

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 714

98TH GENERAL ASSEMBLY

1044H.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 70.210, 190.300, 190.307, 190.308, 190.328, 190.329, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 650.320, 650.325, 650.330, and 650.340, RSMo, and to enact in lieu thereof nineteen new sections relating to emergency communications service, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 70.210, 190.300, 190.307, 190.308, 190.328, 190.329, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 650.320, 650.325, 650.330, and 650.340, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 70.210, 190.300, 190.308, 190.328, 190.329, 190.335, 190.400, 190.420, 190.450, 190.451, 190.455, 190.460, 190.475, 650.320, 650.325, 650.330, 650.335, 650.340, and 1, to read as follows:

70.210. As used in sections 70.210 to 70.320, the following terms mean:

(1) "Governing body", the board, body or persons in which the powers of a municipality or political subdivision are vested;

(2) "Municipality", municipal corporations, political corporations, and other public corporations and agencies authorized to exercise governmental functions;

(3) "Political subdivision", counties, townships, cities, towns, villages, school, county library, city library, city-county library, road, drainage, sewer, levee and fire districts, soil and water conservation districts, watershed subdistricts, county hospitals, [and] any board of control of an art museum, **any 911 or emergency services board authorized in chapter 190 or in section 321.243**, and any other public subdivision or public corporation having the power to tax.

190.300. As used in sections 190.300 to [190.320] **190.340**, the following terms and phrases mean:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 3 (1) "Emergency telephone service", a telephone system utilizing a single three digit
4 number "911" for reporting police, fire, medical or other emergency situations;
- 5 (2) "Emergency telephone tax", a tax to finance the operation of emergency telephone
6 service;
- 7 (3) "Exchange access facilities", all facilities provided by the service supplier for local
8 telephone exchange access to a service user;
- 9 (4) "Governing body", the legislative body for a city, county or city not within a county;
- 10 (5) "Person", any individual, firm, partnership, copartnership, joint venture, association,
11 cooperative organization, corporation, municipal or private, and whether organized for profit or
12 not, state, county, political subdivision, state department, commission, board, bureau or fraternal
13 organization, estate, trust, business or common law trust, receiver, assignee for the benefit of
14 creditors, trustee or trustee in bankruptcy, or any other service user;
- 15 (6) "Public agency", any city, county, city not within a county, municipal corporation,
16 public district or public authority located in whole or in part within this state which provides or
17 has authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other
18 emergency services;
- 19 (7) "Service supplier", any person providing exchange telephone services to any service
20 user in this state;
- 21 (8) "Service user", any person, other than a person providing pay telephone service
22 pursuant to the provisions of section 392.520 not otherwise exempt from taxation, who is
23 provided exchange telephone service in this state;
- 24 (9) "Tariff rate", the rate or rates billed by a service supplier to a service user as stated
25 in the service supplier's tariffs, [approved by the Missouri public service commission] **contracts,**
26 **service agreements, or similar documents governing the provision of the service,** which
27 represent the service supplier's recurring charges for exchange access facilities or their
28 equivalent, **or equivalent rates contained in contracts, service agreements, or similar**
29 **documents,** exclusive of all taxes, fees, licenses or similar charges whatsoever.

190.308. 1. In any county that has established an emergency telephone service pursuant
2 to sections 190.300 to [190.320] **190.340**, it shall be unlawful for any person to misuse the
3 emergency telephone service. For the purposes of this section, "emergency" means any incident
4 involving danger to life or property that calls for an emergency response dispatch of police, fire,
5 EMS or other public safety organization, "misuse the emergency telephone service" includes, but
6 is not limited to, repeatedly calling the "911" for nonemergency situations causing operators or
7 equipment to be in use when emergency situations may need such operators or equipment and
8 "repeatedly" means three or more times within a one-month period.

9 2. Any violation of this section is a class B misdemeanor.

10 3. No political subdivision shall impose any fine or penalty on the owner of a pay
11 telephone or on the owner of any property upon which a pay telephone is located for calls to the
12 emergency telephone service made from the pay telephone. Any such fine or penalty is hereby
13 void.

 190.328. 1. Beginning in 1997, within the area from which voters and the commission
2 have approved the provision of central dispatching for emergency services by a public agency
3 for an area containing third or fourth class cities in counties of the third classification with a
4 population of at least thirty-two thousand but no greater than forty thousand that border a county
5 of the first classification but do not border the Mississippi River, the initial board shall consist
6 of two members from each township within such area and one at-large member who shall serve
7 as the initial chairperson of such board.

8 2. Within the area from which voters and the commission have approved the provision
9 of central dispatching for emergency services by a public agency for an area containing third or
10 fourth class cities in counties of the third classification with a population of at least thirty-two
11 thousand but no greater than forty thousand that border a county of the first classification, voters
12 shall elect a board to administer funds and oversee the provision of central dispatching for
13 emergency services. Such board shall consist of two members elected from each of the
14 townships within such area and one member elected at large who shall serve as the chairperson
15 of the board.

16 3. Of those initially elected to the board as provided in this section, four from the
17 townships shall be elected to a term of two years, and four from the townships and the at-large
18 member shall be elected to a term of four years. Upon the expiration of these initial terms, all
19 members shall thereafter be elected to terms of four years; **provided, however, that if a board**
20 **established in this section consolidates with a board established under section 190.327 or**
21 **190.335, under the provisions of section 190.460, the term of office for the existing board**
22 **members shall end on the thirtieth day following the appointment of the initial board of**
23 **directors for the consolidated district.**

 190.329. 1. Except in areas from which voters and the commission have approved the
2 provision of central dispatching for emergency services by a public agency for an area containing
3 third or fourth class cities located in counties of the third classification with a population of at
4 least thirty-two thousand but no greater than forty thousand that border a county of the first
5 classification but do not border the Mississippi River, the initial board shall consist of seven
6 members appointed without regard for political party who shall be selected from and shall
7 represent the fire protection districts, ambulance districts, sheriff's department, municipalities,
8 any other emergency services and the general public. This initial board shall serve until its
9 successor board is duly elected and installed in office. The commission shall ensure geographic

10 representation of the county by appointing no more than four members from any one commission
11 district of the county.

12 2. Beginning in 1992, three members shall be elected from each commission district and
13 one member shall be elected at large, with such at-large member to be a voting member and
14 chairman of the board. Of those first elected, four members from commission districts shall be
15 elected for terms of two years and two members from commission districts and the member at
16 large shall be elected for terms of four years. In 1994, and thereafter, all terms of office shall be
17 for four years, except as **otherwise provided in this subsection or as** provided in subsection
18 3 of this section. Any vacancy on the board shall be filled in the same manner as the initial
19 appointment was made. Four members shall constitute a quorum. **If a board established in**
20 **section 190.327 consolidates with a board established under section 190.327, 190.328, or**
21 **190.335, under the provisions of section 190.460, the term of office for the existing board**
22 **members shall end on the thirtieth day following the appointment of the initial board of**
23 **directors for the consolidated district.**

24 3. Upon approval by the county commission for the election of board members to be held
25 on general municipal election day, pursuant to subsection 2 of section 190.327, the terms of
26 those board members then holding office shall be reduced by seven months. After a board
27 member's term has been reduced, all following terms for that position shall be for four years.

190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency
2 telephone services, the county commission of any county may impose a county sales tax for the
3 provision of central dispatching of fire protection, including law enforcement agencies,
4 emergency ambulance service or any other emergency services, including emergency telephone
5 services, which shall be collectively referred to herein as "emergency services", and which may
6 also include the purchase and maintenance of communications and emergency equipment,
7 including the operational costs associated therein, in accordance with the provisions of this
8 section.

9 2. Such county commission may, by a majority vote of its members, submit to the voters
10 of the county, at a public election, a proposal to authorize the county commission to impose a
11 tax under the provisions of this section. If the residents of the county present a petition signed
12 by a number of residents equal to ten percent of those in the county who voted in the most recent
13 gubernatorial election, then the commission shall submit such a proposal to the voters of the
14 county.

15 3. The ballot of submission shall be in substantially the following form:

16 Shall the county of (insert name of county) impose a county sales tax of
17 (insert rate of percent) percent for the purpose of providing central dispatching of fire protection,

18 emergency ambulance service, including emergency telephone services, and other emergency
19 services?

20 YES NO

21 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
22 of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes
23 cast by the qualified voters voting are opposed to the proposal, then the county commission shall
24 have no power to impose the tax authorized by this section unless and until the county
25 commission shall again have submitted another proposal to authorize the county commission to
26 impose the tax under the provisions of this section, and such proposal is approved by a majority
27 of the qualified voters voting thereon.

28 4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from
29 the sale at retail of all tangible personal property or taxable services at retail within any county
30 adopting such tax, if such property and services are subject to taxation by the state of Missouri
31 under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior
32 to thirty-six months before operation of the central dispatching of emergency services.

33 5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
34 apply to the tax imposed under this section.

35 6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year
36 in which the tax imposed pursuant to this section for emergency services is certified by the board
37 to be fully operational. Any revenues collected from the tax authorized under section 190.305
38 shall be credited for the purposes for which they were intended.

39 7. At least once each calendar year, the board shall establish a tax rate, not to exceed the
40 amount authorized, that together with any surplus revenues carried forward will produce
41 sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess
42 of that necessary within a given year shall be carried forward to subsequent years. The board
43 shall make its determination of such tax rate each year no later than September first and shall fix
44 the new rate which shall be collected as provided in this act. Immediately upon making its
45 determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall
46 notify every retailer by mail of the new rate.

47 8. Immediately upon the affirmative vote of voters of such a county on the ballot
48 proposal to establish a county sales tax pursuant to the provisions of this section, the county
49 commission shall appoint the initial members of a board to administer the funds and oversee the
50 provision of emergency services in the county. Beginning with the general election in 1994, all
51 board members shall be elected according to this section and other applicable laws of this state.
52 At the time of the appointment of the initial members of the board, the commission shall

53 relinquish and no longer exercise the duties prescribed in this chapter with regard to the
54 provision of emergency services and such duties shall be exercised by the board.

55 9. The initial board shall consist of seven members appointed without regard to political
56 affiliation, who shall be selected from, and who shall represent, the fire protection districts,
57 ambulance districts, sheriff's department, municipalities, any other emergency services and the
58 general public. This initial board shall serve until its successor board is duly elected and
59 installed in office. The commission shall ensure geographic representation of the county by
60 appointing no more than four members from each district of the county commission.

61 10. Beginning in 1994, three members shall be elected from each district of the county
62 commission and one member shall be elected at large, such member to be the chairman of the
63 board. Of those first elected, four members from districts of the county commission shall be
64 elected for terms of two years and two members from districts of the county commission and the
65 member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of
66 office shall be four years; **provided, however, that if a board established in this section**
67 **consolidates with a board established under this section or section 190.327 or section**
68 **190.328, under the provisions of section 190.460, the term of office for the existing board**
69 **members shall end on the thirtieth day following the appointment of the initial board of**
70 **directors for the consolidated district.** Notwithstanding any other provision of law, if there
71 is no candidate for an open position on the board, then no election shall be held for that position
72 and it shall be considered vacant, to be filled pursuant to the provisions of section 190.339, and,
73 if there is only one candidate for each open position, no election shall be held and the candidate
74 or candidates shall assume office at the same time and in the same manner as if elected.

75 11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary,
76 in any county of the first classification with more than two hundred forty thousand three hundred
77 but fewer than two hundred forty thousand four hundred inhabitants **or in any county of the**
78 **third classification with a township form of government and with more than twenty-eight**
79 **thousand but fewer than thirty-one thousand inhabitants,** any emergency telephone service
80 911 board appointed by the county under section 190.309 which is in existence on the date the
81 voters approve a sales tax under this section shall continue to exist and shall have the powers set
82 forth under section 190.339. Such boards which existed prior to August 25, 2010, shall not be
83 considered a body corporate and a political subdivision of the state for any purpose, unless and
84 until an order is entered upon an unanimous vote of the commissioners of the county in which
85 such board is established reclassifying such board as a corporate body and political subdivision
86 of the state. The order shall approve the transfer of the assets and liabilities related to the
87 operation of the emergency **telephone** service 911 system to the new entity created by the
88 reclassification of the board.

89 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the
 90 contrary, in any county of the second classification with more than fifty-four thousand two
 91 hundred but fewer than fifty-four thousand three hundred inhabitants or any county of the first
 92 classification with more than fifty thousand but fewer than seventy thousand inhabitants that has
 93 approved a sales tax under this section, the county commission shall appoint the members of the
 94 board to administer the funds and oversee the provision of emergency services in the county.

95 (2) The board shall consist of seven members appointed without regard to political
 96 affiliation. Except as provided in subdivision (4) of this subsection, each member shall be one
 97 of the following:

98 (a) The head of any of the county's fire protection districts, or a designee;

99 (b) The head of any of the county's ambulance districts, or a designee;

100 (c) The county sheriff, or a designee;

101 (d) The head of any of the police departments in the county, or a designee; and

102 (e) The head of any of the county's emergency management organizations, or a designee.

103 (3) Upon the appointment of the board under this subsection, the board shall have the
 104 power provided in section 190.339 and shall exercise all powers and duties exercised by the
 105 county commission under this chapter, and the commission shall relinquish all powers and duties
 106 relating to the provision of emergency services under this chapter to the board.

107 (4) In any county of the first classification with more than fifty thousand but fewer than
 108 seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall
 109 be represented on the board by at least one member.

 190.400. As used in sections 190.400 to [190.440] **190.451**, the following words and
 2 terms shall mean:

3 (1) ["911", the primary emergency telephone number within the wireless system;

4 (2) "Board", the wireless service provider enhanced 911 advisory board;

5 (3)] **"Active telephone number", a ten-digit North American Numbering Plan**
 6 **number that has been assigned to a subscriber and is provisioned to generally reach, by**
 7 **dialing, the public switched telephone network and not only 911 or the 911 system;**

8 (2) **"Communications service", (a) Any service that:**

9 **a. Uses telephone numbers or their functional equivalents or successors;**

10 **b. Provides access to, and a connection or interface with, a 911 system through the**
 11 **activation or enabling of a device, transmission medium, or technology that is used by a**
 12 **customer to dial, initialize, or otherwise activate the 911 system, regardless of the**
 13 **particular device, transmission medium, or technology employed;**

14 **c. Provides and enables real time or interactive communications, other than**
 15 **machine to machine communications; and**

- 16 **d. Is available to a prepaid user or a standard user;**
- 17 **(b) The term includes, but is not limited to, the following:**
- 18 **a. Internet protocol enabled services and applications that are provided through**
- 19 **wireline, cable, wireless, or satellite facilities, or any other facility or platform that is**
- 20 **capable of connecting and enabling a 911 communication to a public safety answering**
- 21 **point;**
- 22 **b. Commercial mobile radio service; and**
- 23 **c. Interconnected voice over internet protocol service and voice over power lines;**
- 24 **(c) The term does not include broadband internet access service;**
- 25 **(d) For purposes of this section, when a device is permanently installed in a vehicle**
- 26 **that is capable of contacting 911, it shall not be subject to this section, unless the owner of**
- 27 **such vehicle purchases or otherwise subscribes to a commercial mobile service as defined**
- 28 **under 47 U.S.C. 332(d) of the Telecommunications Act of 1996;**
- 29 **(3) "Provider or communications service provider", a person who provides retail**
- 30 **communications services to the public that includes 911 communications service including,**
- 31 **but not limited to, a local exchange carrier, a wireless provider, and a voice over internet**
- 32 **protocol provider, but only if such entity provides access to, and connection and interface**
- 33 **with, a 911 communications service or its successor service;**
- 34 **(4) "Public safety agency", a functional division of a public agency which provides fire**
- 35 **fighting, police, medical or other emergency services. For the purpose of providing wireless**
- 36 **service to users of 911 emergency services, as expressly provided in this section, the department**
- 37 **of public safety and state highway patrol shall be considered a public safety agency;**
- 38 **[(4)] (5) "Public safety answering point", the location at which 911 calls are [initially]**
- 39 **answered;**
- 40 **[(5)] (6) "Subscriber", a person who contracts with and is billed by a provider for**
- 41 **a retail communications service. In the case of wireless service and for purposes of section**
- 42 **190.450, the term "subscriber" means a person who contracts with a provider if the**
- 43 **person's primary place of use is within the county or city imposing a monthly fee under**
- 44 **section 190.450, and does not include subscribers to prepaid wireless service;**
- 45 **(7) "Wireless service provider", a provider of commercial mobile service pursuant to**
- 46 **Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq).**
- 190.420. 1. There is hereby established a **special trust** fund to be known as the
- 2 "[Wireless Service Provider Enhanced] **Missouri 911 Service Trust Fund**". All fees collected
- 3 pursuant to sections 190.400 to [190.440 by wireless service providers] **190.451** shall be remitted
- 4 to the director of the department of revenue.

5 2. The director of the department of revenue shall deposit such payments into the
6 [wireless service provider enhanced] **Missouri 911 service trust fund**. Moneys in the fund shall
7 be used for the purpose of reimbursing expenditures actually incurred in the implementation and
8 operation of the [wireless service provider enhanced] **Missouri 911 [system] systems and for**
9 **the answering and dispatching of emergency calls as determined to be appropriate by the**
10 **governing body of the county or city imposing the fee.**

11 3. Any unexpended balance in the fund shall be exempt from the provisions of section
12 33.080, relating to the transfer of unexpended balances to the general revenue fund, and shall
13 remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the
14 fund.

15 4. **The moneys in the trust fund shall not be deemed to be state funds and shall not**
16 **be commingled with any funds of the state. The director of revenue shall keep accurate**
17 **records of the amount of money in the trust fund which was collected in each county, city**
18 **not within a county, or home rule city with more than fifteen thousand but fewer than**
19 **seventeen thousand inhabitants and partially located in any county of the third**
20 **classification without a township form of government and with more than thirty-seven**
21 **thousand but fewer than forty-one thousand inhabitants under sections 190.400 to 190.451,**
22 **and the records shall be open to the inspection of officers of a participating county, or city**
23 **and the public.**

190.450. 1. Except as provided under subsections 9 and 10 of this section, in lieu
2 of the tax levy authorized under section 190.305 or 190.325 or the sales tax imposed under
3 section 190.292 or 190.335, the governing body of any county, city not within a county, or
4 home rule city with more than fifteen thousand but fewer than seventeen thousand
5 inhabitants and partially located in any county of the third classification without a
6 township form of government and with more than thirty-seven thousand but fewer than
7 forty-one thousand inhabitants may impose, by order or ordinance, a monthly fee on
8 subscribers of any communications service that has been enabled to contact 911. The
9 monthly fee authorized in this section shall not exceed one dollar and fifty cents and shall
10 be assessed to the subscriber of communications service, regardless of technology, based
11 upon the number of active telephone numbers or their functional equivalents or successors
12 assigned by the provider and capable of simultaneously contacting the public safety
13 answering point; provided that, for multi-line telephone systems and for facilities
14 provisioned with capacity greater than a voice capable grade channel or its equivalent,
15 regardless of technology, the charge shall be assessed on the number of voice capable grade
16 channels or their equivalent that allow simultaneously contacting the public safety
17 answering point regardless of use. Only one fee may be assessed per active telephone

18 number or its functional equivalent or successor used to provide a communications service.
19 No fee imposed under this section shall be imposed on more than one hundred voice grade
20 channels or their equivalent per person per location. Notwithstanding anything to the
21 contrary in this section, the monthly fee shall not be assessed on the provision of
22 broadband internet access service. The fee shall be imposed solely for the purpose of
23 funding 911 service in such county or city. The monthly fee authorized in this section shall
24 be limited to one fee per device. The fee authorized in this section shall be in addition to
25 all other taxes and fees imposed by law and may be stated separately from all other charges
26 and taxes. The fee shall be the liability of the subscriber, not the provider, except that the
27 provider shall be liable to remit all fees that the provider collects pursuant to this section.

28 2. No such order or ordinance adopted under this section shall become effective
29 unless the governing body of the county or city submits to the voters residing within the
30 county or city at a state general, primary, or special election a proposal to authorize the
31 governing body to impose a fee under this section. The question submitted shall be in
32 substantially the following form:

33 "Shall (insert name of county or city) impose a monthly fee of (insert amount) on
34 a subscriber of any communications service that has been enabled to contact 911 for the
35 purpose of funding 911 service in the (county or city)?"

36

37 If a majority of the votes cast on the question by the qualified voters voting thereon are in
38 favor of the question, then the fee shall become effective on the first day of the second
39 calendar quarter after the director of revenue receives notification of adoption of the fee.
40 If a majority of the votes cast on the question by the qualified voters voting thereon are
41 opposed to the question, then the fee shall not become effective unless and until the
42 question is resubmitted under this section to the qualified voters and such question is
43 approved by a majority of the qualified voters voting on the question.

44 3. Except as modified in this section, all provisions of sections 32.085 and 32.087 and
45 subsection 7 of section 144.190 shall apply to the fee imposed under this section.

46 4. All revenue collected under this section by the director of the department of
47 revenue on behalf of the county or city, except for two percent to be withheld by the
48 provider for the cost of administering the collection and remittance of the fee and one
49 percent for the cost of collection which shall be deposited in the state's general revenue
50 fund, shall be deposited in the Missouri 911 service trust fund created in section 190.420.
51 The director of the department of revenue shall remit such funds to the county or city on
52 a monthly basis. The governing body of any such county or city shall control such funds
53 remitted to the county or city unless the county or city has established an elected board for

54 the purpose of administering such funds. In the event that any county or city has
55 established a board under any other provision of state law for the purpose of administering
56 funds for 911 service, such existing board may continue to perform such functions after the
57 county or city has adopted the monthly fee under this section.

58 5. Nothing in this section imposes any obligation upon a provider of a
59 communications service to take any legal action to enforce the collection of the tax imposed
60 in this section. The tax shall be collected in compliance, as applicable, with the federal
61 Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

62 6. Notwithstanding any other provision of law to the contrary, proprietary
63 information submitted under this section shall only be subject to subpoena or lawful court
64 order. Information collected under this section shall only be released or published in
65 aggregate amounts that do not identify or allow identification of numbers of subscribers
66 or revenues attributable to an individual communications service provider.

67 7. Notwithstanding any other provision of law to the contrary, in no event shall any
68 communications service provider, its officers, employees, assigns, agents, vendors, or
69 anyone acting on behalf of such persons, be liable for any form of civil damages or criminal
70 liability that directly or indirectly results from, or is caused by:

71 (1) An act or omission in the development, design, installation, operation,
72 maintenance, performance, or provision of communications service to a public safety
73 answering point or to subscribers that use such service whether providing such service is
74 required by law or is voluntary; or

75 (2) The release of subscriber information to any governmental entity under this
76 section unless such acts, release of subscriber information, or omissions constitute gross
77 negligence, recklessness, or intentional misconduct.

78

79 Nothing in this section is intended to void or otherwise override any contractual obligation
80 pertaining to equipment or services sold to a public service answering point by a
81 communications service provider. No cause of action shall lie in any court of law against
82 any provider of communications service, commercial mobile service, or other
83 communications-related service, or its officers, employees, assignees, agents, vendors, or
84 anyone acting on behalf of such persons, for providing call location information concerning
85 the user of any such service in an emergency situation to a law enforcement official or
86 agency in order to respond to a call for emergency service by a subscriber, customer, or
87 user of such service or for providing caller location information or doing a ping locate in
88 an emergency situation that involves danger of death or serious physical injury to any

89 person where disclosure of communications relating to the emergency is required without
90 delay, whether such providing of information is required by law or voluntary.

91 **8. The fee imposed under this section shall not be imposed on customers who pay**
92 **for service prospectively, known as purchasers of prepaid wireless telecommunications**
93 **service customers.**

94 **9. No county or city shall submit a proposal to the voters under this section for a**
95 **fee of more than one dollar until the county or city receives approval for the fee amount**
96 **from the Missouri 911 service board established under section 650.325. Once a fee of more**
97 **than one dollar has been approved by the Missouri 911 service board and the voters, the**
98 **county or city shall not subsequently increase the fee until the increased fee amount has**
99 **been approved by the Missouri 911 service board and the voters under this section. Any**
100 **county or city seeking to impose or increase a fee of more than one dollar shall submit to**
101 **the Missouri 911 service board information to justify the fee amount. The information to**
102 **be provided shall include, but not be limited to, the following:**

103 **(1) Estimated costs of services to be provided;**

104 **(2) Estimated revenue from all sources intended to financially support the proposed**
105 **911 service;**

106 **(3) Prior revenue amounts and sources of financial support for the previously**
107 **funded 911 or emergency dispatch service;**

108 **(4) Efforts to secure revenue to support the proposed 911 service other than the**
109 **proposed fee under this section;**

110 **(5) Current level of 911 service provided and the proposed level of 911 service to be**
111 **provided;**

112 **(6) Any previous efforts regarding consolidation of 911 services and any currently**
113 **proposed efforts regarding consolidation of 911 services;**

114 **(7) All police, fire, and emergency medical service agencies within the consolidation**
115 **area; and**

116 **(8) Expected level of training of personnel and expected number of**
117 **telecommunications per shift.**

118 **10. The fee imposed under this section shall not be imposed in conjunction with any**
119 **tax imposed under section 190.292, 190.305, 190.325, or 190.335. No county or city shall**
120 **simultaneously impose more than one tax authorized in this section or section 190.292,**
121 **190.305, 190.325, or 190.335. No fee imposed under this section shall be imposed on more**
122 **than one hundred exchange access facilities or their equivalent per person per location.**

123 **11. No county shall submit a proposal to the voters of the county under this section**
124 **until either:**

125 **(1) All providers of emergency telephone service as defined in section 190.300 and**
126 **public safety answering point operations within the county are consolidated into one public**
127 **agency as defined in section 190.300 that provides emergency telephone service for the**
128 **county; and**

129 **(2) The county develops a plan for consolidation of emergency telephone service as**
130 **defined in section 190.300, and public safety answering point operations within the county**
131 **are consolidated into one public agency as defined in section 190.300 that provides**
132 **emergency telephone service for the county; or**

133 **(3) The county develops a plan for consolidation of emergency telephone service as**
134 **defined in section 190.300 and public safety answering point operations within the county**
135 **that includes either consolidation or entering into a shared services agreement for such**
136 **services, which shall be implemented on approval of the fee by the voters; or**

137 **(4) The county or city develops a plan for consolidation of emergency telephone**
138 **service as defined in section 190.300 and public safety answering point operations within**
139 **the county that includes all police, fire, and emergency medical service agencies within the**
140 **consolidation area.**

141 **12. Any plan developed under subdivision (2) or (3) of subsection 11 of this section**
142 **shall be filed with the Missouri 911 service board under subsection 4 of section 650.330.**
143 **Any plan that is filed under this subsection may provide for the establishment of a joint**
144 **emergency communications board as contemplated in section 70.260. The director of the**
145 **department of revenue shall not remit any funds as provided under this section until the**
146 **department receives notification from the Missouri 911 service board that the county has**
147 **filed a plan that is ready for implementation. If after one year following the enactment of**
148 **the fee contemplated in subsection 1 of this section the county has not substantially**
149 **complied with the plan that the county submitted under subdivision (2) or (3) of subsection**
150 **11 of this section, then the authority to impose the fee granted to the county in subsection**
151 **1 of this section shall be null and void.**

152 **13. Each county of the third classification that does not have a public agency as**
153 **defined in section 190.300 that provides emergency telephone service as defined in section**
154 **190.300 for the county shall either:**

155 **(1) Enter into a shared services agreement for providing emergency telephone**
156 **services with a public agency that provides emergency telephone service if such an**
157 **agreement is feasible; or**

158 **(2) Form an emergency telephone services district in conjunction with any**
159 **adjoining county with a public agency that provides emergency telephone service within**
160 **such adjoining county. If such a district is formed under this subdivision, the governing**

161 body of such district shall be the county commissioners of each county within the district,
162 and each county within such district shall submit to the voters of the county a proposal to
163 impose the fee under this section.

164 14. A county of the third classification operating joint or shared emergency
165 telephone service as defined in section 190.300 may submit to the voters of the county a
166 proposal to impose the fee to support joint operations and further consolidation under this
167 section.

168 15. All 911 fees shall be imposed as provided in the Mobile Telecommunications
169 Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

170 16. Nothing in subsections 11, 12, 13, and 14 of section 190.450 shall apply to a
171 county with a charter form of government where all public safety answering points within
172 the county utilize a common 911 communication service as implemented by the appropriate
173 local and county agencies prior to August 28, 2015.

190.451. 1. As used in this section, the following terms mean:

2 (1) "Board", the Missouri 911 service board established under section 650.325;

3 (2) "Consumer", a person who purchases prepaid wireless telecommunications
4 service in a retail transaction;

5 (3) "Department", the department of revenue;

6 (4) "Prepaid wireless service provider", a provider that provides prepaid wireless
7 service to an end user;

8 (5) "Prepaid wireless telecommunications service", a wireless telecommunications
9 service that allows a caller to dial 911 to access the 911 system and which service shall be
10 paid for in advance and is sold in predetermined units or dollars of which the number
11 declines with use in a known amount;

12 (6) "Retail transaction", the purchase of prepaid wireless telecommunications
13 service from a seller for any purpose other than resale. The purchase of more than one
14 item that provides prepaid wireless telecommunication service, when such items are sold
15 separately, constitutes more than one retail transaction;

16 (7) "Seller", a person who sells prepaid wireless telecommunications service to
17 another person;

18 (8) "Wireless telecommunications service", commercial mobile radio service as
19 defined by Section 20.3 of Title 47 of the Code of Federal Regulations, as amended.

20 2. (1) Beginning January 1, 2016, there is hereby imposed a prepaid wireless
21 emergency telephone service charge on each retail transaction. The amount of such charge
22 shall be equal to three percent of each retail transaction. However, if a minimal amount
23 of prepaid wireless telecommunications service is sold with a prepaid wireless device for

24 a single nonitemized price, then the seller may elect not to apply such service charge to
25 such transaction. For purposes of this subdivision, an amount of service denominated as
26 ten or fewer minutes, or five dollars or less is minimal.

27 (2) The prepaid wireless emergency telephone service charge shall be collected by
28 the seller from the consumer with respect to each retail transaction occurring in this state.
29 The amount of the prepaid wireless emergency telephone service charge shall be either
30 separately stated on an invoice, receipt, or other similar document that is provided to the
31 consumer by the seller, or otherwise disclosed to the consumer.

32 (3) For purposes of this subsection, a retail transaction that is effected in person by
33 a consumer at a business location of the seller shall be treated as occurring in this state if
34 that business location is in this state; and any other retail transaction shall be treated as
35 occurring in this state if the retail transaction is treated as occurring in this state under
36 state law.

37 (4) The prepaid wireless emergency telephone service charge is the liability of the
38 consumer and not of the seller or of any provider, except that the seller shall be liable to
39 remit all charges that the seller is deemed to collect if the amount of the charge has not
40 been separately stated on an invoice, receipt, or other similar document provided to the
41 consumer by the seller.

42 (5) The amount of the prepaid wireless emergency telephone service charge that is
43 collected by a seller from a consumer, if such amount is separately stated on an invoice,
44 receipt, or other similar document provided to the consumer by the seller, shall not be
45 included in the base for measuring any tax, fee, surcharge, or other charge that is imposed
46 by this state, any political subdivision of this state, or any intergovernmental agency.

47 3. (1) Prepaid wireless emergency telephone service charges collected by sellers
48 shall be remitted to the department at the times and in the manner provided by state law
49 with respect to the sales and use taxes. The department shall establish registration and
50 payment procedures that substantially coincide with the registration and payment
51 procedures that apply under state law.

52 (2) Beginning on January 1, 2016, and ending on January 31, 2016, when a
53 consumer purchases prepaid wireless telecommunications service in a retail transaction
54 from a seller under this section, the seller shall be allowed to retain one hundred percent
55 of the prepaid wireless emergency telephone service charges that are collected by the seller
56 from the consumer. Beginning on February 1, 2016, a seller shall be permitted to deduct
57 and retain three percent of prepaid wireless emergency telephone service charges that are
58 collected by the seller from consumers.

59 **(3) The department shall establish procedures by which a seller of prepaid wireless**
60 **telecommunications service may document that a sale is not a retail transaction which**
61 **procedures shall substantially coincide with the procedures for documenting sale for resale**
62 **transactions for sales and use purposes under state law.**

63 **(4) The department shall deposit all remitted prepaid wireless emergency telephone**
64 **service charges into the Missouri 911 service trust fund created in section 190.420 within**
65 **thirty days of receipt for use by the board. The department may deduct an amount not to**
66 **exceed one percent of collected charges to be retained by the department to reimburse its**
67 **direct costs of administering the collection and remittance of prepaid wireless emergency**
68 **telephone service charges.**

69 **(5) Ten percent of remitted prepaid wireless emergency telephone service charges**
70 **deposited in the Missouri 911 service trust fund less the deduction authorized in**
71 **subdivision (4) of this subsection shall be dedicated to the Missouri regional poison**
72 **information center established in section 190.353. The amount allocated under this**
73 **subdivision shall not exceed one million dollars in any twelve-month period, nor shall the**
74 **Missouri regional poison information center receive more than one million dollars from**
75 **the Missouri 911 service trust fund in any one calendar year under this subdivision. Any**
76 **amount that would be allocated under this subdivision in excess of one million dollars in**
77 **any twelve-month period or any calendar year shall be retained in the Missouri 911 service**
78 **trust fund.**

79 **(6) The board shall set a rate between twenty-five and seventy-five percent of the**
80 **prepaid wireless emergency telephone service charges deposited in the Missouri 911 service**
81 **trust fund less the deductions authorized in subdivisions (4) and (5) of this subsection that**
82 **shall be remitted to the counties without a charter form of government in direct proportion**
83 **to the amount of charges collected in each county. The board shall set a rate between sixty-**
84 **five and seventy-five percent of the prepaid wireless emergency telephone service charges**
85 **deposited in the Missouri 911 service trust fund less the deductions authorized in**
86 **subdivisions (4) and (5) of this subsection that shall be remitted to the counties with a**
87 **charter form of government and any city not within a county in direct proportion to the**
88 **amount of charges collected in each such county or city not within a county. The initial**
89 **percentage rate set by the board for counties with and without a charter form of**
90 **government and any city not within a county may be adjusted after three years and**
91 **thereafter the rate may be adjusted every two years; however, at no point shall the board**
92 **set rates that fall below twenty-five percent for counties without a charter form of**
93 **government and sixty-five percent for counties with a charter form of government and any**
94 **city not within a county.**

95 **(7) Any amounts received by a county or city under subdivision (6) of this**
96 **subsection shall be used only for purposes authorized in sections 190.305 and 190.335.**

97 **4. (1) A seller that is not a provider shall be entitled to the immunity and liability**
98 **protections under section 190.450, notwithstanding any requirement in state law regarding**
99 **compliance with Federal Communications Commission Order 05-116.**

100 **(2) A provider shall be entitled to the immunity and liability protections under**
101 **section 190.450.**

102 **(3) In addition to the protection from liability provided in subdivisions (1) and (2)**
103 **of this subsection, each provider and seller and its officers, employees, assigns, agents,**
104 **vendors, or anyone acting on behalf of such persons shall be entitled to the further**
105 **protection from liability, if any, that is provided to providers and sellers of wireless**
106 **telecommunications service that is not prepaid wireless telecommunications service under**
107 **section 190.450.**

108 **5. The prepaid wireless emergency telephone service charge imposed by this section**
109 **shall be in addition to any other tax, fee, surcharge, or other charge imposed by this state,**
110 **any political subdivision of this state, or any intergovernmental agency for 911 funding**
111 **purposes.**

190.455. 1. In order to provide the best possible 911 technology and service to all
2 **areas of the state in the most efficient and economical manner possible, it is the public**
3 **policy of this state to encourage the consolidation of emergency communications**
4 **operations.**

5 **2. Any county, city, or 911 or emergency services board established under chapter**
6 **190 or under section 321.243 may contract and cooperate with any other county, city, or**
7 **911 or emergency services board established under chapter 190 or under section 321.243**
8 **as provided in sections 70.210 to 70.320. Any contracting counties or boards may seek**
9 **assistance and advice from the Missouri 911 service board established in section 650.325**
10 **regarding terms of the joint contract and the administration and operation of the**
11 **contracting counties, cities, and boards.**

12 **3. If two or more counties, cities, 911 districts, or existing emergency**
13 **communications entities desire to consolidate their emergency communications operations,**
14 **a joint emergency communications entity may be established by the parties through an**
15 **agreement identifying the conditions and provisions of the consolidation and the operation**
16 **of the joint entity. This agreement may include the establishment of a joint governing body**
17 **that may be comprised of the boards of the entities forming the agreement currently**
18 **authorized by statute or an elected or appointed joint board authorized in section 70.260,**

19 provided that the representation on the joint board of each of the entities forming the
20 agreement shall be equal.

21 4. After August 28, 2015, no public safety answering point operation may be
22 established as a result of its separation from an existing public safety answering point
23 operation without a study by and the approval of the Missouri 911 service board.

24 5. No provision of this law shall be construed to prohibit or discourage in any
25 manner the formation of multiagency or multijurisdictional public safety answering point
26 operations.

190.460. 1. As an alternative to the procedure provided in section 190.455, two or
2 more 911 central dispatch centers that are organized under sections 190.327 to 190.329 or
3 section 190.335 and funded by public taxes may consolidate into one 911 central dispatch
4 center by following the procedures set forth in this section.

5 2. If the consolidation of existing 911 central dispatch centers is desired, a number
6 of voters residing in the existing 911 central dispatch centers' service areas equal to ten
7 percent of the vote cast for governor in those service areas in the next preceding
8 gubernatorial election may file with the county clerk in which the territory or greater part
9 of the proposed consolidated 911 central dispatch center service area will be situated a
10 petition requesting consolidation of two or more 911 central dispatch centers.

11 3. The petition shall be in the following form:

12 "We the undersigned voters residing in the service areas for the following 911
13 central dispatch centers do hereby petition that the following existing 911 central dispatch
14 centers be consolidated into one 911 central dispatch center."

15 4. An alternative procedure of consolidation may be followed if each of the boards
16 of directors of the existing 911 central dispatch centers passes a resolution in the following
17 form:

18 "The board of directors of the 911 central dispatch center resolves that the .
19 and 911 central dispatch centers be consolidated into one consolidated 911
20 central dispatch center."

21 5. Upon the filing of a petition or resolution with the county clerk from each of the
22 service areas of the 911 central dispatch centers to be consolidated, the clerk shall present
23 the petition or resolution to the commissioners of the county commission having
24 jurisdiction who shall thereupon order the submission of the question to voters within the
25 affected 911 central dispatch center service areas. The filing of a petition shall be no later
26 than twelve months after any original voter's signature contained therein.

27 6. The notice of election shall contain the names of the existing 911 central dispatch
28 centers to be included in the consolidated 911 central dispatch center.

29 **7. The question shall be submitted in substantially the following form:**

30 **“Shall the existing 911 central dispatch centers be consolidated into one 911**
31 **central dispatch center?”.**

32 **8. If the question of consolidation of the 911 central dispatch centers receives a**
33 **majority of the votes cast in each service area, the county commissions having joint**
34 **jurisdiction shall each enter an order declaring the proposition passed.**

35 **9. Within thirty days after the 911 central dispatch center has been declared**
36 **consolidated, the respective county commissions having jurisdiction shall jointly meet to**
37 **appoint a new seven-person board consisting of the agencies and professions listed in**
38 **subsection 9 of section 190.335, and shall ensure geographic representation by appointing**
39 **no more than four members from any one county having jurisdiction within the**
40 **consolidated area for the new consolidated 911 central dispatch center.**

41 **10. Within thirty days after the appointment of the initial board of directors of the**
42 **new consolidated 911 central dispatch center, the board of directors shall meet at a time**
43 **and place designated by the county commissions. At the first meeting, the newly appointed**
44 **board of directors shall choose a name for the consolidated 911 central dispatch center and**
45 **shall notify the clerks of the county commission of each county within which the new**
46 **consolidated 911 central dispatch center’s service area now subsumes.**

47 **11. Starting with the April election in the year after the appointment of the initial**
48 **board of directors, one member shall be subject to running at large as chair for a four-year**
49 **term. Four members shall be selected by lot to run for two-year terms, and two members**
50 **shall be selected by lot to run for four-year terms. Thereafter all terms shall be four-year**
51 **terms.**

52 **12. On the thirtieth day following the appointment of the initial board of directors**
53 **the existing 911 central dispatch centers shall cease to exist and the consolidated 911**
54 **central dispatch center shall assume all of the powers and duties exercised by the 911**
55 **central dispatch centers. All assets and obligations of the existing 911 central dispatch**
56 **centers shall become the assets and obligations of the new consolidated 911 central dispatch**
57 **center.**

190.475. The director of the department of revenue shall maintain a centralized
2 **database which shall be made available to the Missouri 911 service board established**
3 **under section 650.325, specifying the current monthly fee or tax imposed by each county**
4 **or city under section 190.292, 190.305, 190.325, 190.335, or 190.450. The database shall be**
5 **updated no less than sixty days prior to the effective date of the establishment or**
6 **modification of any monthly fee or tax listed in the database.**

 650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

2 (1) ["Committee"] "**Board**", the [advisory committee for] **Missouri** 911 service
3 [oversight] **board** established in section 650.325;

4 (2) "Public safety answering point", the location at which 911 calls are [initially]
5 answered;

6 (3) "Telecommunicator", any person employed as an emergency telephone worker, call
7 taker or public safety dispatcher whose duties include receiving, processing or transmitting
8 public safety information received through a 911 public safety answering point.

650.325. There is hereby established within the department of public safety the
2 ["Advisory Committee for 911 Service Oversight"] "**Missouri 911 Service Board**" which is
3 charged with assisting and advising the state in ensuring the availability, implementation and
4 enhancement of a statewide emergency telephone number common to all jurisdictions through
5 research, planning, training and education, **but shall have no authority over communications**
6 **service providers, as defined in section 190.400.** The [committee for 911 service oversight]
7 **board** shall represent all entities and jurisdictions before appropriate policy-making authorities
8 and the general assembly and shall strive toward the immediate access to emergency services for
9 all citizens of this state.

650.330. 1. The [committee for 911 service oversight] **board** shall consist of [sixteen]
2 **fourteen** members, one of which shall be chosen from the department of public safety [who shall
3 serve as chair of the committee and only vote in the instance of a tie vote among the other
4 members], and the other members shall be selected as follows:

5 (1) One member chosen to represent an association domiciled in this state whose primary
6 interest relates to [counties] **municipalities**;

7 (2) One member chosen to represent the Missouri [public service commission] **911**
8 **directors association**;

9 (3) One member chosen to represent emergency medical services **and physicians**;

10 (4) One member chosen to represent an association with a chapter domiciled in this state
11 whose primary interest relates to a national emergency number;

12 (5) One member chosen to represent an association whose primary interest relates to
13 issues pertaining to fire chiefs;

14 (6) One member chosen to represent an association with a chapter domiciled in this state
15 whose primary interest relates to issues pertaining to public safety communications officers;

16 (7) One member chosen to represent an association whose primary interest relates to
17 issues pertaining to police chiefs;

18 (8) [One member chosen to represent a league or association domiciled in this state
19 whose primary interest relates to issues pertaining to municipalities;

20 (9) One member chosen to represent an association domiciled in this state whose
21 primary interest relates to issues pertaining to sheriffs;

22 [(10)] (9) One member chosen to represent [911 service providers in] counties of the
23 second, third and fourth classification;

24 [(11)] (10) One member chosen to represent [911 service providers in] counties of the
25 first classification, **counties** with [and without] a charter [forms] **form** of government, and cities
26 not within a county;

27 [(12)] (11) One member chosen to represent telecommunications service providers [with
28 at least one hundred thousand access lines located within Missouri];

29 [(13)] (12) One member chosen to represent **wireless** telecommunications service
30 providers [with less than one hundred thousand access lines located within Missouri];

31 (14) One member chosen to represent a professional association of physicians who
32 conduct with emergency care; and

33 (15) One member chosen to represent the general public of Missouri who represents an
34 association whose primary interest relates to education and training, including that of 911, police
35 and fire dispatchers] ; and

36 (13) **One member chosen to represent voice over internet protocol service**
37 **providers.**

38 2. Each of the members of the [committee for 911 service oversight] **board** shall be
39 appointed by the governor with the advice and consent of the senate for a term of four years];
40 except that, of those members first appointed, four members shall be appointed to serve for one
41 year, four members shall be appointed to serve for two years, four members shall be appointed
42 to serve for three years and four members shall be appointed to serve for four years]. Members
43 of the committee may serve multiple terms. **No corporation or its affiliate shall have more**
44 **than one officer, employee, assign, agent, or other representative serving as a member of**
45 **the board. Notwithstanding subsection 1 of this section to the contrary, all members**
46 **appointed as of August 28, 2015, shall continue to serve the remainder of their terms.**

47 3. The [committee for 911 service oversight] **board** shall meet at least quarterly at a
48 place and time specified by the chairperson of the committee and it shall keep and maintain
49 records of such meetings, as well as the other activities of the committee. Members shall not be
50 compensated but shall receive actual and necessary expenses for attending meetings of the
51 committee.

52 4. The [committee for 911 service oversight] **board** shall:

53 (1) Organize and adopt standards governing the committee's formal and informal
54 procedures;

- 55 (2) Provide recommendations for primary answering points and secondary answering
56 points on [statewide] technical and operational standards for 911 services;
- 57 (3) Provide recommendations to public agencies concerning model systems to be
58 considered in preparing a 911 service plan;
- 59 (4) Provide requested mediation services to political subdivisions involved in
60 jurisdictional disputes regarding the provision of 911 services, except that [such committee] **the**
61 **board** shall not supersede decision-making authority of local political subdivisions in regard to
62 911 services;
- 63 (5) Provide assistance to the governor and the general assembly regarding 911 services;
- 64 (6) Review existing and proposed legislation and make recommendations as to changes
65 that would improve such legislation;
- 66 (7) Aid and assist in the timely collection and dissemination of information relating to
67 the use of a universal emergency telephone number;
- 68 (8) Perform other duties as necessary to promote successful development,
69 implementation and operation of 911 systems across the state, **including monitoring federal**
70 **and industry standards being developed for next generation 911 systems;** [and]
- 71 (9) [Advise the department of public safety on establishing rules and regulations
72 necessary to administer the provisions of sections 650.320 to 650.340] **Elect the chair from its**
73 **membership;**
- 74 (10) **Designate a state 911 coordinator;**
- 75 (11) **Apply for and receive grants from federal, private, and other sources;**
- 76 (12) **Administer and authorize grants and loans under section 650.335 to those**
77 **counties and any home rule city with more than fifteen thousand but fewer than seventeen**
78 **thousand inhabitants and partially located in any county of the third classification without**
79 **a township form of government and with more than thirty-seven thousand but fewer than**
80 **forty-one thousand inhabitants, that can demonstrate a financial commitment to improving**
81 **911 services by providing at least a fifty percent match and demonstrate the ability to**
82 **operate and maintain ongoing 911 services. The purpose of grants and loans from the 911**
83 **service trust fund shall include:**
- 84 (a) **Implementation of 911 services in counties of the state where services do not**
85 **exist or to improve existing 911 systems;**
- 86 (b) **Promotion of consolidation where appropriate;**
- 87 (c) **Mapping and addressing all county locations;**
- 88 (d) **Ensuring primary access and texting abilities to 911 services for disabled**
89 **residents;**

90 (e) **Implementation of initial emergency medical dispatch services including**
91 **prearrival medical instructions in counties where those services are not offered as of July**
92 **1, 2015;**

93 (13) **Develop an application process including reporting and accountability**
94 **requirements, withholding a portion of the grant until completion of a project, and other**
95 **measures to assure funds are used in accordance with the law and purpose of the grant,**
96 **then conduct audits as deemed necessary;**

97 (14) **Report to the governor and the general assembly at least every three years on**
98 **the status of 911 services statewide as well as specific efforts to improve efficiency, cost**
99 **effectiveness, and levels of service;**

100 (15) **Conduct and review an annual survey of public safety answering points in**
101 **Missouri to evaluate potential for improved services, coordination, and feasibility of**
102 **consolidation;**

103 (16) **Set the percentage rate of the prepaid wireless emergency telephone service**
104 **charges to be remitted to a county or city as provided under subdivision (6) of subsection**
105 **3 of section 190.451;**

106 (17) **Make and execute contracts or any other instruments and agreements**
107 **necessary or convenient for the exercise of its powers and functions;**

108 (18) **Approve a proposal of a county or city to impose a fee of more than one dollar**
109 **under section 190.450;**

110 (19) **Retain in its records proposed county plans developed under subsection 11 of**
111 **section 190.450 and notify the department of revenue that the county has filed a plan that**
112 **is ready for implementation; and**

113 (20) **Notify any communications service provider, as defined in section 190.400, that**
114 **has voluntarily submitted its contact information when any update is made to the**
115 **centralized database established under section 190.475 as a result of a county or city**
116 **establishing or modifying a tax or monthly fee no less than ninety days prior to the effective**
117 **date of the establishment or modification of the tax or monthly fee.**

118 5. **The department of public safety shall provide staff assistance to the [committee for**
119 **911 service oversight] board as necessary in order for the [committee] board to perform its**
120 **duties pursuant to sections 650.320 to 650.340. The board shall have the authority to hire**
121 **consultants to administer the provisions of sections 650.320 to 650.340.**

122 6. **Any county that has one 911 service shall be presumed to be consolidated.**

123 7. **The [department of public safety is authorized to adopt those] board shall**
124 **promulgate rules and regulations that are reasonable and necessary [to accomplish the limited**
125 **duties specifically delegated within section] to implement and administer the provisions of**

126 **sections 650.320 to 650.340.** Any rule or portion of a rule, as that term is defined in section
127 536.010, shall become effective only if it has been promulgated pursuant to the provisions of
128 chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with
129 the general assembly pursuant to chapter 536 to review, to delay the effective date or to
130 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
131 authority and any rule proposed or adopted after August 28, [1999] **2015**, shall be invalid and
132 void.

**650.335. 1. Any county or any home rule city with more than fifteen thousand but
2 fewer than seventeen thousand inhabitants and partially located in any county of the third
3 classification without a township form of government and with more than thirty-seven
4 thousand but fewer than forty-one thousand inhabitants may submit an application for
5 loan funds or other financial assistance to the board for the purpose of financing all or a
6 portion of the costs incurred in implementing a 911 communications service project. The
7 application shall be accompanied by a technical assistance report. The application and the
8 technical assistance report shall be in such form and contain such information, financial
9 or otherwise, as prescribed by the board. This section shall not preclude any applicant or
10 borrower from joining in a cooperative project with any other political subdivision or with
11 any state or federal agency or entity in a 911 communications service project; provided
12 that, all other requirements of this section have been met.**

**13 2. Applications may be approved for loans only in those instances where the
14 applicant has furnished the board information satisfactory to assure that the project cost
15 will be recovered during the repayment period of the loan. In no case shall a loan be made
16 to an applicant unless the approval of the governing body of the applicant to the loan
17 agreement is obtained and a written certification of such approval is provided, where
18 applicable. Repayment periods are to be determined by the board.**

**19 3. The board shall approve or disapprove all applications for loans which are sent
20 by certified or registered mail or hand delivered and received by the board upon a schedule
21 as determined by the board.**

**22 4. Each applicant to whom a loan has been made under this section shall repay such
23 loan, with interest. The rate of interest shall be the rate required by the board. The
24 number, amounts, and timing of the payments shall be as determined by the board.**

**25 5. Any applicant who receives a loan under this section shall annually budget an
26 amount which is at least sufficient to make the payments required under this section.**

**27 6. Repayment of principal and interest on loans shall be credited to the Missouri
28 911 Service Trust Fund established under section 190.420.**

29 **7. If a loan recipient fails to remit a payment to the board in accordance with this**
 30 **section within sixty days of the due date of such payment, the board shall notify the**
 31 **director of the department of revenue to deduct such payment amount from first, the**
 32 **prepaid wireless emergency telephone service charge remitted to the county or city**
 33 **pursuant to section 190.451; and if insufficient to affect repayment of the loan, next the**
 34 **regular apportionment of local sales tax distributions to that county or city. Such amount**
 35 **shall then immediately be deposited in the Missouri 911 Service Trust Fund and credited**
 36 **to the loan recipient.**

37 **8. All applicants having received loans pursuant to this section shall remit the**
 38 **payments required by subsection 4 of this section to the board or such other entity as may**
 39 **be directed by the board. The board or such other entity shall immediately deposit such**
 40 **payments in the Missouri 911 Service Trust Fund.**

41 **9. Loans made pursuant to this section shall be used only for the purposes specified**
 42 **in an approved application or loan agreement. In the event the board determines that loan**
 43 **funds have been expended for purposes other than those specified in an approved**
 44 **application or loan agreement or any event of default of the loan agreement occurs without**
 45 **resolution, the board shall take appropriate actions to obtain the return of the full amount**
 46 **of the loan and all moneys duly owed or other available remedies.**

47 **10. Upon failure of a borrower to remit repayment to the board within sixty days**
 48 **of the date a payment is due, the board may initiate collection or other appropriate action**
 49 **through the provisions outlined in subsection 7 of this section when applicable.**

50 **11. When the borrower is an entity not covered under the collection procedures**
 51 **established in this section, the board, with the advice and consent of the attorney general,**
 52 **may initiate collection procedures or other appropriate action pursuant to applicable law.**

53 **12. The board may, at its discretion, audit the expenditure of any loan, grant, or**
 54 **expenditure made or the computation of any payments made.**

650.340. 1. The provisions of this section may be cited and shall be known as the "911
 2 Training and Standards Act".

3 2. Initial training requirements for telecommunicators who answer 911 calls that come
 4 to public safety answering points shall be as follows:

- 5 (1) Police telecommunicator 16 hours;
- 6 (2) Fire telecommunicator.. . . . 16 hours;
- 7 (3) Emergency medical services telecommunicator. 16 hours;
- 8 (4) Joint communication center telecommunicator.. . . . 40 hours.

9 3. All persons employed as a telecommunicator in this state shall be required to complete
 10 ongoing training so long as such person engages in the occupation as a telecommunicator. Such

11 persons shall complete at least twenty-four hours of ongoing training every three years by such
 12 persons or organizations as provided in subsection 6 of this section. The reporting period for the
 13 ongoing training under this subsection shall run concurrent with the existing continuing
 14 education reporting periods for Missouri peace officers pursuant to chapter 590.

15 4. Any person employed as a telecommunicator on August 28, 1999, shall not be
 16 required to complete the training requirement as provided in subsection 2 of this section. Any
 17 person hired as a telecommunicator after August 28, 1999, shall complete the training
 18 requirements as provided in subsection 2 of this section within twelve months of the date such
 19 person is employed as a telecommunicator.

20 5. The training requirements as provided in subsection 2 of this section shall be waived
 21 for any person who furnishes proof to the committee that such person has completed training in
 22 another state which are at least as stringent as the training requirements of subsection 2 of this
 23 section.

24 6. The [department of public safety] **board** shall determine by administrative rule the
 25 persons or organizations authorized to conduct the training as required by subsection 2 of this
 26 section.

27 7. This section shall not apply to an emergency medical dispatcher or agency as defined
 28 in section 190.100, or a person trained by an entity accredited or certified under section 190.131,
 29 or a person who provides prearrival medical instructions who works for an agency which meets
 30 the requirements set forth in section 190.134.

**Section 1. The state auditor shall have the authority to conduct performance and
 2 fiscal audits of any board, dispatch center, joint emergency communications entity, or trust
 3 fund established under section 190.327, 190.328, 190.329, 190.335, 190.420, 190.455,
 4 190.460, or 650.325.**

2 [190.307. 1. No public agency or public safety agency, nor any officer,
 3 agent or employee of any public agency, shall be liable for any civil damages as
 4 a result of any act or omission except willful and wanton misconduct or gross
 5 negligence, in connection with developing, adopting, operating or implementing
 6 any plan or system required by sections 190.300 to 190.340.

7 2. No person who gives emergency instructions through a system
 8 established pursuant to sections 190.300 to 190.340 to persons rendering services
 9 in an emergency at another location, nor any persons following such instructions
 10 in rendering such services, shall be liable for any civil damages as a result of
 11 issuing or following the instructions, unless issuing or following the instructions
 12 constitutes willful and wanton misconduct, or gross negligence.]

2 [190.410. 1. There is hereby created in the department of public safety
 3 the "Wireless Service Provider Enhanced 911 Advisory Board", consisting of
 eight members as follows:

4 (1) The director of the department of public safety or the director's
5 designee who shall hold a position of authority in such department of at least a
6 division director;

7 (2) The chairperson of the public service commission or the chairperson's
8 designee; except that such designee shall be a commissioner of the public service
9 commission or hold a position of authority in the commission of at least a
10 division director;

11 (3) Three representatives and one alternate from the wireless service
12 providers, elected by a majority vote of wireless service providers licensed to
13 provide service in this state; and

14 (4) Three representatives from public safety answering point
15 organizations, elected by the members of the state chapter of the associated
16 public safety communications officials and the state chapter of the National
17 Emergency Numbering Association.

18 2. Immediately after the board is established the initial term of
19 membership for a member elected pursuant to subdivision (3) of subsection 1 of
20 this section shall be one year and all subsequent terms for members so elected
21 shall be two years. The membership term for a member elected pursuant to
22 subdivision (4) of subsection 1 of this section shall initially and subsequently be
23 two years. Each member shall serve no more than two successive terms unless
24 the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of
25 this section. Members of the board shall serve without compensation, however,
26 the members may receive reimbursement of actual and necessary expenses. Any
27 vacancies on the board shall be filled in the manner provided for in this
28 subsection.

29 3. The board shall do the following:

30 (1) Elect from its membership a chair and other such officers as the board
31 deems necessary for the conduct of its business;

32 (2) Meet at least one time per year for the purpose of discussing the
33 implementation of Federal Communications Commission order 94-102;

34 (3) Advise the office of administration regarding implementation of
35 Federal Communications Commission order 94-102; and

36 (4) Provide any requested mediation service to a political subdivision
37 which is involved in a jurisdictional dispute regarding the providing of wireless
38 911 services. The board shall not supersede decision-making authority of any
39 political subdivision in regard to 911 services.

40 4. The director of the department of public safety shall provide and
41 coordinate staff and equipment services to the board to facilitate the board's
42 duties.]

43
2 [190.430. 1. The commissioner of the office of administration is
3 authorized to establish a fee, if approved by the voters pursuant to section
190.440, not to exceed fifty cents per wireless telephone number per

4 month to be collected by wireless service providers from wireless service
5 customers.

6 2. The office of administration shall promulgate rules and
7 regulations to administer the provisions of sections 190.400 to 190.440.
8 Any rule or portion of a rule, as that term is defined in section 536.010,
9 that is promulgated pursuant to the authority delegated in sections
10 190.400 to 190.440 shall become effective only if it has been
11 promulgated pursuant to the provisions of chapter 536. All rulemaking
12 authority delegated prior to July 2, 1998, is of no force and effect and
13 repealed; however, nothing in this section shall be interpreted to repeal
14 or affect the validity of any rule filed or adopted prior to July 2, 1998, if
15 it fully complied with the provisions of chapter 536. This section and
16 chapter 536 are nonseverable and if any of the powers vested with the
17 general assembly pursuant to chapter 536 to review, to delay the effective
18 date or to disapprove and annul a rule are subsequently held
19 unconstitutional, then the grant of rulemaking authority and any rule
20 proposed or adopted after July 2, 1998, shall be invalid and void.

21 3. The office of administration is authorized to administer the
22 fund and to distribute the moneys in the wireless service provider
23 enhanced 911 service fund for approved expenditures as follows:

24 (1) For the reimbursement of actual expenditures for
25 implementation of wireless enhanced 911 service by wireless service
26 providers in implementing Federal Communications Commission order
27 94-102; and

28 (2) To subsidize and assist the public safety answering points
29 based on a formula established by the office of administration, which may
30 include, but is not limited to the following:

31 (a) The volume of wireless 911 calls received by each public
32 safety answering point;

33 (b) The population of the public safety answering point
34 jurisdiction;

35 (c) The number of wireless telephones in a public safety
36 answering point jurisdiction by zip code; and

37 (d) Any other criteria found to be valid by the office of
38 administration provided that of the total amount of the funds used to
39 subsidize and assist the public safety answering points, at least ten
40 percent of said funds shall be distributed equally among all said public
41 safety answering points providing said services under said section;

42 (3) For the reimbursement of actual expenditures for equipment
43 for implementation of wireless enhanced 911 service by public safety
44 answering points to the extent that funds are available, provided that ten
45 percent of funds distributed to public safety answering points shall be

46 distributed in equal amounts to each public safety answering point
47 participating in enhanced 911 service;

48 (4) Notwithstanding any other provision of the law, no
49 proprietary information submitted pursuant to this section shall be subject
50 to subpoena or otherwise released to any person other than to the
51 submitting wireless service provider, without the express permission of
52 said wireless service provider. General information collected pursuant to
53 this section shall only be released or published in aggregate amounts
54 which do not identify or allow identification of numbers of subscribers
55 or revenues attributable to an individual wireless service provider.

56 4. Wireless service providers are entitled to retain one percent of
57 the surcharge money they collect for administrative costs associated with
58 billing and collection of the surcharge.

59 5. No more than five percent of the moneys in the fund, subject
60 to appropriation by the general assembly, shall be retained by the office
61 of administration for reimbursement of the costs of overseeing the fund
62 and for the actual and necessary expenses of the board.

63 6. The office of administration shall review the distribution
64 formula once every year and may adjust the amount of the fee within the
65 limits of this section, as determined necessary.

66 7. The provisions of sections 190.307 and 190.308 shall be
67 applicable to programs and services authorized by sections 190.400 to
68 190.440.

69 8. Notwithstanding any other provision of the law, in no event
70 shall any wireless service provider, its officers, employees, assigns or
71 agents, be liable for any form of civil damages or criminal liability which
72 directly or indirectly result from, or is caused by, an act or omission in the
73 development, design, installation, operation, maintenance, performance
74 or provision of 911 service or other emergency wireless two- and three-
75 digit wireless numbers, unless said acts or omissions constitute gross
76 negligence, recklessness or intentional misconduct. Nor shall any
77 wireless service provider, its officers, employees, assigns, or agents be
78 liable for any form of civil damages or criminal liability which directly
79 or indirectly result from, or is caused by, the release of subscriber
80 information to any governmental entity as required under the provisions
81 of this act unless the release constitutes gross negligence, recklessness or
82 intentional misconduct.]

83

2 [190.440. 1. The office of administration shall not be authorized
3 to establish a fee pursuant to the authority granted in section 190.430
4 unless a ballot measure is submitted and approved by the voters of this
5 state. The ballot measure shall be submitted by the secretary of state for
approval or rejection at the general election held and conducted on the

6 Tuesday immediately following the first Monday in November, 1998, or
7 at a special election to be called by the governor on the ballot measure.
8 If the measure is rejected at such general or special election, the measure
9 may be resubmitted at each subsequent general election, or may be
10 resubmitted at any subsequent special election called by the governor on
11 the ballot measure, until such measure is approved.

12 2. The ballot of the submission shall contain, but is not limited
13 to, the following language:

14 Shall the Missouri Office of Administration be authorized to
15 establish a fee of up to fifty cents per month to be charged every wireless
16 telephone number for the purpose of funding wireless enhanced 911
17 service?

18 YES NO

19 If you are in favor of the question, place an "X" in the box opposite
20 "Yes". If you are opposed to the question, place an "X" in the box
21 opposite "No".

22 3. If a majority of the votes cast on the ballot measure by the
23 qualified voters voting thereon are in favor of such measure, then the
24 office of administration shall be authorized to establish a fee pursuant to
25 section 190.430, and the fee shall be effective on January 1, 1999, or the
26 first day of the month occurring at least thirty days after the approval of
27 the ballot measure. If a majority of the votes cast on the ballot measure
28 by the qualified voters voting thereon are opposed to the measure, then
29 the office of administration shall have no power to establish the fee
30 unless and until the measure is approved.]

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