers and duties in relation to a wireless E-911 system:

24 (1) To designate at least one employee of the agency who
25 shall serve as a point of contact at the agency for all
26 matters involving wireless E-911 systems in this
27 Commonwealth.

28 (2) To oversee the development, implementation,
29 operation and maintenance of a Statewide integrated wireless
30 E-911 system, formulate technical standards and determine

1 permitted uses of and amounts disbursed from the Wireless E-
2 911 Emergency Services Fund, including the costs of PSAPs and
3 wireless providers that are eligible for payment from the
4 fund.

5 (3) To approve each county's county plan, or amendment
6 to its agency-approved county plan, incorporating wireless E-
7 911 service capabilities as may be submitted by the county to
8 the agency.

9 (4) To provide counties with plans that contain cost-
10 saving measures that provide joint purchasing opportunities
11 and facilitate regionalization of technology and
12 consolidation of PSAPs and their operations. The agency shall
13 provide suggested industry-acceptable and uniform standards
14 for levels of staffing and uniform standards of operation.

15 (b) Wireless E-911 State plan.--The agency shall prepare,
16 maintain and keep current, after adequate public notice and
17 opportunity to comment and after consideration of the
18 recommendations of the wireless subcommittee of the advisory
19 committee, a wireless E-911 State plan providing for all aspects
20 of the development, implementation, operation and maintenance of
21 a Statewide integrated wireless E-911 system in accordance with
22 the FCC E-911 Order. Under the plan, the agency shall:

23 (1) Establish model agreements for mutual aid
24 agreements, cross-service agreements, service contracts and
25 all other documents by and among public agencies, PSAPs and
26 wireless providers that may be required in the implementation
27 of the wireless E-911 State plan, review the agreements and
28 documents for consistency with the applicable county plan and
29 assist the parties in assuring their execution.

30 (2) Require each wireless provider to notify the agency

1 of each county in which it is licensed on March 29, 2004, and
2 provides wireless service and, at the time new service is
3 initiated, each county in which it is licensed and initiates
4 wireless service and to notify counties of wireless service
5 within each county, specifically noting wireless service to
6 more than one county. In the event of disputes among PSAPs
7 regarding the PSAP to which a wireless provider routes 911
8 calls, the routing shall be determined by the agency.

9 (3) Establish uniform Statewide standards for the format
10 and content of wireless automatic location information and
11 wireless automatic number identification, which standards
12 shall be the standards adopted by the National Emergency
13 Number Association, as amended by that organization. Wireless
14 providers will use the applicable National Emergency Number
15 Association data transmission format standards to deliver the
16 data to the wireless E-911 system.

17 (4) Forward a copy of the completed plan and any
18 revision of the plan to all affected counties, PSAPs,
19 wireless providers, local exchange carriers, competitive
20 local exchange carriers and interexchange carriers.

21 (5) Require each wireless provider to provide the agency
22 with a 24-hour, seven-days-a-week contact telephone number or
23 pager number for use by PSAPs in emergency situations.

24 § 5311.3. Advisory committee.

25 (a) Establishment.--There is established an advisory
26 committee to be known as the E-911 Emergency Services Advisory
27 Committee.

28 (b) Members.--The advisory committee shall be comprised of
29 the following persons:

30 (1) The director of the agency or his designee, who

1 shall act as chairperson.

2 (2) Two county commissioners.

3 (3) Four county 911 program managers.

4 (4) Four wireless providers licensed by the Federal
5 Communications Commission.

6 (5) Two landline telephone service provider
7 representatives.

8 (6) Two representatives each from fire services,
9 emergency medical services and police.

10 (7) The chairman and minority chairman of the
11 Communications and Technology Committee of the Senate and the
12 chairman and minority chairman of the Veterans Affairs and
13 Emergency Preparedness Committee of the House of
14 Representatives, or their designees.

15 The Governor, upon recommendation of the applicable Statewide
16 organizations, associations and industry segments, shall appoint
17 the committee members, who will each serve a two-year term.

18 Advisory committee membership shall be limited to one
19 representative per organization or corporate entity.

20 (c) Roles and responsibilities.--The advisory committee
21 shall make recommendations to the agency regarding the
22 formulation of technical, administrative and operational
23 standards for use in overseeing 911 programs Statewide.

24 (d) Reimbursement.--The members of the advisory committee
25 shall serve without compensation but shall be reimbursed for
26 their actual and necessary travel and other expenses in
27 connection with attendance at meetings called by the
28 chairperson.

29 (e) Advisory committee subcommittees.--The chairperson may
30 create, within the committee membership, subcommittees to study

1 and address specific technical and program areas:

2 (1) A wireless subcommittee shall be created as a
3 permanent subcommittee and shall consist of the following
4 persons:

5 (i) The advisory committee chairperson.

6 (ii) Two county commissioners.

7 (iii) Four county 911 program managers.

8 (iv) Four representatives of wireless providers
9 licensed by the Federal Communications Commission.

10 (v) Two landline telephone service provider
11 representatives.

12 (2) Wireless subcommittee roles and responsibilities:

13 (i) To advise the agency regarding the development,
14 implementation, operation and maintenance of a Statewide
15 integrated wireless E-911 system.

16 (ii) To make recommendations to the agency regarding
17 the preparation and periodic revision of a wireless E-911
18 State plan providing for the development, implementation,
19 operation and maintenance of a Statewide integrated
20 wireless E-911 system in accordance with the FCC E-911
21 Order.

22 (iii) To make recommendations to the agency
23 regarding the approval or disapproval of wireless
24 provider service agreements and the formulation of
25 technical standards.

26 (iv) To make recommendations to the agency regarding
27 the development of guidelines, rules and regulations
28 required to address the administration of the Statewide
29 E-911 wireless plan and the disbursement of money from
30 the Wireless E-911 Emergency Services Fund.

1 (v) To make recommendations to the agency regarding
2 the development of the annual report required of the
3 agency by this chapter, including, but not limited to,
4 recommendations concerning adjustments of the wireless E-
5 911 surcharge.

6 § 5311.4. Wireless E-911 Emergency Services Fund.

7 (a) Establishment of fund.--There is established in the
8 State Treasury a nonlapsing restricted interest-bearing account
9 to be known as the Wireless E-911 Emergency Services Fund. The
10 fund shall consist of the fees collected under subsections (b)
11 and (b.1), funds appropriated by the General Assembly and funds
12 from another source, private or public. Money in the fund and
13 the interest it accrues is appropriated to the Pennsylvania
14 Emergency Management Agency to be disbursed by the agency. The
15 money in the fund shall be used only for the following costs:

16 (1) PSAP and wireless provider costs resulting from
17 compliance with the FCC E-911 Order, including development,
18 implementation and testing, operation and maintenance of a
19 Statewide integrated wireless E-911 system. Costs paid from
20 the fund must be eligible recurring or nonrecurring costs as
21 determined by the agency in accordance with sections
22 5311.2(a) (relating to powers and duties of agency) and
23 5311.5 (relating to disbursement of fund amounts by agency)
24 for wireless E-911 service provided in accordance with the
25 FCC E-911 Order or a county plan or amended county plan
26 approved by the agency.

27 (2) The agency-approved costs of PSAPs specified in
28 section 5308(b) (relating to expenditures for nonrecurring
29 costs, training, mobile communications equipment, maintenance
30 and operation of 911 systems) that relate directly or

1 indirectly to the provision of wireless E-911 service, to the
2 extent:

3 (i) the costs are not included in the costs paid
4 under paragraph (1) and the approved E-911 costs provided
5 in paragraph (1) have been reimbursed; and

6 (ii) the costs do not exceed the percentage of the
7 actual ratio of demonstrated wireless calls to
8 demonstrated total emergency call volume times the amount
9 of money in the fund, and further:

10 (A) The amount of the costs that may be
11 reimbursed is limited to 25% of the fund if a
12 majority of wireless providers serving the geographic
13 area covered by the PSAP have been tested and
14 accepted by the PSAP for wireless E-911 Phase I
15 service.

16 (B) The amount of the costs that may be
17 reimbursed is limited to 50% of the fund if all of
18 the wireless providers serving the geographic area
19 covered by the PSAP have been tested and accepted by
20 the PSAP for wireless E-911 Phase I service.

21 (C) The amount of the costs that may be
22 reimbursed is limited to 75% of the fund if a
23 majority of wireless providers serving the geographic
24 area covered by the PSAP have been tested and
25 accepted by the PSAP for wireless E-911 Phase II
26 service.

27 (D) The amount of the costs that may be
28 reimbursed is limited to 100% of the fund if all of
29 the wireless providers serving the geographic area
30 covered by the PSAP have been tested and accepted by

1 the PSAP for wireless E-911 Phase II service.

2 (iii) If, under an FCC E-911 waiver, a wireless
3 provider is temporarily relieved of its obligation to
4 provide wireless E-911 Phase II service in the geographic
5 area covered by a requesting PSAP, the wireless carrier
6 shall be disregarded in the determinations to be made
7 under subparagraphs (i) and (ii) until the wireless
8 carrier's obligation to provide wireless E-911 Phase II
9 service again becomes effective.

10 (b) Wireless E-911 surcharge.--Each wireless service
11 customer shall pay a fee, to be known as a wireless E-911
12 surcharge, in an amount of \$1 per month for each device that
13 provides wireless service for which that customer is billed by a
14 wireless provider for wireless service. The fee shall be
15 collected apart from and in addition to a fee levied by the
16 wireless provider in whole or in part for the provision of 911
17 services.

18 (1) Wireless providers shall collect the fee on behalf
19 of the agency as part of their billing process and shall have
20 no obligation to take any legal action to enforce the
21 collection of the surcharge. Action may be brought by or on
22 behalf of the agency. Upon written request of the agency,
23 each wireless provider shall annually provide a list of the
24 names and addresses of those wireless service customers
25 carrying a balance that have failed to pay the wireless E-911
26 surcharge. The wireless provider shall not be liable for the
27 unpaid amounts.

28 (2) If a wireless provider receives a partial payment
29 for a monthly bill from a wireless service customer, the
30 wireless provider shall apply the payment against the amount

1 the wireless service customer owes the wireless provider
2 first and shall remit to the State Treasurer the lesser
3 amount, if any, resulting from the application.

4 (3) The fees collected under this subsection shall not
5 be subject to taxes or charges levied by the Commonwealth or
6 a political subdivision of this Commonwealth, nor shall the
7 fees be considered revenue of the wireless provider for any
8 purpose.

9 (4) The provisions of this subsection shall not apply to
10 sellers, providers or consumers of prepaid wireless
11 telecommunications service.

12 (b.1) Prepaid wireless E-911 surcharge.--

13 (1) There is imposed a prepaid wireless E-911 surcharge
14 of \$1 per retail transaction or the adjusted surcharge, if
15 any, established under paragraph (5). The \$1 surcharge shall
16 be applied to the cost of each retail transaction regardless
17 of whether the service or prepaid wireless device was
18 purchased in person, by telephone, through the Internet or by
19 any other method.

20 (2) A prepaid wireless E-911 surcharge shall be
21 collected by the seller from the consumer for each retail
22 transaction occurring in this Commonwealth. The amount of the
23 prepaid wireless E-911 surcharge shall be either separately
24 stated on an invoice, receipt or other similar document that
25 is provided to the consumer by the seller or otherwise
26 disclosed to the consumer. A retail transaction that is
27 effected in person by a consumer at a business location of
28 the seller shall be treated as occurring in this Commonwealth
29 if that business location is in this Commonwealth, and any
30 other retail transaction shall be treated as occurring in

1 this Commonwealth if the retail transaction is treated as
2 occurring in this Commonwealth for the purposes of section
3 202(e.1) of the act of March 4, 1971 (P.L.6, No.2), known as
4 the Tax Reform Code of 1971.

5 (3) A prepaid wireless E-911 surcharge is a liability of
6 the consumer and not of the seller or any provider, except
7 that the seller shall be liable to remit the prepaid wireless
8 E-911 surcharges that the seller collects from consumers as
9 provided under paragraph (6), including the charges that the
10 seller is deemed to collect if the amount of the surcharge
11 has not been separately stated in an invoice, receipt or
12 other similar document provided to the consumer by the
13 seller.

14 (4) The amount of the prepaid wireless E-911 surcharge
15 that is collected by a seller from a consumer, whether or not
16 the amount is separately stated on an invoice, receipt or
17 similar document provided to the consumer by the seller,
18 shall not be included in the base for measuring a tax, fee,
19 surcharge or other charge that is imposed by the
20 Commonwealth, a political subdivision or an intergovernmental
21 agency.

22 (5) The prepaid wireless E-911 surcharge shall be
23 proportionately increased or reduced, as applicable, upon any
24 change to the wireless E-911 surcharge imposed under
25 subsection (b). The increase or reduction shall be effective
26 on the effective date of the change to the surcharge imposed
27 under subsection (b) or, if later, the first day of the first
28 calendar month to occur at least 60 days after the effective
29 date of the change to the surcharge imposed under subsection
30 (b). The Department of Revenue shall provide not less than 30

1 days' notice of an increase or reduction on its public
2 Internet website.

3 (6) Prepaid wireless E-911 surcharges collected by a
4 seller shall be remitted to the Department of Revenue at the
5 times provided under Article II of the Tax Reform Code of
6 1971. The department shall establish payment procedures that
7 substantially coincide with the payment procedures of Article
8 II of the Tax Reform Code of 1971, except the department may
9 require the filing of returns and the payment of the
10 surcharge by electronic means.

11 (7) During the first 180 days after the effective date
12 of this section, a seller may deduct and retain 35% of the
13 prepaid wireless surcharges collected by the seller from
14 consumers for direct start-up costs. After the implementation
15 period, a seller may deduct and retain up to 3% of prepaid
16 wireless E-911 surcharges that are collected by the seller
17 from consumers for administrative purposes.

18 (8) The assessment, audit, appeal, collection and
19 enforcement procedures and other pertinent provisions
20 applicable to the sales and use tax imposed under Article II
21 of the Tax Reform Code of 1971 shall apply to prepaid
22 wireless E-911 surcharges.

23 (9) The department shall establish procedures by which a
24 seller of prepaid wireless telecommunications service may
25 document that a sale is not a retail transaction, which
26 procedures shall substantially coincide with the procedures
27 for documenting sale for resale transactions for sales and
28 use tax purposes under Article II of the Tax Reform Code of
29 1971.

30 (10) The department shall pay all remitted prepaid

1 wireless E-911 surcharges to the State Treasurer for deposit
2 into the fund within 30 days of receipt, for use as provided
3 in this chapter. The department may retain up to 2% of
4 remitted surcharges to pay for department expenses directly
5 related to the costs of administering the collection and
6 remittance of prepaid wireless E-911 surcharges.

7 (11) The provisions of section 5311.9 (relating to
8 immunity) shall apply to providers and sellers of prepaid
9 wireless telecommunications service.

10 (12) The prepaid wireless E-911 surcharge shall be the
11 only E-911 funding obligation imposed regarding prepaid
12 wireless telecommunications service in this Commonwealth. No
13 tax, fee, surcharge or other charge may be imposed by the
14 Commonwealth, a political subdivision or an intergovernmental
15 agency for E-911 funding purposes, on a provider, seller or
16 consumer with respect to the sale, purchase, use or provision
17 of prepaid wireless telecommunications service.

18 (c) Remittance of fees.--On a quarterly basis, each wireless
19 provider shall remit the fees collected under subsection (b) to
20 the State Treasurer for deposit into the fund.

21 (d) Reimbursement of wireless provider and PSAP costs.--

22 (1) From every remittance, the wireless provider shall
23 be entitled to deduct and retain an amount not to exceed 2%
24 of the gross receipts collected as reimbursement for the
25 administrative costs incurred by the wireless provider to
26 bill, collect and remit the surcharge.

27 (2) Wireless providers and PSAPs shall be entitled to
28 payment from the fund in the manner provided in section
29 5311.5(c) for the following costs:

30 (i) recurring costs approved by the agency under

1 agency rules associated with the development,
2 implementation, operation and maintenance of wireless E-
3 911 service in the geographic area served by the
4 requesting PSAP; and

5 (ii) nonrecurring costs approved by the agency under
6 agency rules associated with the development,
7 implementation, operation and maintenance of wireless E-
8 911 service in the geographic area served by the
9 requesting PSAP.

10 (3) In no event shall costs be paid that are not related
11 to a wireless provider's or PSAP's compliance with
12 requirements established by the wireless E-911 State plan,
13 the FCC E-911 Order or the wireless E-911 provisions of an
14 agency-approved county plan or amended county plan.

15 (4) Costs incurred by a PSAP or wireless provider for
16 wireless E-911 service shall be paid by the agency provided
17 that the costs comply with the requirements of this section
18 and section 5311.5, were incurred after January 1, 1998, and
19 are determined by the agency, after application in accordance
20 with section 5311.5(c), to be eligible for payment from the
21 fund. Costs that the agency determines to be eligible shall
22 be paid as provided in section 5311.5.

23 (5) Nothing in this chapter shall prevent a wireless
24 provider from recovering its costs of implementing and
25 maintaining wireless E-911 service directly from its
26 customers, whether itemized on the customer's bill or by any
27 other lawful method. No wireless provider that levies a
28 separate fee for provision of E-911 wireless service in the
29 geographic area served by the requesting PSAP may receive a
30 reimbursement for the same costs.

1 (e) Reporting by wireless providers.--With each remittance a
2 wireless provider shall supply the following information to the
3 State Treasurer and to the agency:

4 (1) The total fees collected through the wireless E-911
5 surcharge from its wireless service customers during the
6 reporting period.

7 (2) The total amount retained by it as reimbursement for
8 administrative costs to cover its expenses of billing,
9 collecting and remitting the fees collected from the wireless
10 E-911 surcharge during the reporting period.

11 (3) Until the nonrecurring costs have been recovered by
12 a wireless provider, the total amount it has been reimbursed
13 by the agency for nonrecurring costs associated with the
14 development, implementation, operation and maintenance of
15 wireless E-911 service during the reporting period.

16 (f) Information to be supplied by wireless providers.--
17 Wireless providers shall provide the agency with the information
18 it shall request in writing in order to discharge its
19 obligations under this section, including the collection and
20 deposit of the wireless E-911 surcharge and its administration
21 of the fund. Information supplied by wireless providers under
22 this section shall remain confidential, and release of the
23 information shall be governed by section 5311.7 (relating to
24 public disclosure and confidentiality of information).

25 (g) Prohibition.--No part of the fund, including an excess
26 amount under section 5311.6(a) (relating to reporting), shall be
27 used for any purpose unless expressly authorized by this
28 chapter.

29 (h) Surcharge sunset.--The wireless E-911 surcharge fee
30 established in subsections (b) and (b.1) shall terminate on June

1 30, 2015, unless extended by an act of the General Assembly.

2 § 5311.5. Disbursement of fund amounts by agency.

3 (a) Expenditures for wireless E-911 systems.--During each
4 fiscal year the agency may, only in furtherance of the wireless
5 E-911 State plan, disburse money from the Wireless E-911
6 Emergency Services Fund to PSAPs with agency-approved county
7 plans or amended county plans and wireless providers for the
8 following purposes:

9 (1) To pay the costs of PSAPs and wireless providers
10 provided for in section 5311.4(a)(1) and (d)(2) (relating to
11 Wireless E-911 Emergency Services Fund) and the costs of
12 PSAPs provided for in section 5311.4(a)(2).

13 (2) To train emergency service personnel regarding
14 receipt and use of wireless E-911 service information.

15 (3) To educate consumers regarding the operations,
16 limitations, role and responsible use of wireless E-911
17 service.

18 (b) Limitations on use of fund amounts by PSAPs.--No PSAP
19 shall receive a disbursement from the fund for any cost
20 necessary to house the wireless E-911 system or for the purchase
21 of real estate, cosmetic remodeling, ambulances, fire engines or
22 other emergency vehicles, utilities, taxes and other expenses as
23 determined by the agency. No PSAP may be funded for more than
24 70% of its agency-approved personnel training, salary and
25 benefit costs during the agency's fiscal year.

26 (c) Manner of payment.--Each PSAP and wireless provider
27 shall submit to the agency each year, not later than 120 days
28 before the first day of the agency's fiscal year, the eligible
29 costs it expects to incur for wireless E-911 service during the
30 next fiscal year of the agency. The submission may include

1 eligible costs that the PSAP or wireless provider has already
2 incurred for wireless E-911 service at the time of the
3 submission. The agency shall review the submission, ensure that
4 the costs are eligible for payment from the fund and notify the
5 submitting PSAP or wireless provider, not later than 30 days
6 before the first day of the agency's fiscal year, of the
7 eligible costs. The agency shall disburse funds to each PSAP and
8 wireless provider for costs the agency determines to be eligible
9 only up to the amount of fund revenue available for distribution
10 during the agency's fiscal year. No costs may be carried forward
11 for payment by the agency in subsequent fiscal years, except
12 that the agency shall fund all approved and unfunded costs
13 submitted in wireless fiscal year 2012-2013 that are applied for
14 in wireless fiscal year 2013-2014. Payment shall be made in four
15 equal payments during the first month of each quarter of the
16 agency's fiscal year as follows:

17 (1) The agency shall first pay the costs approved for
18 each PSAP that are payable in the quarter.

19 (2) Following the payment of approved costs to a PSAP
20 for Phase I deployment of wireless E-911 service as set forth
21 in the FCC E-911 Order, but only after the PSAP has issued
22 its request to wireless providers to furnish Phase I wireless
23 E-911 service pursuant to the FCC E-911 Order, the agency
24 shall pay the approved costs of wireless providers that are
25 payable in the quarter to provide the requested wireless E-
26 911 service to that PSAP.

27 (3) Following the payment of approved costs to a PSAP
28 for Phase II deployment of wireless E-911 service as set
29 forth in the FCC E-911 Order, but only after the PSAP has
30 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 agency shall
20 reconsider a determination of eligible costs under this
21 subsection upon request by a submitting PSAP or wireless
22 provider and shall provide a procedure for the
23 reconsideration.

24 (d) Pro rata sharing of fund amounts.--

25 (1) If the total amount of money in the fund in any
26 quarter is insufficient to pay for both agency-approved PSAP
27 costs and agency-approved wireless provider costs which are
28 payable in the quarter under subsection (c) for both Phase I
29 deployment and Phase II deployment of wireless E-911 service
30 as set forth in the FCC E-911 Order, then payments from the

1 fund for that quarter shall be made as follows:

2 (i) The agency-approved Phase I deployment costs of
3 a PSAP and those wireless providers to which the PSAP has
4 issued its request for Phase I wireless E-911 service
5 shall be paid before any agency-approved costs for Phase
6 II deployment are paid.

7 (ii) If, notwithstanding subparagraph (i), the total
8 amount of money in the fund in the quarter is
9 insufficient to pay all Phase I deployment costs of both
10 PSAPs and wireless providers which are payable in the
11 quarter, then each requesting PSAP and each requesting
12 wireless provider shall receive, for payment of Phase I
13 deployment costs, a pro rata share of the total amount of
14 money in the fund in the quarter.

15 (iii) If the total amount of money in the fund in
16 the quarter is insufficient to pay all agency-approved
17 Phase II deployment costs of both PSAPs and wireless
18 providers which are payable in the quarter, then each
19 requesting PSAP and each requesting wireless provider
20 shall receive, for payment of Phase II deployment costs,
21 a pro rata share of the total money in the fund which are
22 available in the quarter for payment of Phase II
23 deployment costs.

24 (2) For any PSAP or wireless provider, pro rata shares
25 shall be computed based upon the total dollar amount of money
26 available in the fund for payment of Phase I or Phase II
27 deployment costs, whichever is applicable, multiplied by the
28 ratio of:

29 (i) the total dollar amount of agency-approved but
30 unpaid costs of that PSAP or wireless provider for Phase

1 I or Phase II deployment, whichever is applicable; to
2 (ii) the total dollar amount of all agency-approved
3 but unpaid costs.

4 (e) Triennial financial audit.--The agency shall require a
5 triennial financial audit of each PSAP's use of the
6 disbursements it has received from the fund and of a wireless
7 provider's collection, deduction, retention, remittance and use
8 of the amounts collected by the wireless provider under the
9 wireless E-911 surcharge or the disbursements it received from
10 the fund. These triennial financial audits shall be consistent
11 with guidelines established by the agency, and the cost of each
12 audit shall be paid from the fund.

13 § 5311.6. Reporting.

14 (a) Annual report by agency.--Not later than March 1 of each
15 year, the agency, after consideration of the recommendations of
16 the advisory committee, shall submit an annual report, which may
17 be combined with that required by section 5303(a)(5) (relating
18 to telecommunications management), to the Governor and the
19 General Assembly. Subject to the provisions of section 5311.7(b)
20 (relating to public disclosure and confidentiality of
21 information), the report shall include at least the following:

22 (1) The extent to which wireless E-911 systems currently
23 exist in this Commonwealth.

24 (2) Those PSAPs which completed installation of wireless
25 E-911 systems pursuant to the wireless E-911 State plan and
26 the costs and expenses for installation.

27 (3) An itemization by PSAP or wireless provider, project
28 and description and expenditure for each Wireless E-911
29 Emergency Services Fund disbursement made in the fiscal year
30 just concluded. The itemization shall include an explanation

1 of how each project contributed to the fulfillment of the
2 existing wireless E-911 State plan.

3 (4) The planned expenditures for the next fiscal year
4 for installation of wireless E-911 systems pursuant to the
5 wireless E-911 State plan.

6 (5) The total aggregate fees collected from all wireless
7 providers in the fiscal year just concluded based upon the
8 reports of the providers submitted under section 5311.4(e)
9 (relating to Wireless E-911 Emergency Services Fund) and any
10 other funds received by the fund.

11 (6) The amount of any unexpended funds carried forward
12 in the fund.

13 (7) The amount of any remaining unpaid agency-approved
14 PSAP costs or wireless provider costs being carried forward
15 for payment during the next fiscal quarter.

16 (8) Any advances in a wireless provider's system
17 technology or expansion of its customer service area which
18 further the goal of providing access to a wireless E-911
19 system regardless of the customer's geographic location on
20 any interstate highway in this Commonwealth.

21 (b) Study of wireless E-911 emergency services
22 implementation and operation.--The agency, after consideration
23 of the recommendations of the advisory committee, shall report
24 to the Governor and the General Assembly no less than
25 triennially its recommendations concerning wireless E-911
26 implementation and operation, including, but not limited to,
27 necessary or required actions which must be undertaken in
28 response to the Federal Communication Commission's directive in
29 the FCC E-911 Order. The report shall recommend measures to be
30 taken by the General Assembly.]

1 § 5311.7. [Public disclosure and confidentiality] Prohibition
2 against release of information.

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

5 (b) Prohibition against release of information.--[Neither
6 the] The State Treasurer, [the] agency, [nor any] board,
7 employee, agent or representative of a PSAP or public agency
8 shall not divulge any information acquired with respect to any
9 [wireless provider or VoIP provider, its customers] provider,
10 revenues [or], expenses, trade secrets, commercial information
11 and other proprietary information [while acting or claiming to
12 act as the employee, agent or representative, and all
13 information is required to be kept confidential except that
14 aggregations of information which do not identify or effectively
15 identify numbers of customers, revenues or expenses, trade
16 secrets, commercial information and other proprietary
17 information attributable to any individual wireless provider or
18 VoIP provider may be made public]. Any information acquired
19 shall be kept confidential except that aggregations of
20 information that do not effectively identify numbers of
21 consumers or subscribers, revenues or expenses, trade secrets,
22 commercial information and other proprietary information
23 attributable to any provider may be made public.

24 [§ 5311.8. Wireless provider and VoIP provider records.

25 (a) Access.--Upon request from and pursuant to agreement
26 with a PSAP, each wireless provider shall provide E-911 service
27 database information, and each VoIP provider shall provide VoIP
28 service database information or automatic location information
29 as permitted under the law to the requesting PSAP. The
30 information shall remain the property of the disclosing wireless

1 provider or VoIP provider and, except as otherwise provided by
2 applicable Federal or State law, shall be used by the PSAP only
3 in connection with providing emergency response services to a
4 call to a 911 system or to a wireless E-911 system.

5 (b) Violations.--A person commits a misdemeanor of the third
6 degree if the person does any of the following:

7 (1) Uses or discloses wireless E-911 service database
8 information or VoIP service database information for purposes
9 other than handling a call to a 911 system or to a wireless
10 E-911 system without the consent of the wireless service
11 customer or VoIP service customer or as otherwise provided by
12 applicable Federal or State law.

13 (2) Knowingly uses the telephone number of a 911 system,
14 wireless E-911 system or VoIP service database information to
15 avoid any charges for the services of a local exchange
16 carrier, competitive local exchange carrier, interexchange
17 carrier, wireless provider or VoIP provider.

18 (c) Privacy waived.--The provisions of 66 Pa.C.S. § 2906
19 (relating to dissemination of telephone numbers and other
20 identifying information) shall not apply to wireless providers
21 or VoIP providers to the extent they are engaged in providing
22 wireless E-911 service, 911 service or related services.

23 § 5311.9. Immunity.

24 (a) Generally.--

25 (1) This subsection applies to all of the following:

26 (i) A wireless provider or VoIP provider.

27 (ii) An officer or director of a wireless provider
28 or VoIP provider.

29 (iii) An employee or agent of a wireless provider or
30 VoIP provider.

1 (iv) A vendor of a wireless provider or VoIP
2 provider.

3 (2) Except as set forth in paragraph (3), a person
4 specified in paragraph (1) is immune from liability for civil
5 damages resulting from or caused by an act or omission in the
6 development, design, installation, operation, maintenance,
7 performance or provision of wireless E-911 service or 911
8 service of:

9 (i) the wireless provider or VoIP provider;

10 (ii) an officer or director of the wireless provider
11 or VoIP provider;

12 (iii) an employee or agent of the wireless provider
13 or VoIP provider; or

14 (iv) a supplier of the wireless provider or VoIP
15 provider.

16 (3) Immunity under paragraph (2) does not apply to
17 willful or wanton misconduct.

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

25 (c) Release of information.--

26 (1) This subsection applies to all of the following:

27 (i) A wireless provider or VoIP provider.

28 (ii) An employee or agent of a wireless provider or
29 VoIP provider.

30 (2) A person specified in paragraph (1) is immune from

1 liability for releasing, as required by this chapter or any
2 other law, wireless service customer information or VoIP
3 service customer information to the agency or to any 911
4 system or wireless E-911 system, public agency or PSAP.

5 § 5311.10. Agency funding for wireless E-911 support.

6 The agency is authorized to retain up to 2% of the annual
7 wireless E-911 surcharge and prepaid wireless E-911 surcharge
8 proceeds to pay for agency expenses directly related to
9 administering the wireless E-911 provisions of this chapter.
10 Expenses under this section include personnel, travel,
11 administrative, financial auditing and printing costs.]

12 § 5311.11. Rate regulation.

13 Nothing in this chapter shall be construed to constitute the
14 regulation of the rates charged by [wireless] providers for any
15 service or feature which they provide to their [wireless
16 service] subscribers or customers or to prohibit [a wireless
17 provider from charging a wireless service customer for any
18 service or feature provided to the customer] charges to a
19 subscriber or customer for any service provided to a subscriber
20 or customer.

21 [§ 5311.12. Regulations.

22 The council has the power to issue statements of policy and
23 to promulgate regulations for the implementation of this
24 chapter.

25 § 5311.13. Enforcement.

26 In addition to any powers expressly enumerated in this
27 chapter, the agency has the power and duty to enforce and
28 execute, by its regulations or otherwise, this chapter. The
29 agency may institute injunction, mandamus or other appropriate
30 legal proceedings to enforce this chapter and regulations

1 promulgated under this chapter.

2 § 5311.14. Collection and disbursement of VoIP 911 fee.

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

4 (1) Each VoIP provider or telecommunications carrier
5 shall collect a \$1 fee per month for each telephone number or
6 successor dialing protocol assigned by a VoIP provider to a
7 VoIP service customer number that has outbound calling
8 capability. The following apply:

9 (i) The fee, minus the actual uncollectibles
10 experienced by the VoIP provider, shall be remitted:

11 (A) quarterly; or

12 (B) at the option of the provider or
13 telecommunications carrier, monthly.

14 (ii) The remittance shall be made as follows:

15 (A) Except as set forth in clause (B), to the
16 county treasurer.

17 (B) In a home rule county, as follows:

18 (I) To the county official responsible for
19 the collection and disbursement of funds.

20 (II) At the option of the remitter, to the
21 State Treasurer. Election of the option shall be
22 by regulations established by the agency, which
23 shall include appropriate notification to the
24 affected counties of the exercise of this option.

25 (iii) The fee shall be stated separately in the VoIP
26 service customer's paper or electronic billing, and the
27 fee shall be collected apart from and in addition to any
28 fee levied by the VoIP provider in whole or in part for
29 the provision of 911 services or E-911 services.

30 (2) In the case of VoIP service customers purchasing

1 multiple dial tone telephone access lines from a VoIP
2 provider, the following multipliers shall be applied to
3 determine the contribution rate of each customer:

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

6 (ii) For lines 26 through 100, each line shall be
7 billed at 75% of the approved contribution rate.

8 (iii) For lines 101 through 250, each line shall be
9 billed at 50% of the approved contribution rate.

10 (iv) For lines 251 through 500, each line shall be
11 billed at 20% of the approved contribution rate.

12 (v) For lines 501 or more, each line shall be billed
13 at 17.2% of the approved contribution rate.

14 (3) If a VoIP provider receives a partial payment for a
15 monthly bill from a VoIP service customer, the VoIP provider:

16 (i) may first apply the payment against the amount
17 the VoIP service customer owes the VoIP provider; and

18 (ii) shall then remit to the county or the State
19 Treasurer the lesser amount resulting from the
20 application of the payment.

21 (4) The fees collected and remitted under this
22 subsection shall not:

23 (i) be subject to taxes or charges levied by the
24 Commonwealth or a political subdivision; nor

25 (ii) be considered revenue of the VoIP provider for
26 any purpose.

27 (5) As reimbursement for administrative costs to cover
28 its expenses of billing, collecting and remitting the fees
29 during the reporting period, the VoIP provider is allowed to
30 retain for reimbursement up to the following percentages of

1 the total fees collected under this subsection:

2 (i) If remittance is made to the county, 2%.

3 (ii) If remittance is made to the State Treasurer,
4 1%.

5 (6) To the extent that a VoIP provider obtains
6 connections to the public switched telephone network from a
7 telecommunications carrier, that telecommunications carrier
8 shall not be required to assess or make contributions to any
9 911 or E-911 fund in connection with the customers or the
10 telephone numbers for which the VoIP provider is responsible
11 for collecting and making contributions under this section.
12 If, however, the telecommunications carrier is, by agreement
13 with the VoIP provider, required to make 911 or E-911
14 contributions on behalf of the VoIP provider customer, the
15 VoIP provider shall not be responsible for collecting and
16 making contributions under this section.

17 (b) Reporting by VoIP providers.--

18 (1) With each remittance under subsection (a), a VoIP
19 provider and telecommunications carrier shall supply the
20 following information to the individual receiving the
21 remittance and to the agency the total fees collected under
22 subsection (a)(1) from its VoIP service customers during the
23 reporting period. If the telecommunications carrier has
24 remitted the fees to the county or the agency pursuant to an
25 agreement with the VoIP provider, the VoIP provider shall
26 provide notification of the reporting agreement along with
27 the telecommunications carrier's name and 911 or E-911
28 account number.

29 (2) A VoIP provider and telecommunications carrier shall
30 provide the county or, if remitting to the State Treasurer,

1 the agency with requested information, including the primary
2 place of use of each interconnected VoIP service customer, in
3 order to discharge its obligations under this section. The
4 information shall be in writing. This paragraph includes the
5 collection and deposit of the VoIP fee and its administration
6 of the fund.

7 (b.1) Confidentiality.--Information supplied by VoIP
8 providers under this section shall remain confidential, and
9 release of the information shall be governed by section 5311.7
10 (relating to public disclosure and confidentiality of
11 information).

12 (c) Collection enforcement.--A VoIP provider has no
13 obligation to take legal action to enforce the collection of a
14 fee imposed under this section.

15 (d) Deposit of remitted fees.--The individual who receives
16 fees remitted under this section shall deposit receipts into the
17 restricted account established under section 5307(c) (relating
18 to collection and disbursement of contribution).

19 (e) Establishment of fund.--There is established in the
20 State Treasury a nonlapsing restricted interest-bearing account
21 to be known as the VoIP 911 Emergency Services Fund. The VoIP
22 911 Emergency Services Fund shall consist of the fees remitted
23 to the State Treasurer under this section.

24 (f) Distribution of fees.--Money in the VoIP 911 Emergency
25 Services Fund and the interest it accrues are appropriated on a
26 continuing basis to the agency to be disbursed by the agency.
27 The agency shall make quarterly disbursements from the account
28 to each county by March 31, June 30, September 30 and December
29 31 in an amount equal to the amount of fees collected from VoIP
30 service customers located in that county. The disbursements are

1 for the purpose of assisting counties with the implementation of
2 an agency-approved plan adopted under section 5305 (relating to
3 county plan). The agency may retain up to 1% of the fees for
4 costs incurred in administering this subsection.]

5 Section 7. Title 35 is amended by adding sections to read:

6 § 5311.15. Shared residential MLTS service.

7 Operators of shared residential MLTS serving residential
8 customers shall ensure that a telecommunications system at least
9 six months after the effective date of this section is connected
10 to the public switched telephone network such that calls to 911
11 result in one distinctive ANI and ALI for each living unit.

12 § 5311.16. Business MLTS.

13 (a) General rule.--For an MLTS serving business locations at
14 least six months after the effective date of this section, the
15 MLTS operator shall deliver the 911 call with an ELIN which
16 shall result in one of the following:

17 (1) An ERL which provides, at a minimum, the building
18 and floor location of a caller.

19 (2) An ability to direct response through an alternative
20 and adequate means of signaling by the establishment of a
21 private 911 emergency answering point.

22 (b) Reasonable effort.--The MLTS manager must make a
23 reasonable effort to ensure that 911 callers are aware of the
24 proper procedures for calling for emergency assistance.

25 (c) Exceptions.--Workspaces with less than 7,000 square feet
26 on a single level, and located on a single contiguous property,
27 are not required to provide more than one ERL, and key telephone
28 systems are not required to provide more than one ERL.

29 § 5311.17. Shared communications services.

30 Providers of shared communications services installed at

1 least six months after the effective date of this section shall
2 assure that the MLTS is connected to the public switched
3 telephone network such that calls to 911 from any telephone
4 result in ALI for each respective ERL of each entity sharing the
5 telecommunications services.

6 § 5311.18. Temporary residence.

7 Businesses providing MLTS service to a temporary residence
8 shall permit the dialing of 911, and the MLTS operator shall
9 ensure that the MLTS is connected to the public switched
10 telephone network. If PBX or other private switch ALI records
11 are not provided for each individual station, the MLTS operator
12 of the temporary residence shall provide specific location
13 information for the caller to the PSAP.

14 § 5311.19. Local notification.

15 In addition to any other requirement of this chapter,
16 applicable to its type of MLTS service, an MLTS operator:

17 (1) Shall implement local notifications if operating an
18 MLTS service installed after the effective date of this
19 section.

20 (2) May implement local notification if operating an
21 MLTS service installed before the effective date of this
22 section.

23 § 5311.20. ALI database maintenance.

24 If applicable, MLTS operators must arrange to update the ALI
25 database with an appropriate ~~Master Street Address Guide~~ MASTER <--
26 STREET ADDRESS GUIDE valid address and callback information for
27 each MLTS telephone, such that the location information
28 specifies the ERL of the caller. These updates must be
29 downloaded or otherwise made available to the ALI database
30 provider as soon as practicable for a new MLTS installation, or

1 within one business day of record completion of the actual
2 changes for MLTS installed before the effective date of this
3 section. The information is subject to all Federal and State
4 privacy and confidentiality laws. The MLTS operator shall audit
5 accuracy of information contained in the ALI database at least
6 once annually.

7 § 5311.21. Industry standards.

8 Local exchange carriers and providers shall be responsible
9 for providing 911 call interconnectivity through the use of
10 generally accepted industry standards.

11 § 5311.22. Dialing instructions.

12 An owner or operator of a multiline telephone system
13 installed after the effective date of this section shall ensure
14 that the system is connected to the public switched telephone
15 network in such a manner that when a user dials 911, the
16 emergency call connects directly to the appropriate 911 system:

17 (1) without first dialing any numbers or set of numbers;

18 and

19 (2) without being intercepted by a switchboard operator,
20 attendant or other designated onsite individual.

21 § 5311.23. MLTS signaling.

22 An MLTS shall support 911 calling by using any generally
23 accepted industry standard signaling protocol designed to
24 produce an automatic display of caller information on the video
25 terminal of the PSAP call taker unless the MLTS operator is
26 exempt or a waiver has been granted.

27 § 5311.24. MLTS operator education.

28 Each public agency providing 911 educational programs is
29 encouraged to develop a program to educate MLTS operators
30 related to accessing 911 emergency telephone systems and

1 coordinate adequate testing of the MLTS interface to the 911
2 system.

3 § 5311.25. Limitation of liability.

4 A local exchange carrier, Internet service provider,
5 manufacturer or provider of MLTS, MLTS manager, MLTS operator or
6 911 service provider shall not be liable for civil damages or
7 penalties as a result of any act or omission, except willful or
8 wanton misconduct, in connection with developing, adopting,
9 operating or implementing any plan or system required under this
10 chapter.

11 Section 8. Section 5312.1 of Title 35 is repealed:

12 [§ 5312.1. Legislative study.

13 (a) Requirement.--The Legislative Budget and Finance
14 Committee shall study the 911 and wireless E-911 funding systems
15 under section 5311.4 (relating to Wireless E-911 Emergency
16 Services Fund). In conducting the study, the committee shall
17 consider cost-benefit analyses to determine the cost
18 effectiveness of the systems both within the agency and the
19 counties. At a minimum, the committee shall inquire into and
20 make recommendations with respect to:

21 (1) The efficacy by which the VoIP service 911 fee, the
22 contribution rate, the wireless E-911 surcharge and the
23 prepaid wireless E-911 surcharge are collected and remitted
24 for intended purposes set forth in this chapter.

25 (2) The expenditures authorized for payment from a
26 county's restricted account for the purposes of nonrecurring
27 and recurring charges billed for the 911 system.

28 (3) Disbursements made by the agency from the fund.

29 (4) The method and amount of funding collected through
30 the VoIP service 911 fee, the contribution rate, the wireless

1 E-911 surcharge and the prepaid wireless E-911 surcharge in
2 comparison to 911 and wireless E-911 funding systems utilized
3 in other states.

4 (5) The feasibility and effectiveness of consolidating
5 PSAPs in this Commonwealth.

6 (6) Any other cost-saving measures that may be utilized
7 by the PSAPs or the agency which will not jeopardize public
8 safety.

9 (7) National initiatives being considered or implemented
10 in other states intended to provide cost savings in 911
11 systems without impacting public safety.

12 (8) A review of the current auditing requirements of
13 State and county 911 expenditures under this chapter.

14 (9) The issues the Commonwealth will need to consider in
15 incorporating "Next Generation 911" and other nontraditional
16 communication technologies into its emergency response
17 system.

18 (10) Any technology-neutral 911 funding options by
19 either the Commonwealth or political subdivisions which do
20 not rely on disparate technologies, fee amounts and grant
21 structures.

22 (b) Report.--The committee shall submit a final report with
23 recommendations to the Secretary of the Senate and the Chief
24 Clerk of the House of Representatives by December 31, 2011, and
25 shall transmit a copy of the final report to the Legislative
26 Reference Bureau for publication in the Pennsylvania Bulletin
27 within 30 days of the submission of the final report.]

28 Section 9. Title 35 is amended by adding sections to read:
29 § 5313. Legislative report.

30 Within two years of the effective date of this section, the

1 agency IN CONSULTATION WITH THE BOARD shall prepare and submit <--
2 to the General Assembly a report and recommendations on the
3 impacts of current and anticipated technological and market
4 changes on the provision of 911 communications service,
5 including the structure and adequacy of the surcharge and fund <--
6 provided for under this chapter.: <--

7 (1) THE STRUCTURE AND ADEQUACY OF THE SURCHARGE AND FUND
8 PROVIDED FOR UNDER THIS CHAPTER;

9 (2) OTHER LOCAL REVENUE OPTIONS TO SUPPORT 911 SERVICES;
10 AND

11 (3) ANY BENEFITS THAT COULD BE DERIVED FROM DISPATCHING
12 ALL 911 CALLS FROM COUNTY PSAPS.

13 § 5314. Inventory.

14 (a) Comprehensive inventory required.--The agency, in
15 consultation with the Pennsylvania State Police and the board,
16 shall conduct a comprehensive inventory of each county PSAP's
17 AND EACH PENNSYLVANIA STATE POLICE BARRACKS' THAT HAS A REMOTE <--
18 DISPATCH POINT facilities, hardware, software, communications
19 infrastructure, network capabilities and related equipment and
20 services procured to determine the status of each PSAP's 911
21 system's stage of advancement to NG911 and to develop a <--
22 comprehensive State plan for the implementation, operation,
23 maintenance and funding of a Statewide NG911 emergency services
24 Internet Protocol network that supports the interoperable and
25 coordinated delivery of Federal, State, regional and local
26 government NG911 emergency services.

27 (b) Contents.--The inventory shall include, but is not
28 limited to:

29 (1) A record of databases, networks, radio, telephone
30 and equipment and correlated networks at each PSAP AND EACH <--

1 PENNSYLVANIA STATE POLICE BARRACKS THAT HAS A REMOTE DISPATCH
2 POINT.

3 (2) A record of all data systems, including, but not
4 limited to, call and dispatch and record management systems.

5 (3) PSAP 911 AND EACH PENNSYLVANIA STATE POLICE BARRACKS <--
6 THAT HAS A REMOTE DISPATCH POINT emergency and nonemergency
7 call volumes.

8 (4) Equipment/network system geographic limitations and
9 capabilities.

10 (5) Identification of new equipment that may be required
11 to and equipment that may be reused to achieve NG911 status.

12 (6) A record of equipment or facilities that are or can
13 be shared or colocated.

14 (7) A record of all leased equipment and date of each
15 lease termination date.

16 (8) A record of personnel resources and costs, including
17 pension and benefit obligations at each PSAP AND EACH <--
18 PENNSYLVANIA STATE POLICE BARRACKS THAT HAS A REMOTE DISPATCH
19 POINT.

20 (9) ~~PSAP ease of ability~~ THE AGENCY'S ASSESSMENT OF THE <--
21 ABILITY OF PSAPS AND EACH PENNSYLVANIA STATE POLICE BARRACKS
22 THAT HAS A REMOTE DISPATCH POINT to merge with or form a
23 regional ESiNET ~~or connect directly to PA StarNet or~~ <--
24 subsequent microwave network.

25 (c) Counties to cooperate.--Counties shall cooperate with
26 the agency by ~~supplying all of~~ PROVIDING the information <--
27 identified in this section and other information deemed
28 necessary by the agency to complete a ~~comprehensive inventory of~~ <--
29 all PSAPs operating 911 systems within this Commonwealth AN <--
30 INVENTORY AS REQUIRED UNDER SUBSECTION (A). Counties that do not

1 ~~remit~~ PROVIDE the information requested by the agency within 45 <--
2 days of the request shall ~~result in the immediate suspension or~~ <--
3 ~~forfeiture of~~ BE SUSPENDED FROM ANY GRANT OR FUNDING PROGRAM OR <--
4 BE REQUIRED TO FORFEIT fund disbursements. The agency, in
5 consultation with the board, the Pennsylvania State Police and
6 the Governor's Interoperability Council, shall complete the
7 inventory and issue a report detailing its findings and
8 recommendations to the General Assembly by ~~October~~ DECEMBER 31, <--
9 2015. The agency shall be responsible for maintaining and
10 updating the inventory on a biannual basis.

11 Section 10. Section 5398 of Title 35 is amended to read:
12 § 5398. Termination.

13 This chapter shall expire [June 30, 2015] June 30, 2019.

14 Section 11. This act shall take effect as follows:

15 (1) The following provisions shall take effect
16 immediately:

17 (i) This section.

18 (ii) The amendment or addition of 35 Pa.C.S. §§
19 5303(b), (B.1), (B.2), (B.3), (B.4) AND (B.5) ~~and~~, 5314 <--
20 AND 5398. <--

21 (2) The addition of 35 Pa.C.S. § 5311.20 shall take
22 effect in 180 days.

23 (3) The remainder of this act shall take effect July 1,
24 2015, or immediately, whichever is later.