

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 911 Session of
2015

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

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 15, 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) IMPLEMENTATION.--A USER FEE UNDER THIS SECTION MAY NOT <--
30 BE IMPOSED UNTIL 30 DAYS AFTER THE INITIAL DISTRIBUTION FORMULA

1 IS IMPLEMENTED UNDER SECTION 5306.1(E) (RELATING TO FUND).

2 ~~(J)~~ (K) DEFINITION.--AS USED IN THIS SECTION, THE TERM <--
3 "BUSINESS" INCLUDES ANY FOR-PROFIT ENTERPRISE OR NONPROFIT
4 ENTERPRISE THAT EMPLOYS ONE OR MORE INDIVIDUALS.

5 SECTION 2.2. SECTIONS 5305 AND 5306 OF TITLE 35 ARE AMENDED
6 TO READ:

7 § 5305. [County] 911 system plan.

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

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

28 (c) Agency review.--

29 (1) The agency shall review each county plan for
30 completeness and shall forward a copy of the county plan and

1 the proposed contribution rate to the council and the
2 commission for review as required by this section.

3 (2) After the county plan has been reviewed by the
4 council and the commission, the agency shall approve or
5 reject a county plan based on the recommendations of the
6 council and the commission.

7 (3) If the county plan is rejected, the agency shall
8 return the county plan and explain the deficiencies that
9 caused the rejection.

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

14 (e) Commission review.--

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

21 (2) If the commission fails to review the contribution
22 rate within 90 days, the contribution rate will be deemed
23 approved by the commission.

24 (f) Present systems.--

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

30 (2) A county which did not have a 911 system in

1 operation on September 4, 1990, but which awarded a contract
2 for a 911 system prior to September 4, 1990, shall be
3 considered to have a present system.

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

9 (g.1) Contribution rate.--

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

19 (2) The following shall apply:

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

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

1 equipment, maintenance and operation of 911 systems).

2 (iii) Expenses not eligible for reimbursement
3 through the contribution rate shall include purchase of
4 real estate, cosmetic remodeling, central office
5 upgrades, hiring of dispatchers, ambulances, fire engines
6 or other emergency vehicles, utilities, taxes and other
7 expenses as determined by the Pennsylvania Emergency
8 Management Agency.

9 (h) Contribution rate changes.--

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

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

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

24 (i) Assessment.--

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

28 (2) The contribution rate may be imposed at any time
29 subsequent to the execution of a contract with the provider
30 of a 911 service at the discretion of the governing body of

1 the county and pursuant to approval of the county plan and
2 contribution rate under the provisions of this section.

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

4 (i) Is a county fee collected by the telephone
5 company.

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

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

10 (b) Board review.--

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

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

18 (c) Regional systems.--Nothing in this chapter shall be
19 construed to prohibit the formation of multijurisdictional or
20 regional 911 systems.

21 [§ 5306. Special public meeting.

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

26 (b) Requirements.--The proposed contribution rate shall be
27 fixed by the governing body of the county in the following
28 manner:

29 (1) The governing body shall cause notice of intention
30 to fix the contribution rate at a special public meeting on a

1 date certain to be published in a newspaper of general
2 circulation at least ten days in advance of the special
3 public meeting. The notice shall include the precise amount
4 of the proposed monthly contribution rate.

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

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

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

11 § 5306.1. Fund.

12 (a) Establishment.--There is established in the State
13 Treasury a nonlapsing restricted interest-bearing account to be
14 known as the 911 Fund. MONEY IN THE FUND AND THE INTEREST THE <--
15 MONEY ACCRUES IS APPROPRIATED TO THE AGENCY TO BE DISBURSED BY
16 THE AGENCY.

17 (b) Composition of fund.--The fund shall consist of the <--
18 following: FOLLOWING MONEY SHALL BE DEPOSITED IN THE FUND: <--

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

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

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

27 (4) Interest accrued by the fund.

28 (c) Use.--

29 (1) The money in the fund shall be used only for
30 reasonably necessary costs that enhance, operate or maintain

1 a 911 system in this Commonwealth, in accordance with the
2 Statewide 911 plan established by the agency. For the
3 purposes of this paragraph, reasonably necessary costs shall
4 be determined by the agency, in consultation with the board,
5 consistent with the following:

6 (i) The agency shall establish factors for
7 reasonably necessary costs.

8 (ii) The agency shall provide the factors annually
9 through agency guidelines.

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

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

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

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

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

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

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

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

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

23 ~~(e) Distribution formula considerations.--~~

24 ~~(1) The distribution formula established by the agency~~
25 ~~under subsection (d) shall fairly and proportionately reflect~~
26 ~~911 system needs.~~

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

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

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

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

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

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

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

16 (5) In development of the distribution formula, the
17 agency, in consultation with the board, shall consider the
18 911 system's average reported allowable 911 system costs for
19 the five years immediately preceding the effective date of
20 this section.

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

30 (f) Interim distribution formula.--Commencing on the

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

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

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

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

23 (g) Surplus.--

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

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

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

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

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

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

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

26 § 5306.2. Uniform 911 surcharge.

27 (a) Surcharge imposed.--Each subscriber or consumer shall
28 pay a surcharge of \$1.65 PER MONTH for each 911 communications <--
29 service or prepaid wireless device for which that subscriber or
30 consumer is billed by a provider or seller. The surcharge shall

1 be collected apart from and in addition to a fee levied by the
2 provider or seller, in whole or in part, for the provision of
3 911 services. The surcharge shall be subject to the following:

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

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

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

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

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

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

30 (2) Providers shall not be liable for the unpaid

1 amounts.

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

7 (4) The surcharge shall not be:

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

14 (ii) Considered revenue of the provider.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (7) EACH VOIP PROVIDER SHALL COLLECT THE UNIFORM 911 <--
24 SURCHARGE FOR THE NUMBER OF VOIP SERVICE LINES FOR WHICH THE
25 VOIP PROVIDER HAS ENABLED THE CAPACITY FOR SIMULTANEOUS
26 OUTBOUND CALLS REGARDLESS OF ACTUAL USAGE.

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

30 [(c) Restricted account.--

1 (1) The county treasurer or, in a home rule county, the
2 county official responsible for the collection and
3 disbursement of funds shall deposit the money received in an
4 interest-bearing restricted account used solely for the
5 purpose of nonrecurring and recurring charges billed for the
6 911 system and for the purpose of making payments under
7 subsection (d).

8 (2) The governing body of the county shall make an
9 annual appropriation from the account for the 911 system,
10 subject to the provisions of subsection (d), and may retain
11 up to 1% of the gross receipts collected to cover
12 administrative costs.

13 (3) If the 911 system is discontinued or a county fails
14 to implement a 911 system within three years from the
15 imposition of a monthly contribution rate, any money
16 remaining in the restricted account after all payments to the
17 911 service supplier have been made shall be transferred to
18 the general fund of the county or proportionately to the
19 general funds of each participating public agency.

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

30 (e) Collection enforcement.--

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

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

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

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

28 (c) Applicability.--The provisions of this section shall not
29 apply to sellers or consumers of prepaid wireless
30 telecommunications service.

1 Section 5. Title 35 is amended by adding a section to read:
2 § 5307.1. Payment, collection and remittance of surcharge by
3 sellers of prepaid wireless telecommunications
4 service.

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

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

9 (2) The surcharge shall be applied to the cost of each
10 retail transaction regardless of whether the retail
11 transaction occurred in person, by telephone, through the
12 Internet or by any other method. A retail transaction that is
13 ~~effected~~ CONDUCTED in person by a consumer at a business <--
14 location of the seller shall be treated as occurring in this
15 Commonwealth if that business location is in this
16 Commonwealth, ~~and any.~~ ANY other retail transaction shall be <--
17 treated as occurring in this Commonwealth if the retail
18 transaction is treated as occurring in this Commonwealth ~~for~~ <--
19 ~~the purposes of~~ UNDER section 202(e.1) of the act of March 4, <--
20 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

21 (3) The surcharge shall be either separately stated on
22 an invoice, receipt or other similar document that is
23 provided to the consumer by the seller or otherwise
24 conspicuously disclosed to the consumer by the seller.

25 (4) The surcharge is a liability of the consumer and not
26 of the seller or any provider, except that the seller shall
27 be liable to remit any surcharge collected from ~~consumers A~~ <--
28 CONSUMER as provided under paragraph (6), including the
29 charges that the seller is deemed to collect if the amount of
30 the surcharge has not been separately stated on an invoice,

1 receipt or other similar document provided to the consumer by
2 the seller.

3 (5) The amount of the surcharge that is collected by a
4 seller from a consumer, whether or not the amount is
5 separately stated on an invoice, receipt or similar document
6 provided to the consumer by the seller, shall not be included
7 in the base for measuring a tax, fee, surcharge or other
8 charge that is imposed by the Commonwealth, a political
9 subdivision or an intergovernmental agency.

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

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

24 (8) The provision of section 5311.1 (relating to
25 immunity) shall apply to prepaid wireless providers and
26 sellers.

27 (9) The surcharge shall be the only 911 funding
28 obligation imposed regarding prepaid wireless
29 telecommunications service in this Commonwealth. A tax, fee,
30 surcharge or other charge may not be imposed by the

1 Commonwealth, a political subdivision or an intergovernmental
2 agency for 911 funding purposes on a seller or consumer with
3 respect to the sale, purchase, use or provision of prepaid
4 wireless telecommunications service. The surcharge shall not
5 be considered revenue of any seller.

6 (10) Each seller that remits the surcharge shall certify
7 the accuracy of the remittance annually using the procedures
8 and forms provided by the agency.

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

11 (1) The department shall establish procedures by which a
12 seller of prepaid wireless telecommunications service may
13 document that a sale is not a retail transaction, which
14 procedures shall substantially coincide with the procedures
15 for documenting sale for resale transactions for sales and
16 use tax purposes under Article II of the Tax Reform Code of
17 1971.

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

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

25 Section 6. Sections 5308, 5309, 5310, ~~5311.1~~, 5311.2, <--
26 5311.3, 5311.4, 5311.5, 5311.6, 5311.7, 5311.8, 5311.9, 5311.10,
27 5311.11, 5311.12, 5311.13 and 5311.14 of Title 35 are amended to
28 read:

29 [§ 5308. Expenditures for nonrecurring costs, training, mobile
30 communications equipment, maintenance and operation

1 of 911 systems.

2 (a) Expenditures authorized.--During a county's fiscal year,
3 the county may expend the amounts distributed to it from the
4 contribution rate for the nonrecurring costs, training, costs
5 for mobile communications equipment, maintenance and operation
6 of a county 911 system.

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

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

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

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

23 (c) Limitations on expenditures.--

24 (1) The agency shall adopt procedures to assure that the
25 total amount collected from the 911 contribution rate shall
26 be expended only for the nonrecurring costs, costs for mobile
27 communications equipment, maintenance and operation of a
28 county 911 system.

29 (2) Nonrecurring costs shall be amortized over a minimum
30 of three years.

1 (d) Triennial financial audit.--

2 (1) The agency shall require a triennial audit of each
3 county's collection and disbursement of contribution rate
4 funds and expenditures for the nonrecurring costs, training,
5 costs for mobile communications equipment, maintenance and
6 operation of 911 systems.

7 (2) The triennial audit cost shall be paid by the
8 respective county from contribution rate revenues and shall
9 be conducted consistent with guidelines established by the
10 agency.

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

16 § 5309. Telephone records.

17 (a) Access.--A telephone service supplier shall provide
18 customer telephone numbers, names and service addresses to PSAPs
19 when requested by them for use in responding to 911 calls and,
20 when required, to providers of emergency notification services
21 and emergency support services, solely for the purposes of
22 delivering or assisting in the delivery of emergency
23 notification services and emergency support services. A wireless
24 provider shall provide the telephone number and geographical
25 location of the wireless device, as required under the FCC E-911
26 Order, to PSAPs when requested by them for use in responding to
27 911 calls. Customer telephone numbers, names and service
28 addresses, and telephone numbers and geographical locations of
29 wireless devices, shall remain the property of the disclosing
30 service supplier. The total cost of the 911 system [or wireless

1 E-911 system] shall include expenses to reimburse telephone
2 service suppliers for providing and maintaining 911 information.
3 A telephone service supplier shall not be reimbursed directly
4 from the fund for providing and maintaining 911 information.
5 This information shall be used only in providing emergency
6 response services to a 911 call or for purposes of delivering or
7 assisting in the delivery of emergency notification services or
8 emergency support services[, except as provided in subsection <--
9 (c)]. A person who uses or discloses ANI/ALI database <--
10 information for purposes other than providing emergency response
11 services to a 911 call, delivering or assisting in the delivery
12 of emergency notification services [or emergency support <--
13 services or other than as provided in subsection (c)] commits a <--
14 misdemeanor of the third degree.

15 (b) Privacy waived.--Private listing service customers in a
16 911 service district shall waive the privacy afforded by
17 nonlisted and nonpublished numbers with respect to the delivery
18 of emergency services.

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

27 (1) for release to PSAPs, providers of emergency
28 notification services or providers of emergency support
29 services of information specified in this section, including
30 nonpublished telephone numbers;

1 (2) for release to the commission, the Federal
2 Communications Commission or any other Federal or
3 Commonwealth agency with the authority to regulate the
4 provision of telecommunications services of telephone company
5 information specified in this section that is not already
6 part of public records, including, as applicable, information
7 regarding numbers of lines served by an individual company
8 but excluding nonpublic information regarding the company's
9 individual customer names, addresses and telephone numbers;
10 or

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

22 § 5310. Penalty.

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

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

28 (1) Uses or discloses database information for wireless
29 service, VoIP service, other emergency communications service
30 or next generation 911 service or ~~successor service~~ FUTURE <--

1 TECHNOLOGY PROVIDING THE SAME OR SIMILAR FUNCTIONALITY for
2 purposes other than handling a call to a 911 system, or a
3 system used for other emergency communications service, next
4 generation 911 service or ~~successor service~~ FUTURE TECHNOLOGY <--
5 PROVIDING THE SAME OR SIMILAR FUNCTIONALITY, without consent
6 of the subscriber or consumer as otherwise provided by
7 applicable Federal or State law.

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

14 § 5311.1. Immunity.

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

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

28 ~~(b) Sovereign immunity reaffirmed. No provision of this~~
29 ~~chapter shall constitute a waiver of sovereign immunity for the~~
30 ~~purpose of 1 Pa.C.S. § 2310 (relating to sovereign immunity~~

1 ~~reaffirmed; specific waiver) or 42 Pa.C.S. Ch. 85 Subch. C~~
2 ~~(relating to actions against local parties).~~

3 ~~(c) Specific immunity.~~

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

5 ~~(i) Providers, prepaid wireless providers and~~
6 ~~sellers.~~

7 ~~(ii) Other emergency communications service~~
8 ~~providers.~~

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

10 ~~(iv) An entity that provides access to 911~~
11 ~~communications service using next generation 911~~
12 ~~technology.~~

13 ~~(v) A vendor, agent, employee, officer or director~~
14 ~~of a provider, other emergency communications service~~
15 ~~provider, 911 service provider or entity that provides~~
16 ~~access to 911 communications service using next~~
17 ~~generation 911 technology, providers of emergency~~
18 ~~notification services or providers of emergency support~~
19 ~~services.~~

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

26 ~~(i) release to PSAPs, providers of emergency~~
27 ~~notification services or providers of emergency support~~
28 ~~services of information specified in this section,~~
29 ~~including nonpublished telephone numbers;~~

30 ~~(ii) release to the agency, the board, the Federal~~

~~Communications Commission or any other Federal or
Commonwealth agency of information specified in this
section that is not already part of the public records,
including, as applicable, information regarding numbers
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.~~

1 (2) A 911 SERVICE PROVIDER.

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

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

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

8 (1) THE RELEASE TO PSAPS, PROVIDERS OF EMERGENCY
9 NOTIFICATION SERVICES OR PROVIDERS OF EMERGENCY SUPPORT
10 SERVICES OF INFORMATION AUTHORIZED UNDER THIS CHAPTER,
11 INCLUDING NONPUBLISHED TELEPHONE NUMBERS.

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

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

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

30 [§ 5311.2. Powers and duties of agency.

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

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

7 (2) To oversee the development, implementation,
8 operation and maintenance of a Statewide integrated wireless
9 E-911 system, formulate technical standards and determine
10 permitted uses of and amounts disbursed from the Wireless E-
11 911 Emergency Services Fund, including the costs of PSAPs and
12 wireless providers that are eligible for payment from the
13 fund.

14 (3) To approve each county's county plan, or amendment
15 to its agency-approved county plan, incorporating wireless E-
16 911 service capabilities as may be submitted by the county to
17 the agency.

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

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

1 the FCC E-911 Order. Under the plan, the agency shall:

2 (1) Establish model agreements for mutual aid
3 agreements, cross-service agreements, service contracts and
4 all other documents by and among public agencies, PSAPs and
5 wireless providers that may be required in the implementation
6 of the wireless E-911 State plan, review the agreements and
7 documents for consistency with the applicable county plan and
8 assist the parties in assuring their execution.

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

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

26 (4) Forward a copy of the completed plan and any
27 revision of the plan to all affected counties, PSAPs,
28 wireless providers, local exchange carriers, competitive
29 local exchange carriers and interexchange carriers.

30 (5) Require each wireless provider to provide the agency

1 with a 24-hour, seven-days-a-week contact telephone number or
2 pager number for use by PSAPs in emergency situations.

3 § 5311.3. Advisory committee.

4 (a) Establishment.--There is established an advisory
5 committee to be known as the E-911 Emergency Services Advisory
6 Committee.

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

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

11 (2) Two county commissioners.

12 (3) Four county 911 program managers.

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

15 (5) Two landline telephone service provider
16 representatives.

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

19 (7) The chairman and minority chairman of the
20 Communications and Technology Committee of the Senate and the
21 chairman and minority chairman of the Veterans Affairs and
22 Emergency Preparedness Committee of the House of
23 Representatives, or their designees.

24 The Governor, upon recommendation of the applicable Statewide
25 organizations, associations and industry segments, shall appoint
26 the committee members, who will each serve a two-year term.
27 Advisory committee membership shall be limited to one
28 representative per organization or corporate entity.

29 (c) Roles and responsibilities.--The advisory committee
30 shall make recommendations to the agency regarding the

1 formulation of technical, administrative and operational
2 standards for use in overseeing 911 programs Statewide.

3 (d) Reimbursement.--The members of the advisory committee
4 shall serve without compensation but shall be reimbursed for
5 their actual and necessary travel and other expenses in
6 connection with attendance at meetings called by the
7 chairperson.

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

11 (1) A wireless subcommittee shall be created as a
12 permanent subcommittee and shall consist of the following
13 persons:

14 (i) The advisory committee chairperson.

15 (ii) Two county commissioners.

16 (iii) Four county 911 program managers.

17 (iv) Four representatives of wireless providers
18 licensed by the Federal Communications Commission.

19 (v) Two landline telephone service provider
20 representatives.

21 (2) Wireless subcommittee roles and responsibilities:

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

25 (ii) To make recommendations to the agency regarding
26 the preparation and periodic revision of a wireless E-911
27 State plan providing for the development, implementation,
28 operation and maintenance of a Statewide integrated
29 wireless E-911 system in accordance with the FCC E-911
30 Order.

1 (iii) To make recommendations to the agency
2 regarding the approval or disapproval of wireless
3 provider service agreements and the formulation of
4 technical standards.

5 (iv) To make recommendations to the agency regarding
6 the development of guidelines, rules and regulations
7 required to address the administration of the Statewide
8 E-911 wireless plan and the disbursement of money from
9 the Wireless E-911 Emergency Services Fund.

10 (v) To make recommendations to the agency regarding
11 the development of the annual report required of the
12 agency by this chapter, including, but not limited to,
13 recommendations concerning adjustments of the wireless E-
14 911 surcharge.

15 § 5311.4. Wireless E-911 Emergency Services Fund.

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

25 (1) PSAP and wireless provider costs resulting from
26 compliance with the FCC E-911 Order, including development,
27 implementation and testing, operation and maintenance of a
28 Statewide integrated wireless E-911 system. Costs paid from
29 the fund must be eligible recurring or nonrecurring costs as
30 determined by the agency in accordance with sections

1 5311.2(a) (relating to powers and duties of agency) and
2 5311.5 (relating to disbursement of fund amounts by agency)
3 for wireless E-911 service provided in accordance with the
4 FCC E-911 Order or a county plan or amended county plan
5 approved by the agency.

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

12 (i) the costs are not included in the costs paid
13 under paragraph (1) and the approved E-911 costs provided
14 in paragraph (1) have been reimbursed; and

15 (ii) the costs do not exceed the percentage of the
16 actual ratio of demonstrated wireless calls to
17 demonstrated total emergency call volume times the amount
18 of money in the fund, and further:

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

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

30 (C) The amount of the costs that may be

1 reimbursed is limited to 75% of the fund if a
2 majority of wireless providers serving the geographic
3 area covered by the PSAP have been tested and
4 accepted by the PSAP for wireless E-911 Phase II
5 service.

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

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

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

27 (1) Wireless providers shall collect the fee on behalf
28 of the agency as part of their billing process and shall have
29 no obligation to take any legal action to enforce the
30 collection of the surcharge. Action may be brought by or on

1 behalf of the agency. Upon written request of the agency,
2 each wireless provider shall annually provide a list of the
3 names and addresses of those wireless service customers
4 carrying a balance that have failed to pay the wireless E-911
5 surcharge. The wireless provider shall not be liable for the
6 unpaid amounts.

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

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

18 (4) The provisions of this subsection shall not apply to
19 sellers, providers or consumers of prepaid wireless
20 telecommunications service.

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

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

29 (2) A prepaid wireless E-911 surcharge shall be
30 collected by the seller from the consumer for each retail

1 transaction occurring in this Commonwealth. The amount of the
2 prepaid wireless E-911 surcharge shall be either separately
3 stated on an invoice, receipt or other similar document that
4 is provided to the consumer by the seller or otherwise
5 disclosed to the consumer. A retail transaction that is
6 effected in person by a consumer at a business location of
7 the seller shall be treated as occurring in this Commonwealth
8 if that business location is in this Commonwealth, and any
9 other retail transaction shall be treated as occurring in
10 this Commonwealth if the retail transaction is treated as
11 occurring in this Commonwealth for the purposes of section
12 202(e.1) of the act of March 4, 1971 (P.L.6, No.2), known as
13 the Tax Reform Code of 1971.

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

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

1 (5) The prepaid wireless E-911 surcharge shall be
2 proportionately increased or reduced, as applicable, upon any
3 change to the wireless E-911 surcharge imposed under
4 subsection (b). The increase or reduction shall be effective
5 on the effective date of the change to the surcharge imposed
6 under subsection (b) or, if later, the first day of the first
7 calendar month to occur at least 60 days after the effective
8 date of the change to the surcharge imposed under subsection
9 (b). The Department of Revenue shall provide not less than 30
10 days' notice of an increase or reduction on its public
11 Internet website.

12 (6) Prepaid wireless E-911 surcharges collected by a
13 seller shall be remitted to the Department of Revenue at the
14 times provided under Article II of the Tax Reform Code of
15 1971. The department shall establish payment procedures that
16 substantially coincide with the payment procedures of Article
17 II of the Tax Reform Code of 1971, except the department may
18 require the filing of returns and the payment of the
19 surcharge by electronic means.

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

27 (8) The assessment, audit, appeal, collection and
28 enforcement procedures and other pertinent provisions
29 applicable to the sales and use tax imposed under Article II
30 of the Tax Reform Code of 1971 shall apply to prepaid

1 wireless E-911 surcharges.

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

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

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

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

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

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

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

6 (2) Wireless providers and PSAPs shall be entitled to
7 payment from the fund in the manner provided in section
8 5311.5(c) for the following costs:

9 (i) recurring 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; and

14 (ii) nonrecurring costs approved by the agency under
15 agency rules associated with the development,
16 implementation, operation and maintenance of wireless E-
17 911 service in the geographic area served by the
18 requesting PSAP.

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

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

1 be paid as provided in section 5311.5.

2 (5) Nothing in this chapter shall prevent a wireless
3 provider from recovering its costs of implementing and
4 maintaining wireless E-911 service directly from its
5 customers, whether itemized on the customer's bill or by any
6 other lawful method. No wireless provider that levies a
7 separate fee for provision of E-911 wireless service in the
8 geographic area served by the requesting PSAP may receive a
9 reimbursement for the same costs.

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

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

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

20 (3) Until the nonrecurring costs have been recovered by
21 a wireless provider, the total amount it has been reimbursed
22 by the agency for nonrecurring costs associated with the
23 development, implementation, operation and maintenance of
24 wireless E-911 service during the reporting period.

25 (f) Information to be supplied by wireless providers.--
26 Wireless providers shall provide the agency with the information
27 it shall request in writing in order to discharge its
28 obligations under this section, including the collection and
29 deposit of the wireless E-911 surcharge and its administration
30 of the fund. Information supplied by wireless providers under

1 this section shall remain confidential, and release of the
2 information shall be governed by section 5311.7 (relating to
3 public disclosure and confidentiality of information).

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

8 (h) Surcharge sunset.--The wireless E-911 surcharge fee
9 established in subsections (b) and (b.1) shall terminate on June
10 30, 2015, unless extended by an act of the General Assembly.

11 § 5311.5. Disbursement of fund amounts by agency.

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

18 (1) To pay the costs of PSAPs and wireless providers
19 provided for in section 5311.4(a)(1) and (d)(2) (relating to
20 Wireless E-911 Emergency Services Fund) and the costs of
21 PSAPs provided for in section 5311.4(a)(2).

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

24 (3) To educate consumers regarding the operations,
25 limitations, role and responsible use of wireless E-911
26 service.

27 (b) Limitations on use of fund amounts by PSAPs.--No PSAP
28 shall receive a disbursement from the fund for any cost
29 necessary to house the wireless E-911 system or for the purchase
30 of real estate, cosmetic remodeling, ambulances, fire engines or

1 other emergency vehicles, utilities, taxes and other expenses as
2 determined by the agency. No PSAP may be funded for more than
3 70% of its agency-approved personnel training, salary and
4 benefit costs during the agency's fiscal year.

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

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

28 (2) Following the payment of approved costs to a PSAP
29 for Phase I deployment of wireless E-911 service as set forth
30 in the FCC E-911 Order, but only after the PSAP has issued

1 its request to wireless providers to furnish Phase I wireless
2 E-911 service pursuant to the FCC E-911 Order, the agency
3 shall pay the approved costs of wireless providers that are
4 payable in the quarter to provide the requested wireless E-
5 911 service to that PSAP.

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

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

1 provider and shall provide a procedure for the
2 reconsideration.

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

4 (1) If the total amount of money in the fund in any
5 quarter is insufficient to pay for both agency-approved PSAP
6 costs and agency-approved wireless provider costs which are
7 payable in the quarter under subsection (c) for both Phase I
8 deployment and Phase II deployment of wireless E-911 service
9 as set forth in the FCC E-911 Order, then payments from the
10 fund for that quarter shall be made as follows:

11 (i) The agency-approved Phase I deployment costs of
12 a PSAP and those wireless providers to which the PSAP has
13 issued its request for Phase I wireless E-911 service
14 shall be paid before any agency-approved costs for Phase
15 II deployment are paid.

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

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

1 available in the quarter for payment of Phase II
2 deployment costs.

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

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

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

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

22 § 5311.6. Reporting.

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

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

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

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

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

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

20 (6) The amount of any unexpended funds carried forward
21 in the fund.

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

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

30 (b) Study of wireless E-911 emergency services

1 implementation and operation.--The agency, after consideration
2 of the recommendations of the advisory committee, shall report
3 to the Governor and the General Assembly no less than
4 triennially its recommendations concerning wireless E-911
5 implementation and operation, including, but not limited to,
6 necessary or required actions which must be undertaken in
7 response to the Federal Communication Commission's directive in
8 the FCC E-911 Order. The report shall recommend measures to be
9 taken by the General Assembly.]

10 § 5311.7. [Public disclosure and confidentiality] Prohibition
11 against release of information.

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

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

1 commercial information and other proprietary information
2 attributable to any provider may be made public.

3 [§ 5311.8. Wireless provider and VoIP provider records.

4 (a) Access.--Upon request from and pursuant to agreement
5 with a PSAP, each wireless provider shall provide E-911 service
6 database information, and each VoIP provider shall provide VoIP
7 service database information or automatic location information
8 as permitted under the law to the requesting PSAP. The
9 information shall remain the property of the disclosing wireless
10 provider or VoIP provider and, except as otherwise provided by
11 applicable Federal or State law, shall be used by the PSAP only
12 in connection with providing emergency response services to a
13 call to a 911 system or to a wireless E-911 system.

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

16 (1) Uses or discloses wireless E-911 service database
17 information or VoIP service database information for purposes
18 other than handling a call to a 911 system or to a wireless
19 E-911 system without the consent of the wireless service
20 customer or VoIP service customer or as otherwise provided by
21 applicable Federal or State law.

22 (2) Knowingly uses the telephone number of a 911 system,
23 wireless E-911 system or VoIP service database information to
24 avoid any charges for the services of a local exchange
25 carrier, competitive local exchange carrier, interexchange
26 carrier, wireless provider or VoIP provider.

27 (c) Privacy waived.--The provisions of 66 Pa.C.S. § 2906
28 (relating to dissemination of telephone numbers and other
29 identifying information) shall not apply to wireless providers
30 or VoIP providers to the extent they are engaged in providing

1 wireless E-911 service, 911 service or related services.

2 § 5311.9. Immunity.

3 (a) Generally.--

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

5 (i) A wireless provider or VoIP provider.

6 (ii) An officer or director of a wireless provider
7 or VoIP provider.

8 (iii) An employee or agent of a wireless provider or
9 VoIP provider.

10 (iv) A vendor of a wireless provider or VoIP
11 provider.

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

18 (i) the wireless provider or VoIP provider;

19 (ii) an officer or director of the wireless provider
20 or VoIP provider;

21 (iii) an employee or agent of the wireless provider
22 or VoIP provider; or

23 (iv) a supplier of the wireless provider or VoIP
24 provider.

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

27 (b) Parity of liability.--A wireless provider or VoIP
28 provider shall have the same immunity from liability for
29 transmission errors or failures, network outages or other
30 technical problems that arise in the course of handling

1 emergency calls or providing emergency services, including
2 wireless E-911 service, as a local exchange carrier enjoys in
3 the course of handling the calls or providing the services.

4 (c) Release of information.--

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

6 (i) A wireless provider or VoIP provider.

7 (ii) An employee or agent of a wireless provider or
8 VoIP provider.

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

14 § 5311.10. Agency funding for wireless E-911 support.

15 The agency is authorized to retain up to 2% of the annual
16 wireless E-911 surcharge and prepaid wireless E-911 surcharge
17 proceeds to pay for agency expenses directly related to
18 administering the wireless E-911 provisions of this chapter.
19 Expenses under this section include personnel, travel,
20 administrative, financial auditing and printing costs.]

21 § 5311.11. Rate regulation.

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

30 [§ 5311.12. Regulations.

1 The council has the power to issue statements of policy and
2 to promulgate regulations for the implementation of this
3 chapter.

4 § 5311.13. Enforcement.

5 In addition to any powers expressly enumerated in this
6 chapter, the agency has the power and duty to enforce and
7 execute, by its regulations or otherwise, this chapter. The
8 agency may institute injunction, mandamus or other appropriate
9 legal proceedings to enforce this chapter and regulations
10 promulgated under this chapter.

11 § 5311.14. Collection and disbursement of VoIP 911 fee.

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

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

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

20 (A) quarterly; or

21 (B) at the option of the provider or
22 telecommunications carrier, monthly.

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

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

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

27 (I) To the county official responsible for
28 the collection and disbursement of funds.

29 (II) At the option of the remitter, to the
30 State Treasurer. Election of the option shall be

1 by regulations established by the agency, which
2 shall include appropriate notification to the
3 affected counties of the exercise of this option.

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

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

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

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

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

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

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

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

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

27 (ii) shall then remit to the county or the State
28 Treasurer the lesser amount resulting from the
29 application of the payment.

30 (4) The fees collected and remitted under this

1 subsection shall not:

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

4 (ii) be considered revenue of the VoIP provider for
5 any purpose.

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

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

12 (ii) If remittance is made to the State Treasurer,
13 1%.

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

26 (b) Reporting by VoIP providers.--

27 (1) With each remittance under subsection (a), a VoIP
28 provider and telecommunications carrier shall supply the
29 following information to the individual receiving the
30 remittance and to the agency the total fees collected under

1 subsection (a) (1) from its VoIP service customers during the
2 reporting period. If the telecommunications carrier has
3 remitted the fees to the county or the agency pursuant to an
4 agreement with the VoIP provider, the VoIP provider shall
5 provide notification of the reporting agreement along with
6 the telecommunications carrier's name and 911 or E-911
7 account number.

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

16 (b.1) Confidentiality.--Information supplied by VoIP
17 providers under this section shall remain confidential, and
18 release of the information shall be governed by section 5311.7
19 (relating to public disclosure and confidentiality of
20 information).

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

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

28 (e) Establishment of fund.--There is established in the
29 State Treasury a nonlapsing restricted interest-bearing account
30 to be known as the VoIP 911 Emergency Services Fund. The VoIP

1 911 Emergency Services Fund shall consist of the fees remitted
2 to the State Treasurer under this section.

3 (f) Distribution of fees.--Money in the VoIP 911 Emergency
4 Services Fund and the interest it accrues are appropriated on a
5 continuing basis to the agency to be disbursed by the agency.
6 The agency shall make quarterly disbursements from the account
7 to each county by March 31, June 30, September 30 and December
8 31 in an amount equal to the amount of fees collected from VoIP
9 service customers located in that county. The disbursements are
10 for the purpose of assisting counties with the implementation of
11 an agency-approved plan adopted under section 5305 (relating to
12 county plan). The agency may retain up to 1% of the fees for
13 costs incurred in administering this subsection.]

14 Section 7. Title 35 is amended by adding sections to read:
15 § 5311.15. Shared residential MLTS service.

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

21 § 5311.16. Business MLTS.

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

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

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

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

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

8 § 5311.17. Shared communications services.

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

15 § 5311.18. Temporary residence.

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

23 § 5311.19. Local notification.

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

26 (1) Shall implement local notifications if operating an
27 MLTS service installed after the effective date of this
28 section.

29 (2) May implement local notification if operating an
30 MLTS service installed before the effective date of this

1 section.

2 § 5311.20. ALI database maintenance.

3 If applicable, MLTS operators must arrange to update the ALI
4 database with an appropriate ~~Master Street Address Guide~~ MASTER <--
5 STREET ADDRESS GUIDE valid address and callback information for
6 each MLTS telephone, such that the location information
7 specifies the ERL of the caller. These updates must be
8 downloaded or otherwise made available to the ALI database
9 provider as soon as practicable for a new MLTS installation, or
10 within one business day of record completion of the actual
11 changes for MLTS installed before the effective date of this
12 section. The information is subject to all Federal and State
13 privacy and confidentiality laws. The MLTS operator shall audit
14 accuracy of information contained in the ALI database at least
15 once annually.

16 § 5311.21. Industry standards.

17 Local exchange carriers and providers shall be responsible
18 for providing 911 call interconnectivity through the use of
19 generally accepted industry standards.

20 § 5311.22. Dialing instructions.

21 An owner or operator of a multiline telephone system
22 installed after the effective date of this section shall ensure
23 that the system is connected to the public switched telephone
24 network in such a manner that when a user dials 911, the
25 emergency call connects directly to the appropriate 911 system:

- 26 (1) without first dialing any numbers or set of numbers;
27 and
28 (2) without being intercepted by a switchboard operator,
29 attendant or other designated onsite individual.

30 § 5311.23. MLTS signaling.

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

6 § 5311.24. MLTS operator education.

7 Each public agency providing 911 educational programs is
8 encouraged to develop a program to educate MLTS operators
9 related to accessing 911 emergency telephone systems and
10 coordinate adequate testing of the MLTS interface to the 911
11 system.

12 § 5311.25. Limitation of liability.

13 A local exchange carrier, Internet service provider,
14 manufacturer or provider of MLTS, MLTS manager, MLTS operator or
15 911 service provider shall not be liable for civil damages or
16 penalties as a result of any act or omission, except willful or
17 wanton misconduct, in connection with developing, adopting,
18 operating or implementing any plan or system required under this
19 chapter.

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

21 [§ 5312.1. Legislative study.

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

30 (1) The efficacy by which the VoIP service 911 fee, the

1 contribution rate, the wireless E-911 surcharge and the
2 prepaid wireless E-911 surcharge are collected and remitted
3 for intended purposes set forth in this chapter.

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

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

8 (4) The method and amount of funding collected through
9 the VoIP service 911 fee, the contribution rate, the wireless
10 E-911 surcharge and the prepaid wireless E-911 surcharge in
11 comparison to 911 and wireless E-911 funding systems utilized
12 in other states.

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

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

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

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

23 (9) The issues the Commonwealth will need to consider in
24 incorporating "Next Generation 911" and other nontraditional
25 communication technologies into its emergency response
26 system.

27 (10) Any technology-neutral 911 funding options by
28 either the Commonwealth or political subdivisions which do
29 not rely on disparate technologies, fee amounts and grant
30 structures.

1 (b) Report.--The committee shall submit a final report with
2 recommendations to the Secretary of the Senate and the Chief
3 Clerk of the House of Representatives by December 31, 2011, and
4 shall transmit a copy of the final report to the Legislative
5 Reference Bureau for publication in the Pennsylvania Bulletin
6 within 30 days of the submission of the final report.]

7 Section 9. Title 35 is amended by adding sections to read:
8 § 5313. Legislative report.

9 Within two years of the effective date of this section, the
10 agency IN CONSULTATION WITH THE BOARD shall prepare and submit <--
11 to the General Assembly a report and recommendations on the
12 impacts of current and anticipated technological and market
13 changes on the provision of 911 communications service,
14 including the structure and adequacy of the surcharge and fund <--
15 provided for under this chapter.: <--

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

18 (2) OTHER LOCAL REVENUE OPTIONS TO SUPPORT 911 SERVICES;
19 AND

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

22 § 5314. Inventory.

23 (a) Comprehensive inventory required.--The agency, in
24 consultation with the Pennsylvania State Police and the board, <--
25 shall conduct a comprehensive inventory of each county PSAP's
26 AND EACH PENNSYLVANIA STATE POLICE BARRACKS' THAT HAS A REMOTE <--
27 DISPATCH POINT facilities, hardware, software, communications
28 infrastructure, network capabilities and related equipment and
29 services procured to determine the status of each PSAP's 911
30 system's stage of advancement to NG911 and to develop a <--

1 ~~comprehensive State plan for the implementation, operation,~~
2 ~~maintenance and funding of a Statewide NG911 emergency services~~
3 ~~Internet Protocol network that supports the interoperable and~~
4 ~~coordinated delivery of Federal, State, regional and local~~
5 ~~government NG911 emergency services.~~

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

8 (1) A record of databases, networks, radio, telephone
9 and equipment and correlated networks at each PSAP AND EACH <--
10 PENNSYLVANIA STATE POLICE BARRACKS THAT HAS A REMOTE DISPATCH
11 POINT.

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

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

17 ~~(4) (3) Equipment/network system geographic limitations~~ <--
18 ~~and capabilities.~~

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

21 ~~(6) (4) A record of equipment or facilities that are or~~ <--
22 ~~can be shared or colocated.~~

23 ~~(7) (5) A record of all leased equipment and date of~~ <--
24 ~~each lease termination date.~~

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

29 ~~(9) PSAP ease of ability THE AGENCY'S ASSESSMENT OF THE~~ <--
30 ~~ABILITY OF PSAPS AND EACH PENNSYLVANIA STATE POLICE BARRACKS~~

1 ~~THAT HAS A REMOTE DISPATCH POINT to merge with or form a~~
2 ~~regional ESINET or connect directly to PA StarNet or~~ <--
3 ~~subsequent microwave network.~~

4 (c) Counties to cooperate.--Counties shall cooperate with
5 the agency by supplying all of PROVIDING the information <--
6 identified in this section and other information deemed
7 necessary by the agency to complete a comprehensive inventory of <--
8 all PSAPs operating 911 systems within this Commonwealth AN <--
9 INVENTORY AS REQUIRED UNDER SUBSECTION (A). Counties that do not
10 remit PROVIDE the information requested by the agency within 45 <--
11 days of the request shall result in the immediate suspension or <--
12 forfeiture of BE SUSPENDED FROM ANY GRANT OR FUNDING PROGRAM OR <--
13 BE REQUIRED TO FORFEIT fund disbursements. The agency, in
14 consultation with the board, the Pennsylvania State Police and <--
15 the Governor's Interoperability Council, shall complete the
16 inventory and issue a report detailing its findings and
17 recommendations to the General Assembly by ~~October~~ DECEMBER 31, <--
18 2015 MARCH 31, 2016. The agency shall be responsible for <--
19 maintaining and updating the inventory on a biannual basis.

20 Section 10. Section 5398 of Title 35 is amended to read:
21 § 5398. Termination.

22 This chapter, EXCEPT FOR SECTION 5304.2 (RELATING TO OPTIONAL <--
23 911 USER FEE), shall expire [June 30, 2015] June 30, 2019.

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

25 (1) The following provisions shall take effect
26 immediately:

27 (i) This section.

28 (ii) The amendment or addition of 35 Pa.C.S. §§

29 5303(b), (B.1), (B.2), (B.3), (B.4) AND (B.5) and, 5314 <--

30 AND 5398. <--

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

3 (3) The remainder of this act shall take effect July 1,
4 2015, or immediately, whichever is later.