

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 911 Session of 2015

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

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 15, 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 PREPAID WIRELESS device for which that subscriber or consumer is <--  
24 billed by a provider or seller. The surcharge shall be collected  
25 apart from and in addition to a fee levied by the provider or  
26 seller, in whole or in part, for the provision of 911 services.  
27 The 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%~~ 1.5% <--  
22 that may be retained by the seller to cover administrative  
23 costs shall be remitted to the Department of Revenue at the  
24 times provided under Article II of the Tax Reform Code of  
25 1971. The 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.