

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 911 Session of
2015

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

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 10, 2015

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated ~~Statutes~~ STATUTES, further providing for <--
3 emergency 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
16 context clearly indicates otherwise:

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

4 "911 communications service." As follows:

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

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

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

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

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

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

4 "Agency." The Pennsylvania Emergency Management Agency.

5 "ALI." Automatic location information.

6 "ANI." Automatic number identification.

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

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

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

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

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

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

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

1 communications service.

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

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

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

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

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

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

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

25 "Council." The Pennsylvania Emergency Management Council.

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

28 "County plan." A document submitted by the county on a
29 triennial basis to the Pennsylvania Emergency Management Agency
30 outlining its proposed and existing wireline and wireless 911

1 and E-911 systems and procedures, including a contribution rate,
2 for the forthcoming three years.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 including resellers.

2 "Interconnected Voice over Internet Protocol service."

3 Service as defined by any of the following:

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

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

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

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

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

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

1 Commonwealth.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 "Prepaid wireless telecommunications service." A wireless

1 telecommunications service that meets all of the following:

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

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

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

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

14 WHICH: <--

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

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

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

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

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

1 generation 911 or successor services.

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

3 "Public agency." Any of the following:

4 (1) The Commonwealth.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 medical or other emergency situations.]

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

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

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

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

23 § 5303. Telecommunications management.

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

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

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

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

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

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

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

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

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

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

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

30 (7) To establish technical standards for the county

1 plans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~eastern regions of this Commonwealth.~~

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

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

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

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

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

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

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

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

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

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

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

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

1 REPRESENTATIVES.

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (I) THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.

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

2 ~~(III) THE TREASURY DEPARTMENT.~~ <--

3 ~~(IV) THE PENNSYLVANIA GAME COMMISSION.~~

4 ~~(V) THE PENNSYLVANIA FISH AND BOAT COMMISSION.~~

5 ~~(VI) (III) THE GOVERNOR'S OFFICE OF ADMINISTRATION.~~ <--

6 ~~(VII) THE DEPARTMENT OF CORRECTIONS.~~ <--

7 ~~(VIII) THE DEPARTMENT OF HUMAN SERVICES.~~

8 ~~(IX) THE OFFICE OF ATTORNEY GENERAL.~~

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

11 ~~(XI) THE DEPARTMENT OF HEALTH.~~

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

14 ~~(XIII) THE OFFICE OF CONSUMER ADVOCATE.~~

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

17 (I) THE PENNSYLVANIA CHIEFS OF POLICE ASSOCIATION.

18 (II) THE FRATERNAL ORDER OF POLICE.

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

21 ~~(IV) THE PENNSYLVANIA PUBLIC TRANSPORTATION~~ <--
22 ~~ASSOCIATION FIRE AND EMERGENCY SERVICES INSTITUTE.~~ <--

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

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

27 (VII) THE KEYSTONE EMERGENCY MANAGEMENT ASSOCIATION.

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

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

1 PENNSYLVANIA.
2 (X) THE PENNSYLVANIA WIRELESS ASSOCIATION.
3 (XI) THE PENNSYLVANIA TELEPHONE ASSOCIATION.
4 (XII) THE BROADBAND CABLE ASSOCIATION OF
5 PENNSYLVANIA.
6 (XIII) THE PENNSYLVANIA MUNICIPAL LEAGUE.
7 (XIV) THE PENNSYLVANIA STATE ASSOCIATION OF
8 BOROUGHES.
9 (XV) THE PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP
10 SUPERVISORS.
11 (XVI) THE PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP
12 COMMISSIONERS.
13 (5) A MEMBER OF THE GENERAL PUBLIC, WHO SHALL SERVE AS A
14 NONVOTING MEMBER.
15 (B.1) DESIGNEE.--A VOTING MEMBER OF THE BOARD MAY APPOINT A
16 DESIGNEE WHO MUST BE AN EMPLOYEE OF THE SAME AGENCY OR
17 ORGANIZATION AS THE VOTING MEMBER TO ATTEND MEETINGS.
18 (B.2) GUBERNATORIAL APPOINTEES.--THE GOVERNOR SHALL APPOINT
19 THE BOARD MEMBERS UNDER SUBSECTION ~~(B)(2)~~ (B)(2)(III), (IV), <--
20 (V), (VIII), (IX) AND (X), (4) AND (5) UPON THE RECOMMENDATION
21 OF STATEWIDE ORGANIZATIONS AND INDUSTRY SEGMENTS.
22 RECOMMENDATIONS FOR APPOINTMENTS OF COUNTY OFFICIALS UNDER
23 SUBSECTION (B)(2) SHALL BE REQUESTED BY THE GOVERNOR FROM THE
24 COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA AND
25 RECOMMENDATIONS FOR APPOINTMENTS OF 911 COORDINATORS UNDER
26 SUBSECTION (B)(2) SHALL BE REQUESTED BY THE GOVERNOR FROM THE
27 STATE CHAPTERS OF THE NATIONAL EMERGENCY NUMBER ASSOCIATION AND
28 THE ASSOCIATION OF PUBLIC COMMUNICATIONS OFFICIALS. THE
29 FOLLOWING SHALL APPLY:
30 (1) MEMBERS APPOINTED BY THE GOVERNOR ARE APPOINTED TO

1 TERMS OF TWO YEARS AND MAY SERVE NO MORE THAN THREE
2 CONSECUTIVE TERMS.

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (iv) Measures to promote regionalization of PSAPs.

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

17 (vi) 911 planning guidelines.

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

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

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

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

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

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

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

9 § 5304. Counties.

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

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

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

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

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

30 (1) To ensure the provision of a 911 system in the

1 county's respective jurisdiction. A county may provide a 911
2 system to the county's jurisdiction through participation in
3 a regional 911 system.

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

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

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

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

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

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

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

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

1 within the county.]

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

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

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

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

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

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

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

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

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

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

28 [(b) Persons outside county.--When an individual physically <--
29 resides in an adjacent county but receives local exchange
30 telephone service from a central office in a county which

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

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

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

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

30 ~~(2) BEGINNING ON THE EFFECTIVE DATE OF THIS SUBSECTION~~

~~1 AND FOR FOUR YEARS THEREAFTER, A PRO RATA SHARE OF FUNDS~~
~~2 PROVIDED TO A COUNTY WITH A CITY OF THE THIRD CLASS WITH A~~
~~3 POPULATION OF MORE THAN 105,000 BUT LESS THAN 110,000 LOCATED~~
~~4 WITHIN ITS BOUNDARIES SHALL BE DISTRIBUTED BY THE COUNTY TO~~
~~5 THE CITY OF THE THIRD CLASS.~~

6 § 5304.1. Pennsylvania State Police.

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

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

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

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

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

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

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

17 § 5304.2. OPTIONAL 911 USER FEE.

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

25 (1) A FEE AN AMOUNT NOT TO EXCEED \$52 MAY BE IMPOSED ON <--
26 EACH RESIDENTIAL ADDRESS.; AND <--

27 (2) A AN AMOUNT IMPOSED ON EACH BUSINESS FEE MAY BE <--
28 CHARGED FOR EACH EMPLOYEE IN A CALENDAR YEAR AS FOLLOWS:

29 (I) FOR A BUSINESS WITH NOT MORE THAN 50 EMPLOYEES,
30 \$12.

1 (II) FOR A BUSINESS WITH AT LEAST 51 EMPLOYEES AND
2 NOT MORE THAN 100 EMPLOYEES, \$9.75.

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

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

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

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

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

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

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

21 (F) FUND.--THE COUNTY OR CITY MUST ESTABLISH A NONLAPSING
22 RESTRICTED INTEREST-BEARING SPECIAL FUND FOR THE DEPOSIT OF THE
23 911 USER FEE COLLECTED UNDER THIS SECTION.

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

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

29 (2) EXCEPT AS PROVIDED UNDER PARAGRAPH (1), MONEY IN A
30 FUND MUST BE USED BY THE COUNTY OR CITY FOR PERSONNEL, THE

1 MAINTENANCE AND PURCHASE OF EQUIPMENT AND OTHER PRODUCTS AND
2 SERVICES RELATING TO THE MAINTENANCE AND OPERATION OF A PSAP
3 UNDER THIS CHAPTER.

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

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

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

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

24 (I) CONSTRUCTION.--ANY THE FEE IMPOSED UNDER THIS SECTION <--
25 SHALL BE IN ADDITION TO THE SURCHARGE IMPOSED UNDER SECTION
26 5306.2 (RELATING TO UNIFORM 911 SURCHARGE). NOTHING IN THIS <--
27 SECTION SHALL BE CONSTRUED TO AUTHORIZE A COUNTY TO IMPOSE ANY
28 OTHER FEE OR SURCHARGE TO SUPPORT 911 COMMUNICATION SERVICES.

29 (J) DEFINITION.--AS USED IN THIS SECTION, THE TERM
30 "BUSINESS" INCLUDES ANY FOR-PROFIT ENTERPRISE OR NONPROFIT

1 ENTERPRISE THAT EMPLOYS ONE OR MORE INDIVIDUALS.

2 SECTION 2.2. SECTIONS 5305 AND 5306 OF TITLE 35 ARE AMENDED
3 TO READ:

4 § 5305. [County] 911 system plan.

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

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

25 (c) Agency review.--

26 (1) The agency shall review each county plan for
27 completeness and shall forward a copy of the county plan and
28 the proposed contribution rate to the council and the
29 commission for review as required by this section.

30 (2) After the county plan has been reviewed by the

1 council and the commission, the agency shall approve or
2 reject a county plan based on the recommendations of the
3 council and the commission.

4 (3) If the county plan is rejected, the agency shall
5 return the county plan and explain the deficiencies that
6 caused the rejection.

7 (d) Council review.--The council shall have 90 days to
8 review the plan and make suggested revisions to the plan. The
9 agency may act as agent for the council in the administration of
10 the plan approval process.

11 (e) Commission review.--

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

18 (2) If the commission fails to review the contribution
19 rate within 90 days, the contribution rate will be deemed
20 approved by the commission.

21 (f) Present systems.--

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

27 (2) A county which did not have a 911 system in
28 operation on September 4, 1990, but which awarded a contract
29 for a 911 system prior to September 4, 1990, shall be
30 considered to have a present system.

1 (g) Regional systems.--Nothing in this chapter shall be
2 construed to prohibit the formation of multijurisdictional or
3 regional 911 systems, and any regional system established under
4 this chapter shall include the territory of two or more
5 counties.

6 (g.1) Contribution rate.--

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

16 (2) The following shall apply:

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

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

29 (iii) Expenses not eligible for reimbursement
30 through the contribution rate shall include purchase of

1 real estate, cosmetic remodeling, central office
2 upgrades, hiring of dispatchers, ambulances, fire engines
3 or other emergency vehicles, utilities, taxes and other
4 expenses as determined by the Pennsylvania Emergency
5 Management Agency.

6 (h) Contribution rate changes.--

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

14 (2) A request for a contribution rate change must be
15 submitted to the agency, and the agency shall forward the
16 request to the commission for approval as provided under
17 subsection (e).

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

21 (i) Assessment.--

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

25 (2) The contribution rate may be imposed at any time
26 subsequent to the execution of a contract with the provider
27 of a 911 service at the discretion of the governing body of
28 the county and pursuant to approval of the county plan and
29 contribution rate under the provisions of this section.

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

1 (i) Is a county fee collected by the telephone
2 company.

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

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

7 (b) Board review.--

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

11 (2) If the 911 system plan is recommended for
12 disapproval by the board, the agency shall ~~return the plan~~ <--
13 and explain the deficiencies that caused the recommendation
14 AND MAY RETURN THE PLAN. <--

15 (c) Regional systems.--Nothing in this chapter shall be
16 construed to prohibit the formation of multijurisdictional or
17 regional 911 systems.

18 [§ 5306. Special public meeting.

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

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

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

1 of the proposed monthly contribution rate.

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

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

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

8 § 5306.1. Fund.

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

12 (b) Composition of fund.--The fund shall consist of the
13 following:

14 (1) The surcharge remitted under section 5307 (relating
15 to payment, collection and remittance of surcharge by
16 providers of 911 communications services) and the prepaid
17 wireless surcharge remitted under section 5307.1 (relating to
18 payment, collection and remittance of surcharge by sellers of
19 prepaid wireless telecommunications service).

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

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

22 (4) Interest accrued by the fund.

23 (c) Use.--

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

1 (i) The agency shall establish factors for
2 reasonably necessary costs.

3 (ii) The agency shall provide the factors annually
4 through agency guidelines.

5 (iii) Notwithstanding any guidelines provided by the
6 agency, use of the fund by a 911 system or the agency to
7 establish, enhance, operate or maintain Statewide
8 interconnectivity of 911 systems or to establish a
9 capital or operating reserve consistent with a 911 system
10 plan shall be deemed reasonably necessary.

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

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

16 (d) Distribution.--Within 30 days after the end of each
17 quarter, the agency shall determine the amount available from
18 the fund for distribution and make disbursements in accordance
19 with the Statewide 911 plan and this chapter and in accordance
20 with the following:

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

26 ~~(2) Twelve percent of the amount in the fund shall be~~ <--
27 ~~disbursed at the agency's discretion, in consultation with~~
28 ~~the board, to 911 systems for initiatives that the agency~~
29 ~~reasonably believes will improve 911 systems in this~~
30 ~~Commonwealth.~~

1 ~~(3)~~ (2) Up to 6% 15% of the amount in the fund shall be <--
2 used BY THE AGENCY to establish, enhance, operate or maintain <--
3 Statewide interconnectivity of 911 systems, including, but
4 not limited to, the use or obligations of money for debt
5 service related to regional or Statewide interconnectivity.

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

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

18 (e) Distribution formula considerations.--

19 (1) The distribution formula established by the agency
20 under subsection (d) shall fairly and proportionately reflect
21 911 system needs.

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

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

28 (4) In developing and evaluating the distribution
29 formula, the agency, in consultation with the board, shall
30 consider and may include the following factors that permit

1 the formula to reflect 911 system needs:

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

3 (ii) Population, including high or low population <--

4 density AND POPULATION DENSITY. <--

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

7 (iv) Extenuating factors such as topography,
8 concentrated exposure such as transit or industrial
9 facilities, or cyclical exposures such as high-attendance
10 public events.

11 (5) In development of the distribution formula, the
12 agency, in consultation with the board, shall consider the
13 911 system's average reported allowable 911 system costs for
14 the five years immediately preceding the effective date of
15 this section.

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

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

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

1 system's average of local exchange telephone carriers
2 surcharge collections under section 5305 (relating to 911
3 system plan) for the five years immediately preceding the
4 effective date of this section.

5 (2) A share equivalent to 106% times the respective 911
6 system's average of VoIP provider's surcharge collections
7 under section 5307 (relating to payment, collection and
8 remittance of surcharge by providers of 911 communications
9 services) for the five years immediately preceding the
10 effective date of this section.

11 (3) The remaining amount distributed to each 911 system
12 shall be based on the ratio that its average reported
13 allowable 911 system costs for the five years immediately
14 preceding the effective date of this paragraph bear to the
15 average reported allowable 911 system costs for all 911
16 systems for the five years immediately preceding the
17 effective date of this paragraph.

18 (g) Surplus.--

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

26 (2) If the fund experiences a surplus as described in
27 this section for eight consecutive quarters, the agency shall
28 provide written notice of the surplus to the General Assembly
29 and the written notice shall include a recommended reduced
30 surcharge for consideration by the General Assembly.

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

5 (H) COUNTY ACTION REQUIRED.--A COUNTY SHALL NOT BE ELIGIBLE <--
6 TO RECEIVE FUNDS UNDER THIS SECTION UNLESS THE GOVERNING BODY OF
7 THE COUNTY ADOPTS A RESOLUTION AUTHORIZING ACCEPTANCE OF THE
8 FUNDS. THE COUNTY SHALL PROVIDE PUBLIC NOTICE OF THE INTENT TO
9 ADOPT THE RESOLUTION. A COPY OF THE RESOLUTION SHALL BE PROVIDED
10 TO THE AGENCY.

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

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

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

21 § 5306.2. Uniform 911 surcharge.

22 (a) Surcharge imposed.--Each subscriber or consumer shall
23 pay a surcharge of \$1.65 PER MONTH for each 911 communications <--
24 service or prepaid wireless device for which that subscriber or
25 consumer is billed by a provider or seller. The surcharge shall
26 be collected apart from and in addition to a fee levied by the
27 provider or seller, in whole or in part, for the provision of
28 911 services. The surcharge shall be subject to the following:

29 (1) The surcharge shall be uniform, competitively
30 neutral and in an equal amount for subscribers or consumers

1 of all 911 communications services.

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

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

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

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

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

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

25 (2) Providers shall not be liable for the unpaid
26 amounts.

27 (3) If a provider receives a partial payment for a
28 monthly bill from a subscriber, the provider shall apply the
29 payment against the amount the subscriber owes the provider
30 first and shall remit to the State Treasurer the lesser

1 amount, if any, resulting from the application.

2 (4) The surcharge shall not be:

3 (i) Subject to taxes or charges levied by the
4 Commonwealth or a political subdivision of this
5 Commonwealth or an intergovernmental agency for 911
6 funding purposes on a provider, seller or consumer with
7 respect to the sale, purchase, use or provision of a
8 communication service.

9 (ii) Considered revenue of the provider.

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

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

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

19 § 5307. [Collection and disbursement of contribution.] Payment,
20 collection and remittance of surcharge by providers
21 of 911 communications services.

22 (a) [Subscribers' contribution] Collection and remittance of
23 surcharge.--

24 (1) [Each service supplier that provides local exchange
25 telephone service within the county] Providers shall collect
26 the [contribution] surcharge from each subscriber and forward
27 the collection quarterly less the actual uncollectibles
28 [experienced by the local exchange telephone companies] to
29 the [county treasurer or, in a home rule county, the county
30 official responsible for the collection and disbursement of

1 funds] State Treasurer for deposit in the fund.

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

5 [(3) Each service supplier shall retain the fair and
6 reasonable cost to establish the 911 contribution rate
7 billing system and an amount not to exceed 2% of the gross
8 receipts collected to cover actual administrative costs.]

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

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

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

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

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

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

29 (6) As of July 1, 2015, for each digital transmission
30 link, including primary rate interface service or Digital

1 Signal-1 (DS-1) level service, or equivalent, that can be
2 channelized and split into 23 or 24 voice-grade or data-grade
3 channels for voice communications, that when the digits 9-1-1
4 are dialed provides the subscriber access to a PSAP through
5 permissible interconnection to the dedicated 911 system, a
6 subscriber shall be assessed 12 surcharges. SUBSCRIBER'S <--
7 PRIOR ASSESSMENTS SHALL BE INCREASED TO 23 SURCHARGES PER
8 TRANSMISSION LINK.

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

18 (7) EACH VOIP PROVIDER SHALL COLLECT THE UNIFORM 911 <--
19 SURCHARGE FOR THE NUMBER OF VOIP SERVICE LINES FOR WHICH THE
20 VOIP PROVIDER HAS ENABLED THE CAPACITY FOR SIMULTANEOUS
21 OUTBOUND CALLS REGARDLESS OF ACTUAL USAGE.

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

25 [(c) Restricted account.--

26 (1) The county treasurer or, in a home rule county, the
27 county official responsible for the collection and
28 disbursement of funds shall deposit the money received in an
29 interest-bearing restricted account used solely for the
30 purpose of nonrecurring and recurring charges billed for the

1 911 system and for the purpose of making payments under
2 subsection (d).

3 (2) The governing body of the county shall make an
4 annual appropriation from the account for the 911 system,
5 subject to the provisions of subsection (d), and may retain
6 up to 1% of the gross receipts collected to cover
7 administrative costs.

8 (3) If the 911 system is discontinued or a county fails
9 to implement a 911 system within three years from the
10 imposition of a monthly contribution rate, any money
11 remaining in the restricted account after all payments to the
12 911 service supplier have been made shall be transferred to
13 the general fund of the county or proportionately to the
14 general funds of each participating public agency.

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

25 (e) Collection enforcement.--

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

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

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

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

23 (c) Applicability.--The provisions of this section shall not
24 apply to sellers or consumers of prepaid wireless
25 telecommunications service.

26 Section 5. Title 35 is amended by adding a section to read:
27 § 5307.1. Payment, collection and remittance of surcharge by
28 sellers of prepaid wireless telecommunications
29 service.

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

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

4 (2) The surcharge shall be applied to the cost of each
5 retail transaction regardless of whether the retail
6 transaction occurred in person, by telephone, through the
7 Internet or by any other method. A retail transaction that is
8 ~~effected~~ CONDUCTED in person by a consumer at a business <--
9 location of the seller shall be treated as occurring in this
10 Commonwealth if that business location is in this
11 Commonwealth, ~~and any.~~ ANY other retail transaction shall be <--
12 treated as occurring in this Commonwealth if the retail
13 transaction is treated as occurring in this Commonwealth ~~for~~ <--
14 ~~the purposes of~~ UNDER section 202(e.1) of the act of March 4, ~~and~~ <--
15 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

16 (3) The surcharge shall be either separately stated on
17 an invoice, receipt or other similar document that is
18 provided to the consumer by the seller or otherwise
19 conspicuously disclosed to the consumer by the seller.

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

28 (5) The amount of the surcharge that is collected by a
29 seller from a consumer, whether or not the amount is
30 separately stated on an invoice, receipt or similar document

1 provided to the consumer by the seller, shall not be included
2 in the base for measuring a tax, fee, surcharge or other
3 charge that is imposed by the Commonwealth, a political
4 subdivision or an intergovernmental agency.

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

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

19 (8) The provision of section 5311.1 (relating to
20 immunity) shall apply to prepaid wireless providers and
21 sellers.

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

1 (10) Each seller that remits the surcharge shall certify
2 the accuracy of the remittance annually using the procedures
3 and forms provided by the agency.

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

6 (1) The department shall establish procedures by which a
7 seller of prepaid wireless telecommunications service may
8 document that a sale is not a retail transaction, which
9 procedures shall substantially coincide with the procedures
10 for documenting sale for resale transactions for sales and
11 use tax purposes under Article II of the Tax Reform Code of
12 1971.

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

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

20 Section 6. Sections 5308, 5309, 5310, ~~5311.1~~, 5311.2, <--
21 5311.3, 5311.4, 5311.5, 5311.6, 5311.7, 5311.8, 5311.9, 5311.10,
22 5311.11, 5311.12, 5311.13 and 5311.14 of Title 35 are amended to
23 read:

24 [§ 5308. Expenditures for nonrecurring costs, training, mobile
25 communications equipment, maintenance and operation
26 of 911 systems.

27 (a) Expenditures authorized.--During a county's fiscal year,
28 the county may expend the amounts distributed to it from the
29 contribution rate for the nonrecurring costs, training, costs
30 for mobile communications equipment, maintenance and operation

1 of a county 911 system.

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

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

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

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

18 (c) Limitations on expenditures.--

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

24 (2) Nonrecurring costs shall be amortized over a minimum
25 of three years.

26 (d) Triennial financial audit.--

27 (1) The agency shall require a triennial audit of each
28 county's collection and disbursement of contribution rate
29 funds and expenditures for the nonrecurring costs, training,
30 costs for mobile communications equipment, maintenance and

1 operation of 911 systems.

2 (2) The triennial audit cost shall be paid by the
3 respective county from contribution rate revenues and shall
4 be conducted consistent with guidelines established by the
5 agency.

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

11 § 5309. Telephone records.

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

1 response services to a 911 call or for purposes of delivering or
2 assisting in the delivery of emergency notification services or
3 emergency support services[, except as provided in subsection <--
4 (c)]. A person who uses or discloses ANI/ALI database <--
5 information for purposes other than providing emergency response
6 services to a 911 call, delivering or assisting in the delivery
7 of emergency notification services [or emergency support <--
8 services or other than as provided in subsection (c)] commits a <--
9 misdemeanor of the third degree.

10 (b) Privacy waived.--Private listing service customers in a
11 911 service district shall waive the privacy afforded by
12 nonlisted and nonpublished numbers with respect to the delivery
13 of emergency services.

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

22 (1) for release to PSAPs, providers of emergency
23 notification services or providers of emergency support
24 services of information specified in this section, including
25 nonpublished telephone numbers;

26 (2) for release to the commission, the Federal
27 Communications Commission or any other Federal or
28 Commonwealth agency with the authority to regulate the
29 provision of telecommunications services of telephone company
30 information specified in this section that is not already

1 part of public records, including, as applicable, information
2 regarding numbers of lines served by an individual company
3 but excluding nonpublic information regarding the company's
4 individual customer names, addresses and telephone numbers;
5 or

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

17 § 5310. Penalty.

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

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

23 (1) Uses or discloses database information for wireless
24 service, VoIP service, other emergency communications service
25 or next generation 911 service or ~~successor service~~ FUTURE <--
26 TECHNOLOGY PROVIDING THE SAME OR SIMILAR FUNCTIONALITY for
27 purposes other than handling a call to a 911 system, or a
28 system used for other emergency communications service, next
29 generation 911 service or ~~successor service~~ FUTURE TECHNOLOGY <--
30 PROVIDING THE SAME OR SIMILAR FUNCTIONALITY, without consent

1 of the subscriber or consumer as otherwise provided by
2 applicable Federal or State law.

3 (2) Knowingly uses the telephone number or database
4 information of a 911 system, other emergency communications
5 service, next generation 911 service, ~~successor service~~ <--
6 FUTURE TECHNOLOGY PROVIDING THE SAME OR SIMILAR FUNCTIONALITY <--
7 or VoIP service to avoid any charges for the services of a
8 provider.

9 § 5311.1. Immunity.

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

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

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

28 ~~(c) Specific immunity.~~

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

30 ~~(i) Providers, prepaid wireless providers and~~

1 ~~sellers.~~

2 ~~(ii) Other emergency communications service~~
3 ~~providers.~~

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

5 ~~(iv) An entity that provides access to 911~~
6 ~~communications service using next generation 911~~
7 ~~technology.~~

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

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

21 ~~(i) release to PSAPs, providers of emergency~~
22 ~~notification services or providers of emergency support~~
23 ~~services of information specified in this section,~~
24 ~~including nonpublished telephone numbers;~~

25 ~~(ii) release to the agency, the board, the Federal~~
26 ~~Communications Commission or any other Federal or~~
27 ~~Commonwealth agency of information specified in this~~
28 ~~section that is not already part of the public records,~~
29 ~~including, as applicable, information regarding numbers~~
30 ~~of lines or subscribers or consumers served by an~~

~~individual provider but excluding nonpublic information regarding the provider's individual subscriber or consumer names, addresses and telephone numbers;~~

~~(iii) interruptions, omissions, defects, errors, mistakes or delays in transmission occurring in the course of the delivery of 911 communications service, other emergency communications service or next generation 911 service under this chapter, unless the interruptions, omissions, defects, errors, mistakes or delays are caused by the willful or wanton misconduct of the provider, vendor, other emergency communications service provider or entity that provides access to 911 communications service using next generation 911 technology, or their vendors, agents, employees, officers or directors.~~

~~Nothing under this paragraph may preclude the application of any commission, tariff or regulation within any jurisdiction pertaining to allowances for telephone service interruptions; or~~

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

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

(1) A 911 SYSTEM.

(2) A 911 SERVICE PROVIDER.

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

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

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

3 (1) THE RELEASE TO PSAPS, PROVIDERS OF EMERGENCY
4 NOTIFICATION SERVICES OR PROVIDERS OF EMERGENCY SUPPORT
5 SERVICES OF INFORMATION AUTHORIZED UNDER THIS CHAPTER,
6 INCLUDING NONPUBLISHED TELEPHONE NUMBERS.

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

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

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

25 [§ 5311.2. Powers and duties of agency.

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

28 (1) To designate at least one employee of the agency who
29 shall serve as a point of contact at the agency for all
30 matters involving wireless E-911 systems in this

1 Commonwealth.

2 (2) To oversee the development, implementation,
3 operation and maintenance of a Statewide integrated wireless
4 E-911 system, formulate technical standards and determine
5 permitted uses of and amounts disbursed from the Wireless E-
6 911 Emergency Services Fund, including the costs of PSAPs and
7 wireless providers that are eligible for payment from the
8 fund.

9 (3) To approve each county's county plan, or amendment
10 to its agency-approved county plan, incorporating wireless E-
11 911 service capabilities as may be submitted by the county to
12 the agency.

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

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

27 (1) Establish model agreements for mutual aid
28 agreements, cross-service agreements, service contracts and
29 all other documents by and among public agencies, PSAPs and
30 wireless providers that may be required in the implementation

1 of the wireless E-911 State plan, review the agreements and
2 documents for consistency with the applicable county plan and
3 assist the parties in assuring their execution.

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

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

21 (4) Forward a copy of the completed plan and any
22 revision of the plan to all affected counties, PSAPs,
23 wireless providers, local exchange carriers, competitive
24 local exchange carriers and interexchange carriers.

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

28 § 5311.3. Advisory committee.

29 (a) Establishment.--There is established an advisory
30 committee to be known as the E-911 Emergency Services Advisory

1 Committee.

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

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

6 (2) Two county commissioners.

7 (3) Four county 911 program managers.

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

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

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

14 (7) The chairman and minority chairman of the
15 Communications and Technology Committee of the Senate and the
16 chairman and minority chairman of the Veterans Affairs and
17 Emergency Preparedness Committee of the House of
18 Representatives, or their designees.

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

22 Advisory committee membership shall be limited to one
23 representative per organization or corporate entity.

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

28 (d) Reimbursement.--The members of the advisory committee
29 shall serve without compensation but shall be reimbursed for
30 their actual and necessary travel and other expenses in

1 connection with attendance at meetings called by the
2 chairperson.

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

6 (1) A wireless subcommittee shall be created as a
7 permanent subcommittee and shall consist of the following
8 persons:

9 (i) The advisory committee chairperson.

10 (ii) Two county commissioners.

11 (iii) Four county 911 program managers.

12 (iv) Four representatives of wireless providers
13 licensed by the Federal Communications Commission.

14 (v) Two landline telephone service provider
15 representatives.

16 (2) Wireless subcommittee roles and responsibilities:

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

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

26 (iii) To make recommendations to the agency
27 regarding the approval or disapproval of wireless
28 provider service agreements and the formulation of
29 technical standards.

30 (iv) To make recommendations to the agency regarding

1 the development of guidelines, rules and regulations
2 required to address the administration of the Statewide
3 E-911 wireless plan and the disbursement of money from
4 the Wireless E-911 Emergency Services Fund.

5 (v) To make recommendations to the agency regarding
6 the development of the annual report required of the
7 agency by this chapter, including, but not limited to,
8 recommendations concerning adjustments of the wireless E-
9 911 surcharge.

10 § 5311.4. Wireless E-911 Emergency Services Fund.

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

20 (1) PSAP and wireless provider costs resulting from
21 compliance with the FCC E-911 Order, including development,
22 implementation and testing, operation and maintenance of a
23 Statewide integrated wireless E-911 system. Costs paid from
24 the fund must be eligible recurring or nonrecurring costs as
25 determined by the agency in accordance with sections
26 5311.2(a) (relating to powers and duties of agency) and
27 5311.5 (relating to disbursement of fund amounts by agency)
28 for wireless E-911 service provided in accordance with the
29 FCC E-911 Order or a county plan or amended county plan
30 approved by the agency.

1 (2) The agency-approved costs of PSAPs specified in
2 section 5308(b) (relating to expenditures for nonrecurring
3 costs, training, mobile communications equipment, maintenance
4 and operation of 911 systems) that relate directly or
5 indirectly to the provision of wireless E-911 service, to the
6 extent:

7 (i) the costs are not included in the costs paid
8 under paragraph (1) and the approved E-911 costs provided
9 in paragraph (1) have been reimbursed; and

10 (ii) the costs do not exceed the percentage of the
11 actual ratio of demonstrated wireless calls to
12 demonstrated total emergency call volume times the amount
13 of money in the fund, and further:

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

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

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

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

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

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

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

1 unpaid amounts.

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

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

13 (4) The provisions of this subsection shall not apply to
14 sellers, providers or consumers of prepaid wireless
15 telecommunications service.

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

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

24 (2) A prepaid wireless E-911 surcharge shall be
25 collected by the seller from the consumer for each retail
26 transaction occurring in this Commonwealth. The amount of the
27 prepaid wireless E-911 surcharge shall be either separately
28 stated on an invoice, receipt or other similar document that
29 is provided to the consumer by the seller or otherwise
30 disclosed to the consumer. A retail transaction that is

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

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

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

26 (5) The prepaid wireless E-911 surcharge shall be
27 proportionately increased or reduced, as applicable, upon any
28 change to the wireless E-911 surcharge imposed under
29 subsection (b). The increase or reduction shall be effective
30 on the effective date of the change to the surcharge imposed

1 under subsection (b) or, if later, the first day of the first
2 calendar month to occur at least 60 days after the effective
3 date of the change to the surcharge imposed under subsection
4 (b). The Department of Revenue shall provide not less than 30
5 days' notice of an increase or reduction on its public
6 Internet website.

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

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

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

27 (9) The department shall establish procedures by which a
28 seller of prepaid wireless telecommunications service may
29 document that a sale is not a retail transaction, which
30 procedures shall substantially coincide with the procedures

1 for documenting sale for resale transactions for sales and
2 use tax purposes under Article II of the Tax Reform Code of
3 1971.

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

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

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

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

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

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

1 (2) Wireless providers and PSAPs shall be entitled to
2 payment from the fund in the manner provided in section
3 5311.5(c) for the following costs:

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

9 (ii) nonrecurring costs approved by the agency under
10 agency rules associated with the development,
11 implementation, operation and maintenance of wireless E-
12 911 service in the geographic area served by the
13 requesting PSAP.

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

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

27 (5) Nothing in this chapter shall prevent a wireless
28 provider from recovering its costs of implementing and
29 maintaining wireless E-911 service directly from its
30 customers, whether itemized on the customer's bill or by any

1 other lawful method. No wireless provider that levies a
2 separate fee for provision of E-911 wireless service in the
3 geographic area served by the requesting PSAP may receive a
4 reimbursement for the same costs.

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

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

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

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

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

29 (g) Prohibition.--No part of the fund, including an excess
30 amount under section 5311.6(a) (relating to reporting), shall be

1 used for any purpose unless expressly authorized by this
2 chapter.

3 (h) Surcharge sunset.--The wireless E-911 surcharge fee
4 established in subsections (b) and (b.1) shall terminate on June
5 30, 2015, unless extended by an act of the General Assembly.

6 § 5311.5. Disbursement of fund amounts by agency.

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

13 (1) To pay the costs of PSAPs and wireless providers
14 provided for in section 5311.4(a)(1) and (d)(2) (relating to
15 Wireless E-911 Emergency Services Fund) and the costs of
16 PSAPs provided for in section 5311.4(a)(2).

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

19 (3) To educate consumers regarding the operations,
20 limitations, role and responsible use of wireless E-911
21 service.

22 (b) Limitations on use of fund amounts by PSAPs.--No PSAP
23 shall receive a disbursement from the fund for any cost
24 necessary to house the wireless E-911 system or for the purchase
25 of real estate, cosmetic remodeling, ambulances, fire engines or
26 other emergency vehicles, utilities, taxes and other expenses as
27 determined by the agency. No PSAP may be funded for more than
28 70% of its agency-approved personnel training, salary and
29 benefit costs during the agency's fiscal year.

30 (c) Manner of payment.--Each PSAP and wireless provider

1 shall submit to the agency each year, not later than 120 days
2 before the first day of the agency's fiscal year, the eligible
3 costs it expects to incur for wireless E-911 service during the
4 next fiscal year of the agency. The submission may include
5 eligible costs that the PSAP or wireless provider has already
6 incurred for wireless E-911 service at the time of the
7 submission. The agency shall review the submission, ensure that
8 the costs are eligible for payment from the fund and notify the
9 submitting PSAP or wireless provider, not later than 30 days
10 before the first day of the agency's fiscal year, of the
11 eligible costs. The agency shall disburse funds to each PSAP and
12 wireless provider for costs the agency determines to be eligible
13 only up to the amount of fund revenue available for distribution
14 during the agency's fiscal year. No costs may be carried forward
15 for payment by the agency in subsequent fiscal years, except
16 that the agency shall fund all approved and unfunded costs
17 submitted in wireless fiscal year 2012-2013 that are applied for
18 in wireless fiscal year 2013-2014. Payment shall be made in four
19 equal payments during the first month of each quarter of the
20 agency's fiscal year as follows:

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

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

1 (3) Following the payment of approved costs to a PSAP
2 for Phase II deployment of wireless E-911 service as set
3 forth in the FCC E-911 Order, but only after the PSAP has
4 issued its request to wireless providers to furnish Phase II
5 wireless E-911 service pursuant to the FCC E-911 Order, the
6 agency shall pay the approved costs of wireless providers
7 that are payable in the quarter to provide the requested
8 wireless E-911 service to that PSAP.

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

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

29 (1) If the total amount of money in the fund in any
30 quarter is insufficient to pay for both agency-approved PSAP

1 costs and agency-approved wireless provider costs which are
2 payable in the quarter under subsection (c) for both Phase I
3 deployment and Phase II deployment of wireless E-911 service
4 as set forth in the FCC E-911 Order, then payments from the
5 fund for that quarter shall be made as follows:

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

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

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

28 (2) For any PSAP or wireless provider, pro rata shares
29 shall be computed based upon the total dollar amount of money
30 available in the fund for payment of Phase I or Phase II

1 deployment costs, whichever is applicable, multiplied by the
2 ratio of:

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

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

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

17 § 5311.6. Reporting.

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

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

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

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

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

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

15 (6) The amount of any unexpended funds carried forward
16 in the fund.

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

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

25 (b) Study of wireless E-911 emergency services
26 implementation and operation.--The agency, after consideration
27 of the recommendations of the advisory committee, shall report
28 to the Governor and the General Assembly no less than
29 triennially its recommendations concerning wireless E-911
30 implementation and operation, including, but not limited to,

1 necessary or required actions which must be undertaken in
2 response to the Federal Communication Commission's directive in
3 the FCC E-911 Order. The report shall recommend measures to be
4 taken by the General Assembly.]

5 § 5311.7. [Public disclosure and confidentiality] Prohibition
6 against release of information.

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

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

23 shall be kept confidential except that aggregations of
24 information that do not effectively identify numbers of
25 consumers or subscribers, revenues or expenses, trade secrets,
26 commercial information and other proprietary information
27 attributable to any provider may be made public.

28 [§ 5311.8. Wireless provider and VoIP provider records.

29 (a) Access.--Upon request from and pursuant to agreement
30 with a PSAP, each wireless provider shall provide E-911 service

1 database information, and each VoIP provider shall provide VoIP
2 service database information or automatic location information
3 as permitted under the law to the requesting PSAP. The
4 information shall remain the property of the disclosing wireless
5 provider or VoIP provider and, except as otherwise provided by
6 applicable Federal or State law, shall be used by the PSAP only
7 in connection with providing emergency response services to a
8 call to a 911 system or to a wireless E-911 system.

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

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

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

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

27 § 5311.9. Immunity.

28 (a) Generally.--

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

30 (i) A wireless provider or VoIP provider.

1 (ii) An officer or director of a wireless provider
2 or VoIP provider.

3 (iii) An employee or agent of a wireless provider or
4 VoIP provider.

5 (iv) A vendor of a wireless provider or VoIP
6 provider.

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

13 (i) the wireless provider or VoIP provider;

14 (ii) an officer or director of the wireless provider
15 or VoIP provider;

16 (iii) an employee or agent of the wireless provider
17 or VoIP provider; or

18 (iv) a supplier of the wireless provider or VoIP
19 provider.

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

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

29 (c) Release of information.--

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

- 1 (i) A wireless provider or VoIP provider.
2 (ii) An employee or agent of a wireless provider or
3 VoIP provider.

4 (2) A person specified in paragraph (1) is immune from
5 liability for releasing, as required by this chapter or any
6 other law, wireless service customer information or VoIP
7 service customer information to the agency or to any 911
8 system or wireless E-911 system, public agency or PSAP.

9 § 5311.10. Agency funding for wireless E-911 support.

10 The agency is authorized to retain up to 2% of the annual
11 wireless E-911 surcharge and prepaid wireless E-911 surcharge
12 proceeds to pay for agency expenses directly related to
13 administering the wireless E-911 provisions of this chapter.

14 Expenses under this section include personnel, travel,
15 administrative, financial auditing and printing costs.]

16 § 5311.11. Rate regulation.

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

25 [§ 5311.12. Regulations.

26 The council has the power to issue statements of policy and
27 to promulgate regulations for the implementation of this
28 chapter.

29 § 5311.13. Enforcement.

30 In addition to any powers expressly enumerated in this

1 chapter, the agency has the power and duty to enforce and
2 execute, by its regulations or otherwise, this chapter. The
3 agency may institute injunction, mandamus or other appropriate
4 legal proceedings to enforce this chapter and regulations
5 promulgated under this chapter.

6 § 5311.14. Collection and disbursement of VoIP 911 fee.

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

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

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

15 (A) quarterly; or

16 (B) at the option of the provider or
17 telecommunications carrier, monthly.

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

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

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

22 (I) To the county official responsible for
23 the collection and disbursement of funds.

24 (II) At the option of the remitter, to the
25 State Treasurer. Election of the option shall be
26 by regulations established by the agency, which
27 shall include appropriate notification to the
28 affected counties of the exercise of this option.

29 (iii) The fee shall be stated separately in the VoIP
30 service customer's paper or electronic billing, and the

1 fee shall be collected apart from and in addition to any
2 fee levied by the VoIP provider in whole or in part for
3 the provision of 911 services or E-911 services.

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

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

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

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

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

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

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

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

22 (ii) shall then remit to the county or the State
23 Treasurer the lesser amount resulting from the
24 application of the payment.

25 (4) The fees collected and remitted under this
26 subsection shall not:

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

29 (ii) be considered revenue of the VoIP provider for
30 any purpose.

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

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

7 (ii) If remittance is made to the State Treasurer,
8 1%.

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

21 (b) Reporting by VoIP providers.--

22 (1) With each remittance under subsection (a), a VoIP
23 provider and telecommunications carrier shall supply the
24 following information to the individual receiving the
25 remittance and to the agency the total fees collected under
26 subsection (a) (1) from its VoIP service customers during the
27 reporting period. If the telecommunications carrier has
28 remitted the fees to the county or the agency pursuant to an
29 agreement with the VoIP provider, the VoIP provider shall
30 provide notification of the reporting agreement along with

1 the telecommunications carrier's name and 911 or E-911
2 account number.

3 (2) A VoIP provider and telecommunications carrier shall
4 provide the county or, if remitting to the State Treasurer,
5 the agency with requested information, including the primary
6 place of use of each interconnected VoIP service customer, in
7 order to discharge its obligations under this section. The
8 information shall be in writing. This paragraph includes the
9 collection and deposit of the VoIP fee and its administration
10 of the fund.

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

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

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

23 (e) Establishment of fund.--There is established in the
24 State Treasury a nonlapsing restricted interest-bearing account
25 to be known as the VoIP 911 Emergency Services Fund. The VoIP
26 911 Emergency Services Fund shall consist of the fees remitted
27 to the State Treasurer under this section.

28 (f) Distribution of fees.--Money in the VoIP 911 Emergency
29 Services Fund and the interest it accrues are appropriated on a
30 continuing basis to the agency to be disbursed by the agency.

1 The agency shall make quarterly disbursements from the account
2 to each county by March 31, June 30, September 30 and December
3 31 in an amount equal to the amount of fees collected from VoIP
4 service customers located in that county. The disbursements are
5 for the purpose of assisting counties with the implementation of
6 an agency-approved plan adopted under section 5305 (relating to
7 county plan). The agency may retain up to 1% of the fees for
8 costs incurred in administering this subsection.]

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

10 § 5311.15. Shared residential MLTS service.

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

16 § 5311.16. Business MLTS.

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

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

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

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

29 (c) Exceptions.--Workspaces with less than 7,000 square feet
30 on a single level, and located on a single contiguous property,

1 are not required to provide more than one ERL, and key telephone
2 systems are not required to provide more than one ERL.

3 § 5311.17. Shared communications services.

4 Providers of shared communications services installed at
5 least six months after the effective date of this section shall
6 assure that the MLTS is connected to the public switched
7 telephone network such that calls to 911 from any telephone
8 result in ALI for each respective ERL of each entity sharing the
9 telecommunications services.

10 § 5311.18. Temporary residence.

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

18 § 5311.19. Local notification.

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

21 (1) Shall implement local notifications if operating an
22 MLTS service installed after the effective date of this
23 section.

24 (2) May implement local notification if operating an
25 MLTS service installed before the effective date of this
26 section.

27 § 5311.20. ALI database maintenance.

28 If applicable, MLTS operators must arrange to update the ALI
29 database with an appropriate ~~Master Street Address Guide~~ MASTER <--
30 STREET ADDRESS GUIDE valid address and callback information for

1 each MLTS telephone, such that the location information
2 specifies the ERL of the caller. These updates must be
3 downloaded or otherwise made available to the ALI database
4 provider as soon as practicable for a new MLTS installation, or
5 within one business day of record completion of the actual
6 changes for MLTS installed before the effective date of this
7 section. The information is subject to all Federal and State
8 privacy and confidentiality laws. The MLTS operator shall audit
9 accuracy of information contained in the ALI database at least
10 once annually.

11 § 5311.21. Industry standards.

12 Local exchange carriers and providers shall be responsible
13 for providing 911 call interconnectivity through the use of
14 generally accepted industry standards.

15 § 5311.22. Dialing instructions.

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

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

22 and

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

25 § 5311.23. MLTS signaling.

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

1 § 5311.24. MLTS operator education.

2 Each public agency providing 911 educational programs is
3 encouraged to develop a program to educate MLTS operators
4 related to accessing 911 emergency telephone systems and
5 coordinate adequate testing of the MLTS interface to the 911
6 system.

7 § 5311.25. Limitation of liability.

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

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

16 [§ 5312.1. Legislative study.

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

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

29 (2) The expenditures authorized for payment from a
30 county's restricted account for the purposes of nonrecurring

1 and recurring charges billed for the 911 system.

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

3 (4) The method and amount of funding collected through
4 the VoIP service 911 fee, the contribution rate, the wireless
5 E-911 surcharge and the prepaid wireless E-911 surcharge in
6 comparison to 911 and wireless E-911 funding systems utilized
7 in other states.

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

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

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

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

18 (9) The issues the Commonwealth will need to consider in
19 incorporating "Next Generation 911" and other nontraditional
20 communication technologies into its emergency response
21 system.

22 (10) Any technology-neutral 911 funding options by
23 either the Commonwealth or political subdivisions which do
24 not rely on disparate technologies, fee amounts and grant
25 structures.

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

1 within 30 days of the submission of the final report.]

2 Section 9. Title 35 is amended by adding sections to read:

3 § 5313. Legislative report.

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

5 agency IN CONSULTATION WITH THE BOARD shall prepare and submit <--

6 to the General Assembly a report and recommendations on the

7 impacts of current and anticipated technological and market

8 changes on the provision of 911 communications service,

9 including the structure and adequacy of the surcharge and fund <--

10 provided for under this chapter.: <--

11 (1) THE STRUCTURE AND ADEQUACY OF THE SURCHARGE AND FUND

12 PROVIDED FOR UNDER THIS CHAPTER;

13 (2) OTHER LOCAL REVENUE OPTIONS TO SUPPORT 911 SERVICES;

14 AND

15 (3) ANY BENEFITS THAT COULD BE DERIVED FROM DISPATCHING

16 ALL 911 CALLS FROM COUNTY PSAPS.

17 § 5314. Inventory.

18 (a) Comprehensive inventory required.--The agency, in

19 consultation with the Pennsylvania State Police and the board, <--

20 shall conduct a comprehensive inventory of each county PSAP's

21 AND EACH PENNSYLVANIA STATE POLICE BARRACKS' THAT HAS A REMOTE <--

22 DISPATCH POINT facilities, hardware, software, communications

23 infrastructure, network capabilities and related equipment and

24 services procured to determine the status of each PSAP's 911

25 system's stage of advancement to NG911 and to develop a <--

26 comprehensive State plan for the implementation, operation,

27 maintenance and funding of a Statewide NG911 emergency services

28 Internet Protocol network that supports the interoperable and

29 coordinated delivery of Federal, State, regional and local

30 government NG911 emergency services.

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

3 (1) A record of databases, networks, radio, telephone
4 and equipment and correlated networks at each PSAP AND EACH <--
5 PENNSYLVANIA STATE POLICE BARRACKS THAT HAS A REMOTE DISPATCH
6 POINT.

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

9 ~~(3) PSAP 911 AND EACH PENNSYLVANIA STATE POLICE BARRACKS <--~~
10 ~~THAT HAS A REMOTE DISPATCH POINT emergency and nonemergency~~
11 ~~call volumes.~~

12 ~~(4) (3) Equipment/network system geographic limitations <--~~
13 ~~and capabilities.~~

14 ~~(5) Identification of new equipment that may be required <--~~
15 ~~to and equipment that may be reused to achieve NG911 status.~~

16 ~~(6) (4) A record of equipment or facilities that are or <--~~
17 ~~can be shared or colocated.~~

18 ~~(7) (5) A record of all leased equipment and date of <--~~
19 ~~each lease termination date.~~

20 ~~(8) A record of personnel resources and costs, including <--~~
21 ~~pension and benefit obligations at each PSAP AND EACH <--~~
22 ~~PENNSYLVANIA STATE POLICE BARRACKS THAT HAS A REMOTE DISPATCH~~
23 ~~POINT.~~

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

29 (c) Counties to cooperate.--Counties shall cooperate with
30 the agency by ~~supplying all of~~ PROVIDING the information <--

1 identified in this section and other information deemed
2 necessary by the agency to complete a comprehensive inventory of <--
3 all PSAPs operating 911 systems within this Commonwealth AN <--
4 INVENTORY AS REQUIRED UNDER SUBSECTION (A). Counties that do not
5 remit PROVIDE the information requested by the agency within 45 <--
6 days of the request shall result in the immediate suspension or <--
7 forfeiture of BE SUSPENDED FROM ANY GRANT OR FUNDING PROGRAM OR <--
8 BE REQUIRED TO FORFEIT fund disbursements. The agency, in
9 consultation with the board, the Pennsylvania State Police and <--
10 the Governor's Interoperability Council, shall complete the
11 inventory and issue a report detailing its findings and
12 recommendations to the General Assembly by October DECEMBER 31, <--
13 2015 MARCH 31, 2016. The agency shall be responsible for <--
14 maintaining and updating the inventory on a biannual basis.

15 Section 10. Section 5398 of Title 35 is amended to read:

16 § 5398. Termination.

17 This chapter, EXCEPT FOR SECTION 5304.2 (RELATING TO OPTIONAL <--
18 911 USER FEE), shall expire [June 30, 2015] June 30, 2019.

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

20 (1) The following provisions shall take effect
21 immediately:

22 (i) This section.

23 (ii) The amendment or addition of 35 Pa.C.S. §§
24 5303(b), (B.1), (B.2), (B.3), (B.4) AND (B.5) and, 5314 <--
25 AND 5398. <--

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

28 (3) The remainder of this act shall take effect July 1,
29 2015, or immediately, whichever is later.