
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

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RADER, APRIL 13, 2015

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, APRIL 13, 2015

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, further providing for emergency
3 telephone service.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. The heading of Chapter 53 of Title 35 of the
7 Pennsylvania Consolidated Statutes is amended to read:

8 CHAPTER 53

9 [EMERGENCY TELEPHONE SERVICE] 911 EMERGENCY COMMUNICATION

10 SERVICES

11 Section 2. Sections 5302, 5303, 5304, 5304.1, 5305 and 5306
12 of Title 35 are amended to read:

13 § 5302. Definitions.

14 The following words and phrases when used in this chapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

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

4 "911 communications service." As follows:

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

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

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

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

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

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

4 "Agency." The Pennsylvania Emergency Management Agency.

5 "ALI." Automatic location information.

6 "ANI." Automatic number identification.

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

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

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

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

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

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

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

1 communications service.

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

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

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

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

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

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

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

25 "Council." The Pennsylvania Emergency Management Council.

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

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

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

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

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

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

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

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

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

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

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

6 (1) All orders issued by the Federal Communications
7 Commission pursuant to the proceeding entitled "Revision of
8 the Commission's Rules to Ensure Compatibility with Enhanced
9 911 Emergency Calling Systems" (CC Docket No. 94-102)
10 codified at 47 CFR § 20.18 (relating to 911 service) and any
11 successor proceeding.

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

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

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

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

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

30 "Interconnected Voice over Internet Protocol service."

1 Service as defined by any of the following:

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

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

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

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

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

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

30 ["Local exchange telephone service." The provision of

1 telephonic message transmission within an exchange, as defined
2 and described in tariffs filed with and approved by the
3 Pennsylvania Public Utility Commission.

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

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

10 "Local exchange telecommunications service." The
11 transmission of voice messages that originate and terminate
12 within a prescribed local calling area, subject to the
13 Pennsylvania Public Utility Commission.

14 "Local notification." A system capability where a call to
15 911 from a multiline telephone system extension is directed
16 through the 911 network to a public safety answering point and
17 simultaneously notifies an attendant or other designee to
18 identify the location of the telephone that has dialed 911.

19 "Master street address guide." A database of street names
20 and house number ranges within the associated communities
21 defining emergency services zones and their associated emergency
22 services numbers to enable proper routing of 911 calls.

23 "Multiline telephone system" or "MLTS." A system comprised
24 of common control units, telephone sets, control hardware and
25 software and adjunct systems used to support capabilities,
26 including, but not limited to, network and premises-based
27 systems such as Centrex, VoIP, Hybrid, and Key Telephone Systems
28 and PBX as classified under 47 CFR § 68.162 (relating to
29 requirements for telecommunication certification bodies),
30 whether owned or leased by private individuals and businesses or

1 by government agencies and nonprofit entities.

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

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

12 "Next generation 911 service." 911 service using, in whole
13 or in part, next generation 911 technology.

14 "Next generation 911 technology." Equipment, products or
15 services that enable a PSAP to receive calls for emergency
16 assistance by voice, text, video, Internet protocol or other
17 technology authorized by Federal law, regulation or industry
18 standard. The term includes any new technology with the same or
19 similar functionality.

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

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

25 "Person." The term includes a corporation, LLC, a
26 partnership, an association, the Federal Government, the State
27 government, a political subdivision, a municipal or other local
28 authority and a natural person.

29 "Place of primary use." The street address representative of
30 where the subscriber's use of the wireless or VoIP service

1 primarily occurs. For the purpose of the surcharge assessed on a
2 VoIP service subscriber, place of primary use is the VoIP
3 service subscriber's registered location on the date the VoIP
4 service subscriber is billed.

5 "Prepaid wireless device." [A wireless telephone that is
6 purchased strictly for the purpose of initiating a prepaid
7 calling service. The term does not include traditional wireless
8 devices used for monthly calling plans.] A device that is
9 purchased with a prepaid wireless telecommunications service and
10 is strictly used for that purpose.

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

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

18 "Prepaid wireless telecommunications service." A wireless
19 telecommunications service that meets all of the following:

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

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

25 ["Primary place of use." The street address representative
26 of where the customer's use of the VoIP service primarily
27 occurs. For the purpose of VoIP 911 fees, primary place of use
28 is the customer's registered location on the date the customer
29 is billed.]

30 "Private 911 emergency answering point." An answering point

1 operated by a nonpublic safety entity which provides functional
2 alternative and adequate means of signaling and directing
3 responses to emergencies as an adjunct to public safety
4 responses, trains individuals intercepting calls for assistance
5 in accordance with applicable local emergency telecommunications
6 requirements and provides incident reporting to the public
7 safety emergency response centers in accordance with State and
8 local requirements.

9 "Private branch exchange" or "PBX." A private telephone
10 network switch that is connected to a publicly switched
11 telephone network.

12 "Provider." A person that provides service to the public for
13 a fee that includes 911 communications service, including, but
14 not limited to, a local exchange carrier, a wireless provider, a
15 prepaid wireless provider, a VoIP provider or a provider of next
16 generation 911 or successor services.

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

18 "Public agency." Any of the following:

19 (1) The Commonwealth.

20 (2) A political subdivision, public authority or
21 municipal authority.

22 (3) An organization located in whole or in part within
23 this Commonwealth which provides or has the authority to
24 provide firefighting, law enforcement, ambulance, emergency
25 medical or other emergency services.

26 "Public safety answering [point."] point" or "PSAP." The
27 agency-approved [first point at which calls for emergency
28 assistance from individuals are answered and which is operated
29 24 hours a day.] entity that receives 911 communications from a
30 defined geographic area and processes those calls according to a

1 specific operational policy.

2 "Public switched telephone network." The network of
3 equipment, lines and controls assembled to establish
4 communication paths between calling and called parties in North
5 America.

6 "Regional." A geographic area that includes more than one
7 county.

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

11 "Retail transaction." The purchase of prepaid wireless
12 telecommunications service or a prepaid wireless device bundled
13 with prepaid wireless telecommunications service from a seller
14 for any purpose other than resale.

15 "Seller." A person who sells prepaid wireless
16 telecommunications service or a prepaid wireless device bundled
17 with prepaid wireless telecommunications service to another
18 person.

19 "Shared residential MLTS service." The use of a multiline
20 telephone system to provide service to residential facilities
21 even if the service is not delineated for purposes of billing.
22 For purposes of this definition, residential facilities shall be
23 liberally construed to mean single family and multifamily
24 facilities.

25 "Shared telecommunications services." The provision of
26 telecommunications and information management services and
27 equipment within a user group located in discrete private
28 premises in building complexes, campuses or high-rise buildings
29 by a commercial shared services provider or by a user
30 association through privately owned subscriber premises

1 equipment and associated data processing and information
2 management services, including the provision of connections to
3 the facilities of a local exchange carrier and to interexchange
4 carriers.

5 "Subscriber." A person who contracts with and is billed by a
6 provider within this Commonwealth for a 911 communications
7 service. In the case of wireless service, the term shall mean a
8 person who contracts with a provider if the person's place of
9 primary use is within this Commonwealth.

10 "Successor service." A successor technology to next
11 generation 911 technology that provides the same or similar
12 functionality.

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

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

18 "Telecommunication device" or "device." Any equipment or
19 item made or adapted for use by a subscriber or consumer to
20 initiate, route or transmit 911 communications using a 911
21 communications service.

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

1 "Temporary residence." A facility such as a dormitory,
2 hotel, motel or health care or nursing home that provides
3 temporary occupancy for transient residents and that is served
4 by a multiline telephone system.

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

7 "Vendor." A person [other than a local exchange carrier or a
8 wireless provider] who supplies 911 [or wireless E-911] system
9 services or equipment to enable the transmission of a 911
10 communication to a PSAP or to support a 911 system or a
11 consultant representing the person, county or PSAP.

12 "VoIP provider." Interconnected Voice over Internet Protocol
13 provider.

14 "VoIP service." Interconnected Voice over Internet Protocol
15 service.["]

16 "VoIP service [customer] subscriber." An Interconnected
17 Voice over Internet Protocol service [customer] subscriber.

18 "Wireless [E-911] 911 service." [Service] 911 communications
19 service provided by a wireless provider, pursuant to the FCC [E-
20 911] 911 Order, including text-to-911 or any successor
21 requirements.

22 ["Wireless E-911 State plan." A document to be prepared,
23 maintained and kept current by the Pennsylvania Emergency
24 Management Agency providing for all aspects of the development,
25 implementation, operation and maintenance of a Statewide
26 integrated wireless E-911 system, including the exclusive
27 authority to formulate technical standards and determine
28 permitted uses of and amounts disbursed from the Wireless E-911
29 Emergency Services Fund.

30 "Wireless E-911 surcharge." A monthly fee assessed upon each

1 wireless service customer, other than a prepaid wireless seller,
2 provider or consumer, subject to the prepaid wireless E-911
3 surcharge under section 5311.4(b.1) (relating to Wireless E-911
4 Emergency Services Fund), for each wireless two-way
5 communication device for which that customer is charged by a
6 wireless provider for wireless service.

7 "Wireless E-911 system." An E-911 system which permits
8 wireless service customers dialing 911 to be connected to a
9 public safety answering point for the reporting of police, fire,
10 medical or other emergency situations.]

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

14 "Wireless service." Commercial mobile radio service as
15 defined under section 332(d) of the Communications Act of 1934
16 (48 Stat. 1604, 47 U.S.C. § 332(d)) which provides real-time,
17 two-way voice service that is interconnected with the public
18 switched telephone network. The term does not include prepaid
19 wireless telecommunications service.

20 "Wireless service customer." A person who is billed for
21 wireless service by a wireless provider or who [receives]
22 purchases prepaid wireless [telephone] telecommunications
23 service [from a wireless provider for wireless service] within
24 this Commonwealth.

25 "Workspace." The physical building area where work is
26 normally performed. This is a net square footage measurement
27 which includes hallways, conference rooms, restrooms and break
28 rooms, but does not include wall thickness, shafts, heating
29 equipment spaces, ventilating equipment spaces, air conditioning
30 equipment spaces, mechanical spaces, electrical spaces or

1 similar areas where employees do not normally have access.

2 § 5303. Telecommunications management.

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

5 (1) To adopt rules and regulations [pursuant to] as
6 necessary to enforce this chapter [and promulgate, adopt,
7 publish and use guidelines for the implementation of this
8 chapter. Rules, regulations and guidelines]. Rules and
9 regulations proposed under the authority of this section
10 shall be subject to review by the General Counsel and the
11 Attorney General in the manner provided for the review of
12 proposed rules and regulations pursuant to the act of October
13 15, 1980 (P.L.950, No.164), known as the Commonwealth
14 Attorneys Act, and the act of June 25, 1982 (P.L.633,
15 No.181), known as the Regulatory Review Act.

16 (2) To [establish] publish guidelines and application
17 procedures for the [establishment of contribution rates]
18 collection and distribution of fees collected under this
19 chapter.

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

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

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

29 (i) The extent to which 911 systems currently exist
30 in this Commonwealth.

1 (ii) Those counties which have completed
2 installation, and the costs and expenses for
3 installation.

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

6 (6) To establish minimum training and certification
7 standards for emergency dispatchers, call takers and
8 supervisors.

9 (7) To establish technical standards for the county
10 plans.

11 (8) To establish standards for performance review and
12 quality assurance programs for 911 systems to ensure public
13 safety and improve the performance of 911 systems.

14 (9) To establish standards for accuracy of 911 database
15 systems.

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

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

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

25 (4) To establish, in consultation with the board, a
26 Statewide 911 plan that sets forth priorities for 911 systems
27 in this Commonwealth and plans for next generation 911
28 technology.

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

1 (6) To provide administrative and support staff to the
2 board as necessary.

3 (7) To establish formulas and methods to distribute
4 money in accordance with section 5306.1 (relating to fund) in
5 consultation with the board.

6 (8) To establish uniform standards relating to
7 technology, administration and operation of 911 systems in
8 consultation with the board.

9 (9) To cooperate with county and regional 911 systems to
10 develop interconnectivity of 911 systems through the
11 establishment, enhancement, operation and maintenance of an
12 Internet protocol network.

13 (10) To establish, in consultation with the board,
14 eligible uses for money received under this chapter.

15 (11) To request information and require audits or
16 reports relating to program compliance from any entity
17 remitting the surcharge to or receiving disbursements from
18 the fund.

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

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

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

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

1 (16) To enforce this chapter through injunction,
2 mandamus or other appropriate proceeding.

3 (17) To take other actions necessary to implement and
4 enforce this chapter.

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

7 (1) To review all county plans, including the initial
8 application forwarded by the agency for conformity to the
9 minimum standards.

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

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

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

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

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

20 Establishment of 911 board.--There is established a board
21 within the agency to be known as the 911 board. The following
22 shall apply:

23 (1) The board shall be comprised of the following
24 persons:

25 (i) The chairman and minority chairman of the
26 Veterans Affairs and Emergency Preparedness Committee of
27 the Senate and the chairman and minority chairman of the
28 Veterans Affairs and Emergency Preparedness Committee of
29 the House of Representatives or their designees.

30 (ii) The director of the agency, who shall act as

1 chairperson.

2 (iii) The State 911 coordinator.

3 (iv) Four county commissioners or home rule
4 equivalent.

5 (v) Four county or regional 911 coordinators.

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

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

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

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

24 (ii) The Statewide organizations shall ensure that
25 nominees are sufficiently proficient in 911 policies,
26 operations and technologies and that the nominees provide
27 a diverse representation from the western, central and
28 eastern regions of this Commonwealth.

29 (iii) The Governor shall make the initial
30 appointments of members under paragraph (1)(iv), (v),

1 (vi) and (vii) within 90 days of the effective date of
2 this subparagraph. Initial terms for members appointed
3 under paragraph (1)(iv), (v) and (vi) shall be divided
4 between one year and two year terms.

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

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

9 (3) Twelve members of the board shall constitute a
10 quorum. When a quorum is present, three-fourths consent of
11 members present and voting is required for any action of the
12 board.

13 (4) The board shall meet at least once quarterly and at
14 any special session called by the chairperson. All meetings
15 of the board shall be conducted in accordance with 65 Pa.C.S.
16 Ch. 7 (relating to open meetings).

17 (5) The members of the board shall serve without
18 compensation but shall be reimbursed for their actual and
19 necessary travel and other expenses in connection with
20 attendance at meetings called by the chairperson.

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

23 (1) To advise the agency on regulations and guidelines
24 relating to the administration and operation of 911 systems
25 in this Commonwealth relating to the following:

26 (i) Standards for performance reviews and quality
27 assurance programs to ensure public safety and maintain
28 and improve the performance of 911 systems.

29 (ii) Measures to ensure the compliance of 911
30 systems with current industry standards and applicable

1 Federal regulations.

2 (iii) Cost-saving measures to include joint
3 purchasing opportunities.

4 (iv) Measures to promote regionalization of PSAPs.

5 (v) Measures to promote next generation 911
6 technology.

7 (vi) 911 planning guidelines.

8 (vii) Training standards for emergency dispatchers,
9 call takers and supervisors.

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

13 (3) To establish a program of communication between the
14 agency and county 911 coordinators to share information and
15 develop recommendations to improve 911 systems in this
16 Commonwealth.

17 (4) To promote the deployment of next generation 911
18 technology in 911 systems in this Commonwealth.

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

20 (6) To promote sharing of information among the agency,
21 911 systems and other State and local agencies relating to
22 the operation and improvement of 911 systems.

23 (d) Exemption.--The Pennsylvania State Police
24 telecommunications facilities are exempt from the
25 telecommunications management of the agency[,] and the council
26 [and the commission].

27 § 5304. Counties.

28 (a) Powers and duties.--[The board of county commissioners,
29 or, in a home rule county, the appropriate body according to the
30 home rule charter,] Each county shall have the following powers

1 and duties in relation to a 911 system: [and wireless E-911
2 system:

3 (1) To designate a member of county government as the
4 county 911 coordinator. The county coordinator shall serve as
5 a point of contact with the agency and shall develop a county
6 plan for the implementation, operation and maintenance of a
7 911 system. Where technologically feasible, the county plan
8 shall be adequate to provide service for the entire county.

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

12 (3) To send a copy of the proposed county plan to the
13 appropriate telephone company upon submission of the plan to
14 the agency.

15 (4) To cooperate with the agency, the council and the
16 commission in the preparation and submission of the county
17 plan and contribution rate.]

18 (1) To ensure the provision of a 911 system in the
19 county's respective jurisdiction. A county may provide a 911
20 system to the county's jurisdiction through participation in
21 a regional 911 system.

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

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

26 (ii) A county may adopt the 911 plan of a regional
27 911 system if the county is a participating member of
28 that regional 911 system.

29 (3) To cooperate with the agency, the board and the
30 Pennsylvania State Police.

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

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

7 [(6) To obtain annually from each telephone service
8 provider a list of the provider's local telephone exchanges
9 within the county and the addresses of that provider's
10 central offices serving those exchanges. Without exception,
11 the service provider shall provide the list to the board.

12 (7) To notify the agency and all adjacent counties of
13 the local telephone exchanges which provide telephone service
14 to residents within the county, specifically noting exchanges
15 known to provide telephone service to residents of more than
16 one county. Notice shall be provided at the time the county
17 plan is submitted to the agency and when local telephone
18 service is newly initiated for local telephone exchange
19 within the county.]

20 (6) To designate a 911 coordinator for the county. The
21 911 coordinator shall serve as a point of contact with the
22 agency and board and shall develop a plan for the
23 implementation, operation and maintenance of a 911 system.

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

26 (8) To cooperate with the Pennsylvania State Police.
27 Subject to subparagraphs (i) through (iii), a county that
28 utilizes ANI/ALI database services shall, upon request of the
29 Commissioner of the Pennsylvania State Police or the designee
30 of the commissioner, provide authority to access all ANI/ALI

1 database information relating to 911 calls for emergency
2 services, whether the database is held by the county or by a
3 commercial entity[.], following the established procedures of
4 the database owner. The following shall apply:

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

8 (A) the Pennsylvania State Police shall provide,
9 at its cost, any equipment, computer software or
10 telecommunications equipment or services, exclusive
11 of recurring personnel costs for county personnel,
12 that are necessary to enable its access to any
13 ANI/ALI database information; and

14 (B) all means of access must be approved by the
15 county, PSAP and the Pennsylvania State Police before
16 the county is required to authorize or provide the
17 access. In the event of a dispute between the
18 Pennsylvania State Police and a county or PSAP
19 regarding approval by the county and PSAP, the
20 dispute shall be mediated by the Office of
21 Information Technology of the Commonwealth's Office
22 of Administration. The Office of Information
23 Technology may bring in a Commonwealth mediator from
24 the Office of General Counsel to provide assistance
25 in resolving the dispute.

26 (ii) The ANI/ALI database information to which
27 access is authorized or enabled under this paragraph or
28 section 5304.1(a)(3) (relating to Pennsylvania State
29 Police) shall be used only in providing emergency
30 response services to a 911 call. A person who uses or

1 discloses the ANI/ALI database information under this
2 subparagraph for any other purpose commits a misdemeanor
3 of the third degree.

4 (iii) Nothing contained in this paragraph shall be
5 construed to impose on [wireless] providers any
6 obligations beyond those created by applicable Federal
7 Communications Commission orders and regulations. Public
8 agencies, counties, PSAPs and wireless providers shall
9 not be liable to any person for errors in any of the
10 ANI/ALI database information which may be accessed by or
11 provided to the Pennsylvania State Police under this
12 paragraph.

13 [(9) To comply with reporting requirements established
14 by the agency.

15 (b) Persons outside county.--When an individual physically
16 resides in an adjacent county but receives local exchange
17 telephone service from a central office in a county which
18 provides 911 service, it shall be the responsibility of the
19 county with the 911 service to notify the appropriate public
20 agency of a request for emergency service from the individual.]

21 (c) Cities of second class, second class A and third
22 class.--A city of the second class, second class A or third
23 class that has established a 911 system prior to September 4,
24 1990, may [exercise the powers and duties of counties under this
25 chapter] join a county or regional PSAP. [A city of the second
26 class, second class A or third class that has not established a
27 911 system prior to September 4, 1990, may exercise the powers
28 and duties of counties under this chapter only when the county
29 has chosen not to exercise those powers and duties. The powers
30 and duties granted to cities under this section shall be

1 applicable and may be exercised only within the boundaries of
2 the city. No action by a city under this section shall preempt
3 the powers and duties of a county to establish a 911 system
4 outside the boundaries of the city at any time. The agency may
5 establish regulations governing the exercise of powers and
6 duties granted to cities of the second class, second class A and
7 third class by this section.]

8 § 5304.1. Pennsylvania State Police.

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

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

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

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

1 Pennsylvania State Police or the designee of the commissioner
2 under section 5304(a)(8) (relating to counties).

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

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

17 § 5305. [County] 911 system plan.

18 (a) Minimum standards.--Upon the agreement of [the governing
19 body of] a county to establish a 911 system as a regional or
20 single county PSAP, a plan shall be drafted meeting at least the
21 standards promulgated by the agency. The county may obtain
22 technical assistance from the agency in formulating its plan.
23 Each 911 system plan shall be designed to meet the individual
24 circumstances of each community and the public agencies
25 participating in the 911 system[.] and shall consider
26 efficiencies to be achieved by regionalization of technology and
27 voluntary PSAP consolidation. The 911 system plan may include
28 consideration of and plan for next generation 911 technology.

29 [(b) Completion.--Upon completion of the plan, the county
30 shall forward it to the agency, with a copy of the plan being

1 sent to those telephone companies affected by the plan. When the
2 plan is submitted to the agency, the county shall also provide
3 each adjacent county with a list of local telephone exchanges
4 included in the plan, specifically noting exchanges known to
5 provide telephone service to residents of more than one county.

6 (c) Agency review.--

7 (1) The agency shall review each county plan for
8 completeness and shall forward a copy of the county plan and
9 the proposed contribution rate to the council and the
10 commission for review as required by this section.

11 (2) After the county plan has been reviewed by the
12 council and the commission, the agency shall approve or
13 reject a county plan based on the recommendations of the
14 council and the commission.

15 (3) If the county plan is rejected, the agency shall
16 return the county plan and explain the deficiencies that
17 caused the rejection.

18 (d) Council review.--The council shall have 90 days to
19 review the plan and make suggested revisions to the plan. The
20 agency may act as agent for the council in the administration of
21 the plan approval process.

22 (e) Commission review.--

23 (1) The commission shall review the county plan only in
24 relation to the contribution rate and may modify only those
25 contribution rates which it finds excessive to meet the costs
26 stated in the plan. The rates shall be reviewed and a
27 decision forwarded to the agency within 90 days of the date
28 of submission.

29 (2) If the commission fails to review the contribution
30 rate within 90 days, the contribution rate will be deemed

1 approved by the commission.

2 (f) Present systems.--

3 (1) A county which has a present 911 system may
4 establish a contribution rate to cover nonrecurring and
5 operating costs of an existing 911 system by using the same
6 contribution rate approval mechanism as a new 911 system for
7 the purposes of this chapter.

8 (2) A county which did not have a 911 system in
9 operation on September 4, 1990, but which awarded a contract
10 for a 911 system prior to September 4, 1990, shall be
11 considered to have a present system.

12 (g) Regional systems.--Nothing in this chapter shall be
13 construed to prohibit the formation of multijurisdictional or
14 regional 911 systems, and any regional system established under
15 this chapter shall include the territory of two or more
16 counties.

17 (g.1) Contribution rate.--

18 (1) Counties of the first through second class A may
19 impose a monthly contribution rate in an amount not to exceed
20 \$1 per line on each local exchange access line. Counties of
21 the third through fifth classes may impose monthly
22 contribution rates in an amount not to exceed \$1.25 per line
23 on each local exchange access line. Counties of the sixth
24 through eighth classes may impose a monthly contribution rate
25 in an amount not to exceed \$1.50 per line on each local
26 exchange access line.

27 (2) The following shall apply:

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

1 (ii) Expenses eligible for reimbursement through the
2 contribution rate shall include telephone terminal
3 equipment, trunk line service installation, network
4 changes, building of initial database and any other
5 nonrecurring costs to establish a 911 system. The
6 contribution rate may also be used to fund recurring
7 costs under section 5308(b) (relating to expenditures for
8 nonrecurring costs, training, mobile communications
9 equipment, maintenance and operation of 911 systems).

10 (iii) Expenses not eligible for reimbursement
11 through the contribution rate shall include purchase of
12 real estate, cosmetic remodeling, central office
13 upgrades, hiring of dispatchers, ambulances, fire engines
14 or other emergency vehicles, utilities, taxes and other
15 expenses as determined by the Pennsylvania Emergency
16 Management Agency.

17 (h) Contribution rate changes.--

18 (1) Once a plan and contribution rate have been
19 established, the contribution rate shall remain fixed for a
20 period of at least three years. Updating and expanding the
21 present system shall require an amended plan to be filed with
22 the agency. The contribution rate shall remain fixed for
23 three years even if the present system is updated and
24 expanded.

25 (2) A request for a contribution rate change must be
26 submitted to the agency, and the agency shall forward the
27 request to the commission for approval as provided under
28 subsection (e).

29 (3) A contribution rate increase shall not be permitted
30 more often than every three years and shall not take effect

1 unless approved by the commission.

2 (i) Assessment.--

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

6 (2) The contribution rate may be imposed at any time
7 subsequent to the execution of a contract with the provider
8 of a 911 service at the discretion of the governing body of
9 the county and pursuant to approval of the county plan and
10 contribution rate under the provisions of this section.

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

12 (i) Is a county fee collected by the telephone
13 company.

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

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

18 (b) Board review.--

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

22 (2) If the 911 system plan is recommended for
23 disapproval by the board, the agency shall return the plan
24 and explain the deficiencies that caused the recommendation.

25 (c) Regional systems.--Nothing in this chapter shall be
26 construed to prohibit the formation of multijurisdictional or
27 regional 911 systems.

28 [§ 5306. Special public meeting.

29 (a) Public comment.--Before a county may establish a
30 contribution rate for nonrecurring and recurring costs under

1 this chapter, it must obtain public comment from the residents
2 of the county.

3 (b) Requirements.--The proposed contribution rate shall be
4 fixed by the governing body of the county in the following
5 manner:

6 (1) The governing body shall cause notice of intention
7 to fix the contribution rate at a special public meeting on a
8 date certain to be published in a newspaper of general
9 circulation at least ten days in advance of the special
10 public meeting. The notice shall include the precise amount
11 of the proposed monthly contribution rate.

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

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

17 Section 3. Title 35 is amended by adding sections to read:
18 § 5306.1. Fund.

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

22 (b) Composition of fund.--The fund shall consist of the
23 following:

24 (1) The surcharge remitted under section 5307 (relating
25 to payment, collection and remittance of surcharge by
26 providers of 911 communications services) and the prepaid
27 wireless surcharge remitted under section 5307.1 (relating to
28 payment, collection and remittance of surcharge by sellers of
29 prepaid wireless telecommunications service).

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

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

2 (4) Interest accrued by the fund.

3 (c) Use.--

4 (1) The money in the fund shall be used only for
5 reasonably necessary costs that enhance, operate or maintain
6 a 911 system in this Commonwealth, in accordance with the
7 Statewide 911 plan established by the agency. For the
8 purposes of this paragraph, reasonably necessary costs shall
9 be determined by the agency, in consultation with the board,
10 consistent with the following:

11 (i) The agency shall establish factors for
12 reasonably necessary costs.

13 (ii) The agency shall provide the factors annually
14 through agency guidelines.

15 (iii) Notwithstanding any guidelines provided by the
16 agency, use of the fund by a 911 system or the agency to
17 establish, enhance, operate or maintain Statewide
18 interconnectivity of 911 systems or to establish a
19 capital or operating reserve consistent with a 911 system
20 plan shall be deemed reasonably necessary.

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

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

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

1 (1) Not less than 75% of the amount in the fund shall be
2 disbursed to a 911 system through a mathematical formula
3 established by the agency in consultation with the board.

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

9 (3) Up to 6% of the amount in the fund shall be used to
10 establish, enhance, operate or maintain Statewide
11 interconnectivity of 911 systems, including, but not limited
12 to, the use or obligations of money for debt service related
13 to regional or Statewide interconnectivity.

14 (4) Five percent of the amount available shall be
15 disbursed equally to the PSAP of this Commonwealth.
16 Consolidation of PSAP after the effective date of this
17 paragraph shall not reduce an allocation under this
18 paragraph.

19 (5) Not greater than 2% of the amount in the fund may be
20 retained by the agency to pay for agency expenses directly
21 related to administering the provisions of this chapter. Any
22 excess shall be added to the amounts available for
23 distribution under paragraph (1).

24 (e) Distribution formula considerations.--

25 (1) The distribution formula established by the agency
26 under subsection (d) shall fairly and proportionately reflect
27 911 system needs.

28 (2) The initial distribution formula shall be
29 established and implemented by the agency, in consultation
30 with the board, no later than 18 months following the

1 effective date of this section.

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

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

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

9 (ii) Population, including high or low population
10 density.

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

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

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

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

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

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

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

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

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

23 (g) Surplus.--

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

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

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

10 (h) Audits.--

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

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

20 § 5306.2. Uniform 911 surcharge.

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

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

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

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

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

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

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

22 (2) Providers shall not be liable for the unpaid
23 amounts.

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

29 (4) The surcharge shall not be:

30 (i) Subject to taxes or charges levied by the

1 Commonwealth or a political subdivision of this
2 Commonwealth or an intergovernmental agency for 911
3 funding purposes on a provider, seller or consumer with
4 respect to the sale, purchase, use or provision of a
5 communication service.

6 (ii) Considered revenue of the provider.

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

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

13 § 5307. [Collection and disbursement of contribution.] Payment,
14 collection and remittance of surcharge by providers
15 of 911 communications services.

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

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

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

29 [(3) Each service supplier shall retain the fair and
30 reasonable cost to establish the 911 contribution rate

1 billing system and an amount not to exceed 2% of the gross
2 receipts collected to cover actual administrative costs.]

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

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

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

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

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

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

23 (6) As of July 1, 2015, for each digital transmission
24 link, including primary rate interface service or Digital
25 Signal-1 (DS-1) level service, or equivalent, that can be
26 channelized and split into 23 or 24 voice-grade or data-grade
27 channels for voice communications, that when the digits 9-1-1
28 are dialed provides the subscriber access to a PSAP through
29 permissible interconnection to the dedicated 911 system, a
30 subscriber shall be assessed 12 surcharges. Neither

1 subscribers nor providers shall be held responsible
2 retroactively for collection of more than one surcharge for
3 ISDN PRI, DS-1 or T-1 service if they paid or collected the
4 surcharge on that basis prior to effective date of this
5 paragraph.

6 (7) Surcharges on VoIP service shall apply to no more
7 than the number of VoIP service lines for which the VoIP
8 service providers enable the capacity for simultaneous calls
9 regardless of actual usage, to be connected to the public-
10 switched telephone network.

11 [(c) Restricted account.--

12 (1) The county treasurer or, in a home rule county, the
13 county official responsible for the collection and
14 disbursement of funds shall deposit the money received in an
15 interest-bearing restricted account used solely for the
16 purpose of nonrecurring and recurring charges billed for the
17 911 system and for the purpose of making payments under
18 subsection (d).

19 (2) The governing body of the county shall make an
20 annual appropriation from the account for the 911 system,
21 subject to the provisions of subsection (d), and may retain
22 up to 1% of the gross receipts collected to cover
23 administrative costs.

24 (3) If the 911 system is discontinued or a county fails
25 to implement a 911 system within three years from the
26 imposition of a monthly contribution rate, any money
27 remaining in the restricted account after all payments to the
28 911 service supplier have been made shall be transferred to
29 the general fund of the county or proportionately to the
30 general funds of each participating public agency.

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

11 (e) Collection enforcement.--

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

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

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

25 (f) Prohibition against release of information.--Neither the
26 county treasurer, the agency, nor any employee, agent or
27 representative of a PSAP or public agency shall divulge any
28 information acquired with respect to any wireline telephone
29 service provider, its customers, revenues or expenses, trade
30 secrets, access line counts, commercial information and other

1 proprietary information while acting or claiming to act as the
2 employee, agent or representative, and all information shall be
3 kept confidential except that aggregations of information which
4 do not identify or effectively identify numbers of customers,
5 revenues or expenses, trade secrets, access lines, commercial
6 information and other proprietary information attributable to
7 any individual wireline telephone service provider may be made
8 public.]

9 (c) Applicability.--The provisions of this section shall not
10 apply to sellers or consumers of prepaid wireless
11 telecommunications service.

12 Section 5. Title 35 is amended by adding a section to read:
13 § 5307.1. Payment, collection and remittance of surcharge by
14 sellers of prepaid wireless telecommunications
15 service.

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

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

20 (2) The surcharge shall be applied to the cost of each
21 retail transaction regardless of whether the retail
22 transaction occurred in person, by telephone, through the
23 Internet or by any other method. A retail transaction that is
24 effected in person by a consumer at a business location of
25 the seller shall be treated as occurring in this Commonwealth
26 if that business location is in this Commonwealth, and any
27 other retail transaction shall be treated as occurring in
28 this Commonwealth if the retail transaction is treated as
29 occurring in this Commonwealth for the purposes of section
30 202(e.1) of the act of March 4, 1971 (P.L.6, No.2), known as

1 the Tax Reform Code of 1971.

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

6 (4) The surcharge is a liability of the consumer and not
7 of the seller or any provider, except that the seller shall
8 be liable to remit any surcharge collected from consumers as
9 provided under paragraph (6), including the charges that the
10 seller is deemed to collect if the amount of the surcharge
11 has not been separately stated on an invoice, receipt or
12 other similar document provided to the consumer by the
13 seller.

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

21 (6) The surcharge collected by a seller, less 1% that
22 may be retained by the seller to cover administrative costs
23 shall be remitted to the Department of Revenue at the times
24 provided under Article II of the Tax Reform Code of 1971. The
25 department shall establish payment procedures that
26 substantially coincide with the payment procedures of Article
27 II of the Tax Reform Code of 1971, except the department may
28 require the filing of returns and the payment of the
29 surcharge by electronic means.

30 (7) The assessment, audit, appeal, collection and

1 enforcement procedures and other pertinent provisions
2 applicable to the sales and use tax imposed under Article II
3 of the Tax Reform Code of 1971 shall apply to the surcharge
4 collected and remitted under this section.

5 (8) The provision of section 5311.1 (relating to
6 immunity) shall apply to prepaid wireless providers and
7 sellers.

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

17 (10) Each seller that remits the surcharge shall certify
18 the accuracy of the remittance annually using the procedures
19 and forms provided by the agency.

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

22 (1) The department shall establish procedures by which a
23 seller of prepaid wireless telecommunications service may
24 document that a sale is not a retail transaction, which
25 procedures shall substantially coincide with the procedures
26 for documenting sale for resale transactions for sales and
27 use tax purposes under Article II of the Tax Reform Code of
28 1971.

29 (2) The department shall pay all remitted surcharges to
30 the State Treasurer for deposit into the fund within 30 days

1 of receipt, for use as provided for under this chapter.

2 (3) The department may retain up to 2% of remitted
3 surcharges to pay for expenses directly related to the costs
4 of administering the collection and remittance of surcharges
5 collected under this section.

6 Section 6. Sections 5308, 5309, 5310, 5311.1, 5311.2,
7 5311.3, 5311.4, 5311.5, 5311.6, 5311.7, 5311.8, 5311.9, 5311.10,
8 5311.11, 5311.12, 5311.13 and 5311.14 of Title 35 are amended to
9 read:

10 [§ 5308. Expenditures for nonrecurring costs, training, mobile
11 communications equipment, maintenance and operation
12 of 911 systems.

13 (a) Expenditures authorized.--During a county's fiscal year,
14 the county may expend the amounts distributed to it from the
15 contribution rate for the nonrecurring costs, training, costs
16 for mobile communications equipment, maintenance and operation
17 of a county 911 system.

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

20 (1) Maintenance and operation costs may include
21 telephone company charges, equipment costs or equipment lease
22 charges, repairs, utilities, development and maintenance of a
23 master street address guide, erection of street signs on
24 State and local highways, database maintenance costs,
25 personnel training, salary and benefit costs which are
26 directly related to the provision of 911 services and costs
27 for mobile communications equipment, audit costs and
28 appropriate carryover costs from previous years.

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

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

4 (c) Limitations on expenditures.--

5 (1) The agency shall adopt procedures to assure that the
6 total amount collected from the 911 contribution rate shall
7 be expended only for the nonrecurring costs, costs for mobile
8 communications equipment, maintenance and operation of a
9 county 911 system.

10 (2) Nonrecurring costs shall be amortized over a minimum
11 of three years.

12 (d) Triennial financial audit.--

13 (1) The agency shall require a triennial audit of each
14 county's collection and disbursement of contribution rate
15 funds and expenditures for the nonrecurring costs, training,
16 costs for mobile communications equipment, maintenance and
17 operation of 911 systems.

18 (2) The triennial audit cost shall be paid by the
19 respective county from contribution rate revenues and shall
20 be conducted consistent with guidelines established by the
21 agency.

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

27 § 5309. Telephone records.

28 (a) Access.--A telephone service supplier shall provide
29 customer telephone numbers, names and service addresses to PSAPs
30 when requested by them for use in responding to 911 calls and,

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

26 (b) Privacy waived.--Private listing service customers in a
27 911 service district shall waive the privacy afforded by
28 nonlisted and nonpublished numbers with respect to the delivery
29 of emergency services.

30 (c) Immunity.--No telephone company, wireless provider,

1 vendor or agent, employee or director of a telephone company,
2 providers of emergency notification services or providers of
3 emergency support services shall be liable to any person who
4 directly or indirectly uses the 911 emergency service [or
5 wireless E-911 emergency service] established under this chapter
6 or provides information to 911 systems [or wireless E-911
7 systems] with respect to the delivery of emergency services:

8 (1) for release to PSAPs, providers of emergency
9 notification services or providers of emergency support
10 services of information specified in this section, including
11 nonpublished telephone numbers;

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

22 (3) for interruptions, omissions, defects, errors,
23 mistakes or delays in transmission occurring in the course of
24 the delivery of emergency services [or wireless E-911
25 service] under this chapter, unless the interruptions,
26 omissions, defects, errors, mistakes or delays are caused by
27 the willful or wanton misconduct of the telephone company,
28 wireless provider or vendor, their agents, employees or
29 directors. Nothing in this paragraph may preclude the
30 application of any commission tariff or regulation within its

1 jurisdiction pertaining to allowances for telephone service
2 interruptions.

3 § 5310. Penalty.

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

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

9 (1) Uses or discloses database information for wireless
10 service, VoIP service, other emergency communications service
11 or next generation 911 service or successor service for
12 purposes other than handling a call to a 911 system, or a
13 system used for other emergency communications service, next
14 generation 911 service or successor service, without consent
15 of the subscriber or consumer as otherwise provided by
16 applicable Federal or State law.

17 (2) Knowingly uses the telephone number or database
18 information of a 911 system, other emergency communications
19 service, next generation 911 service, successor service or
20 VoIP service to avoid any charges for the services of a
21 provider.

22 § 5311.1. Immunity.

23 [A 911 system or a wireless E-911 system run by county and
24 local governments shall be a local agency which shall enjoy
25 local governmental immunity as provided under 42 Pa.C.S. Ch. 85
26 Subch. C (relating to actions against local parties).]

27 (a) General rule.--A person, officer, director, employee,
28 vendor or agent of the person that establishes, operates,
29 enhances or maintains a 911 system or related communication
30 service in this Commonwealth shall be immune from civil

1 liability resulting from an act or omission in the design,
2 installation, enhancement or operation of a 911 system or
3 communication service related to 911, except in cases of willful
4 or wanton misconduct.

5 (b) Sovereign immunity reaffirmed.--No provision of this
6 chapter shall constitute a waiver of sovereign immunity for the
7 purpose of 1 Pa.C.S. § 2310 (relating to sovereign immunity
8 reaffirmed; specific waiver) or 42 Pa.C.S. Ch. 85 Subch. C
9 (relating to actions against local parties).

10 (c) Specific immunity.--

11 (1) This subsection applies to the following:

12 (i) Providers, prepaid wireless providers and
13 sellers.

14 (ii) Other emergency communications service
15 providers.

16 (iii) 911 service providers.

17 (iv) An entity that provides access to 911
18 communications service using next generation 911
19 technology.

20 (v) A vendor, agent, employee, officer or director
21 of a provider, other emergency communications service
22 provider, 911 service provider or entity that provides
23 access to 911 communications service using next
24 generation 911 technology, providers of emergency
25 notification services or providers of emergency support
26 services.

27 (2) A person enumerated under paragraph (1) shall not be
28 liable to any person who directly or indirectly uses the 911
29 communications service or wireless 911 service established
30 under this chapter, accesses a 911 system or provides

1 information to 911 systems with respect to the delivery of
2 emergency services for:

3 (i) release to PSAPs, providers of emergency
4 notification services or providers of emergency support
5 services of information specified in this section,
6 including nonpublished telephone numbers;

7 (ii) release to the agency, the board, the Federal
8 Communications Commission or any other Federal or
9 Commonwealth agency of information specified in this
10 section that is not already part of the public records,
11 including, as applicable, information regarding numbers
12 of lines or subscribers or consumers served by an
13 individual provider but excluding nonpublic information
14 regarding the provider's individual subscriber or
15 consumer names, addresses and telephone numbers;

16 (iii) interruptions, omissions, defects, errors,
17 mistakes or delays in transmission occurring in the
18 course of the delivery of 911 communications service,
19 other emergency communications service or next generation
20 911 service under this chapter, unless the interruptions,
21 omissions, defects, errors, mistakes or delays are caused
22 by the willful or wanton misconduct of the provider,
23 vendor, other emergency communications service provider
24 or entity that provides access to 911 communications
25 service using next generation 911 technology, or their
26 vendors, agents, employees, officers or directors.
27 Nothing under this paragraph may preclude the application
28 of any commission, tariff or regulation within any
29 jurisdiction pertaining to allowances for telephone
30 service interruptions; or

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

3 [§ 5311.2. Powers and duties of agency.

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

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

10 (2) To oversee the development, implementation,
11 operation and maintenance of a Statewide integrated wireless
12 E-911 system, formulate technical standards and determine
13 permitted uses of and amounts disbursed from the Wireless E-
14 911 Emergency Services Fund, including the costs of PSAPs and
15 wireless providers that are eligible for payment from the
16 fund.

17 (3) To approve each county's county plan, or amendment
18 to its agency-approved county plan, incorporating wireless E-
19 911 service capabilities as may be submitted by the county to
20 the agency.

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

27 (b) Wireless E-911 State plan.--The agency shall prepare,
28 maintain and keep current, after adequate public notice and
29 opportunity to comment and after consideration of the
30 recommendations of the wireless subcommittee of the advisory

1 committee, a wireless E-911 State plan providing for all aspects
2 of the development, implementation, operation and maintenance of
3 a Statewide integrated wireless E-911 system in accordance with
4 the FCC E-911 Order. Under the plan, the agency shall:

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

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

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

29 (4) Forward a copy of the completed plan and any
30 revision of the plan to all affected counties, PSAPs,

1 wireless providers, local exchange carriers, competitive
2 local exchange carriers and interexchange carriers.

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

6 § 5311.3. Advisory committee.

7 (a) Establishment.--There is established an advisory
8 committee to be known as the E-911 Emergency Services Advisory
9 Committee.

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

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

14 (2) Two county commissioners.

15 (3) Four county 911 program managers.

16 (4) Four wireless providers licensed by the Federal
17 Communications Commission.

18 (5) Two landline telephone service provider
19 representatives.

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

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

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

30 Advisory committee membership shall be limited to one

1 representative per organization or corporate entity.

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

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

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

14 (1) A wireless subcommittee shall be created as a
15 permanent subcommittee and shall consist of the following
16 persons:

17 (i) The advisory committee chairperson.

18 (ii) Two county commissioners.

19 (iii) Four county 911 program managers.

20 (iv) Four representatives of wireless providers
21 licensed by the Federal Communications Commission.

22 (v) Two landline telephone service provider
23 representatives.

24 (2) Wireless subcommittee roles and responsibilities:

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

28 (ii) To make recommendations to the agency regarding
29 the preparation and periodic revision of a wireless E-911
30 State plan providing for the development, implementation,

1 operation and maintenance of a Statewide integrated
2 wireless E-911 system in accordance with the FCC E-911
3 Order.

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

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

13 (v) To make recommendations to the agency regarding
14 the development of the annual report required of the
15 agency by this chapter, including, but not limited to,
16 recommendations concerning adjustments of the wireless E-
17 911 surcharge.

18 § 5311.4. Wireless E-911 Emergency Services Fund.

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

28 (1) PSAP and wireless provider costs resulting from
29 compliance with the FCC E-911 Order, including development,
30 implementation and testing, operation and maintenance of a

1 Statewide integrated wireless E-911 system. Costs paid from
2 the fund must be eligible recurring or nonrecurring costs as
3 determined by the agency in accordance with sections
4 5311.2(a) (relating to powers and duties of agency) and
5 5311.5 (relating to disbursement of fund amounts by agency)
6 for wireless E-911 service provided in accordance with the
7 FCC E-911 Order or a county plan or amended county plan
8 approved by the agency.

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

15 (i) the costs are not included in the costs paid
16 under paragraph (1) and the approved E-911 costs provided
17 in paragraph (1) have been reimbursed; and

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

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

28 (B) The amount of the costs that may be
29 reimbursed is limited to 50% of the fund if all of
30 the wireless providers serving the geographic area

1 covered by the PSAP have been tested and accepted by
2 the PSAP for wireless E-911 Phase I service.

3 (C) The amount of the costs that may be
4 reimbursed is limited to 75% of the fund if a
5 majority of wireless providers serving the geographic
6 area covered by the PSAP have been tested and
7 accepted by the PSAP for wireless E-911 Phase II
8 service.

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

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

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

30 (1) Wireless providers shall collect the fee on behalf

1 of the agency as part of their billing process and shall have
2 no obligation to take any legal action to enforce the
3 collection of the surcharge. Action may be brought by or on
4 behalf of the agency. Upon written request of the agency,
5 each wireless provider shall annually provide a list of the
6 names and addresses of those wireless service customers
7 carrying a balance that have failed to pay the wireless E-911
8 surcharge. The wireless provider shall not be liable for the
9 unpaid amounts.

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

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

21 (4) The provisions of this subsection shall not apply to
22 sellers, providers or consumers of prepaid wireless
23 telecommunications service.

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

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

1 any other method.

2 (2) A prepaid wireless E-911 surcharge shall be
3 collected by the seller from the consumer for each retail
4 transaction occurring in this Commonwealth. The amount of the
5 prepaid wireless E-911 surcharge shall be either separately
6 stated on an invoice, receipt or other similar document that
7 is provided to the consumer by the seller or otherwise
8 disclosed to the consumer. A retail transaction that is
9 effected in person by a consumer at a business location of
10 the seller shall be treated as occurring in this Commonwealth
11 if that business location is in this Commonwealth, and any
12 other retail transaction shall be treated as occurring in
13 this Commonwealth if the retail transaction is treated as
14 occurring in this Commonwealth for the purposes of section
15 202(e.1) of the act of March 4, 1971 (P.L.6, No.2), known as
16 the Tax Reform Code of 1971.

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

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

1 surcharge or other charge that is imposed by the
2 Commonwealth, a political subdivision or an intergovernmental
3 agency.

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

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

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

30 (8) The assessment, audit, appeal, collection and

1 enforcement procedures and other pertinent provisions
2 applicable to the sales and use tax imposed under Article II
3 of the Tax Reform Code of 1971 shall apply to prepaid
4 wireless E-911 surcharges.

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

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

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

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

30 (c) Remittance of fees.--On a quarterly basis, each wireless

1 provider shall remit the fees collected under subsection (b) to
2 the State Treasurer for deposit into the fund.

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

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

9 (2) Wireless providers and PSAPs shall be entitled to
10 payment from the fund in the manner provided in section
11 5311.5(c) for the following costs:

12 (i) recurring costs approved by the agency under
13 agency rules associated with the development,
14 implementation, operation and maintenance of wireless E-
15 911 service in the geographic area served by the
16 requesting PSAP; and

17 (ii) nonrecurring costs approved by the agency under
18 agency rules associated with the development,
19 implementation, operation and maintenance of wireless E-
20 911 service in the geographic area served by the
21 requesting PSAP.

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

27 (4) Costs incurred by a PSAP or wireless provider for
28 wireless E-911 service shall be paid by the agency provided
29 that the costs comply with the requirements of this section
30 and section 5311.5, were incurred after January 1, 1998, and

1 are determined by the agency, after application in accordance
2 with section 5311.5(c), to be eligible for payment from the
3 fund. Costs that the agency determines to be eligible shall
4 be paid as provided in section 5311.5.

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

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

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

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

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

28 (f) Information to be supplied by wireless providers.--
29 Wireless providers shall provide the agency with the information
30 it shall request in writing in order to discharge its

1 obligations under this section, including the collection and
2 deposit of the wireless E-911 surcharge and its administration
3 of the fund. Information supplied by wireless providers under
4 this section shall remain confidential, and release of the
5 information shall be governed by section 5311.7 (relating to
6 public disclosure and confidentiality of information).

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

11 (h) Surcharge sunset.--The wireless E-911 surcharge fee
12 established in subsections (b) and (b.1) shall terminate on June
13 30, 2015, unless extended by an act of the General Assembly.
14 § 5311.5. Disbursement of fund amounts by agency.

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

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

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

27 (3) To educate consumers regarding the operations,
28 limitations, role and responsible use of wireless E-911
29 service.

30 (b) Limitations on use of fund amounts by PSAPs.--No PSAP

1 shall receive a disbursement from the fund for any cost
2 necessary to house the wireless E-911 system or for the purchase
3 of real estate, cosmetic remodeling, ambulances, fire engines or
4 other emergency vehicles, utilities, taxes and other expenses as
5 determined by the agency. No PSAP may be funded for more than
6 70% of its agency-approved personnel training, salary and
7 benefit costs during the agency's fiscal year.

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

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

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

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

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

1 the current fiscal year of the agency. The agency shall
2 reconsider a determination of eligible costs under this
3 subsection upon request by a submitting PSAP or wireless
4 provider and shall provide a procedure for the
5 reconsideration.

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

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

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

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

27 (iii) If the total amount of money in the fund in
28 the quarter is insufficient to pay all agency-approved
29 Phase II deployment costs of both PSAPs and wireless
30 providers which are payable in the quarter, then each

1 requesting PSAP and each requesting wireless provider
2 shall receive, for payment of Phase II deployment costs,
3 a pro rata share of the total money in the fund which are
4 available in the quarter for payment of Phase II
5 deployment costs.

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

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

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

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

25 § 5311.6. Reporting.

26 (a) Annual report by agency.--Not later than March 1 of each
27 year, the agency, after consideration of the recommendations of
28 the advisory committee, shall submit an annual report, which may
29 be combined with that required by section 5303(a)(5) (relating
30 to telecommunications management), to the Governor and the

1 General Assembly. Subject to the provisions of section 5311.7(b)
2 (relating to public disclosure and confidentiality of
3 information), the report shall include at least the following:

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

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

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

15 (4) The planned expenditures for the next fiscal year
16 for installation of wireless E-911 systems pursuant to the
17 wireless E-911 State plan.

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

23 (6) The amount of any unexpended funds carried forward
24 in the fund.

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

28 (8) Any advances in a wireless provider's system
29 technology or expansion of its customer service area which
30 further the goal of providing access to a wireless E-911

1 system regardless of the customer's geographic location on
2 any interstate highway in this Commonwealth.

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

13 § 5311.7. [Public disclosure and confidentiality] Prohibition
14 against release of information.

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

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

1 shall be kept confidential except that aggregations of
2 information that do not effectively identify numbers of
3 consumers or subscribers, revenues or expenses, trade secrets,
4 commercial information and other proprietary information
5 attributable to any provider may be made public.

6 [§ 5311.8. Wireless provider and VoIP provider records.

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

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

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

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

30 (c) Privacy waived.--The provisions of 66 Pa.C.S. § 2906

1 (relating to dissemination of telephone numbers and other
2 identifying information) shall not apply to wireless providers
3 or VoIP providers to the extent they are engaged in providing
4 wireless E-911 service, 911 service or related services.

5 § 5311.9. Immunity.

6 (a) Generally.--

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

8 (i) A wireless provider or VoIP provider.

9 (ii) An officer or director of a wireless provider
10 or VoIP provider.

11 (iii) An employee or agent of a wireless provider or
12 VoIP provider.

13 (iv) A vendor of a wireless provider or VoIP
14 provider.

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

21 (i) the wireless provider or VoIP provider;

22 (ii) an officer or director of the wireless provider
23 or VoIP provider;

24 (iii) an employee or agent of the wireless provider
25 or VoIP provider; or

26 (iv) a supplier of the wireless provider or VoIP
27 provider.

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

30 (b) Parity of liability.--A wireless provider or VoIP

1 provider shall have the same immunity from liability for
2 transmission errors or failures, network outages or other
3 technical problems that arise in the course of handling
4 emergency calls or providing emergency services, including
5 wireless E-911 service, as a local exchange carrier enjoys in
6 the course of handling the calls or providing the services.

7 (c) Release of information.--

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

9 (i) A wireless provider or VoIP provider.

10 (ii) An employee or agent of a wireless provider or
11 VoIP provider.

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

17 § 5311.10. Agency funding for wireless E-911 support.

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

24 § 5311.11. Rate regulation.

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

1 subscriber or customer for any service provided to a subscriber
2 or customer.

3 [§ 5311.12. Regulations.

4 The council has the power to issue statements of policy and
5 to promulgate regulations for the implementation of this
6 chapter.

7 § 5311.13. Enforcement.

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

14 § 5311.14. Collection and disbursement of VoIP 911 fee.

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

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

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

23 (A) quarterly; or

24 (B) at the option of the provider or
25 telecommunications carrier, monthly.

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

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

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

30 (I) To the county official responsible for

1 the collection and disbursement of funds.

2 (II) At the option of the remitter, to the
3 State Treasurer. Election of the option shall be
4 by regulations established by the agency, which
5 shall include appropriate notification to the
6 affected counties of the exercise of this option.

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

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

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

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

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

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

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

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

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

30 (ii) shall then remit to the county or the State

1 Treasurer the lesser amount resulting from the
2 application of the payment.

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

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

7 (ii) be considered revenue of the VoIP provider for
8 any purpose.

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

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

15 (ii) If remittance is made to the State Treasurer,
16 1%.

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

29 (b) Reporting by VoIP providers.--

30 (1) With each remittance under subsection (a), a VoIP

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

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

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

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

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

1 (e) Establishment of fund.--There is established in the
2 State Treasury a nonlapsing restricted interest-bearing account
3 to be known as the VoIP 911 Emergency Services Fund. The VoIP
4 911 Emergency Services Fund shall consist of the fees remitted
5 to the State Treasurer under this section.

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

17 Section 7. Title 35 is amended by adding sections to read:
18 § 5311.15. Shared residential MLTS service.

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

24 § 5311.16. Business MLTS.

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

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

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

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

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

11 § 5311.17. Shared communications services.

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

18 § 5311.18. Temporary residence.

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

26 § 5311.19. Local notification.

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

29 (1) Shall implement local notifications if operating an
30 MLTS service installed after the effective date of this

1 section.

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

5 § 5311.20. ALI database maintenance.

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

18 § 5311.21. Industry standards.

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

22 § 5311.22. Dialing instructions.

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

28 (1) without first dialing any numbers or set of numbers;
29 and

30 (2) without being intercepted by a switchboard operator,

1 attendant or other designated onsite individual.

2 § 5311.23. MLTS signaling.

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

8 § 5311.24. MLTS operator education.

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

14 § 5311.25. Limitation of liability.

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

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

23 [§ 5312.1. Legislative study.

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

1 make recommendations with respect to:

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

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

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

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

15 (5) The feasibility and effectiveness of consolidating
16 PSAPs in this Commonwealth.

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

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

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

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

29 (10) Any technology-neutral 911 funding options by
30 either the Commonwealth or political subdivisions which do

1 not rely on disparate technologies, fee amounts and grant
2 structures.

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

9 Section 9. Title 35 is amended by adding a section to read:
10 § 5313. Legislative report.

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

17 Section 10. Section 5398 of Title 35 is amended to read:
18 § 5398. Termination.

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

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

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

23 (i) This section.

24 (ii) The amendment of 35 Pa.C.S. § 5303(b).

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

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