

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:

CHAPTER 53

8 [EMERGENCY TELEPHONE SERVICE] 911 EMERGENCY COMMUNICATION

SERVICES

9
10
11 Section 2. Sections 5302, 5303, 5304 and 5304.1 of Title 35
12 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:

17 "911 communication." Transmission of information to a PSAP
18 for the initial reporting of police, fire, medical or other

1 emergency situation.

2 "911 communications service." As follows:

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

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

18 "911 service provider." An entity that provides all or parts
19 of the network, software applications, databases, CPE
20 components and operations and management procedures required to
21 support a 911 system.

22 "911 system." [A system, including enhanced 911 service, but
23 excluding a wireless E-911 system, which permits a person
24 dialing 911 by telephone to be connected to a public safety
25 answering point, via normal telephone facilities, for the
26 reporting of police, fire, medical or other emergency
27 situations.] A system capable of receiving and processing a 911
28 communication throughout a defined geographic area. The term
29 shall include a city, county, regional 911 system or a PSAP.

30 ["Advisory committee." The E-911 Emergency Services Advisory

1 Committee.]

2 "Agency." The Pennsylvania Emergency Management Agency.

3 "ALI." Automatic location information.

4 "ANI." Automatic number identification.

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

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

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

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

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

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

28 "Business." Includes any for-profit or nonprofit enterprise
29 that employs one or more individuals.

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 "Communications 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 911 user fee." The county 911 user fee authorized
29 under section 5304.2 (relating to county 911 user fee).

30 "County plan." A document submitted by the county on a

1 triennial basis to the Pennsylvania Emergency Management Agency
2 outlining its proposed and existing wireline and wireless 911
3 and E-911 systems and procedures, including a contribution rate,
4 for the forthcoming three years.]

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

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

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

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

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

30 "Enhanced 911 service" or ["E-911."] "911." [Emergency

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

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

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

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

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

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

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

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

1 including resellers.

2 "Interconnected Voice over Internet Protocol service."

3 Service as defined by any of the following:

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

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

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

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

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

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

1 Commonwealth.

2 ["Local exchange telephone service." The provision of
3 telephonic message transmission within an exchange, as defined
4 and described in tariffs filed with and approved by the
5 Pennsylvania Public Utility Commission.

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

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

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

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

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

25 "Multiline telephone system" or "MLTS." A system comprised
26 of common control units, telephone sets, control hardware and
27 software and adjunct systems used to support capabilities,
28 including, but not limited to, network and premises-based
29 systems such as Centrex, VoIP, Hybrid, and Key Telephone Systems
30 and PBX as classified under 47 CFR § 68.162 (relating to

1 requirements for telecommunication certification bodies),
2 whether owned or leased by private individuals and businesses or
3 by government agencies and nonprofit entities.

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

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

14 "Next Generation 911" or "NG911." An Internet Protocol (IP)-
15 based system that allows digital information, including voice,
16 photos, videos and text messages, to flow seamlessly from the
17 public, through the 911 network and on to emergency responders.

18 "Next generation 911 service." 911 service using, in whole
19 or in part, next generation 911 technology.

20 "Next generation 911 technology." Equipment, products or
21 services that enable a PSAP to receive calls for emergency
22 assistance by voice, text, video, Internet protocol or other
23 technology authorized by Federal law, regulation or industry
24 standard. The term includes any new technology with the same or
25 similar functionality.

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

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

1 "Pa StarNet." The Commonwealth's Statewide wireless voice
2 and data network for public safety and 911 communications as
3 used by Commonwealth agencies, the General Assembly, certain
4 county and municipal agencies and businesses.

5 "Person." The term includes a corporation, LLC, a
6 partnership, an association, the Federal Government, the State
7 government, a political subdivision, a municipal or other local
8 authority and a natural person.

9 "Place of primary use." The street address representative of
10 where the subscriber's use of the wireless or VoIP service
11 primarily occurs. For the purpose of the surcharge assessed on a
12 VoIP service subscriber, place of primary use is the VoIP
13 service subscriber's registered location on the date the VoIP
14 service subscriber is billed.

15 "Prepaid wireless device." [A wireless telephone that is
16 purchased strictly for the purpose of initiating a prepaid
17 calling service. The term does not include traditional wireless
18 devices used for monthly calling plans.] A device that is
19 purchased with a prepaid wireless telecommunications service and
20 is strictly used for that purpose.

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

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

28 "Prepaid wireless telecommunications service." A wireless
29 telecommunications service that meets all of the following:

30 (1) Allows a caller to [dial] transmit the digits 911 to

1 access [the] a 911 system.

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

5 ["Primary place of use." The street address representative
6 of where the customer's use of the VoIP service primarily
7 occurs. For the purpose of VoIP 911 fees, primary place of use
8 is the customer's registered location on the date the customer
9 is billed.]

10 "Private 911 emergency answering point." An answering point
11 operated by a nonpublic safety entity which provides functional
12 alternative and adequate means of signaling and directing
13 responses to emergencies as an adjunct to public safety
14 responses, trains individuals intercepting calls for assistance
15 in accordance with applicable local emergency telecommunications
16 requirements and provides incident reporting to the public
17 safety emergency response centers in accordance with State and
18 local requirements.

19 "Private branch exchange" or "PBX." A private telephone
20 network switch that is connected to a publicly switched
21 telephone network.

22 "Provider." A person that provides service to the public for
23 a fee that includes 911 communications service, including, but
24 not limited to, a local exchange carrier, a wireless provider, a
25 prepaid wireless provider, a VoIP provider or a provider of next
26 generation 911 or successor services.

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

28 "Public agency." Any of the following:

29 (1) The Commonwealth.

30 (2) A political subdivision, public authority or

1 municipal authority.

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

6 "Public safety answering [point."] point" or "PSAP." The
7 agency-approved [first point at which calls for emergency
8 assistance from individuals are answered and which is operated
9 24 hours a day.] entity that receives 911 communications from a
10 defined geographic area and processes those calls according to a
11 specific operational policy.

12 "Public switched telephone network." The network of
13 equipment, lines and controls assembled to establish
14 communication paths between calling and called parties in North
15 America.

16 "Regional." A geographic area that includes more than one
17 county.

18 "Regional ESiNET." An Internet Protocol-based system which
19 consists of managed networks, shared applications and the
20 ability to replicate emergency 911 features and functions.

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

24 "Retail transaction." The purchase of prepaid wireless
25 telecommunications service or a prepaid wireless device bundled
26 with prepaid wireless telecommunications service from a seller
27 for any purpose other than resale.

28 "Seller." A person who sells prepaid wireless
29 telecommunications service or a prepaid wireless device bundled
30 with prepaid wireless telecommunications service to another

1 person.

2 "Shared residential MLTS service." The use of a multiline
3 telephone system to provide service to residential facilities
4 even if the service is not delineated for purposes of billing.
5 For purposes of this definition, residential facilities shall be
6 liberally construed to mean single family and multifamily
7 facilities.

8 "Shared telecommunications services." The provision of
9 telecommunications and information management services and
10 equipment within a user group located in discrete private
11 premises in building complexes, campuses or high-rise buildings
12 by a commercial shared services provider or by a user
13 association through privately owned subscriber premises
14 equipment and associated data processing and information
15 management services, including the provision of connections to
16 the facilities of a local exchange carrier and to interexchange
17 carriers.

18 "Subscriber." A person who contracts with and is billed by a
19 provider within this Commonwealth for a 911 communications
20 service. In the case of wireless service, the term shall mean a
21 person who contracts with a provider if the person's place of
22 primary use is within this Commonwealth.

23 "Successor service." A successor technology to next
24 generation 911 technology that provides the same or similar
25 functionality.

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

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

1 "Telecommunication device" or "device." Any equipment or
2 item made or adapted for use by a subscriber or consumer to
3 initiate, route or transmit 911 communications using a 911
4 communications service.

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

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

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

20 "Vendor." A person [other than a local exchange carrier or a
21 wireless provider] who supplies 911 [or wireless E-911] system
22 services or equipment to enable the transmission of a 911
23 communication to a PSAP or to support a 911 system or a
24 consultant representing the person, county or PSAP.

25 "VoIP provider." Interconnected Voice over Internet Protocol
26 provider.

27 "VoIP service." Interconnected Voice over Internet Protocol
28 service.["]

29 "VoIP service [customer] subscriber." An Interconnected
30 Voice over Internet Protocol service [customer] subscriber.

1 "Wireless [E-911] 911 service." [Service] 911 communications
2 service provided by a wireless provider, pursuant to the FCC [E-
3 911] 911 Order, including text-to-911 or any successor
4 requirements.

5 ["Wireless E-911 State plan." A document to be prepared,
6 maintained and kept current by the Pennsylvania Emergency
7 Management Agency providing for all aspects of the development,
8 implementation, operation and maintenance of a Statewide
9 integrated wireless E-911 system, including the exclusive
10 authority to formulate technical standards and determine
11 permitted uses of and amounts disbursed from the Wireless E-911
12 Emergency Services Fund.

13 "Wireless E-911 surcharge." A monthly fee assessed upon each
14 wireless service customer, other than a prepaid wireless seller,
15 provider or consumer, subject to the prepaid wireless E-911
16 surcharge under section 5311.4(b.1) (relating to Wireless E-911
17 Emergency Services Fund), for each wireless two-way
18 communication device for which that customer is charged by a
19 wireless provider for wireless service.

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

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

27 "Wireless service." Commercial mobile radio service as
28 defined under section 332(d) of the Communications Act of 1934
29 (48 Stat. 1604, 47 U.S.C. § 332(d)) which provides real-time,
30 two-way voice service that is interconnected with the public

1 switched telephone network. The term does not include prepaid
2 wireless telecommunications service.

3 "Wireless service customer." A person who is billed for
4 wireless service by a wireless provider or who [receives]
5 purchases prepaid wireless [telephone] telecommunications
6 service [from a wireless provider for wireless service] within
7 this Commonwealth.

8 "Workspace." The physical building area where work is
9 normally performed. This is a net square footage measurement
10 which includes hallways, conference rooms, restrooms and break
11 rooms, but does not include wall thickness, shafts, heating
12 equipment spaces, ventilating equipment spaces, air conditioning
13 equipment spaces, mechanical spaces, electrical spaces or
14 similar areas where employees do not normally have access.

15 § 5303. Telecommunications management.

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

18 (1) To adopt rules and regulations [pursuant to] as
19 necessary to enforce this chapter [and promulgate, adopt,
20 publish and use guidelines for the implementation of this
21 chapter. Rules, regulations and guidelines]. Rules and
22 regulations proposed under the authority of this section
23 shall be subject to review by the General Counsel and the
24 Attorney General in the manner provided for the review of
25 proposed rules and regulations pursuant to the act of October
26 15, 1980 (P.L.950, No.164), known as the Commonwealth
27 Attorneys Act, and the act of June 25, 1982 (P.L.633,
28 No.181), known as the Regulatory Review Act.

29 (2) To [establish] publish guidelines and application
30 procedures for the [establishment of contribution rates]

1 collection and distribution of fees collected under this
2 chapter.

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

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

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

12 (i) The extent to which 911 systems currently exist
13 in this Commonwealth.

14 (ii) Those counties which have completed
15 installation, and the costs and expenses for
16 installation.

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

19 (6) To establish minimum training and certification
20 standards for emergency dispatchers, call takers and
21 supervisors.

22 (7) To establish technical standards for the county
23 plans.

24 (8) To establish standards for performance review and
25 quality assurance programs for 911 systems to ensure public
26 safety and improve the performance of 911 systems.

27 (9) To establish standards for accuracy of 911 database
28 systems.

29 (10) To establish a program of communication between the
30 agency and county 911 coordinators for the purpose of sharing

1 information among counties and to develop recommendations to
2 improve 911 systems throughout this Commonwealth.

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

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

8 (4) To establish, in consultation with the board, a
9 Statewide 911 plan that sets forth priorities for 911 systems
10 in this Commonwealth and plans for next generation 911
11 technology.

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

14 (6) To provide administrative and support staff to the
15 board as necessary.

16 (7) To establish formulas and methods to distribute
17 money in accordance with section 5306.1 (relating to fund) in
18 consultation with the board.

19 (8) To establish and publish annually uniform standards
20 relating to technology, next generation 911 technology,
21 administration and operation of 911 systems in consultation
22 with the board.

23 (9) To cooperate with county and regional 911 systems to
24 develop interconnectivity of 911 systems through the
25 establishment, enhancement, operation and maintenance of an
26 Internet protocol network.

27 (10) To establish and publish annually, in consultation
28 with the board, eligible uses for money received under this
29 chapter, including next generation 911 technology.

30 (11) To request information and require audits or

1 reports relating to program compliance from any entity
2 remitting the surcharge to or receiving disbursements from
3 the fund.

4 (11.1) To subpoena witnesses, administer oaths, examine
5 witnesses, take such testimony and compel the production of
6 such books, records, papers and documents as it may deem
7 necessary or proper in and pertinent to any proceeding,
8 investigation or hearing.

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

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

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

18 (15) To adopt, in consultation with the board, minimum
19 training and certification standards for emergency
20 dispatchers, call takers and supervisors.

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

23 (17) To take other actions necessary to implement and
24 enforce this chapter.

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

27 (1) To review all county plans, including the initial
28 application forwarded by the agency for conformity to the
29 minimum standards.

30 (2) To review county plans to determine if equipment

1 conforms to the technical standards.

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

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

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

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

10 Establishment of 911 board.--There is established a board
11 within the agency to be known as the 911 board. The following
12 shall apply:

13 (1) The board shall be comprised of the following
14 persons:

15 (i) The chairman and minority chairman of the
16 Veterans Affairs and Emergency Preparedness Committee of
17 the Senate and the chairman and minority chairman of the
18 Veterans Affairs and Emergency Preparedness Committee of
19 the House of Representatives or their designees.

20 (ii) The director of the agency, who shall act as
21 chairperson.

22 (iii) The State 911 coordinator.

23 (iv) Four county commissioners or home rule
24 equivalent.

25 (v) Four county or regional 911 coordinators.

26 (vi) Four representatives of communication service
27 providers, including one local exchange carrier, one VoIP
28 provider and two wireless providers.

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

1 (2) The Governor shall appoint the board members under
2 paragraph (1) (iv), (v), (vi) and (vii) upon the
3 recommendation of Statewide organizations and industry
4 segments. Recommendations for appointments under paragraph
5 (1) (iv) shall be requested by the Governor from the County
6 Commissioners Association of Pennsylvania and recommendations
7 for appointments under paragraph (1) (v) shall be requested by
8 the Governor from the State chapters of the National
9 Emergency Number Association and the Association of Public
10 Communications Officials. The following shall apply:

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

14 (ii) The Statewide organizations shall ensure that
15 nominees are sufficiently proficient in 911 policies,
16 operations and technologies and that the nominees provide
17 a diverse representation from the western, central and
18 eastern regions of this Commonwealth.

19 (iii) The Governor shall make the initial
20 appointments of members under paragraph (1) (iv), (v),
21 (vi) and (vii) within 90 days of the effective date of
22 this subparagraph. Initial terms for members appointed
23 under paragraph (1) (iv), (v) and (vi) shall be divided
24 between one year and two year terms.

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

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

29 (3) Twelve members of the board shall constitute a
30 quorum. When a quorum is present, three-fourths consent of

1 members present and voting is required for any action of the
2 board.

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

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

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

13 (1) To advise the agency on regulations and guidelines
14 relating to the administration and operation of 911 systems
15 in this Commonwealth relating to the following:

16 (i) Standards for performance reviews and quality
17 assurance programs to ensure public safety and maintain
18 and improve the performance of 911 systems.

19 (ii) Measures to ensure the compliance of 911
20 systems with current industry standards and applicable
21 Federal regulations.

22 (iii) Cost-saving measures to include joint
23 purchasing opportunities.

24 (iv) Measures to promote regionalization of PSAPs.

25 (v) Measures to promote next generation 911
26 technology.

27 (vi) 911 planning guidelines.

28 (vii) Training standards for emergency dispatchers,
29 call takers and supervisors.

30 (2) To provide advice and recommendations to the agency

1 to develop and adopt formulas and methods to distribute money
2 from the fund under section 5306.1 (relating to fund).

3 (3) To establish a program of communication between the
4 agency and county 911 coordinators to share information and
5 develop recommendations to improve 911 systems in this
6 Commonwealth.

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

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

10 (6) To promote sharing of information among the agency,
11 911 systems and other State and local agencies relating to
12 the operation and improvement of 911 systems.

13 (d) Exemption.--The Pennsylvania State Police
14 telecommunications facilities are exempt from the
15 telecommunications management of the agency[, council and the
16 commission] and the board.

17 § 5304. Counties.

18 (a) Powers and duties.--[The board of county commissioners,
19 or, in a home rule county, the appropriate body according to the
20 home rule charter,] Each county shall have the following powers
21 and duties in relation to a 911 system: [and wireless E-911
22 system:

23 (1) To designate a member of county government as the
24 county 911 coordinator. The county coordinator shall serve as
25 a point of contact with the agency and shall develop a county
26 plan for the implementation, operation and maintenance of a
27 911 system. Where technologically feasible, the county plan
28 shall be adequate to provide service for the entire county.

29 (2) To make arrangements with each telephone company
30 providing local exchange telephone service within the

1 county's jurisdiction to provide 911 service.

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

5 (4) To cooperate with the agency, the council and the
6 commission in the preparation and submission of the county
7 plan and contribution rate.]

8 (1) To ensure the provision of a 911 system in the
9 county's respective jurisdiction. A county may provide a 911
10 system to the county's jurisdiction through participation in
11 a regional 911 system.

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

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

16 (ii) A county may adopt the 911 plan of a regional
17 911 system if the county is a participating member of
18 that regional 911 system.

19 (3) To cooperate with the agency, the board and the
20 Pennsylvania State Police.

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

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

27 [(6) To obtain annually from each telephone service
28 provider a list of the provider's local telephone exchanges
29 within the county and the addresses of that provider's
30 central offices serving those exchanges. Without exception,

1 the service provider shall provide the list to the board.

2 (7) To notify the agency and all adjacent counties of
3 the local telephone exchanges which provide telephone service
4 to residents within the county, specifically noting exchanges
5 known to provide telephone service to residents of more than
6 one county. Notice shall be provided at the time the county
7 plan is submitted to the agency and when local telephone
8 service is newly initiated for local telephone exchange
9 within the county.]

10 (6) To designate a 911 coordinator for the county. The
11 911 coordinator shall serve as a point of contact with the
12 agency and board and shall develop a plan for the
13 implementation, operation and maintenance of a 911 system.

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

16 (8) To cooperate with the Pennsylvania State Police.
17 Subject to subparagraphs (i) through (iii), a county that
18 utilizes ANI/ALI database services shall, upon request of the
19 Commissioner of the Pennsylvania State Police or the designee
20 of the commissioner, provide authority to access all ANI/ALI
21 database information relating to 911 calls for emergency
22 services, whether the database is held by the county or by a
23 commercial entity[.], following the established procedures of
24 the database owner. The following shall apply:

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

28 (A) the Pennsylvania State Police shall provide,
29 at its cost, any equipment, computer software or
30 telecommunications equipment or services, exclusive

1 of recurring personnel costs for county personnel,
2 that are necessary to enable its access to any
3 ANI/ALI database information; and

4 (B) all means of access must be approved by the
5 county, PSAP and the Pennsylvania State Police before
6 the county is required to authorize or provide the
7 access. In the event of a dispute between the
8 Pennsylvania State Police and a county or PSAP
9 regarding approval by the county and PSAP, the
10 dispute shall be mediated by the Office of
11 Information Technology of the Commonwealth's Office
12 of Administration. The Office of Information
13 Technology may bring in a Commonwealth mediator from
14 the Office of General Counsel to provide assistance
15 in resolving the dispute.

16 (ii) The ANI/ALI database information to which
17 access is authorized or enabled under this paragraph or
18 section 5304.1(a)(3) (relating to Pennsylvania State
19 Police) shall be used only in providing emergency
20 response services to a 911 call. A person who uses or
21 discloses the ANI/ALI database information under this
22 subparagraph for any other purpose commits a misdemeanor
23 of the third degree.

24 (iii) Nothing contained in this paragraph shall be
25 construed to impose on [wireless] providers any
26 obligations beyond those created by applicable Federal
27 Communications Commission orders and regulations. Public
28 agencies, counties, PSAPs and wireless providers shall
29 not be liable to any person for errors in any of the
30 ANI/ALI database information which may be accessed by or

1 provided to the Pennsylvania State Police under this
2 paragraph.

3 [(9) To comply with reporting requirements established
4 by the agency.

5 (b) Persons outside county.--When an individual physically
6 resides in an adjacent county but receives local exchange
7 telephone service from a central office in a county which
8 provides 911 service, it shall be the responsibility of the
9 county with the 911 service to notify the appropriate public
10 agency of a request for emergency service from the individual.]

11 (c) Cities of second class, second class A and third
12 class.--A city of the second class, second class A or third
13 class that has established a 911 system prior to September 4,
14 1990, may [exercise the powers and duties of counties under this
15 chapter] join a county or regional PSAP. [A city of the second
16 class, second class A or third class that has not established a
17 911 system prior to September 4, 1990, may exercise the powers
18 and duties of counties under this chapter only when the county
19 has chosen not to exercise those powers and duties. The powers
20 and duties granted to cities under this section shall be
21 applicable and may be exercised only within the boundaries of
22 the city. No action by a city under this section shall preempt
23 the powers and duties of a county to establish a 911 system
24 outside the boundaries of the city at any time. The agency may
25 establish regulations governing the exercise of powers and
26 duties granted to cities of the second class, second class A and
27 third class by this section.]

28 § 5304.1. Pennsylvania State Police.

29 (a) Powers and duties.--The Commissioner of the Pennsylvania
30 State Police, or the designee of the commissioner, shall have

1 the following powers and duties in relation to a Pennsylvania
2 State Police telecommunications facility:

3 (1) To designate, with specificity, which Pennsylvania
4 State Police facilities shall be considered Pennsylvania
5 State Police telecommunications facilities under this
6 chapter.

7 (2) To designate a commander of a Pennsylvania State
8 Police telecommunications facility, who shall serve as the
9 point of contact with the agency and the counties and shall
10 oversee the implementation, operation and maintenance of a
11 Pennsylvania State Police telecommunications facility. A
12 Pennsylvania State Police facility shall, where
13 technologically feasible, be adequate to provide service to
14 the designated area of coverage.

15 (3) To request authority to access ANI/ALI database
16 information relating to 911 calls for emergency services from
17 the counties and PSAPs within the designated area of coverage
18 of a Pennsylvania State Police telecommunications facility.
19 No county or PSAP shall be required to comply with such a
20 request unless it is made by the Commissioner of the
21 Pennsylvania State Police or the designee of the commissioner
22 under section 5304(a)(8) (relating to counties).

23 (4) To provide training and certification for all call
24 takers/dispatchers and call taker/dispatcher supervisors that
25 meet or exceed the training and certification standards that
26 are provided for in 4 Pa. Code Ch. 120c (relating to training
27 and certification standards for 911 emergency communications
28 personnel) or any successor standard.

29 (b) Ineligible reimbursement.--The Pennsylvania State Police
30 is not eligible to receive reimbursement from the [money

1 collected from the contribution rate or wireless E-911
2 surcharge] fund, nor may the Pennsylvania State Police impose a
3 [monthly contribution rate] tax, fee or surcharge upon [the
4 telephone] subscribers [on the local exchange access line or any
5 wireless E-911-related surcharge upon wireless service
6 customers] or consumers.

7 Section 3. Title 35 is amended by adding a section to read:
8 § 5304.2. County 911 user fee.

9 (a) Authority.--If a county or a city of the first class has
10 an independently operated PSAP or is a member of a regional
11 public safety consortium, the county may impose an annual county
12 911 user fee. The following shall apply to the county 911 user
13 fee:

14 (1) Except as provided in paragraph (3), a residential
15 fee may not exceed \$52 per address.

16 (2) A business fee shall be charged for each employee in
17 a calendar year as follows:

18 (i) For a business with not more than 50 employees,
19 \$12.

20 (ii) For a business with at least 51 employees and
21 not more than 100 employees, \$9.75.

22 (iii) For a business with at least 101 employees and
23 not more than 500 employees, \$6.

24 (iv) For a business with at least 501 employees, \$3.

25 (3) If the owner or occupant of the real property where
26 the address is located is 65 years of age or older, the fee
27 under paragraph (1) shall be \$42.

28 (b) Limitation.--The county 911 user fee shall be assessed
29 on the number of employees only once annually, notwithstanding
30 the number of political subdivisions within which an individual

1 may be employed.

2 (c) Payment.--The amounts under subsection (a) (2) must be
3 paid by the business and may not be paid by an employee.

4 (d) Process.--The county 911 user fee must be imposed by an
5 ordinance adopted by the governing body of the county or city
6 council in the case of a city of the first class.

7 (e) Collection.--The county 911 user fee shall be collected
8 and remitted as follows:

9 (1) For a fee imposed under subsection (a) (1), as
10 provided under the act of May 25, 1945 (P.L.1050, No.394),
11 known as the Local Tax Collection Law. The county 911 user
12 fee must be collected separately from any other tax or fee.
13 The municipality shall provide procedures for individuals
14 over 65 years of age to obtain the fee under subsection (a)
15 (3).

16 (2) For a fee imposed under subsection (a) (2), as
17 provided under section 301.1(f) or 312 of the act of December
18 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling
19 Act.

20 (3) For a fee imposed by a city of the first class, the
21 ordinance must provide for the manner in which the fee shall
22 be collected.

23 (f) Fund.--The county must establish a nonlapsing restricted
24 interest-bearing special fund for the deposit of the county 911
25 user fee collected under this section.

26 (g) Use of fund.--The following shall apply to a fund
27 established under subsection (d):

28 (1) At least 2% of the money in the fund may be used to
29 reimburse a tax collection entity for actual costs related to
30 collection of the county 911 user fee.

1 (2) At least 2% of the money in the fund must be
2 remitted to the agency for administration or for grants for
3 regionalization or other activities relating to 911 systems.

4 (3) Except as provided under paragraphs (1) and (2),
5 money in a fund must be used by a county for personnel and
6 the maintenance and purchase of equipment, products or
7 services relating to the maintenance and operation of a PSAP
8 under this chapter.

9 (4) A county transitioning to or enhancing county 911
10 services may utilize a fee to incur indebtedness for capital
11 improvements or major repairs pursuant to a resolution
12 adopted by the governing body of the county or city of the
13 first class.

14 Section 4. Section 5305 of Title 35 is amended to read:

15 § 5305. [County] 911 system plan.

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

27 [(b) Completion.--Upon completion of the plan, the county
28 shall forward it to the agency, with a copy of the plan being
29 sent to those telephone companies affected by the plan. When the
30 plan is submitted to the agency, the county shall also provide

1 each adjacent county with a list of local telephone exchanges
2 included in the plan, specifically noting exchanges known to
3 provide telephone service to residents of more than one county.

4 (c) Agency review.--

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

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

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

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

20 (e) Commission review.--

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

27 (2) If the commission fails to review the contribution
28 rate within 90 days, the contribution rate will be deemed
29 approved by the commission.

30 (f) Present systems.--

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

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

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

15 (g.1) Contribution rate.--

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

25 (2) The following shall apply:

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

29 (ii) Expenses eligible for reimbursement through the
30 contribution rate shall include telephone terminal

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

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

15 (h) Contribution rate changes.--

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

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

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

30 (i) Assessment.--

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

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

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

10 (i) Is a county fee collected by the telephone
11 company.

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

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

16 (b) Board review.--

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

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

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

26 Section 5. Section 5306 of Title 35 is repealed:

27 [§ 5306. Special public meeting.

28 (a) Public comment.--Before a county may establish a
29 contribution rate for nonrecurring and recurring costs under
30 this chapter, it must obtain public comment from the residents

1 of the county.

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

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

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

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

16 Section 6. Title 35 is amended by adding sections to read:
17 § 5306.1. 911 Fund.

18 (a) Establishment.--There is established in the State
19 Treasury a nonlapsing restricted interest-bearing account to be
20 known as the 911 Fund. The 911 Fund shall consist of the
21 following:

22 (1) The surcharge remitted under section 5306.2
23 (relating to uniform 911 surcharge).

24 (2) Funds remitted to the agency under section 5304.2(e)
25 (2) (relating to county 911 user fee).

26 (3) Any money appropriated by the General Assembly.

27 (4) Interest accrued by the fund.

28 (b) Use.--Money in the fund may be used as follows:

29 (1) Up to 2% of the money in the fund may be used for
30 administrative expenses.

1 (2) Except as provided under paragraph (1), money in the
2 fund must be used for grants to counties for regionalization
3 or interoperability of 911 services or for other purposes as
4 determined by the agency. Grants must be made annually,
5 following a calculation of money available in the fund.

6 (c) Audit.--

7 (1) The 911 Fund must be audited in a manner and time
8 frame as provided for other restricted receipt accounts of
9 the Commonwealth.

10 (2) The agency shall require a biennial performance
11 audit of a PSAP's use of money received under subsection (b)
12 (2).

13 § 5306.2. Uniform 911 surcharge.

14 (a) Imposition.--Each subscriber of a communications service
15 must pay a surcharge of \$1.06 for each 911 communications
16 service or prepaid wireless device for which that subscriber or
17 consumer is billed by a provider or seller. The surcharge shall
18 be in addition to any fee levied by the provider or seller for
19 the provision of 911 services.

20 (b) Limitation.--A subscriber may not be required to pay
21 more than one 911 surcharge per communications service number of
22 a device.

23 (c) Rate.--The following shall apply:

24 (1) In calendar year 2017, the surcharge authorized
25 under subsection (a) shall be assessed at a rate of 75¢ for
26 each 911 communications service or prepaid wireless device.

27 (2) In calendar year 2018, the 911 communications
28 surcharge authorized under subsection (a) shall be assessed
29 at a rate of 35¢.

30 (3) The 911 communications surcharge shall not be

1 assessed after calendar year 2018.

2 (d) Deposit.--The surcharge imposed under this section must
3 be deposited in the 911 Fund under section 5306.1 (relating to
4 911 Fund).

5 § 5306.3. Collection information.

6 (a) Data.--The county commissioners or governing body of a
7 city of the first class shall, prior to the effective date of an
8 ordinance enacted in accordance with section 5304.2(d) (relating
9 to county 911 user fee), collect and establish the following
10 data:

11 (1) Residential addresses in the county or city of the
12 first class.

13 (2) A list of the number of persons employed, if any, at
14 each business in the county or city of the first class. The
15 list shall be based on information current as of October 1 of
16 the year preceding the imposition of the 911 user fee based
17 on employment numbers.

18 (b) Employer information and notice.--In addition to
19 information provided to a tax collector for the collection of
20 county real property taxes, information under subsection (a) (2)
21 for a fee imposed by a county shall be provided by the county to
22 the tax collector as a separate invoice. The tax notice for the
23 property shall include the amount due for a county 911 user fee.
24 The information must include:

25 (1) The name and address of the business.

26 (2) The number of employees employed at a business under
27 subsection (a) (2).

28 (3) The total amount of the county 911 user fee due for
29 the current year based on the number of employees.

30 (c) Procedure.--The tax collector shall collect the fee and

1 remit it to the county in the same manner as the collection of
2 the county real property tax. The amount of any fee levied in
3 accordance with this chapter shall be a lien against the
4 property.

5 Section 7. Sections 5307 and 5308 of Title 35 are repealed:
6 [§ 5307. Collection and disbursement of contribution.

7 (a) Subscribers' contribution.--

8 (1) Each service supplier that provides local exchange
9 telephone service within the county shall collect the
10 contribution from each subscriber and forward the collection
11 quarterly less the actual uncollectibles experienced by the
12 local exchange telephone companies to the county treasurer
13 or, in a home rule county, the county official responsible
14 for the collection and disbursement of funds.

15 (2) The amount of the subscribers' contribution shall be
16 stated separately in the telephone subscribers' billing.

17 (3) Each service supplier shall retain the fair and
18 reasonable cost to establish the 911 contribution rate
19 billing system and an amount not to exceed 2% of the gross
20 receipts collected to cover actual administrative costs.

21 (b) Subscribers' contribution for multiple line systems.--In
22 the case of Centrex or similar multiple line system subscribers,
23 except PBX subscribers, the following multipliers shall be
24 applied to determine the contribution rate of each subscriber:

25 (1) For the first 25 lines, each line shall be billed at
26 the approved contribution rate.

27 (2) For lines 26 through 100, each line shall be billed
28 at 75% of the approved contribution rate.

29 (3) For lines 101 through 250, each line shall be billed
30 at 50% of the approved contribution rate.

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

3 (5) For lines 501 or more, each line shall be billed at
4 17.2% of the approved contribution rate.

5 (c) Restricted account.--

6 (1) The county treasurer or, in a home rule county, the
7 county official responsible for the collection and
8 disbursement of funds shall deposit the money received in an
9 interest-bearing restricted account used solely for the
10 purpose of nonrecurring and recurring charges billed for the
11 911 system and for the purpose of making payments under
12 subsection (d).

13 (2) The governing body of the county shall make an
14 annual appropriation from the account for the 911 system,
15 subject to the provisions of subsection (d), and may retain
16 up to 1% of the gross receipts collected to cover
17 administrative costs.

18 (3) If the 911 system is discontinued or a county fails
19 to implement a 911 system within three years from the
20 imposition of a monthly contribution rate, any money
21 remaining in the restricted account after all payments to the
22 911 service supplier have been made shall be transferred to
23 the general fund of the county or proportionately to the
24 general funds of each participating public agency.

25 (d) Reimbursement to municipalities.--The county treasurer
26 or, in a home rule county, the county official responsible for
27 the collection and disbursement of funds shall, on a quarterly
28 basis, pay from funds of the restricted account to a
29 municipality which operates a 911 system a sum of money not less
30 than that contributed by the telephone subscribers of that

1 municipality to the county 911 system, less the applicable
2 service supplier administrative cost provided by subsection (a)
3 and the applicable county administrative cost provided by
4 subsection (c).

5 (e) Collection enforcement.--

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

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

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

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

1 any individual wireline telephone service provider may be made
2 public.

3 § 5308. Expenditures for nonrecurring costs, training, mobile
4 communications equipment, maintenance and operation
5 of 911 systems.

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

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

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

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

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

27 (c) Limitations on expenditures.--

28 (1) The agency shall adopt procedures to assure that the
29 total amount collected from the 911 contribution rate shall
30 be expended only for the nonrecurring costs, costs for mobile

1 communications equipment, maintenance and operation of a
2 county 911 system.

3 (2) Nonrecurring costs shall be amortized over a minimum
4 of three years.

5 (d) Triennial financial audit.--

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

11 (2) The triennial audit cost shall be paid by the
12 respective county from contribution rate revenues and shall
13 be conducted consistent with guidelines established by the
14 agency.

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

20 Section 8. Sections 5309, 5310 and 5311.1 of Title 35 are
21 amended to read:

22 § 5309. Telephone records.

23 (a) Access.--A telephone service supplier shall provide
24 customer telephone numbers, names and service addresses to PSAPs
25 when requested by them for use in responding to 911 calls and,
26 when required, to providers of emergency notification services
27 and emergency support services, solely for the purposes of
28 delivering or assisting in the delivery of emergency
29 notification services and emergency support services. A wireless
30 provider shall provide the telephone number and geographical

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

21 (b) Privacy waived.--Private listing service customers in a
22 911 service district shall waive the privacy afforded by
23 nonlisted and nonpublished numbers with respect to the delivery
24 of emergency services.

25 (c) Immunity.--No telephone company, wireless provider,
26 vendor or agent, employee or director of a telephone company,
27 providers of emergency notification services or providers of
28 emergency support services shall be liable to any person who
29 directly or indirectly uses the 911 emergency service [or
30 wireless E-911 emergency service] established under this chapter

1 or provides information to 911 systems [or wireless E-911
2 systems] with respect to the delivery of emergency services:

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

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

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

28 § 5310. Penalty.

29 (a) Communications with 911 systems.--A person who
30 intentionally calls the 911 emergency number for other than

1 emergency purposes commits a misdemeanor of the third degree.

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

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

12 (2) Knowingly uses the telephone number or database
13 information of a 911 system, other emergency communications
14 service, next generation 911 service, successor service or
15 VoIP service to avoid any charges for the services of a
16 provider.

17 § 5311.1. Immunity.

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

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

30 (b) Sovereign immunity reaffirmed.--No provision of this

1 chapter shall constitute a waiver of sovereign immunity for the
2 purpose of 1 Pa.C.S. § 2310 (relating to sovereign immunity
3 reaffirmed; specific waiver) or 42 Pa.C.S. Ch. 85 Subch. C
4 (relating to actions against local parties).

5 (c) Specific immunity.--

6 (1) This subsection applies to the following:

7 (i) Providers, prepaid wireless providers and
8 sellers.

9 (ii) Other emergency communications service
10 providers.

11 (iii) 911 service providers.

12 (iv) An entity that provides access to 911
13 communications service using next generation 911
14 technology.

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

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

28 (i) release to PSAPs, providers of emergency
29 notification services or providers of emergency support
30 services of information specified in this section,

1 including nonpublished telephone numbers;

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

11 (iii) interruptions, omissions, defects, errors,
12 mistakes or delays in transmission occurring in the
13 course of the delivery of 911 communications service,
14 other emergency communications service or next generation
15 911 service under this chapter, unless the interruptions,
16 omissions, defects, errors, mistakes or delays are caused
17 by the willful or wanton misconduct of the provider,
18 vendor, other emergency communications service provider
19 or entity that provides access to 911 communications
20 service using next generation 911 technology, or their
21 vendors, agents, employees, officers or directors.

22 Nothing under this paragraph may preclude the application
23 of any commission, tariff or regulation within any
24 jurisdiction pertaining to allowances for telephone
25 service interruptions; or

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

28 Section 9. Sections 5311.2, 5311.3, 5311.4, 5311.5 and
29 5311.6 of Title 35 are repealed:

30 [§ 5311.2. Powers and duties of agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

3 § 5311.3. Advisory committee.

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

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

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

11 (2) Two county commissioners.

12 (3) Four county 911 program managers.

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

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

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

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

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

27 Advisory committee membership shall be limited to one
28 representative per organization or corporate entity.

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

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

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

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

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

14 (i) The advisory committee chairperson.

15 (ii) Two county commissioners.

16 (iii) Four county 911 program managers.

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

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

21 (2) Wireless subcommittee roles and responsibilities:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 wireless E-911 surcharges.

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

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

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

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

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

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

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

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

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

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

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

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

1 be paid as provided in section 5311.5.

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

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

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

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

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

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

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

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

8 (h) Surcharge sunset.--The wireless E-911 surcharge fee
9 established in subsections (b) and (b.1) shall terminate on June
10 30, 2015, unless extended by an act of the General Assembly.
11 § 5311.5. Disbursement of fund amounts by agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 § 5311.6. Reporting.

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

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

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

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

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

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

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

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

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

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

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

10 Section 10. Section 5311.7 of Title 35 is amended to read:

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

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

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

1 consumers or subscribers, revenues or expenses, trade secrets,
2 commercial information and other proprietary information
3 attributable to any provider may be made public.

4 Section 11. Sections 5311.8, 5311.9 and 5311.10 of Title 35
5 are repealed:

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 Section 12. Section 5311.11 of Title 35 is amended to read:

25 § 5311.11. Rate regulation.

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

1 service or feature provided to the customer] charges to a
2 subscriber or customer for any service provided to a subscriber
3 or customer.

4 Section 13. Sections 5311.12, 5311.13 and 5311.14 are
5 repealed:

6 [§ 5311.12. Regulations.

7 The council has the power to issue statements of policy and
8 to promulgate regulations for the implementation of this
9 chapter.

10 § 5311.13. Enforcement.

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

17 § 5311.14. Collection and disbursement of VoIP 911 fee.

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

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

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

26 (A) quarterly; or

27 (B) at the option of the provider or
28 telecommunications carrier, monthly.

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

30 (A) Except as set forth in clause (B), to the

1 county treasurer.

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

3 (I) To the county official responsible for
4 the collection and disbursement of funds.

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

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

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

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

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

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

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

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

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

1 (i) may first apply the payment against the amount
2 the VoIP service customer owes the VoIP provider; and
3 (ii) shall then remit to the county or the State
4 Treasurer the lesser amount resulting from the
5 application of the payment.

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

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

10 (ii) be considered revenue of the VoIP provider for
11 any purpose.

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

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

18 (ii) If remittance is made to the State Treasurer,
19 1%.

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

1 making contributions under this section.

2 (b) Reporting by VoIP providers.--

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

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

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

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

30 (d) Deposit of remitted fees.--The individual who receives

1 fees remitted under this section shall deposit receipts into the
2 restricted account established under section 5307(c) (relating
3 to collection and disbursement of contribution).

4 (e) Establishment of fund.--There is established in the
5 State Treasury a nonlapsing restricted interest-bearing account
6 to be known as the VoIP 911 Emergency Services Fund. The VoIP
7 911 Emergency Services Fund shall consist of the fees remitted
8 to the State Treasurer under this section.

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

20 Section 14. Title 35 is amended by adding sections to read:

21 § 5311.15. Shared residential MLTS service.

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

27 § 5311.16. Business MLTS.

28 (a) General rule.--For an MLTS serving business locations at
29 least six months after the effective date of this section, the
30 MLTS operator shall deliver the 911 call with an ELIN which

1 shall result in one of the following:

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

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

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

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

14 § 5311.17. Shared communications services.

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

21 § 5311.18. Temporary residence.

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

29 § 5311.19. Local notification.

30 In addition to any other requirement of this chapter,

1 applicable to its type of MLTS service, an MLTS operator:

2 (1) Shall implement local notifications if operating an
3 MLTS service installed after the effective date of this
4 section.

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

8 § 5311.20. ALI database maintenance.

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

21 § 5311.21. Industry standards.

22 Local exchange carriers and providers shall be responsible
23 for providing 911 call interconnectivity through the use of
24 generally accepted industry standards.

25 § 5311.22. Dialing instructions.

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

1 (1) without first dialing any numbers or set of numbers;
2 and
3 (2) without being intercepted by a switchboard operator,
4 attendant or other designated onsite individual.

5 § 5311.23. MLTS signaling.

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

11 § 5311.24. MLTS operator education.

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

17 § 5311.25. Limitation of liability.

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

25 Section 15. Section 5312.1 of Title 35 is repealed:

26 [§ 5312.1. Legislative study.

27 (a) Requirement.--The Legislative Budget and Finance
28 Committee shall study the 911 and wireless E-911 funding systems
29 under section 5311.4 (relating to Wireless E-911 Emergency
30 Services Fund). In conducting the study, the committee shall

1 consider cost-benefit analyses to determine the cost
2 effectiveness of the systems both within the agency and the
3 counties. At a minimum, the committee shall inquire into and
4 make recommendations with respect to:

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

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

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

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

18 (5) The feasibility and effectiveness of consolidating
19 PSAPs in this Commonwealth.

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

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

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

28 (9) The issues the Commonwealth will need to consider in
29 incorporating "Next Generation 911" and other nontraditional
30 communication technologies into its emergency response

1 system.

2 (10) Any technology-neutral 911 funding options by
3 either the Commonwealth or political subdivisions which do
4 not rely on disparate technologies, fee amounts and grant
5 structures.

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

12 Section 16. Title 35 is amended by adding sections to read:
13 § 5313. Legislative report.

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

20 § 5314. Inventory.

21 (a) Comprehensive inventory required.--The agency, in
22 consultation with the Pennsylvania State Police and the board,
23 shall conduct a comprehensive inventory of each county PSAP's
24 facilities, hardware, software, communications infrastructure,
25 network capabilities and related equipment and services procured
26 to determine the status of each PSAP's 911 system's stage of
27 advancement to NG911 and to develop a comprehensive State plan
28 for the implementation, operation, maintenance and funding of a
29 Statewide NG911 emergency services Internet Protocol network
30 that supports the interoperable and coordinated delivery of

1 Federal, State, regional and local government NG911 emergency
2 services.

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

5 (1) A record of databases, networks, radio, telephone
6 and equipment and correlated networks at each PSAP.

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

9 (3) PSAP 911 emergency and nonemergency call volumes.

10 (4) Equipment/network system geographic limitations and
11 capabilities.

12 (5) Identification of new equipment that may be required
13 to and equipment that may be reused to achieve NG911 status.

14 (6) A record of equipment or facilities that are or can
15 be shared or colocated.

16 (7) A record of all leased equipment and date of each
17 lease termination date.

18 (8) A record of personnel resources and costs, including
19 pension and benefit obligations at each PSAP.

20 (9) PSAP ease of ability to merge with or form a
21 regional ESiNET or connect directly to PA StarNet or
22 subsequent microwave network.

23 (c) Counties to cooperate.--Counties shall cooperate with
24 the agency by supplying all of the information identified in
25 this section and other information deemed necessary by the
26 agency to complete a comprehensive inventory of all PSAPs
27 operating 911 systems within this Commonwealth. Counties that do
28 not remit the information requested by the agency within 45 days
29 of the request shall result in the immediate suspension or
30 forfeiture of fund disbursements. The agency, in consultation

1 with the board, the Pennsylvania State Police and the Governor's
2 Interoperability Council, shall complete the inventory and issue
3 a report detailing its findings and recommendations to the
4 General Assembly by October 31, 2015. The agency shall be
5 responsible for maintaining and updating the inventory on a
6 biannual basis.

7 Section 17. Section 5398 of Title 35 is repealed:

8 [§ 5398. Termination.

9 This chapter shall expire June 30, 2015.]

10 Section 18. This act shall take effect as follows:

11 (1) The following provisions shall take effect
12 immediately:

13 (i) This section.

14 (ii) The amendment or addition of 35 Pa.C.S. §§
15 5303(b) and 5314.

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

18 (3) The addition of 35 Pa.C.S. § 5306.2 shall take
19 effect January 1, 2017.

20 (4) The remainder of this act shall take effect July 1,
21 2015, or immediately, whichever is later.