

Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 232

AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-14-3-4, AS AMENDED BY P.L.86-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

- (1) Those declared confidential by state statute.
- (2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
- (3) Those required to be kept confidential by federal law.
- (4) Records containing trade secrets.
- (5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.
- (6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:
 - (A) concerning any negotiations made with respect to the research; and

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- (B) received from another party involved in the research.
- (7) Grade transcripts and license examination scores obtained as part of a licensure process.
- (8) Those declared confidential by or under rules adopted by the supreme court of Indiana.
- (9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.
- (10) Application information declared confidential by the Indiana economic development corporation under IC 5-28.
- (11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.
- (12) A Social Security number contained in the records of a public agency.
- (13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:
- (A) Contact information for a debtor, as described in IC 32-30-10.5-8(d)(1)(B).
 - (B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).
- (14) The following information obtained from a call made to a fraud hotline established under IC 36-1-8-8.5:
- (A) The identity of any individual who makes a call to the fraud hotline.
 - (B) A report, transcript, audio recording, or other information concerning a call to the fraud hotline.
- However, records described in this subdivision may be disclosed to a law enforcement agency, a private university police department, the attorney general, the inspector general, the state examiner, or a prosecuting attorney.
- (15) Information described in section 5(c)(3)(B) of this chapter that is contained in a daily log or record described in section 5(c) of this chapter for a victim of a crime or delinquent act who is less than eighteen (18) years of age, unless and to the extent that:
- (A) a parent, guardian, or custodian of the victim consents in writing to public disclosure of the records; and
 - (B) that parent, guardian, or custodian of the victim has not been charged with or convicted of committing a crime against the victim.
- However, records described in this subdivision may be disclosed to the department of child services.
- (b) Except as otherwise provided by subsection (a), the following



public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies or private university police departments. For purposes of this chapter, a law enforcement recording is not an investigatory record. However, information described in subsection (a)(15) contained in a law enforcement recording is exempt from disclosure, unless and to the extent that a parent, guardian, or custodian of the victim consents in writing to public disclosure of the records. However, a parent, guardian, or custodian charged with or convicted of a crime against the victim may not consent to public disclosure of the records. Law enforcement agencies or private university police departments may share investigatory records with a:

(A) person who advocates on behalf of a crime victim, including a victim advocate (as defined in IC 35-37-6-3.5) or a victim service provider (as defined in IC 35-37-6-5), for the purposes of providing services to a victim or describing services that may be available to a victim; and

(B) school corporation (as defined by IC 20-18-2-16(a)), charter school (as defined by IC 20-24-1-4), or nonpublic school (as defined by IC 20-18-2-12) for the purpose of enhancing the safety or security of a student or a school facility;

without the law enforcement agency or private university police department losing its discretion to keep those records confidential from other records requesters. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between:

(i) the Indiana economic development corporation;



- (ii) the ports of Indiana;
- (iii) the Indiana state department of agriculture;
- (iv) the Indiana finance authority;
- (v) an economic development commission;
- (vi) the Indiana White River state park development commission;
- (vii) a local economic development organization that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana; or
- (viii) a governing body of a political subdivision;

with industrial, research, or commercial prospects, if the records are created while negotiations are in progress. However, this clause does not apply to records regarding research that is prohibited under IC 16-34.5-1-2 or any other law.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, the Indiana White River state park development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(D) Notwithstanding clause (A), an incentive agreement with an incentive recipient shall be available for inspection and copying under section 3 of this chapter after the date the incentive recipient and the Indiana economic development corporation execute the incentive agreement regardless of whether negotiations are in progress with the recipient after that date regarding a modification or extension of the incentive agreement.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are



expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping system, voting system, voter registration system, or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's



family requests nondisclosure.

(16) Library or archival records:

- (A) which can be used to identify any library patron; or
- (B) deposited with or acquired by a library upon a condition that the records be disclosed only:
 - (i) to qualified researchers;
 - (ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or
 - (iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes the following:

- (A) A record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18).
- (B) Vulnerability assessments.
- (C) Risk planning documents.
- (D) Needs assessments.
- (E) Threat assessments.
- (F) Intelligence assessments.
- (G) Domestic preparedness strategies.
- (H) The location of community drinking water wells and surface water intakes.



- (I) The emergency contact information of emergency responders and volunteers.
- (J) Infrastructure records that disclose the configuration of critical systems such as voting system and voter registration system critical infrastructure, and communication, electrical, ventilation, water, and wastewater systems.
- (K) Detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency, or any part of a law enforcement recording that captures information about airport security procedures, areas, or systems. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. Both of the following apply to the public agency that owns, occupies, leases, or maintains the airport:
- (i) The public agency is responsible for determining whether the public disclosure of a record or a part of a record, including a law enforcement recording, has a reasonable likelihood of threatening public safety by exposing a security procedure, area, system, or vulnerability to terrorist attack.
 - (ii) The public agency must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)". However, in the case of a law enforcement recording, the public agency must clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(K) without approval of (insert name of the public agency that owns, occupies, leases, or maintains the airport)".
- (L) The home address, home telephone number, and emergency contact information for any:
- (i) emergency management worker (as defined in IC 10-14-3-3);
 - (ii) public safety officer (as defined in IC 35-47-4.5-3);
 - (iii) emergency medical responder (as defined in IC 16-18-2-109.8); or
 - (iv) advanced emergency medical technician (as defined in



IC 16-18-2-6.5).

(M) Information relating to security measures or precautions used to secure the statewide 911 system under IC 36-8-16.7.

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18) has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

- (A) Telephone number.
- (B) Address.
- (C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

- (A) Telephone number.
- (B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(23) Records requested by an offender, an agent, or a relative of an offender that:

- (A) contain personal information relating to:
 - (i) a correctional officer (as defined in IC 5-10-10-1.5);
 - (ii) a probation officer;
 - (iii) a community corrections officer;
 - (iv) a law enforcement officer (as defined in IC 35-31.5-2-185);
 - (v) a judge (as defined in IC 33-38-12-3);
 - (vi) the victim of a crime; or
 - (vii) a family member of a correctional officer, probation



officer, community corrections officer, law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3), or victim of a crime; or

(B) concern or could affect the security of a jail or correctional facility.

For purposes of this subdivision, "agent" means a person who is authorized by an offender to act on behalf of, or at the direction of, the offender, and "relative" has the meaning set forth in IC 35-42-2-1(b). However, the term "agent" does not include an attorney in good standing admitted to the practice of law in Indiana.

(24) Information concerning an individual less than eighteen (18) years of age who participates in a conference, meeting, program, or activity conducted or supervised by a state educational institution, including the following information regarding the individual or the individual's parent or guardian:

(A) Name.

(B) Address.

(C) Telephone number.

(D) Electronic mail account address.

(25) Criminal intelligence information.

(26) The following information contained in a report of unclaimed property under IC 32-34-1.5-18 or in a claim for unclaimed property under IC 32-34-1.5-48:

(A) Date of birth.

(B) Driver's license number.

(C) Taxpayer identification number.

(D) Employer identification number.

(E) Account number.

(27) Except as provided in subdivision (19) and sections 5.1 and 5.2 of this chapter, a law enforcement recording. However, before disclosing the recording, the public agency must comply with the obscuring requirements of sections 5.1 and 5.2 of this chapter, if applicable.

(28) Records relating to negotiations between a state educational institution and another entity concerning the establishment of a collaborative relationship or venture to advance the research, engagement, or educational mission of the state educational institution, if the records are created while negotiations are in progress. The terms of the final offer of public financial resources communicated by the state educational institution to an industrial, a research, or a commercial prospect shall be available for



inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated. However, this subdivision does not apply to records regarding research prohibited under IC 16-34.5-1-2 or any other law.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption or patient medical records, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Only the content of a public record may form the basis for the adoption by any public agency of a rule or procedure creating an exception from disclosure under this section.

(f) Except as provided by law, a public agency may not adopt a rule or procedure that creates an exception from disclosure under this section based upon whether a public record is stored or accessed using paper, electronic media, magnetic media, optical media, or other information storage technology.

(g) Except as provided by law, a public agency may not adopt a rule or procedure nor impose any costs or liabilities that impede or restrict the reproduction or dissemination of any public record.

(h) Notwithstanding subsection (d) and section 7 of this chapter:

- (1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or
- (2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 2. IC 8-1-2.6-0.1, AS ADDED BY P.L.27-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 0.1. (a) As used in this chapter, "basic telecommunications service" means stand alone telephone exchange service (as defined in 47 U.S.C. 153(47)) that:

- (1) is provided to a residential customer through the customer's primary line; and
- (2) is:
 - (A) the sole service purchased by the customer;
 - (B) not part of a package of services, a promotion, or a contract; or
 - (C) not otherwise offered at a discounted price.

(b) The term includes, at a minimum, the following:

- (1) Voice grade access to the public switched telephone network with minimum bandwidth of three hundred (300) to three



thousand (3,000) hertz.

(2) Dual tone multifrequency signaling and single party service.

(3) Access to:

(A) emergency services, including access to 911 ~~and enhanced 911~~ if provided by the local government having jurisdiction in the service area;

(B) operator services;

(C) local directory assistance;

(D) telephone relay services; and

(E) interexchange service.

(4) Toll limitation services for qualifying low income customers.

(c) The term does not include a functionally equivalent service provided by a person or an entity described in IC 8-1-2-1.1.

SECTION 3. IC 8-1-32.7-5, AS ADDED BY P.L.79-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) Except as provided in subsections (b) and (c) and in IC 21-28-5, after March 31, 2012, I-Light may not be used to offer or provide, directly or indirectly, communications service to the public or to any private or governmental entity.

(b) This section does not prohibit the use of I-Light for any of the following:

(1) The provision of communications service to the extent used solely for 911 service ~~enhanced 911 service~~, or any other emergency or law enforcement purpose.

(2) The provision of communications service to a state educational institution or a private postsecondary educational institution in furtherance of education or research for the direct benefit of students, faculty, or staff. The provision of communications service under this subdivision may include the provision of communications service to a person that is not a state educational institution or a private postsecondary educational institution if:

(A) the person has a research and development relationship with a state educational institution or a private postsecondary educational institution; and

(B) the communications service required by and provided to the person:

(i) is a one (1) gigabit per second or greater network connection;

(ii) is used in furtherance of the research and development relationship only;

(iii) is provided only for a specific research and



development project;

(iv) is provided only for the limited duration of the specific research and development project; and

(v) is not provided in competition with private sector communications service providers' provision of communications service.

(3) The provision of communications service to member licensees of Indiana Public Broadcasting Stations, Inc., for the direct benefit of public broadcasting.

(c) Notwithstanding subsection (a), the state remains subject to any contractual rights, duties, and obligations incurred by the state and owed to any private person under a contract for the provision of communications service that was entered into by the state before April 1, 2012, and that remains in effect after March 31, 2012. All liens, security interests, royalties, and other contracts, rights, and interests owed to a private person under the contract continue in full force and effect and must be paid or performed by the state in the manner specified in the contract, subject to the right of the state and all other contracting parties to renegotiate the terms of the contract at any time before the expiration of the contract.

SECTION 4. IC 35-44.1-2-3, AS AMENDED BY P.L.174-2021, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports that:

(1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;

(2) there has been or there will be tampering with a consumer product introduced into commerce; or

(3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly;

knowing the report to be false, commits false reporting, a Level 6 felony.

(d) A person who:

(1) gives:

(A) a false report of the commission of a crime; or

(B) false information to a law enforcement officer that relates to the commission of a crime;

knowing the report or information to be false;

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- (2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;
 - (3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;
 - (4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) or missing endangered adult (as defined in IC 12-7-2-131.3) or gives false information to a law enforcement officer or a governmental entity that relates to a missing child or missing endangered adult knowing the report or information to be false;
 - (5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3(b)) that employs the officer:
 - (A) alleging the officer engaged in misconduct while performing the officer's duties; and
 - (B) knowing the complaint to be false;
 - (6) makes a false report of a missing person, knowing the report or information is false;
 - (7) gives a false report of actions, behavior, or conditions concerning:
 - (A) a septic tank soil absorption system under IC 8-1-2-125 or IC 13-26-5-2.5; or
 - (B) a septic tank soil absorption system or constructed wetland septic system under IC 36-9-23-30.1;
 knowing the report or information to be false; or
 - (8) makes a false report that a person is dangerous (as defined in IC 35-47-14-1) knowing the report or information to be false;
- commits false informing, a Class B misdemeanor **except as provided in subsection (e).**
- (e) ~~However,~~ The offense **described in subsection (d)** is:
 - (1) a Class A misdemeanor if it:
 - (A) substantially hinders any law enforcement process; ~~or if it~~
 - (B) results in harm to another person; ~~or~~
 - (C) **is committed under subsection (d)(8);**
 - (2) a Level 6 felony if it:
 - (A) **is committed under subsection (d)(8); and**
 - (B) either:
 - (i) **substantially hinders any law enforcement process; or**
 - (ii) **results in harm to another person; and**
 - (3) a Level 5 felony if it **is committed under subsection (d)(8) and results in serious bodily injury or death to another person.**



SECTION 5. IC 36-8-16.6-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 0.5. As used in this chapter, "911 service prepaid wireless charge" means the charge that a seller is required to collect from a consumer under section 12 of this chapter.**

SECTION 6. IC 36-8-16.6-4 IS REPEALED [EFFECTIVE JULY 1, 2024]. ~~Sec. 4. As used in this chapter, "enhanced prepaid wireless charge" means the charge that a seller is required to collect from a consumer under section 12 of this chapter.~~

SECTION 7. IC 36-8-16.6-11, AS AMENDED BY P.L.131-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 11. (a) The board shall impose an enhanced a 911 service** prepaid wireless charge on each retail transaction. The charge is not required to be paid by an eligible telecommunications carrier that is required to pay the monthly statewide 911 fee under IC 36-8-16.7-32 for the same transaction. The amount of the charge is one dollar (\$1). The board may increase the **enhanced 911 service** prepaid wireless charge to ensure adequate revenue for the board to fulfill its duties and obligations under this chapter and IC 36-8-16.7. The following apply to an increase in the **enhanced 911 service** prepaid wireless charge:

- (1) The board may increase the charge only one (1) time after April 30, 2023, and before July 1, 2026, in an amount not to exceed ten cents (\$0.10).
- (2) The board may increase the charge only after review by the budget committee.

(b) A consumer that is the federal government or an agency of the federal government is exempt from the **enhanced 911 service** prepaid wireless charge imposed under this section.

(c) This subsection applies to an eligible telecommunications carrier for purposes of receiving Lifeline reimbursement from the universal service fund through the administrator designated by the Federal Communications Commission. An eligible telecommunications carrier:

- (1) is not considered an agency of the federal government for purposes of the exemption set forth in subsection (b); and
- (2) with respect to prepaid wireless telecommunications service provided to end users by the eligible telecommunications carrier in its capacity as an eligible telecommunications carrier, is liable for the charge imposed under subsection (d).

(d) Beginning September 1, 2015, and on the first day of each month thereafter, an eligible telecommunications carrier described in subsection (c) shall pay to the board a charge equal to the product of



the following factors:

- (1) The ~~enhanced~~ **911 service** prepaid wireless charge established under subsection (a).
- (2) The number of unique end users for which the eligible telecommunications carrier received reimbursement from the universal service fund during the immediately preceding month.

The eligible telecommunications carrier may bill and collect from each end user the charges calculated under this subsection with respect to the end user. The eligible telecommunications carrier shall determine the manner in which the eligible telecommunications carrier bills and collects the charges. Except as provided in section 15 of this chapter, an eligible telecommunications carrier may not bill and collect from an end user an amount greater than the charges paid by the eligible telecommunications carrier to the board with respect to the end user.

(e) If the board increases the ~~enhanced~~ **911 service** prepaid wireless charge under subsection (a), the board shall provide written notice to the department of state revenue not later than sixty (60) days before the date the increase takes effect that includes:

- (1) the effective date for the increase; and
- (2) the amount of the charge as increased by the board.

SECTION 8. IC 36-8-16.6-12, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 12. (a) A seller shall collect the ~~enhanced~~ **911 service** prepaid wireless charge from the consumer with respect to each retail transaction.

(b) The seller shall disclose to the consumer the amount of the ~~enhanced~~ **911 service** prepaid wireless charge. The seller may separately state the amount of the ~~enhanced~~ **911 service** prepaid wireless charge on an invoice, a receipt, or a similar document that the seller provides to the consumer in connection with the retail transaction.

(c) Subject to section 15 of this chapter, a seller shall remit ~~enhanced~~ **911 service** prepaid wireless charges to the department at the time and in the manner prescribed by the department.

SECTION 9. IC 36-8-16.6-13, AS AMENDED BY P.L.36-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 13. The ~~enhanced~~ **911 service** prepaid wireless charge is the liability of the consumer and not of the seller or a provider. However, except as provided in section 15 of this chapter, a seller is liable to remit to the department all ~~enhanced~~ **911 service** prepaid wireless charges that the seller collects from consumers under section 12 of this chapter, including all charges that the seller is

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considered to collect where the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

SECTION 10. IC 36-8-16.6-14, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 14. The amount of the ~~enhanced~~ **911 service** prepaid wireless charge that is collected by a seller from a consumer, whether or not separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, may not be included in the base for determining a tax, fee, surcharge, or other charge that is imposed by the state, a political subdivision, or any other governmental agency.

SECTION 11. IC 36-8-16.6-16, AS AMENDED BY P.L.181-2015, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 16. (a) A seller is subject to the same audit and appeal procedures with respect to the collection and remittance of ~~enhanced~~ **911 service** prepaid wireless charges as with collection and remittance of the state gross retail tax under IC 6-2.5.

(b) An audit under subsection (a) must be conducted either:

- (1) jointly by the department of state revenue and the board; or
- (2) by an independent auditor engaged by the board to conduct a cost effective flat rate audit.

(c) If an independent auditor is engaged by the board under subsection (b)(2), the terms of the engagement may not:

- (1) be of an indefinite term;
- (2) include hourly or per diem fees; or
- (3) include payment based on contingency.

SECTION 12. IC 36-8-16.6-17, AS AMENDED BY P.L.157-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 17. (a) The department, in conjunction and coordination with the board, shall establish procedures:

- (1) governing the collection and remittance of ~~enhanced~~ **911 service** prepaid wireless charges in accordance with the procedures established under IC 6-8.1 concerning listed taxes; and
- (2) allowing a seller to document that a sale of prepaid wireless telecommunications service is not a retail transaction.

(b) A procedure established under subsection (a)(1):

- (1) must take into consideration the differences between large and small sellers, including smaller sales volumes; and
- (2) may establish lower thresholds for the remittance of ~~enhanced~~ **911 service** prepaid wireless charges by small sellers.



For purposes of this subsection, a small seller is a seller that sells less than one hundred dollars (\$100) of prepaid wireless telecommunications service each month.

(c) On an annual basis, the board may audit providers to determine compliance with procedures established under subsection (a). Not later than March 1 of the year immediately following an audit, the board shall submit, in an electronic format under IC 5-14-6, a copy of the audit to the general assembly and the budget committee.

SECTION 13. IC 36-8-16.6-18, AS AMENDED BY P.L.132-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 18. (a) The department shall deposit all remitted **enhanced 911 service** prepaid wireless charges in the fund.

(b) The board shall administer money deposited in the fund under this section in the same manner as it administers statewide 911 fees assessed under IC 36-8-16.7-32.

SECTION 14. IC 36-8-16.6-20, AS AMENDED BY P.L.132-2012, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 20. (a) An additional fee relating to the provision of 911 service with respect to prepaid wireless telecommunications service may not be levied by a state agency or local unit of government.

(b) The **enhanced 911 service** prepaid wireless charge imposed by section 12 of this chapter is not considered an additional charge relating to the provision of 911 service for purposes of IC 36-8-16.7-32(d).

SECTION 15. IC 36-8-16.6-21, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 21. The following are not required to take legal action to enforce the collection of **an enhanced a 911 service** prepaid wireless charge that is imposed on a consumer:

- (1) A provider.
- (2) A seller.

However, the department or the board may initiate a collection action. A court finding for the department or the board, as applicable, in an action may award reasonable costs and attorney's fees associated with the collection action.

SECTION 16. IC 36-8-16.7-2, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. As used in this chapter, "automatic location information" means information that is transmitted while **enhanced 911 service** is provided and that permits emergency service providers to identify the geographic location of the **calling party initiating the communication**.



SECTION 17. IC 36-8-16.7-7, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. (a) As used in this chapter, "communications service" means any service that:

- (1) uses telephone numbers or IP addresses or their functional equivalents or successors;
- (2) allows access to, or a connection or interface with, a 911 system through the activation or enabling of a device, transmission medium, or technology that is used by a customer to dial, initialize, or otherwise activate the 911 system, regardless of the particular device, transmission medium, or technology employed;
- (3) provides or enables real time or interactive communications, other than machine to machine communications; and
- (4) is available to a prepaid user or a standard user.

(b) The term includes the following:

- (1) Internet protocol enabled services and applications that are provided through wireline, cable, wireless, or satellite facilities, or any other facility or platform that is capable of **establishing or connecting a 911 communication from the public to be relayed to** a PSAP.
- (2) A multiline telephone system.
- (3) CMRS.
- (4) Interconnected VOIP service and voice over power lines.
- (5) Integrated telecommunications service (as defined in 47 CFR 400.2).

SECTION 18. IC 36-8-16.7-9, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. (a) As used in this chapter, "~~enhanced~~ "911 service" means a communications service that uses the three (3) digit number 911 to send:

- (1) automatic number identification or its functional equivalent or successor; and
- (2) automatic location information or its functional equivalent or successor;

for reporting police, fire, medical, or other emergency situations.

(b) The term includes both Phase I and Phase II enhanced 911 services, as described in 47 CFR 20.18.

SECTION 19. IC 36-8-16.7-20, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 20. As used in this chapter, "PSAP" refers to a public safety answering point:

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- (1) that operates on a twenty-four (24) hour basis; and
- (2) whose primary function is to receive incoming requests for emergency assistance and relay those requests to an appropriate responding public safety agency.

The term includes an emergency communications center (ECC) which shall not be construed to create an additional PSAP.

SECTION 20. IC 36-8-16.7-27, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 27. (a) The board may do the following to implement this chapter:

- (1) Sue and be sued.
- (2) Adopt and alter an official seal.
- (3) Adopt and enforce bylaws and rules for:
 - (A) the conduct of board business; and
 - (B) the use of board services and facilities.
- (4) Subject to subsection (c), acquire, hold, use, and otherwise dispose of the board's income, revenues, funds, and money.
- (5) Subject to subsections (b) and (c), enter into contracts, including contracts:
 - (A) for professional services;
 - (B) for purchase of supplies or services; and
 - (C) to acquire office space.
- (6) Subject to subsection (c), hire staff.
- (7) Adopt rules under IC 4-22-2 to implement this chapter.
- (8) Develop, maintain, and update a statewide 911 plan.
- (9) Subject to subsection (c), administer the statewide 911 fund established by section 29 of this chapter.
- (10) Administer and distribute the statewide 911 fee in accordance with section 37 of this chapter.
- (11) Subject to subsection (c), administer statewide 911 grants in accordance with state and federal guidelines.
- (12) Obtain from each PSAP operating statistics and other performance measurements, including call statistics by category and emergency medical dispatching (EMD) certifications.
- (13) Take action as needed to ensure that the statewide 911 system and PSAPs served by the statewide 911 system establish and maintain an adequate security posture to ensure public safety and the protection of personal information.**
- ~~(13)~~ **(14)** Take other necessary or convenient actions to implement this chapter that are not inconsistent with Indiana law.
- (b) A contract for the purchase of communications service or



equipment by the board must be awarded through an invitation for bids or a request for proposals as described in IC 5-22. The board shall enter into a cooperative agreement with the Indiana department of administration for the department to administer the board's purchases under this chapter using the department's purchasing agents.

(c) The board shall be considered a state agency for purposes of IC 5-14-3.5. Subject to IC 5-14-3.5-4, the following shall be posted to the Indiana transparency ~~Internet web site~~ **website** in accordance with IC 5-14-3.5-2:

- (1) Expenditures by the board, including expenditures for contracts, grants, and leases.
- (2) The balance of the statewide 911 fund established by section 29 of this chapter.
- (3) A listing of the board's real and personal property that has a value of more than twenty thousand dollars (\$20,000).

The board shall cooperate with and provide information to the ~~auditor~~ of state **comptroller** as required by IC 5-14-3.5-8.

(d) Information relating to security measures or precautions used to secure the statewide 911 system may be excepted from public disclosure under IC 5-14-3-4 at the discretion of the board.

SECTION 21. IC 36-8-16.7-29, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 29. (a) The statewide 911 fund is established for the purposes of creating and maintaining a uniform statewide 911 system. The board shall administer the fund. The expenses of administering the fund must be paid from money in the fund.

(b) The fund consists of the following:

- (1) The statewide 911 fee assessed on users under section 32 of this chapter.
- (2) Appropriations made by the general assembly.
- (3) Grants and gifts intended for deposit in the fund.
- (4) Interest, premiums, gains, or other earnings on the fund.
- (5) ~~Enhanced 911 service~~ prepaid wireless charges collected and remitted under IC 36-8-16.6-12.
- (6) Money from any other source that is deposited in or transferred to the fund.

(c) The treasurer of state may invest money in the fund in the same manner as other funds of the state may be invested under IC 5-13.

(d) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money in the fund:

- (1) does not revert at the end of any state fiscal year but remains available for the purposes of the fund in subsequent state fiscal



years, notwithstanding IC 4-13-2-19 or any other law; and
 (2) is not subject to transfer to any other fund or to transfer, assignment, or reassignment for any other use or purpose by:

- (A) the state board of finance notwithstanding IC 4-9.1-1-7, IC 4-13-2-23, or any other law; or
- (B) the budget agency or any other state agency notwithstanding IC 4-12-1-12 or any other law.

(e) Money in the fund is continuously appropriated for the purposes of the fund.

SECTION 22. IC 36-8-16.7-32, AS AMENDED BY P.L.131-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 32. (a) Except as provided in subsections (b) and (d), and subject to section 48(e) of this chapter, the board shall assess a monthly statewide 911 fee on each standard user that is a customer having a place of primary use in Indiana at a rate that ensures full recovery of the amount needed for the board to make distributions to county treasurers consistent with this chapter and that provides for the proper development, operation, and maintenance of a statewide 911 system. The amount of the fee assessed under this subsection is one dollar (\$1). The board may adjust the statewide 911 fee to ensure adequate revenue for the board to fulfill the board's duties and obligations under this chapter, subject to the following:

- (1) The following apply to an increase in the fee:
 - (A) The board may increase the fee only one (1) time after April 30, 2023, and before July 1, 2026, in an amount not to exceed ten cents (\$0.10).
 - (B) The board may increase the fee only after review by the budget committee.
- (2) The fee may not be lowered more than one (1) time in a calendar year.
- (3) The fee may not be lowered by an amount that is more than ten cents (\$0.10) without legislative approval.

(b) The fee assessed under this section does not apply to a prepaid user in a retail transaction under IC 36-8-16.6.

(c) An additional fee relating to the provision of 911 service may not be levied by a state agency or local unit of government. ~~An enhanced A 911 service~~ prepaid wireless charge (as defined in ~~IC 36-8-16.6-4~~ **IC 36-8-16.6-0.5**) is not considered an additional fee relating to the provision of wireless 911 service for purposes of this section.

- (d) A user is exempt from the fee if the user is any of the following:
 - (1) The federal government or an agency of the federal



government.

(2) The state or an agency or instrumentality of the state.

(3) A political subdivision (as defined in IC 36-1-2-13) or an agency of a political subdivision.

(4) A user that accesses communications service solely through a wireless data only service plan.

(e) This subsection applies to an eligible telecommunications carrier for purposes of receiving Lifeline reimbursement from the universal service fund through the administrator designated by the Federal Communications Commission. An eligible telecommunications carrier:

(1) is not considered an agency of the federal government for purposes of the exemption set forth in subsection (d); and

(2) with respect to communications service provided to end users by the eligible telecommunications carrier in its capacity as an eligible telecommunications carrier, is liable for the fee assessed under subsection (f).

(f) Beginning September 1, 2015, and on the first day of each month thereafter, an eligible telecommunications carrier described in subsection (e) shall pay to the board a fee equal to the product of the following factors:

(1) The monthly statewide 911 fee established under subsection (a).

(2) The number of unique end users for which the eligible telecommunications carrier received reimbursement from the universal service fund during the immediately preceding month.

The eligible telecommunications carrier may bill and collect from each end user the fees calculated under this subsection with respect to the end user. The eligible telecommunications carrier shall determine the manner in which the eligible telecommunications carrier bills and collects the fees. Except as provided in section ~~33(e)~~ **33(d)** of this chapter, an eligible telecommunications carrier may not bill and collect from an end user an amount greater than the fees paid by the eligible telecommunications carrier to the board with respect to the end user.

(g) If the board increases **or decreases** the statewide 911 fee under subsection (a), the board shall provide written notice to the department of state revenue not later than sixty (60) days before the date the increase **or decrease** takes effect that includes:

(1) the effective date for the increase **or decrease**; and

(2) the amount of the charge as increased **or decreased** by the board.

SECTION 23. IC 36-8-16.7-33, AS AMENDED BY P.L.36-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2024]: Sec. 33. (a) As part of the provider's normal monthly billing process, a provider:

(1) shall collect the fee from each standard user that is a customer having a place of primary use in Indiana; and

(2) may list the fee as a separate line item on each bill.

(b) If a provider receives a partial payment for a monthly bill from a standard user, the provider shall apply the payment against the amount the standard user owes to the provider before applying the payment against the fee. A provider may not prorate the monthly 911 fee collected from a user.

~~(b)~~ (c) Subject to subsection ~~(e)~~, (d), a provider shall remit statewide 911 fees collected under this section to the board at the time and in the manner prescribed by the board. However, the board shall require a provider to report to the board, no less frequently than on an annual basis, the amount of fees collected from all of the provider's customers described in subsection (a)(1) and remitted to the board under this section. The board may require a provider to submit a report required under this subsection at the same time that the provider remits fees to the board under this section. The board shall deposit all remitted statewide 911 fees in the fund.

~~(e)~~ (d) A provider, including an eligible telecommunications carrier under section 32(f) of this chapter, may deduct and retain an amount not to exceed one percent (1%) of fees that the **service** provider collects from users under this section or section 32 of this chapter, to reimburse the direct costs incurred by the **service** provider in collecting and remitting the fees.

(e) All originating providers that provide 911 service for their customers shall connect to the statewide 911 system using an industry standard or functional equivalent, as determined by the board. The originating provider must establish and maintain the connection in accordance with all applicable regulatory requirements requiring service continuity and ensure access to public safety assistance.

SECTION 24. IC 36-8-16.7-34, AS AMENDED BY P.L.36-2016, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 34. The statewide 911 fee is the liability of the user and not of a provider. However, except as provided in section ~~33(e)~~ **33(d)** of this chapter, a provider is liable to remit to the board all statewide 911 fees that the provider collects from users.

SECTION 25. IC 36-8-16.7-38, AS AMENDED BY P.L.13-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 38. (a) A PSAP may use a distribution from a



county under this chapter only for the following:

- (1) The lease, purchase, or maintenance of communications service equipment.
 - (2) Necessary system hardware and software and data base equipment.
 - (3) Personnel expenses, including wages, benefits, training, and continuing education, only to the extent reasonable and necessary for the provision and maintenance of:
 - (A) the statewide 911 system; or
 - (B) a wireline enhanced emergency telephone system funded under IC 36-8-16 (before its repeal on July 1, 2012).
 - (4) Operational costs, including costs associated with:
 - (A) utilities;
 - (B) maintenance;
 - (C) equipment designed to provide backup power or system redundancy, including generators; and
 - (D) call logging equipment.
 - (5) An emergency notification system that is approved by the board under section 40 of this chapter.
 - (6) Connectivity to the Indiana data and communications system (IDACS).
 - (7) Rates associated with communications service providers' ~~enhanced~~ **911 service** emergency communications system network services.
 - (8) Mobile radio equipment used by first responders. ~~other than radio equipment purchased under subdivision (9) as a result of the narrow banding requirements specified by the Federal Communications Commission.~~
 - (9) ~~Up to fifty percent (50%) of the costs associated with the narrow banding or replacement of radios or other equipment as a result of the narrow banding requirements specified by the Federal Communications Commission.~~
- (b) A PSAP may not use a distribution from a county under this chapter for the following:
- (1) The construction, purchase, renovation, or furnishing of PSAP buildings.
 - (2) Vehicles.
- (c) Not later than January 31 of each year, each PSAP shall submit to the board a report of the following:
- (1) All expenditures made during the immediately preceding calendar year from distributions under this chapter.
 - (2) Call data and statistics for the immediately preceding calendar



year, as specified by the board and collected in accordance with any reporting method established or required by the board.

(3) All costs associated with dispatching appropriate public safety agencies to respond to 911 calls received by the PSAP.

(4) All funding sources and amounts of funding used for costs described in subdivision (3).

(5) Public safety telecommunicator continuing education requirements established under IC 36-8-16.8-8(a)(2).

(d) The state board of accounts shall audit the expenditures of distributions under this chapter by each PSAP that receives distributions under this chapter. In conducting an audit under this subsection, the state board of accounts shall determine, in conjunction with the board, whether the expenditures made by each PSAP are in compliance with subsections (a) and (b). The board shall review and further audit any ineligible expenditure identified by the state board of accounts under this subsection or through any other report. If the board verifies that the expenditure did not comply with this section, the board shall ensure that the fund is reimbursed in the dollar amount of the noncomplying expenditure from any source of funding, other than a fund described in subsection (e), that is available to the PSAP or to a unit in which the PSAP is located.

(e) A distribution under section 37(a)(2) of this chapter must be deposited by the treasurer of the county in a separate fund set aside for the purposes allowed by subsections (a) and (b). The fund must be known as the _____ (insert name of county) 911 fund. The county treasurer may invest money in the fund in the same manner that other money of the county may be invested, but income earned from the investment must be deposited in the fund set aside under this subsection.

(f) Not later than November 1 of each year, the board shall provide in an electronic format under IC 5-14-6 to the general assembly the information submitted under subsection (c)(3) and (c)(4).

SECTION 26. IC 36-8-16.7-39, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 39. (a) In cooperation with the board, a provider shall designate a person to coordinate with and provide all relevant information to the board to assist the board in carrying out its duties under this chapter.

(b) A provider shall provide the automatic number identification, **or a functional equivalent or successor**, and any other information, including updates, required by the board to the county, the municipality, an authorized agent of a county or municipality, or the



board or the board's authorized agent for purposes of establishing and maintaining a 911 system data base **or online network repository of the data**. The board may use confidential information received under this subsection solely for the purpose of providing statewide 911 service.

SECTION 27. IC 36-8-16.7-40, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 40. (a) As used in this section, "emergency notification system" means **an enhanced a method associated with a** 911 system capability that provides communications service users within the territory served by a PSAP with a warning, delivered through a device or medium by which users receive communications service from a provider, of an emergency situation through a computerized warning system that uses 911 data base information and technology.

(b) With approval of the board, a county may establish an emergency notification system. If the board approves the establishment of an emergency notification system in a county, a PSAP in the county may use funds distributed to it under this chapter to establish and operate an emergency notification system under this section.

(c) A provider shall provide to a PSAP the necessary user data to enable the PSAP to implement an emergency notification system under this section. The provision of data under this subsection is subject to section 41 of this chapter. In providing data under this subsection, the provider shall provide the following information for each service user in the PSAP's service territory:

- (1) The service address of the user.
- (2) The class of service provided to the user.
- (3) A designation of listed, unlisted, or nonpublished with respect to any telephone number (or other functionally equivalent identification number) associated with the user's service or account.

The provider shall provide this data to the PSAP on a quarterly basis. The provider may charge a reasonable fee to the PSAP for the administrative costs of providing the data.

SECTION 28. IC 36-8-16.7-41, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 41. (a) A provider shall, upon request, provide to a PSAP the necessary user data to enable the PSAP to implement and operate a 911 system. User data provided to a PSAP for the purpose of implementing or updating a 911 system may be used only to identify:

- (1) a user;
- (2) a user's place of primary use; or

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(3) the information described in both subdivisions (1) and (2); and may not be used or disclosed by the PSAP, or its agents or employees, for any other purpose unless the data is used or disclosed under a court order. A person who recklessly, knowingly, or intentionally violates this subsection commits a Class A misdemeanor.

(b) After May 31, 1988, a contract entered into between a provider and a user who has an unlisted or nonpublished telephone number (or other functionally equivalent identification number) may not include a provision that prohibits the provider from providing the user's telephone number (or other functionally equivalent identification number) to a PSAP for inclusion in a 911 system data base. A provider (other than a provider who, before June 1, 1988, has contracted to not divulge a subscriber's unlisted or nonpublished telephone number (or other functionally equivalent identification number)) shall provide a requesting PSAP with the name, telephone number (or other functionally equivalent identification number), and place of primary use for each user of the provider. A PSAP may not release a telephone number (or other functionally equivalent identification number) required to be provided under this subsection to any person except as provided in subsection (a).

(c) A provider may amend or terminate a contract with a user if:

- (1) the contract contains a provision that prohibits the provider from providing the user's telephone number (or other functionally equivalent identification number) to a PSAP for inclusion in a 911 system data base **or online network source**;
- (2) the exclusion of the telephone number (or other functionally equivalent identification number) from the data base would negate the purpose of this chapter; and
- (3) the user is notified of the proposed amendment or termination of a contract at least one hundred eighty (180) days before the provider takes action.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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