
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 911 Session of
2015

INTRODUCED BY BARRAR, SAINATO, BOBACK, CAUSER, COHEN, DELOZIER,
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RADER, DAVIDSON, MAHONEY, WARNER AND REGAN, APRIL 13, 2015

SENATOR VULAKOVICH, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
IN SENATE, RE-REPORTED AS AMENDED, JUNE 8, 2015

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, further providing for emergency
3 telephone service; AND ESTABLISHING THE 911 FUND. <--

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 AND 5304.1 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

1 context clearly indicates otherwise:

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

5 "911 communications service." As follows:

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

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

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

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

1 communication throughout a defined geographic area. The term
2 shall include a city, county, regional 911 system or a PSAP.

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

5 "Agency." The Pennsylvania Emergency Management Agency.

6 "ALI." Automatic location information.

7 "ANI." Automatic number identification.

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

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

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

14 "Automatic location information." [The delivery or receipt
15 of the street address of the telephone or the geographic
16 location of the wireless device, as specified in the FCC E-911
17 Order, being used to place a call to a 911 system or to a
18 wireless E-911 system.] The delivery or receipt of location
19 information, including, but not limited to, the street address
20 or geographic location of a telecommunication device, as
21 specified in the FCC 911 Order, being used to communicate with a
22 911 system.

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

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

1 "Call." A two-way communication established using a 911
2 communications service.

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

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

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

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

17 ["Competitive local exchange carrier." A local exchange
18 carrier that has been certificated as a competitive local
19 exchange carrier by the Pennsylvania Public Utility Commission.]

20 "Consumer." A person who purchases prepaid wireless
21 telecommunications service or a prepaid wireless device in a
22 retail transaction.

23 ["Contribution rate." A fee assessed against a telephone
24 subscriber for the nonrecurring costs, maintenance and operating
25 costs of a 911 system.

26 "Council." The Pennsylvania Emergency Management Council.

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

29 "County plan." A document submitted by the county on a
30 triennial basis to the Pennsylvania Emergency Management Agency

1 outlining its proposed and existing wireline and wireless 911
2 and E-911 systems and procedures, including a contribution rate,
3 for the forthcoming three years.]

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

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

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

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

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

29 "Enhanced 911 service" or ["E-911."] "911." [Emergency
30 telephone service providing for automatic identification of

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

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

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

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

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

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

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

29 "Interconnected Voice over Internet Protocol provider." A
30 person engaged in the business of providing interconnected VoIP

1 service to end-use [customers] subscribers in this Commonwealth,
2 including resellers.

3 "Interconnected Voice over Internet Protocol service."

4 Service as defined by any of the following:

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

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

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

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

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

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

1 local exchange telecommunications service within this
2 Commonwealth.

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

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

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

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

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

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

28 "Multiline telephone system" or "MLTS." A system comprised
29 of common control units, telephone sets, control hardware and
30 software and adjunct systems used to support capabilities,

1 including, but not limited to, network and premises-based
2 systems such as Centrex, VoIP, Hybrid, and Key Telephone Systems
3 and PBX as classified under 47 CFR § 68.162 (relating to
4 requirements for telecommunication certification bodies),
5 whether owned or leased by private individuals and businesses or
6 by government agencies and nonprofit entities.

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

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

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

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

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

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

1 definitions).

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

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

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

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

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

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

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

1 "Prepaid wireless telecommunications service." A wireless
2 telecommunications service that meets all of the following:

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

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

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

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

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

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

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

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

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

1 prepaid wireless provider, a VoIP provider or a provider of next
2 generation 911 or successor services.

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

4 "Public agency." Any of the following:

5 (1) The Commonwealth.

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

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

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

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

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

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

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

30 "Retail transaction." The purchase of prepaid wireless

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

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

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

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

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

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

<--

1 functionality.

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

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

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

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

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

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

29 "Vendor." A person [other than a local exchange carrier or a
30 wireless provider] who supplies 911 [or wireless E-911] system

1 services or equipment to enable the transmission of a 911
2 communication to a PSAP or to support a 911 system or a
3 consultant representing the person, county or PSAP.

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

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

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

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

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

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

29 "Wireless E-911 system." An E-911 system which permits
30 wireless service customers dialing 911 to be connected to a

1 public safety answering point for the reporting of police, fire,
2 medical or other emergency situations.]

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

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

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

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

24 § 5303. Telecommunications management.

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

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

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

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

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

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

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

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

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

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

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

1 (7) To establish technical standards for the county
2 plans.

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

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

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

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

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

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

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

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

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

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

1 with the board.

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

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

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

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

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

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

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

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

30 (16) TO DEVELOP, IN CONSULTATION WITH THE BOARD, A

<--

1 COMPREHENSIVE PLAN FOR THE IMPLEMENTATION OF A STATEWIDE
2 INTEROPERABLE INTERNET PROTOCOL NETWORK USING NEXT GENERATION
3 911 TECHNOLOGY THAT COORDINATES THE DELIVERY OF FEDERAL,
4 STATE, REGIONAL AND LOCAL EMERGENCY SERVICES.

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

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

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

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

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

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

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

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

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

24 Establishment of 911 board.--There is established a board
25 within the agency to be known as the 911 board. ~~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~~

1 ~~a diverse representation from the western, central and~~
2 ~~eastern regions of this Commonwealth.~~

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

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

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

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

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

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

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

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

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

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

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

30 ~~(VI) THE CHAIRMAN OF THE VETERANS AFFAIRS AND~~

1 EMERGENCY PREPAREDNESS COMMITTEE OF THE HOUSE OF
2 REPRESENTATIVES.

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

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

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

9 (II) A COUNTY COMMISSIONER EXECUTIVE OF A COUNTY OF <--
10 THE SECOND CLASS, OR A HOME RULE EQUIVALENT. <--

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

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

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

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

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

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

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

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

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

1 (I) THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.
2 (II) THE OFFICE OF THE STATE FIRE COMMISSIONER.
3 ~~(III) THE TREASURY DEPARTMENT.~~ <--
4 ~~(IV) THE PENNSYLVANIA GAME COMMISSION.~~
5 ~~(V) THE PENNSYLVANIA FISH AND BOAT COMMISSION.~~
6 ~~(VI) (III) THE GOVERNOR'S OFFICE OF ADMINISTRATION.~~ <--
7 ~~(VII) THE DEPARTMENT OF CORRECTIONS.~~ <--
8 ~~(VIII) THE DEPARTMENT OF HUMAN SERVICES.~~
9 ~~(IX) THE OFFICE OF ATTORNEY GENERAL.~~
10 ~~(X) THE PENNSYLVANIA COMMISSION ON CRIME AND~~
11 ~~DELINQUENCY.~~
12 ~~(XI) THE DEPARTMENT OF HEALTH.~~
13 ~~(XII) THE DEPARTMENT OF MILITARY AND VETERANS~~
14 ~~AFFAIRS.~~
15 ~~(XIII) THE OFFICE OF CONSUMER ADVOCATE.~~
16 (4) A REPRESENTATIVE FROM THE FOLLOWING STATEWIDE
17 ASSOCIATIONS, WHO SHALL SERVE AS NONVOTING MEMBERS:
18 (I) THE PENNSYLVANIA CHIEFS OF POLICE ASSOCIATION.
19 (II) THE FRATERNAL ORDER OF POLICE.
20 (III) THE PENNSYLVANIA EMERGENCY HEALTH SERVICES
21 COUNCIL.
22 ~~(IV) THE PENNSYLVANIA PUBLIC TRANSPORTATION~~ <--
23 ~~ASSOCIATION FIRE AND EMERGENCY SERVICES INSTITUTE.~~ <--
24 (V) THE ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS
25 OFFICIALS.
26 (VI) THE PENNSYLVANIA CHAPTER OF THE NATIONAL
27 EMERGENCY NUMBER ASSOCIATION.
28 (VII) THE KEYSTONE EMERGENCY MANAGEMENT ASSOCIATION.
29 (VIII) THE PENNSYLVANIA PROFESSIONAL FIRE FIGHTERS
30 ASSOCIATION.

1 (IX) THE FIREMEN'S ASSOCIATION OF THE STATE OF
2 PENNSYLVANIA.

3 (X) THE PENNSYLVANIA WIRELESS ASSOCIATION.

4 (XI) THE PENNSYLVANIA TELEPHONE ASSOCIATION.

5 (XII) THE BROADBAND CABLE ASSOCIATION OF
6 PENNSYLVANIA.

7 (XIII) THE PENNSYLVANIA MUNICIPAL LEAGUE.

8 (XIV) THE PENNSYLVANIA STATE ASSOCIATION OF
9 BOROUGHES.

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

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

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

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

19 (B.2) GUBERNATORIAL APPOINTEES.--THE GOVERNOR SHALL APPOINT
20 THE BOARD MEMBERS UNDER SUBSECTION ~~(B) (2)~~ (B) (2) (III), (IV), <--
21 (V), (VIII), (IX) AND (X), (4) AND (5) UPON THE RECOMMENDATION
22 OF STATEWIDE ORGANIZATIONS AND INDUSTRY SEGMENTS.

23 RECOMMENDATIONS FOR APPOINTMENTS OF COUNTY OFFICIALS UNDER
24 SUBSECTION (B) (2) SHALL BE REQUESTED BY THE GOVERNOR FROM THE
25 COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA AND
26 RECOMMENDATIONS FOR APPOINTMENTS OF 911 COORDINATORS UNDER
27 SUBSECTION (B) (2) SHALL BE REQUESTED BY THE GOVERNOR FROM THE
28 STATE CHAPTERS OF THE NATIONAL EMERGENCY NUMBER ASSOCIATION AND
29 THE ASSOCIATION OF PUBLIC COMMUNICATIONS OFFICIALS. THE
30 FOLLOWING SHALL APPLY:

1 (1) MEMBERS APPOINTED BY THE GOVERNOR ARE APPOINTED TO
2 TERMS OF TWO YEARS AND MAY SERVE NO MORE THAN THREE
3 CONSECUTIVE TERMS.

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

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

14 (4) ~~THE~~ EXCEPT A MEMBER APPOINTED UNDER (B) (2) (I), (II), <--
15 (VI) OR (VII), THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER OF
16 THE BOARD FOR CAUSE UPON WRITTEN NOTICE TO THE BOARD.

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

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

23 (B.4) MEETINGS.--THE BOARD SHALL MEET AT LEAST ONCE
24 QUARTERLY AND AT any special session called by the chairperson.
25 All meetings of the board shall be conducted in accordance with
26 65 Pa.C.S. Ch. 7 (relating to open meetings).

27 ~~(5) The members of the board shall serve without~~ <--
28 (B.5) COMPENSATION.--THE MEMBERS OF THE BOARD SHALL SERVE <--
29 WITHOUT compensation but shall be reimbursed for their actual
30 and necessary travel and other expenses in connection with

1 attendance at meetings called by the chairperson.

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

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

7 (i) Standards for performance reviews and quality
8 assurance programs to ensure public safety and maintain
9 and improve the performance of 911 systems.

10 (ii) Measures to ensure the compliance of 911
11 systems with current industry standards and applicable
12 Federal regulations.

13 (iii) Cost-saving measures to include joint
14 purchasing opportunities.

15 (iv) Measures to promote regionalization of PSAPs.

16 (v) Measures to promote next generation 911
17 technology.

18 (vi) 911 planning guidelines.

19 (vii) Training standards for emergency dispatchers,
20 call takers and supervisors.

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

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

29 (4) ~~To promote the deployment of~~ ADVISE THE AGENCY ON <--
30 PLANS TO DEPLOY next generation 911 technology in 911 systems

1 in this Commonwealth.

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

3 (6) To promote sharing of information among the agency,
4 911 systems and other State and local agencies relating to
5 the operation and improvement of 911 systems.

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

10 § 5304. Counties.

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

16 (1) To designate a member of county government as the
17 county 911 coordinator. The county coordinator shall serve as
18 a point of contact with the agency and shall develop a county
19 plan for the implementation, operation and maintenance of a
20 911 system. Where technologically feasible, the county plan
21 shall be adequate to provide service for the entire county.

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

25 (3) To send a copy of the proposed county plan to the
26 appropriate telephone company upon submission of the plan to
27 the agency.

28 (4) To cooperate with the agency, the council and the
29 commission in the preparation and submission of the county
30 plan and contribution rate.]

1 (1) To ensure the provision of a 911 system in the
2 county's respective jurisdiction. A county may provide a 911
3 system to the county's jurisdiction through participation in
4 a regional 911 system.

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

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

9 (ii) A county may adopt the 911 plan of a regional
10 911 system if the county is a participating member of
11 that regional 911 system.

12 (3) To cooperate with the agency, the board and the
13 Pennsylvania State Police.

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

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

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

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

1 service is newly initiated for local telephone exchange
2 within the county.]

3 ~~(6) To designate a 911 coordinator for the county. The~~ <--
4 ~~911 coordinator shall serve as a point of contact with the~~
5 ~~agency and board and shall develop~~ WHO SHALL DEVELOP AND <--
6 SUBMIT a plan for the implementation, operation and
7 maintenance of a 911 system.

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

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

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

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

28 (B) all means of access must be approved by the
29 county, PSAP and the Pennsylvania State Police before
30 the county is required to authorize or provide the

1 access. In the event of a dispute between the
2 Pennsylvania State Police and a county or PSAP
3 regarding approval by the county and PSAP, the
4 dispute shall be mediated by the Office of
5 Information Technology of the Commonwealth's Office
6 of Administration. The Office of Information
7 Technology may bring in a Commonwealth mediator from
8 the Office of General Counsel to provide assistance
9 in resolving the dispute.

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

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

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

29 [(b) Persons outside county.--When an individual physically <--
30 resides in an adjacent county but receives local exchange

1 telephone service from a central office in a county which
2 provides 911 service, it shall be the responsibility of the
3 county with the 911 service to notify the appropriate public
4 agency of a request for emergency service from the individual.]

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

22 ~~(D) CERTAIN CITIES OF THE THIRD CLASS.~~ <--

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

~~(2) BEGINNING ON THE EFFECTIVE DATE OF THIS SUBSECTION
AND FOR FOUR YEARS THEREAFTER, A PRO RATA SHARE OF FUNDS
PROVIDED TO A COUNTY WITH A CITY OF THE THIRD CLASS WITH A
POPULATION OF MORE THAN 105,000 BUT LESS THAN 110,000 LOCATED
WITHIN ITS BOUNDARIES SHALL BE DISTRIBUTED BY THE COUNTY TO
THE CITY OF THE THIRD CLASS.~~

§ 5304.1. Pennsylvania State Police.

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

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

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

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

1 under section 5304(a) (8) (relating to counties).

2 (4) To provide training and certification for all call
3 takers/dispatchers and call taker/dispatcher supervisors that
4 meet or exceed the training and certification standards that
5 are provided for in 4 Pa. Code Ch. 120c (relating to training
6 and certification standards for 911 emergency communications
7 personnel) or any successor standard.

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

16 SECTION 2.1. TITLE 35 IS AMENDED BY ADDING A SECTION TO <--
17 READ:

18 § 5304.2. OPTIONAL 911 USER FEE.

19 (A) AUTHORITY.--IF A COUNTY OR A CITY OF THE FIRST CLASS HAS
20 AN INDEPENDENTLY OPERATED PSAP OR IS A MEMBER OF A REGIONAL
21 PUBLIC SAFETY CONSORTIUM, THE COUNTY OR CITY MAY IMPOSE AN
22 OPTIONAL ANNUAL 911 USER FEE IN ACCORDANCE WITH PARAGRAPH (1) OR
23 (2). THE FOLLOWING SHALL APPLY TO THE 911 USER FEE:

24 (1) A FEE NOT TO EXCEED \$52 MAY BE IMPOSED ON EACH
25 RESIDENTIAL ADDRESS.

26 (2) A BUSINESS FEE MAY BE CHARGED FOR EACH EMPLOYEE IN A
27 CALENDAR YEAR AS FOLLOWS:

28 (I) FOR A BUSINESS WITH NOT MORE THAN 50 EMPLOYEES,
29 \$12.

30 (II) FOR A BUSINESS WITH AT LEAST 51 EMPLOYEES AND

1 NOT MORE THAN 100 EMPLOYEES, \$9.75.

2 (III) FOR A BUSINESS WITH AT LEAST 101 EMPLOYEES AND
3 NOT MORE THAN 500 EMPLOYEES, \$6.

4 (IV) FOR A BUSINESS WITH AT LEAST 501 EMPLOYEES, \$3.

5 (3) IF THE OWNER OF THE REAL PROPERTY IS 65 YEARS OF AGE
6 OR OLDER, THE COUNTY OR CITY MAY DISCOUNT THE FEE IMPOSED
7 UNDER PARAGRAPH (1) BY 10%.

8 (B) LIMITATION.--THE 911 USER FEE UNDER SUBSECTION (A) (2)
9 SHALL BE ASSESSED ON THE NUMBER OF EMPLOYEES ONLY ONCE ANNUALLY,
10 NOTWITHSTANDING THE NUMBER OF POLITICAL SUBDIVISIONS WITHIN
11 WHICH THE INDIVIDUAL MAY BE EMPLOYED.

12 (C) PAYMENT.--THE AMOUNTS UNDER SUBSECTION (A) (2) MUST BE
13 PAID BY THE BUSINESS AND MAY NOT BE PAID BY AN EMPLOYEE.

14 (D) PROCESS.--THE 911 USER FEE MUST BE IMPOSED BY AN
15 ORDINANCE ADOPTED BY THE GOVERNING BODY OF THE COUNTY OR CITY
16 COUNCIL IN THE CASE OF A CITY OF THE FIRST CLASS.

17 (E) COLLECTION.--A 911 USER FEE SHALL BE COLLECTED BY THE
18 COUNTY TREASURER OR, IN THE CASE OF A CITY OF THE FIRST CLASS,
19 THE CITY TREASURER.

20 (F) FUND.--THE COUNTY OR CITY MUST ESTABLISH A NONLAPSING
21 RESTRICTED INTEREST-BEARING SPECIAL FUND FOR THE DEPOSIT OF THE
22 911 USER FEE COLLECTED UNDER THIS SECTION.

23 (G) USE OF FUND.--THE FOLLOWING SHALL APPLY TO A FUND
24 ESTABLISHED UNDER SUBSECTION (D) :

25 (1) AT LEAST 2% OF THE MONEY IN THE FUND MAY BE USED BY
26 THE COUNTY OR CITY FOR ACTUAL COSTS RELATED TO COLLECTION OF
27 THE 911 USER FEE.

28 (2) EXCEPT AS PROVIDED UNDER PARAGRAPH (1), MONEY IN A
29 FUND MUST BE USED BY THE COUNTY OR CITY FOR PERSONNEL, THE
30 MAINTENANCE AND PURCHASE OF EQUIPMENT AND OTHER PRODUCTS AND

1 SERVICES RELATING TO THE MAINTENANCE AND OPERATION OF A PSAP
2 UNDER THIS CHAPTER.

3 (3) A COUNTY OR CITY TRANSITIONING TO OR ENHANCING 911
4 SERVICES MAY UTILIZE A FEE TO INCUR INDEBTEDNESS FOR CAPITAL
5 IMPROVEMENTS OR MAJOR REPAIRS PURSUANT TO A RESOLUTION
6 ADOPTED BY THE GOVERNING BODY OF THE COUNTY OR CITY COUNCIL
7 IN THE CASE OF A CITY OF THE FIRST CLASS.

8 (H) COLLECTION INFORMATION.--THE GOVERNING BODY OF THE
9 COUNTY, OR CITY COUNCIL IN THE CASE OF A CITY OF THE FIRST
10 CLASS, SHALL, PRIOR TO THE EFFECTIVE DATE OF AN ORDINANCE
11 ENACTED IN ACCORDANCE WITH SUBSECTION (D), ESTABLISH THE
12 FOLLOWING DATA:

13 (1) AN INVENTORY OF ALL OCCUPIED RESIDENTIAL PROPERTIES
14 SUBJECT TO THE COUNTY PROPERTY TAX OR, IN THE CASE OF A CITY
15 OF THE FIRST CLASS, THE CITY PROPERTY TAX.

16 (2) A LIST OF THE NUMBER OF PERSONS EMPLOYED, IF ANY, AT
17 EACH COMMERCIAL PROPERTY SUBJECT TO THE COUNTY PROPERTY TAX
18 OR, IN THE CASE OF A CITY OF THE FIRST CLASS, THE CITY
19 PROPERTY TAX. THE LIST SHALL BE BASED ON INFORMATION AS OF
20 OCTOBER 1 OF THE YEAR PRECEDING THE IMPOSITION OF THE FEE.

21 (I) CONSTRUCTION.--ANY FEE IMPOSED UNDER THIS SECTION SHALL
22 BE IN ADDITION TO THE SURCHARGE IMPOSED UNDER SECTION 5306.2
23 (RELATING TO UNIFORM 911 SURCHARGE).

24 (J) DEFINITION.--AS USED IN THIS SECTION, THE TERM
25 "BUSINESS" INCLUDES ANY FOR-PROFIT ENTERPRISE OR NONPROFIT
26 ENTERPRISE THAT EMPLOYS ONE OR MORE INDIVIDUALS.

27 SECTION 2.2. SECTIONS 5305 AND 5306 OF TITLE 35 ARE AMENDED
28 TO READ:

29 § 5305. [County] 911 system plan.

30 (a) Minimum standards.--Upon the agreement of [the governing

1 body of] a county to establish a 911 system as a regional or
2 single county PSAP, a plan shall be [drafted meeting] ADOPTED <--
3 THAT MEETS at least the standards promulgated by the agency. The
4 county may obtain technical assistance from the agency in
5 formulating its plan. Each 911 system plan shall be designed to
6 meet the individual circumstances of each community and [the <--
7 public agencies] PUBLIC AGENCY participating in the 911 <--
8 system~~].~~ and THE PLAN shall consider efficiencies to be <--
9 achieved by FROM regionalization of technology and voluntary <--
10 PSAP consolidation. The 911 system plan AND CONSOLIDATION, AND <--
11 may include consideration of and plan for next generation 911 <--
12 technology.

13 [(b) Completion.--Upon completion of the plan, the county
14 shall forward it to the agency, with a copy of the plan being
15 sent to those telephone companies affected by the plan. When the
16 plan is submitted to the agency, the county shall also provide
17 each adjacent county with a list of local telephone exchanges
18 included in the plan, specifically noting exchanges known to
19 provide telephone service to residents of more than one county.

20 (c) Agency review.--

21 (1) The agency shall review each county plan for
22 completeness and shall forward a copy of the county plan and
23 the proposed contribution rate to the council and the
24 commission for review as required by this section.

25 (2) After the county plan has been reviewed by the
26 council and the commission, the agency shall approve or
27 reject a county plan based on the recommendations of the
28 council and the commission.

29 (3) If the county plan is rejected, the agency shall
30 return the county plan and explain the deficiencies that

1 caused the rejection.

2 (d) Council review.--The council shall have 90 days to
3 review the plan and make suggested revisions to the plan. The
4 agency may act as agent for the council in the administration of
5 the plan approval process.

6 (e) Commission review.--

7 (1) The commission shall review the county plan only in
8 relation to the contribution rate and may modify only those
9 contribution rates which it finds excessive to meet the costs
10 stated in the plan. The rates shall be reviewed and a
11 decision forwarded to the agency within 90 days of the date
12 of submission.

13 (2) If the commission fails to review the contribution
14 rate within 90 days, the contribution rate will be deemed
15 approved by the commission.

16 (f) Present systems.--

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

22 (2) A county which did not have a 911 system in
23 operation on September 4, 1990, but which awarded a contract
24 for a 911 system prior to September 4, 1990, shall be
25 considered to have a present system.

26 (g) Regional systems.--Nothing in this chapter shall be
27 construed to prohibit the formation of multijurisdictional or
28 regional 911 systems, and any regional system established under
29 this chapter shall include the territory of two or more
30 counties.

1 (g.1) Contribution rate.--

2 (1) Counties of the first through second class A may
3 impose a monthly contribution rate in an amount not to exceed
4 \$1 per line on each local exchange access line. Counties of
5 the third through fifth classes may impose monthly
6 contribution rates in an amount not to exceed \$1.25 per line
7 on each local exchange access line. Counties of the sixth
8 through eighth classes may impose a monthly contribution rate
9 in an amount not to exceed \$1.50 per line on each local
10 exchange access line.

11 (2) The following shall apply:

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

15 (ii) Expenses eligible for reimbursement through the
16 contribution rate shall include telephone terminal
17 equipment, trunk line service installation, network
18 changes, building of initial database and any other
19 nonrecurring costs to establish a 911 system. The
20 contribution rate may also be used to fund recurring
21 costs under section 5308(b) (relating to expenditures for
22 nonrecurring costs, training, mobile communications
23 equipment, maintenance and operation of 911 systems).

24 (iii) Expenses not eligible for reimbursement
25 through the contribution rate shall include purchase of
26 real estate, cosmetic remodeling, central office
27 upgrades, hiring of dispatchers, ambulances, fire engines
28 or other emergency vehicles, utilities, taxes and other
29 expenses as determined by the Pennsylvania Emergency
30 Management Agency.

1 (h) Contribution rate changes.--

2 (1) Once a plan and contribution rate have been
3 established, the contribution rate shall remain fixed for a
4 period of at least three years. Updating and expanding the
5 present system shall require an amended plan to be filed with
6 the agency. The contribution rate shall remain fixed for
7 three years even if the present system is updated and
8 expanded.

9 (2) A request for a contribution rate change must be
10 submitted to the agency, and the agency shall forward the
11 request to the commission for approval as provided under
12 subsection (e).

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

16 (i) Assessment.--

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

20 (2) The contribution rate may be imposed at any time
21 subsequent to the execution of a contract with the provider
22 of a 911 service at the discretion of the governing body of
23 the county and pursuant to approval of the county plan and
24 contribution rate under the provisions of this section.

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

26 (i) Is a county fee collected by the telephone
27 company.

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

30 (iii) Shall not be considered revenue of the

1 telephone company for any purpose.]

2 (b) Board review.--

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

6 (2) If the 911 system plan is recommended for
7 disapproval by the board, the agency shall return the plan <--
8 and explain the deficiencies that caused the recommendation
9 AND MAY RETURN THE PLAN. <--

10 (c) Regional systems.--Nothing in this chapter shall be
11 construed to prohibit the formation of multijurisdictional or
12 regional 911 systems.

13 [§ 5306. Special public meeting.

14 (a) Public comment.--Before a county may establish a
15 contribution rate for nonrecurring and recurring costs under
16 this chapter, it must obtain public comment from the residents
17 of the county.

18 (b) Requirements.--The proposed contribution rate shall be
19 fixed by the governing body of the county in the following
20 manner:

21 (1) The governing body shall cause notice of intention
22 to fix the contribution rate at a special public meeting on a
23 date certain to be published in a newspaper of general
24 circulation at least ten days in advance of the special
25 public meeting. The notice shall include the precise amount
26 of the proposed monthly contribution rate.

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

30 (3) The special meeting shall be held in a centrally

1 located area of the county.]

2 Section 3. Title 35 is amended by adding sections to read:

3 § 5306.1. Fund.

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

7 (b) Composition of fund.--The fund shall consist of the
8 following:

9 (1) The surcharge remitted under section 5307 (relating
10 to payment, collection and remittance of surcharge by
11 providers of 911 communications services) and the prepaid
12 wireless surcharge remitted under section 5307.1 (relating to
13 payment, collection and remittance of surcharge by sellers of
14 prepaid wireless telecommunications service).

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

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

17 (4) Interest accrued by the fund.

18 (c) Use.--

19 (1) The money in the fund shall be used only for
20 reasonably necessary costs that enhance, operate or maintain
21 a 911 system in this Commonwealth, in accordance with the
22 Statewide 911 plan established by the agency. For the
23 purposes of this paragraph, reasonably necessary costs shall
24 be determined by the agency, in consultation with the board,
25 consistent with the following:

26 (i) The agency shall establish factors for
27 reasonably necessary costs.

28 (ii) The agency shall provide the factors annually
29 through agency guidelines.

30 (iii) Notwithstanding any guidelines provided by the

1 agency, use of the fund by a 911 system or the agency to
2 establish, enhance, operate or maintain Statewide
3 interconnectivity of 911 systems or to establish a
4 capital or operating reserve consistent with a 911 system
5 plan shall be deemed reasonably necessary.

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

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

11 (d) Distribution.--Within 30 days after the end of each
12 quarter, the agency shall determine the amount available from
13 the fund for distribution and make disbursements in accordance
14 with the Statewide 911 plan and this chapter and in accordance
15 with the following:

16 (1) Not less than 75% 80% of the amount in the fund <--
17 shall be disbursed to a 911 system through a mathematical
18 formula established by the agency in consultation with the
19 board OF WHICH AT LEAST 30% SHALL SOLELY BE BASED ON <--
20 POPULATION.

21 ~~(2) Twelve percent of the amount in the fund shall be~~ <--
22 ~~disbursed at the agency's discretion, in consultation with~~
23 ~~the board, to 911 systems for initiatives that the agency~~
24 ~~reasonably believes will improve 911 systems in this~~
25 ~~Commonwealth.~~

26 ~~(3)~~ (2) Up to 6% 15% of the amount in the fund shall be <--
27 used BY THE AGENCY to establish, enhance, operate or maintain <--
28 Statewide interconnectivity of 911 systems, including, but
29 not limited to, the use or obligations of money for debt
30 service related to regional or Statewide interconnectivity.

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

6 ~~(5)~~ (4) Not greater than 2% of the amount in the fund <--
7 may be retained by the agency to pay for agency expenses
8 directly related to administering the provisions of this
9 chapter. Any excess shall be added to the amounts available
10 for distribution under paragraph (1). AUDITS CONDUCTED BY THE <--
11 AGENCY UNDER THIS SECTION SHALL BE FUNDED FROM AMOUNTS
12 RETAINED UNDER THIS PARAGRAPH.

13 (e) Distribution formula considerations.--

14 (1) The distribution formula established by the agency
15 under subsection (d) shall fairly and proportionately reflect
16 911 system needs.

17 (2) The initial distribution formula shall be
18 established and implemented by the agency, in consultation
19 with the board, no later than 18 months following the
20 effective date of this section.

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

23 (4) In developing and evaluating the distribution
24 formula, the agency, in consultation with the board, shall
25 consider and may include the following factors that permit
26 the formula to reflect 911 system needs:

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

28 ~~(ii) Population, including high or low population~~ <--
29 density AND POPULATION DENSITY. <--

30 (iii) Call volume, including definition of what

1 constitutes a call as published by the agency.

2 (iv) Extenuating factors such as topography,
3 concentrated exposure such as transit or industrial
4 facilities, or cyclical exposures such as high-attendance
5 public events.

6 (5) In development of the distribution formula, the
7 agency, in consultation with the board, shall consider the
8 911 system's average reported allowable 911 system costs for
9 the five years immediately preceding the effective date of
10 this section.

11 (6) Notwithstanding the provisions of paragraph (5), the
12 total annual disbursement from the fund to any one 911 system
13 may not exceed the actual annual costs to enhance, operate or
14 maintain that 911 system in accordance with the Statewide 911
15 system plan. Actual costs may include amortization or
16 depreciation of allowable capital costs OF THE 911 SYSTEM as <--
17 determined using generally accepted accounting principles and
18 approved plan allocations to capital and operating reserves, <--
19 IF APPROVED BY THE AGENCY.

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

25 (1) A share equivalent to 106% times the respective 911
26 system's average of local exchange telephone carriers
27 surcharge collections under section 5305 (relating to 911
28 system plan) for the five years immediately preceding the
29 effective date of this section.

30 (2) A share equivalent to 106% times the respective 911

1 system's average of VoIP provider's surcharge collections
2 under section 5307 (relating to payment, collection and
3 remittance of surcharge by providers of 911 communications
4 services) for the five years immediately preceding the
5 effective date of this section.

6 (3) The remaining amount distributed to each 911 system
7 shall be based on the ratio that its average reported
8 allowable 911 system costs for the five years immediately
9 preceding the effective date of this paragraph bear to the
10 average reported allowable 911 system costs for all 911
11 systems for the five years immediately preceding the
12 effective date of this paragraph.

13 (g) Surplus.--

14 (1) If excess money remains available in the fund after
15 the distribution and balanced disbursements required under
16 subsections (d) and (e), the agency shall distribute the
17 remaining money for the enhancement, operation or maintenance
18 of 911 systems as provided under subsection (d)(1) in this
19 Commonwealth in accordance with the Statewide 911 system
20 plan.

21 (2) If the fund experiences a surplus as described in
22 this section for eight consecutive quarters, the agency shall
23 provide written notice of the surplus to the General Assembly
24 and the written notice shall include a recommended reduced
25 surcharge for consideration by the General Assembly.

26 (3) The written notice required under paragraph (2)
27 shall be submitted to the General Assembly within 60 days
28 after the end of the eighth consecutive quarter experiencing
29 the surplus.

30 (H) COUNTY ACTION REQUIRED.--A COUNTY SHALL NOT BE ELIGIBLE <--

1 TO RECEIVE FUNDS UNDER THIS SECTION UNLESS THE GOVERNING BODY OF
2 THE COUNTY ADOPTS A RESOLUTION AUTHORIZING ACCEPTANCE OF THE
3 FUNDS. THE COUNTY SHALL PROVIDE PUBLIC NOTICE OF THE INTENT TO
4 ADOPT THE RESOLUTION. A COPY OF THE RESOLUTION SHALL BE PROVIDED
5 TO THE AGENCY.

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

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

10 (2) The agency shall require a biennial performance
11 audit of each PSAP's use of the disbursements it has received
12 from the fund, including amounts placed in capital or
13 operating reserve consistent with published guidelines
14 established by the agency. The cost of each audit shall be <--
15 paid from the fund.

16 § 5306.2. Uniform 911 surcharge.

17 (a) Surcharge imposed.--Each subscriber or consumer shall
18 pay a surcharge of \$1.65 PER MONTH for each 911 communications <--
19 service or prepaid wireless device for which that subscriber or
20 consumer is billed by a provider or seller. The surcharge shall
21 be collected apart from and in addition to a fee levied by the
22 provider or seller, in whole or in part, for the provision of
23 911 services. The surcharge shall be subject to the following:

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

27 (2) Except as provided under section 5307.1 (relating to
28 payment, collection and remittance of surcharge by sellers of
29 prepaid wireless telecommunications service), the surcharge
30 shall be paid to the State Treasurer for deposit in the fund.

1 THE TREASURER MAY RETAIN UP TO 1% OF THE REMITTED SURCHARGE <--
2 TO PAY EXPENSES DIRECTLY RELATED TO THE COST OF COLLECTION.

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

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

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

11 (1) Providers shall collect the surcharge on behalf of
12 the agency as part of their billing process and shall have no
13 obligation to take any legal action to enforce the collection
14 of the surcharge. Action may be brought by or on behalf of
15 the agency. Upon written request of the agency, each wireless
16 provider shall annually provide a list of the names and
17 addresses of those wireless service customers whose accounts
18 are considered a bad debt as determined by the provider's
19 books and records that have failed to pay the surcharge.

20 (2) Providers shall not be liable for the unpaid
21 amounts.

22 (3) If a provider receives a partial payment for a
23 monthly bill from a subscriber, the provider shall apply the
24 payment against the amount the subscriber owes the provider
25 first and shall remit to the State Treasurer the lesser
26 amount, if any, resulting from the application.

27 (4) The surcharge shall not be:

28 (i) Subject to taxes or charges levied by the
29 Commonwealth or a political subdivision of this
30 Commonwealth or an intergovernmental agency for 911

1 funding purposes on a provider, seller or consumer with
2 respect to the sale, purchase, use or provision of a
3 communication service.

4 (ii) Considered revenue of the provider.

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

10 (6) FUNDS REMAINING IN A STATE OR COUNTY 911 FUND PRIOR <--
11 TO THE EFFECTIVE DATE OF THIS SECTION SHALL ONLY BE USED FOR
12 PURPOSES RELATING TO THE OPERATION OF 911 SYSTEMS.

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

14 § 5307. [Collection and disbursement of contribution.] Payment,
15 collection and remittance of surcharge by providers
16 of 911 communications services.

17 (a) [Subscribers' contribution] Collection and remittance of
18 surcharge.--

19 (1) [Each service supplier that provides local exchange
20 telephone service within the county] Providers shall collect
21 the [contribution] surcharge from each subscriber and forward
22 the collection quarterly less the actual uncollectibles
23 [experienced by the local exchange telephone companies] to
24 the [county treasurer or, in a home rule county, the county
25 official responsible for the collection and disbursement of
26 funds] State Treasurer for deposit in the fund.

27 (2) The [amount of the subscribers' contribution]
28 surcharge shall be stated separately in the [telephone
29 subscribers'] subscriber billing.

30 [(3) Each service supplier shall retain the fair and

1 reasonable cost to establish the 911 contribution rate
2 billing system and an amount not to exceed 2% of the gross
3 receipts collected to cover actual administrative costs.]

4 (b) [Subscribers' contribution for multiple line] Multiline
5 telephone systems.--In the case of Centrex or similar [multiple
6 line] multiline telephone system subscribers, except PBX
7 subscribers, the following multipliers shall be applied to
8 determine the [contribution] rate of the surcharge for each
9 subscriber:

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

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

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

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

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

24 (6) As of July 1, 2015, for each digital transmission
25 link, including primary rate interface service or Digital
26 Signal-1 (DS-1) level service, or equivalent, that can be
27 channelized and split into 23 or 24 voice-grade or data-grade
28 channels for voice communications, that when the digits 9-1-1
29 are dialed provides the subscriber access to a PSAP through
30 permissible interconnection to the dedicated 911 system, a

1 subscriber shall be assessed 12 surcharges.

2 ~~(7) Surcharges on VoIP service shall apply to no more~~ <--
3 ~~than the number of VoIP service lines for which the VoIP~~
4 ~~service providers enable the capacity for simultaneous calls~~
5 ~~regardless of actual usage, to be connected to the public~~
6 ~~switched telephone network. EACH VOIP PROVIDER OR~~ <--
7 ~~TELECOMMUNICATIONS CARRIER SHALL COLLECT THE MONTHLY~~
8 ~~SUBSCRIBER FEE FOR EACH TELEPHONE NUMBER OR SUCCESSOR DIALING~~
9 ~~PROTOCOL ASSIGNEE BY A VOIP PROVIDER TO A VOIP SERVICE~~
10 ~~CUSTOMER WHO HAS OUTBOUND CALLING CAPABILITY.~~

11 (7) EACH VOIP PROVIDER SHALL COLLECT THE UNIFORM 911 <--
12 SURCHARGE FOR THE NUMBER OF VOIP SERVICE LINES FOR WHICH THE
13 VOIP PROVIDER HAS ENABLED THE CAPACITY FOR SIMULTANEOUS
14 OUTBOUND CALLS REGARDLESS OF ACTUAL USAGE.

15 (8) EACH VOIP PROVIDER THAT REMITS THE SURCHARGE SHALL
16 CERTIFY THE ACCURACY OF THE REMITTANCE ANNUALLY AS REQUIRED
17 USING AGENCY PROCEDURES AND FORMS.

18 [(c) Restricted account.--

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

26 (2) The governing body of the county shall make an
27 annual appropriation from the account for the 911 system,
28 subject to the provisions of subsection (d), and may retain
29 up to 1% of the gross receipts collected to cover
30 administrative costs.

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

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

18 (e) Collection enforcement.--

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

24 (2) The local exchange telephone company shall annually
25 provide, upon request of the governing body of the county, a
26 list of the names and addresses of those service users which
27 carry a balance that can be determined by the telephone
28 company to be the nonpayment of any charge imposed under this
29 chapter.

30 (3) The local exchange telephone company shall not be

1 liable for uncollectible amounts.

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

16 (c) Applicability.--The provisions of this section shall not
17 apply to sellers or consumers of prepaid wireless
18 telecommunications service.

19 Section 5. Title 35 is amended by adding a section to read:
20 § 5307.1. Payment, collection and remittance of surcharge by
21 sellers of prepaid wireless telecommunications
22 service.

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

24 (1) The surcharge shall be collected by the seller from
25 the consumer per each retail transaction occurring in this
26 Commonwealth.

27 (2) The surcharge shall be applied to the cost of each
28 retail transaction regardless of whether the retail
29 transaction occurred in person, by telephone, through the
30 Internet or by any other method. A retail transaction that is

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

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

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

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

28 (6) The surcharge collected by a seller, less 1.5% that
29 may be retained by the seller to cover administrative costs, <--
30 shall be remitted to the Department of Revenue at the times

1 provided under Article II of the Tax Reform Code of 1971. The
2 department shall establish payment procedures that
3 substantially coincide with the payment procedures of Article
4 II of the Tax Reform Code of 1971, except the department may
5 require the filing of returns and the payment of the
6 surcharge by electronic means.

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

12 (8) The provision of section 5311.1 (relating to
13 immunity) shall apply to prepaid wireless providers and
14 sellers.

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

24 (10) Each seller that remits the surcharge shall certify
25 the accuracy of the remittance annually using the procedures
26 and forms provided by the agency.

27 (b) Department of Revenue.--The following shall apply to the
28 department:

29 (1) The department shall establish procedures by which a
30 seller of prepaid wireless telecommunications service may

1 document that a sale is not a retail transaction, which
2 procedures shall substantially coincide with the procedures
3 for documenting sale for resale transactions for sales and
4 use tax purposes under Article II of the Tax Reform Code of
5 1971.

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

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

13 Section 6. Sections 5308, 5309, 5310, ~~5311.1~~, 5311.2, <--
14 5311.3, 5311.4, 5311.5, 5311.6, 5311.7, 5311.8, 5311.9, 5311.10,
15 5311.11, 5311.12, 5311.13 and 5311.14 of Title 35 are amended to
16 read:

17 [§ 5308. Expenditures for nonrecurring costs, training, mobile
18 communications equipment, maintenance and operation
19 of 911 systems.

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

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

27 (1) Maintenance and operation costs may include
28 telephone company charges, equipment costs or equipment lease
29 charges, repairs, utilities, development and maintenance of a
30 master street address guide, erection of street signs on

1 State and local highways, database maintenance costs,
2 personnel training, salary and benefit costs which are
3 directly related to the provision of 911 services and costs
4 for mobile communications equipment, audit costs and
5 appropriate carryover costs from previous years.

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

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

11 (c) Limitations on expenditures.--

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

17 (2) Nonrecurring costs shall be amortized over a minimum
18 of three years.

19 (d) Triennial financial audit.--

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

25 (2) The triennial audit cost shall be paid by the
26 respective county from contribution rate revenues and shall
27 be conducted consistent with guidelines established by the
28 agency.

29 (e) Public education.--A county may use money received from
30 the imposition of the contribution rate to educate the public on

1 the 911 system. The education may include, but is not limited
2 to, confirming with all residents of the county their actual
3 street addresses.]

4 § 5309. Telephone records.

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

1 services or other than as provided in subsection (c)] commits a <--
2 misdemeanor of the third degree.

3 (b) Privacy waived.--Private listing service customers in a
4 911 service district shall waive the privacy afforded by
5 nonlisted and nonpublished numbers with respect to the delivery
6 of emergency services.

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

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

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

29 (3) for interruptions, omissions, defects, errors,
30 mistakes or delays in transmission occurring in the course of

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

10 § 5310. Penalty.

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

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

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

26 (2) Knowingly uses the telephone number or database
27 information of a 911 system, other emergency communications
28 service, next generation 911 service, ~~successor service~~ <--
29 FUTURE TECHNOLOGY PROVIDING THE SAME OR SIMILAR FUNCTIONALITY <--
30 or VoIP service to avoid any charges for the services of a

1 provider.

2 § 5311.1. Immunity.

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

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

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

21 ~~(c) Specific immunity.~~

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

23 ~~(i) Providers, prepaid wireless providers and~~
24 ~~sellers.~~

25 ~~(ii) Other emergency communications service~~
26 ~~providers.~~

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

28 ~~(iv) An entity that provides access to 911~~
29 ~~communications service using next generation 911~~
30 ~~technology.~~

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

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

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

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

27 ~~(iii) interruptions, omissions, defects, errors,~~
28 ~~mistakes or delays in transmission occurring in the~~
29 ~~course of the delivery of 911 communications service,~~
30 ~~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 SERVICES OF INFORMATION AUTHORIZED UNDER THIS CHAPTER, INCLUDING NONPUBLISHED TELEPHONE NUMBERS.

(2) THE RELEASE TO THE FEDERAL COMMUNICATIONS

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

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

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

18 [§ 5311.2. Powers and duties of agency.

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

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

25 (2) To oversee the development, implementation,
26 operation and maintenance of a Statewide integrated wireless
27 E-911 system, formulate technical standards and determine
28 permitted uses of and amounts disbursed from the Wireless E-
29 911 Emergency Services Fund, including the costs of PSAPs and
30 wireless providers that are eligible for payment from the

1 fund.

2 (3) To approve each county's county plan, or amendment
3 to its agency-approved county plan, incorporating wireless E-
4 911 service capabilities as may be submitted by the county to
5 the agency.

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

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

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

27 (2) Require each wireless provider to notify the agency
28 of each county in which it is licensed on March 29, 2004, and
29 provides wireless service and, at the time new service is
30 initiated, each county in which it is licensed and initiates

1 wireless service and to notify counties of wireless service
2 within each county, specifically noting wireless service to
3 more than one county. In the event of disputes among PSAPs
4 regarding the PSAP to which a wireless provider routes 911
5 calls, the routing shall be determined by the agency.

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

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

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

21 § 5311.3. Advisory committee.

22 (a) Establishment.--There is established an advisory
23 committee to be known as the E-911 Emergency Services Advisory
24 Committee.

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

27 (1) The director of the agency or his designee, who
28 shall act as chairperson.

29 (2) Two county commissioners.

30 (3) Four county 911 program managers.

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

3 (5) Two landline telephone service provider
4 representatives.

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

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

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

15 Advisory committee membership shall be limited to one
16 representative per organization or corporate entity.

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

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

26 (e) Advisory committee subcommittees.--The chairperson may
27 create, within the committee membership, subcommittees to study
28 and address specific technical and program areas:

29 (1) A wireless subcommittee shall be created as a
30 permanent subcommittee and shall consist of the following

1 persons:

2 (i) The advisory committee chairperson.

3 (ii) Two county commissioners.

4 (iii) Four county 911 program managers.

5 (iv) Four representatives of wireless providers
6 licensed by the Federal Communications Commission.

7 (v) Two landline telephone service provider
8 representatives.

9 (2) Wireless subcommittee roles and responsibilities:

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

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

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

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

28 (v) To make recommendations to the agency regarding
29 the development of the annual report required of the
30 agency by this chapter, including, but not limited to,

1 recommendations concerning adjustments of the wireless E-
2 911 surcharge.

3 § 5311.4. Wireless E-911 Emergency Services Fund.

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

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

24 (2) The agency-approved costs of PSAPs specified in
25 section 5308(b) (relating to expenditures for nonrecurring
26 costs, training, mobile communications equipment, maintenance
27 and operation of 911 systems) that relate directly or
28 indirectly to the provision of wireless E-911 service, to the
29 extent:

30 (i) the costs are not included in the costs paid

1 under paragraph (1) and the approved E-911 costs provided
2 in paragraph (1) have been reimbursed; and

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

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

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

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

24 (D) The amount of the costs that may be
25 reimbursed is limited to 100% of the fund if all of
26 the wireless providers serving the geographic area
27 covered by the PSAP have been tested and accepted by
28 the PSAP for wireless E-911 Phase II service.

29 (iii) If, under an FCC E-911 waiver, a wireless
30 provider is temporarily relieved of its obligation to

1 provide wireless E-911 Phase II service in the geographic
2 area covered by a requesting PSAP, the wireless carrier
3 shall be disregarded in the determinations to be made
4 under subparagraphs (i) and (ii) until the wireless
5 carrier's obligation to provide wireless E-911 Phase II
6 service again becomes effective.

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

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

25 (2) If a wireless provider receives a partial payment
26 for a monthly bill from a wireless service customer, the
27 wireless provider shall apply the payment against the amount
28 the wireless service customer owes the wireless provider
29 first and shall remit to the State Treasurer the lesser
30 amount, if any, resulting from the application.

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

6 (4) The provisions of this subsection shall not apply to
7 sellers, providers or consumers of prepaid wireless
8 telecommunications service.

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

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

17 (2) A prepaid wireless E-911 surcharge shall be
18 collected by the seller from the consumer for each retail
19 transaction occurring in this Commonwealth. The amount of the
20 prepaid wireless E-911 surcharge shall be either separately
21 stated on an invoice, receipt or other similar document that
22 is provided to the consumer by the seller or otherwise
23 disclosed to the consumer. A retail transaction that is
24 effected in person by a consumer at a business location of
25 the seller shall be treated as occurring in this Commonwealth
26 if that business location is in this Commonwealth, and any
27 other retail transaction shall be treated as occurring in
28 this Commonwealth if the retail transaction is treated as
29 occurring in this Commonwealth for the purposes of section
30 202(e.1) of the act of March 4, 1971 (P.L.6, No.2), known as

1 the Tax Reform Code of 1971.

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

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

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

30 (6) Prepaid wireless E-911 surcharges collected by a

1 seller shall be remitted to the Department of Revenue at the
2 times provided under Article II of the Tax Reform Code of
3 1971. The department shall establish payment procedures that
4 substantially coincide with the payment procedures of Article
5 II of the Tax Reform Code of 1971, except the department may
6 require the filing of returns and the payment of the
7 surcharge by electronic means.

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

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

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

27 (10) The department shall pay all remitted prepaid
28 wireless E-911 surcharges to the State Treasurer for deposit
29 into the fund within 30 days of receipt, for use as provided
30 in this chapter. The department may retain up to 2% of

1 remitted surcharges to pay for department expenses directly
2 related to the costs of administering the collection and
3 remittance of prepaid wireless E-911 surcharges.

4 (11) The provisions of section 5311.9 (relating to
5 immunity) shall apply to providers and sellers of prepaid
6 wireless telecommunications service.

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

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

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

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

24 (2) Wireless providers and PSAPs shall be entitled to
25 payment from the fund in the manner provided in section
26 5311.5(c) for the following costs:

27 (i) recurring costs approved by the agency under
28 agency rules associated with the development,
29 implementation, operation and maintenance of wireless E-
30 911 service in the geographic area served by the

1 requesting PSAP; and

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

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

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

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

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

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

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

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

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

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

26 (h) Surcharge sunset.--The wireless E-911 surcharge fee
27 established in subsections (b) and (b.1) shall terminate on June
28 30, 2015, unless extended by an act of the General Assembly.
29 § 5311.5. Disbursement of fund amounts by agency.

30 (a) Expenditures for wireless E-911 systems.--During each

1 fiscal year the agency may, only in furtherance of the wireless
2 E-911 State plan, disburse money from the Wireless E-911
3 Emergency Services Fund to PSAPs with agency-approved county
4 plans or amended county plans and wireless providers for the
5 following purposes:

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

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

12 (3) To educate consumers regarding the operations,
13 limitations, role and responsible use of wireless E-911
14 service.

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

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

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

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

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

24 (3) Following the payment of approved costs to a PSAP
25 for Phase II deployment of wireless E-911 service as set
26 forth in the FCC E-911 Order, but only after the PSAP has
27 issued its request to wireless providers to furnish Phase II
28 wireless E-911 service pursuant to the FCC E-911 Order, the
29 agency shall pay the approved costs of wireless providers
30 that are payable in the quarter to provide the requested

1 wireless E-911 service to that PSAP.

2 (4) In any quarter of the agency's fiscal year, all
3 costs specified in section 5311.4(a)(1) that are approved by
4 the agency for payment to PSAPs or wireless providers shall
5 be paid before any other costs payable under this chapter are
6 paid to any PSAP or wireless provider. In the first quarter
7 of the agency's fiscal year, the agency shall determine
8 whether payments to PSAPs and wireless providers during the
9 preceding fiscal year exceeded or were less than the eligible
10 costs incurred by each PSAP and wireless provider submitting
11 costs during the fiscal year. Each PSAP and wireless provider
12 shall provide verification of the costs as required by the
13 agency. Any overpayment shall be refunded to the agency or,
14 with the agency's approval, may be used to pay agency-
15 approved costs the PSAP or wireless provider submitted for
16 the current fiscal year of the agency. The agency shall
17 reconsider a determination of eligible costs under this
18 subsection upon request by a submitting PSAP or wireless
19 provider and shall provide a procedure for the
20 reconsideration.

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

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

29 (i) The agency-approved Phase I deployment costs of
30 a PSAP and those wireless providers to which the PSAP has

1 issued its request for Phase I wireless E-911 service
2 shall be paid before any agency-approved costs for Phase
3 II deployment are paid.

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

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

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

26 (i) the total dollar amount of agency-approved but
27 unpaid costs of that PSAP or wireless provider for Phase
28 I or Phase II deployment, whichever is applicable; to

29 (ii) the total dollar amount of all agency-approved
30 but unpaid costs.

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

10 § 5311.6. Reporting.

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

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

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

24 (3) An itemization by PSAP or wireless provider, project
25 and description and expenditure for each Wireless E-911
26 Emergency Services Fund disbursement made in the fiscal year
27 just concluded. The itemization shall include an explanation
28 of how each project contributed to the fulfillment of the
29 existing wireless E-911 State plan.

30 (4) The planned expenditures for the next fiscal year

1 for installation of wireless E-911 systems pursuant to the
2 wireless E-911 State plan.

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

8 (6) The amount of any unexpended funds carried forward
9 in the fund.

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

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

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

28 § 5311.7. [Public disclosure and confidentiality] Prohibition
29 against release of information.

30 (a) Annual report of agency.--The annual report of the

1 agency shall be a public document.

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

21 [§ 5311.8. Wireless provider and VoIP provider records.

22 (a) Access.--Upon request from and pursuant to agreement
23 with a PSAP, each wireless provider shall provide E-911 service
24 database information, and each VoIP provider shall provide VoIP
25 service database information or automatic location information
26 as permitted under the law to the requesting PSAP. The
27 information shall remain the property of the disclosing wireless
28 provider or VoIP provider and, except as otherwise provided by
29 applicable Federal or State law, shall be used by the PSAP only
30 in connection with providing emergency response services to a

1 call to a 911 system or to a wireless E-911 system.

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

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

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

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

20 § 5311.9. Immunity.

21 (a) Generally.--

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

23 (i) A wireless provider or VoIP provider.

24 (ii) An officer or director of a wireless provider
25 or VoIP provider.

26 (iii) An employee or agent of a wireless provider or
27 VoIP provider.

28 (iv) A vendor of a wireless provider or VoIP
29 provider.

30 (2) Except as set forth in paragraph (3), a person

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

6 (i) the wireless provider or VoIP provider;

7 (ii) an officer or director of the wireless provider
8 or VoIP provider;

9 (iii) an employee or agent of the wireless provider
10 or VoIP provider; or

11 (iv) a supplier of the wireless provider or VoIP
12 provider.

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

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

22 (c) Release of information.--

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

24 (i) A wireless provider or VoIP provider.

25 (ii) An employee or agent of a wireless provider or
26 VoIP provider.

27 (2) A person specified in paragraph (1) is immune from
28 liability for releasing, as required by this chapter or any
29 other law, wireless service customer information or VoIP
30 service customer information to the agency or to any 911

1 system or wireless E-911 system, public agency or PSAP.

2 § 5311.10. Agency funding for wireless E-911 support.

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

9 § 5311.11. Rate regulation.

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

18 [§ 5311.12. Regulations.

19 The council has the power to issue statements of policy and
20 to promulgate regulations for the implementation of this
21 chapter.

22 § 5311.13. Enforcement.

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

29 § 5311.14. Collection and disbursement of VoIP 911 fee.

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

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

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

8 (A) quarterly; or

9 (B) at the option of the provider or
10 telecommunications carrier, monthly.

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

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

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

15 (I) To the county official responsible for
16 the collection and disbursement of funds.

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

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

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

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

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

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

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

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

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

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

15 (ii) shall then remit to the county or the State
16 Treasurer the lesser amount resulting from the
17 application of the payment.

18 (4) The fees collected and remitted under this
19 subsection shall not:

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

22 (ii) be considered revenue of the VoIP provider for
23 any purpose.

24 (5) As reimbursement for administrative costs to cover
25 its expenses of billing, collecting and remitting the fees
26 during the reporting period, the VoIP provider is allowed to
27 retain for reimbursement up to the following percentages of
28 the total fees collected under this subsection:

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

30 (ii) If remittance is made to the State Treasurer,

1 1%.

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

14 (b) Reporting by VoIP providers.--

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

26 (2) A VoIP provider and telecommunications carrier shall
27 provide the county or, if remitting to the State Treasurer,
28 the agency with requested information, including the primary
29 place of use of each interconnected VoIP service customer, in
30 order to discharge its obligations under this section. The

1 information shall be in writing. This paragraph includes the
2 collection and deposit of the VoIP fee and its administration
3 of the fund.

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

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

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

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

21 (f) Distribution of fees.--Money in the VoIP 911 Emergency
22 Services Fund and the interest it accrues are appropriated on a
23 continuing basis to the agency to be disbursed by the agency.
24 The agency shall make quarterly disbursements from the account
25 to each county by March 31, June 30, September 30 and December
26 31 in an amount equal to the amount of fees collected from VoIP
27 service customers located in that county. The disbursements are
28 for the purpose of assisting counties with the implementation of
29 an agency-approved plan adopted under section 5305 (relating to
30 county plan). The agency may retain up to 1% of the fees for

1 costs incurred in administering this subsection.]

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

3 § 5311.15. Shared residential MLTS service.

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

9 § 5311.16. Business MLTS.

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

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

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

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

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

26 § 5311.17. Shared communications services.

27 Providers of shared communications services installed at
28 least six months after the effective date of this section shall
29 assure that the MLTS is connected to the public switched
30 telephone network such that calls to 911 from any telephone

1 result in ALI for each respective ERL of each entity sharing the
2 telecommunications services.

3 § 5311.18. Temporary residence.

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

11 § 5311.19. Local notification.

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

14 (1) Shall implement local notifications if operating an
15 MLTS service installed after the effective date of this
16 section.

17 (2) May implement local notification if operating an
18 MLTS service installed before the effective date of this
19 section.

20 § 5311.20. ALI database maintenance.

21 If applicable, MLTS operators must arrange to update the ALI
22 database with an appropriate ~~Master Street Address Guide~~ MASTER <--
23 STREET ADDRESS GUIDE valid address and callback information for
24 each MLTS telephone, such that the location information
25 specifies the ERL of the caller. These updates must be
26 downloaded or otherwise made available to the ALI database
27 provider as soon as practicable for a new MLTS installation, or
28 within one business day of record completion of the actual
29 changes for MLTS installed before the effective date of this
30 section. The information is subject to all Federal and State

1 privacy and confidentiality laws. The MLTS operator shall audit
2 accuracy of information contained in the ALI database at least
3 once annually.

4 § 5311.21. Industry standards.

5 Local exchange carriers and providers shall be responsible
6 for providing 911 call interconnectivity through the use of
7 generally accepted industry standards.

8 § 5311.22. Dialing instructions.

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

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

15 and

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

18 § 5311.23. MLTS signaling.

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

24 § 5311.24. MLTS operator education.

25 Each public agency providing 911 educational programs is
26 encouraged to develop a program to educate MLTS operators
27 related to accessing 911 emergency telephone systems and
28 coordinate adequate testing of the MLTS interface to the 911
29 system.

30 § 5311.25. Limitation of liability.

1 A local exchange carrier, Internet service provider,
2 manufacturer or provider of MLTS, MLTS manager, MLTS operator or
3 911 service provider shall not be liable for civil damages or
4 penalties as a result of any act or omission, except willful or
5 wanton misconduct, in connection with developing, adopting,
6 operating or implementing any plan or system required under this
7 chapter.

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

9 [§ 5312.1. Legislative study.

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

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

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

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

26 (4) The method and amount of funding collected through
27 the VoIP service 911 fee, the contribution rate, the wireless
28 E-911 surcharge and the prepaid wireless E-911 surcharge in
29 comparison to 911 and wireless E-911 funding systems utilized
30 in other states.

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

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

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

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

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

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

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

25 Section 9. Title 35 is amended by adding sections to read:
26 § 5313. Legislative report.

27 Within two years of the effective date of this section, the
28 agency IN CONSULTATION WITH THE BOARD shall prepare and submit <--
29 to the General Assembly a report and recommendations on the
30 impacts of current and anticipated technological and market

1 changes on the provision of 911 communications service,
2 including the structure and adequacy of the surcharge and fund <--
3 provided for under this chapter.: <--

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

6 (2) OTHER LOCAL REVENUE OPTIONS TO SUPPORT 911 SERVICES;
7 AND

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

10 § 5314. Inventory.

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

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

26 (1) A record of databases, networks, radio, telephone
27 and equipment and correlated networks at each PSAP AND EACH <--
28 PENNSYLVANIA STATE POLICE BARRACKS THAT HAS A REMOTE DISPATCH
29 POINT.

30 (2) A record of all data systems, including, but not

1 limited to, call and dispatch and record management systems.
2 ~~(3) PSAP 911 AND EACH PENNSYLVANIA STATE POLICE BARRACKS <--~~
3 ~~THAT HAS A REMOTE DISPATCH POINT emergency and nonemergency~~
4 ~~call volumes.~~
5 ~~(4) (3) Equipment/network system geographic limitations <--~~
6 ~~and capabilities.~~
7 ~~(5) Identification of new equipment that may be required <--~~
8 ~~to and equipment that may be reused to achieve NG911 status.~~
9 ~~(6) (4) A record of equipment or facilities that are or <--~~
10 ~~can be shared or colocated.~~
11 ~~(7) (5) A record of all leased equipment and date of <--~~
12 ~~each lease termination date.~~
13 ~~(8) A record of personnel resources and costs, including <--~~
14 ~~pension and benefit obligations at each PSAP AND EACH <--~~
15 ~~PENNSYLVANIA STATE POLICE BARRACKS THAT HAS A REMOTE DISPATCH~~
16 ~~POINT.~~
17 ~~(9) PSAP ease of ability THE AGENCY'S ASSESSMENT OF THE <--~~
18 ~~ABILITY OF PSAPS AND EACH PENNSYLVANIA STATE POLICE BARRACKS~~
19 ~~THAT HAS A REMOTE DISPATCH POINT to merge with or form a~~
20 ~~regional ESINET or connect directly to PA StarNet or <--~~
21 ~~subsequent microwave network.~~
22 (c) Counties to cooperate.--Counties shall cooperate with
23 the agency by ~~supplying all of~~ PROVIDING the information <--
24 identified in this section and other information deemed
25 necessary by the agency to complete a ~~comprehensive inventory of~~ <--
26 ~~all PSAPs operating 911 systems within this Commonwealth AN~~ <--
27 INVENTORY AS REQUIRED UNDER SUBSECTION (A). Counties that do not
28 ~~remit~~ PROVIDE the information requested by the agency within 45 <--
29 ~~days of the request shall result in the immediate suspension or~~ <--
30 ~~forfeiture of~~ BE SUSPENDED FROM ANY GRANT OR FUNDING PROGRAM OR <--

1 BE REQUIRED TO FORFEIT fund disbursements. The agency, in
2 consultation with the board, ~~the Pennsylvania State Police and~~ <--
3 the Governor's Interoperability Council, shall complete the
4 inventory and issue a report detailing its findings and
5 recommendations to the General Assembly by ~~October DECEMBER 31,~~ <--
6 ~~2015~~ MARCH 31, 2016. The agency shall be responsible for <--
7 maintaining and updating the inventory on a biannual basis.

8 Section 10. Section 5398 of Title 35 is amended to read:
9 § 5398. Termination.

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

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

12 (1) The following provisions shall take effect
13 immediately:

14 (i) This section.

15 (ii) The amendment or addition of 35 Pa.C.S. §§
16 5303(b), (B.1), (B.2), (B.3), (B.4) AND (B.5) ~~and~~, 5314 <--
17 AND 5398. <--

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

20 (3) The remainder of this act shall take effect July 1,
21 2015, or immediately, whichever is later.