

FIRST REGULAR SESSION

HOUSE BILL NO. 653

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LAUER (Sponsor), MCGAUGH, HANSEN, KORMAN,
MAYFIELD, PIKE, ROORDA, CONWAY (10), CROSS, KOLKMEYER, MCNEIL, MCDONALD, DIEHL,
HIGDON, RIZZO AND FITZWATER (Co-sponsors).

1650L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 190.134, 190.400, 190.410, 190.420, 650.320, 650.325, and 650.330, RSMo,
and to enact in lieu thereof eight new sections relating to emergency communications
service.

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

Section A. Sections 190.134, 190.400, 190.410, 190.420, 650.320, 650.325, and
2 650.330, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as
3 sections 190.134, 190.400, 190.420, 190.450, 190.451, 650.320, 650.325, and 650.330, to read
4 as follows:

190.134. A dispatch agency is required to have a memorandum of understanding with
2 all ambulance services that it dispatches. [If a] **Any call taker employed by a dispatch agency**
3 **[provides] that receives emergency calls and dispatches ambulance services shall be**
4 **certified as an emergency medical dispatcher, shall provide** prearrival medical instructions,
5 **[it] and** is required to have a medical director, whose duties include the maintenance of standards
6 and protocol approval.

190.400. As used in sections 190.400 to 190.440, the following words and terms shall
2 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)] "Public safety agency", a functional division of a public agency which provides fire
6 fighting, police, medical or other emergency services. For the purpose of providing wireless

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.

7 service to users of 911 emergency services, as expressly provided in this section, the department
8 of public safety and state highway patrol shall be considered a public safety agency;

9 [(4)] (2) "Public safety answering point", the location at which 911 calls are [initially]
10 answered;

11 [(5)] (3) "Wireless service provider", a provider of commercial mobile service pursuant
12 to Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et
13 seq).

190.420. 1. There is hereby established in the state treasury a fund to be known as the
2 "[Wireless Service Provider Enhanced] **Missouri** 911 Service Fund". All fees collected pursuant
3 to sections 190.400 to 190.440 **and sections 190.450 and 190.451** by wireless service providers
4 shall be remitted to the director of the department of revenue. The director shall remit such
5 payments to the state treasurer.

6 2. The state treasurer shall deposit such payments into the [wireless service provider
7 enhanced] **Missouri** 911 service fund. Moneys in the fund shall be used for the purpose of
8 reimbursing expenditures actually incurred in the implementation and operation of the [wireless
9 service provider enhanced] **Missouri** 911 system.

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

**190.450. 1. In lieu of the tax levy authorized under section 190.305 or the sales tax
2 imposed under section 190.335, the governing body of any county may impose, by order
3 or ordinance, a monthly fee on any device capable of contacting 911. The fee authorized
4 in this section shall not exceed one dollar and fifty cents per any such device capable of
5 contacting 911, and shall be imposed solely for the purpose of funding 911 service in such
6 county. The fee authorized in this section shall be in addition to all other taxes and fees
7 imposed by law, and shall be stated separately from all other charges and taxes.**

8 **2. No such order or ordinance adopted under this section shall become effective
9 unless the governing body of the county submits to the voters residing within the county
10 at a state general, primary, or special election a proposal to authorize the governing body
11 to impose a fee under this section. The question submitted shall be in substantially the
12 following form:**

13 **"Shall (insert county name) County impose a monthly fee of (insert amount) per any
14 such device capable of contacting 911 on each such device for the purpose of funding
15 wireless 911 service in the county?".**

16

17 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**
18 **favor of the question, then the fee shall become effective on the first day of the second**
19 **calendar quarter after the director of revenue receives notification of adoption of the fee.**
20 **If a majority of the votes cast on the question by the qualified voters voting thereon are**
21 **opposed to the question, then the fee shall not become effective unless and until the**
22 **question is resubmitted under this section to the qualified voters and such question is**
23 **approved by a majority of the qualified voters voting on the question.**

24 **3. Except as modified in this section, all provisions of sections 32.085 and 32.087**
25 **shall apply to the fee imposed under this section.**

26 **4. All revenue collected under this section by the director of the department of**
27 **revenue on behalf of any county, except for one percent for the cost of collection which**
28 **shall be deposited in the state's general revenue fund, shall be deposited in the Missouri**
29 **911 service fund created in section 190.420. The state treasurer shall remit such funds to**
30 **the county on a monthly basis. The county commission shall control such funds remitted**
31 **to the county unless the county has established an elected board for the purpose of**
32 **administering such funds.**

33 **5. Notwithstanding any other provision of law to the contrary, no proprietary**
34 **information submitted under this section shall be subject to subpoena or otherwise released**
35 **to any person other than to the submitting 911 communications service provider without**
36 **the express permission of such 911 communications service provider. General information**
37 **collected under this section shall only be released or published in aggregate amounts that**
38 **do not identify or allow identification of numbers of subscribers or revenues attributable**
39 **to an individual 911 communications service provider.**

40 **6. Notwithstanding any other provision of law to the contrary, in no event shall any**
41 **911 communications service provider, its officers, employees, assigns, or agents, be liable**
42 **for any form of civil damages or criminal liability that directly or indirectly result from,**
43 **or is caused by, an act or omission in the development, design, installation, operation,**
44 **maintenance, performance, or provision of a public safety answering point, or that directly**
45 **or indirectly result from, or is caused by, the release of subscriber information to any**
46 **governmental entity as required under this section unless such acts, release of subscriber**
47 **information, or omissions constitute gross negligence, recklessness, or intentional**
48 **misconduct.**

49 **7. The fee imposed under this section shall not be imposed upon customers who pay**
50 **for service prospectively, known as prepaid wireless telecommunications service customers.**
51 **Prepaid wireless telecommunications service customers shall be subject to the charge**
52 **imposed under section 190.451.**

53 **8. The fee imposed under this section shall not be imposed upon any landline**
54 **capable of contacting 911 if such landline is already subject to a tax or fee imposed for the**
55 **purpose of funding 911 service in such county. The fee imposed under this section shall**
56 **not be imposed in conjunction with any tax imposed under section 190.305 or 190.335.**

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 telecommunications service", a wireless telecommunications**
7 **service that allows a caller to dial 911 to access the 911 system, which service shall be paid**
8 **for in advance and is sold in predetermined units or dollars of which the number declines**
9 **with use in a known amount;**
10 **(5) "Provider", a person or business that provides prepaid wireless**
11 **telecommunications service under a license issued by the Federal Communications**
12 **Commission;**
13 **(6) "Retail transaction", the purchase of prepaid wireless telecommunications**
14 **service from a seller for any purpose other than resale. The purchase of more than one**
15 **item that provides prepaid wireless telecommunication service, when such items are sold**
16 **separately, constitutes more than one retail transaction;**
17 **(7) "Seller", a person who sells prepaid wireless telecommunications service to**
18 **another person;**
19 **(8) "Wireless telecommunications service", commercial mobile radio service as**
20 **defined by Section 20.3 of Title 47 of the Code of Federal Regulations, as amended.**
21 **2. (1) There is hereby imposed a statewide prepaid wireless emergency telephone**
22 **service charge on each retail transaction. The amount of such charge shall be equal to**
23 **three percent of each retail transaction. However, if a minimal amount of prepaid wireless**
24 **telecommunications service is sold with a prepaid wireless device for a single nonitemized**
25 **price, then the seller may elect not to apply such service charge to such transaction. For**
26 **purposes of this subdivision, an amount of service denominated as ten or fewer minutes,**
27 **or five dollars or less, is minimal.**
28 **(2) The prepaid wireless emergency telephone service charge shall be collected by**
29 **the seller from the consumer with respect to each retail transaction occurring in this state.**
30 **The amount of the prepaid wireless emergency telephone service charge shall be either**
31 **separately stated on an invoice, receipt, or other similar document that is provided to the**
32 **consumer by the seller, or otherwise disclosed to the consumer.**

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

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

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

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

53 **(2) A seller shall be permitted to deduct and retain one percent of prepaid wireless**
54 **emergency telephone service charges that are collected by the seller from consumers.**

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

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

65 **4. (1) A seller that is not a provider shall be entitled to the immunity and liability**
66 **protections under section 190.450, notwithstanding any requirement in state law regarding**
67 **compliance with Federal Communications Commission Order 05-116.**

68 (2) A provider shall be entitled to the immunity and liability protections under
69 section 190.450.

70 (3) In addition to the protection from liability provided in subdivisions (1) and (2)
71 of this subsection, each provider and seller shall be entitled to the further protection from
72 liability, if any, that is provided to providers and sellers of wireless telecommunications
73 service that is not prepaid wireless telecommunications service under section 190.450.

74 5. The prepaid wireless emergency telephone service charge imposed by this section
75 shall be the only 911 funding obligation imposed with respect to prepaid wireless
76 telecommunications service in this state, and no tax, fee, surcharge, or other charge shall
77 be imposed by this state, any political subdivision of this state, or any intergovernmental
78 agency, for 911 funding purposes, upon any provider, seller, or consumer with respect to
79 the sale, purchase, use, or provision of prepaid wireless telecommunications service.

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. The [committee for 911 service oversight] **board**
6 shall represent all entities and jurisdictions before appropriate policy-making authorities and the
7 general assembly and shall strive toward the immediate access to emergency services for all
8 citizens of this state.

650.330. 1. The [committee for 911 service oversight] **board** shall consist of [sixteen]
2 **twelve** 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;

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 whose
19 primary interest relates to issues pertaining to municipalities;
- 20 (9) One member chosen to represent an association domiciled in this state whose primary
21 interest relates to issues pertaining to sheriffs;
- 22 (10) [One member chosen to represent 911 service providers in counties of the second,
23 third and fourth classification;
- 24 (11) One member chosen to represent 911 service providers in counties of the first
25 classification, with and without charter forms of government, and cities not within a county;
- 26 (12)] One member chosen to represent **small** telecommunications service providers [with
27 at least one hundred thousand access lines located within Missouri];
- 28 [(13)] **(11)** One member chosen to represent **large** telecommunications service providers
29 [with less than one hundred thousand access lines located within Missouri];
- 30 (14) One member chosen to represent a professional association of physicians who
31 conduct with emergency care; and
- 32 (15) One member chosen to represent the general public of Missouri who represents an
33 association whose primary interest relates to education and training, including that of 911, police
34 and fire dispatchers].
- 35 2. Each of the members of the [committee for 911 service oversight] **board** shall be
36 appointed by the governor with the advice and consent of the senate for a term of four years;
37 except that, of those members first appointed, four members shall be appointed to serve for one
38 year, four members shall be appointed to serve for two years, four members shall be appointed
39 to serve for three years and four members shall be appointed to serve for four years. Members
40 of the committee may serve multiple terms.
- 41 3. The [committee for 911 service oversight] **board** shall meet at least quarterly at a
42 place and time specified by the chairperson of the committee and it shall keep and maintain
43 records of such meetings, as well as the other activities of the committee. Members shall not be

44 compensated but shall receive actual and necessary expenses for attending meetings of the
45 committee.

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

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

49 (2) Provide recommendations for primary answering points and secondary answering
50 points on [statewide] technical and operational standards for 911 services;

51 (3) Provide recommendations to public agencies concerning model systems to be
52 considered in preparing a 911 service plan;

53 (4) Provide requested mediation services to political subdivisions involved in
54 jurisdictional disputes regarding the provision of 911 services, except that such committee shall
55 not supersede decision-making authority of local political subdivisions in regard to 911 services;

56 (5) Provide assistance to the governor and the general assembly regarding 911 services;

57 (6) Review existing and proposed legislation and make recommendations as to changes
58 that would improve such legislation;

59 (7) Aid and assist in the timely collection and dissemination of information relating to
60 the use of a universal emergency telephone number;

61 (8) Perform other duties as necessary to promote successful development,
62 implementation and operation of 911 systems across the state; [and]

63 (9) Advise the department of public safety on establishing rules and regulations
64 necessary to administer the provisions of sections 650.320 to 650.340;

65 **(10) Elect the chair from its membership;**

66 **(11) Designate a state 911 coordinator;**

67 **(12) Apply for and receive private and federal grants;**

68 **(13) Prepare and present a report to the governor and general assembly on the state
69 of the state's 911 systems;**

70 **(14) Administer and authorize grants and loans to counties that demonstrate a
71 commitment to improving 911. The purpose of grants from the 911 fund shall include:**

72 **(a) Implementation of 911 services in every county of the state;**

73 **(b) Promotion of consolidation where appropriate;**

74 **(c) Mapping and addressing all county locations;**

75 **(15) Report to the governor and the general assembly every five years on the status
76 of 911 services statewide as well as specific efforts to improve efficiency, cost effectiveness,
77 and levels of service;**

78 **(16) Conduct a survey every five years of public safety answering points in**
79 **Missouri to evaluate potential for improved services, coordination, and feasibility of**
80 **consolidation;**

81 **(17) Make and execute contracts or any other instruments and agreements**
82 **necessary or convenient for the exercise of its powers and functions.**

83 5. The department of public safety shall provide staff assistance to the [committee for
84 911 service oversight] **board** as necessary in order for the [committee] **board** to perform its
85 duties pursuant to sections 650.320 to 650.340.

86 6. The department of public safety is authorized to adopt those rules that are reasonable
87 and necessary to accomplish the limited duties specifically delegated within section 650.340.
88 Any rule or portion of a rule, as that term is defined in section 536.010, shall become effective
89 only if it has been promulgated pursuant to the provisions of chapter 536. This section and
90 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant
91 to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are
92 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
93 or adopted after August 28, 1999, shall be invalid and void.

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

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