

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1904
98TH GENERAL ASSEMBLY

Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, April 14, 2016, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

4398S.04C

AN ACT

To repeal sections 43.401, 70.210, 190.300, 190.307, 190.308, 190.328, 190.329, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 650.320, 650.325, 650.330, and 650.340, RSMo, and to enact in lieu thereof twenty-one new sections relating to emergency communications service, with penalty provisions.

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

Section A. Sections 43.401, 70.210, 190.300, 190.307, 190.308, 190.328, 2 190.329, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 650.320, 650.325, 3 650.330, and 650.340, RSMo, are repealed and twenty-one new sections enacted 4 in lieu thereof, to be known as sections 43.401, 70.210, 190.300, 190.308, 190.328, 5 190.329, 190.335, 190.400, 190.420, 190.450, 190.451, 190.455, 190.460, 190.475, 6 210.1013, 650.320, 650.325, 650.330, 650.335, 650.340, and 1, to read as follows:

43.401. 1. The reporting of missing persons by law enforcement agencies, 2 private citizens, and the responsibilities of the patrol in maintaining accurate 3 records of missing persons are as follows:

4 (1) A person may file a complaint of a missing person with a law 5 enforcement agency having jurisdiction. The complaint shall include, but need 6 not be limited to, the following information:

7 (a) The name of the complainant;

8 (b) **The name, address, and phone number of the guardian, if any,** 9 **of the missing person;**

10 (c) The relationship of the complainant to the missing person;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 [(c)] **(d)** The name, age, address, and all identifying characteristics of the
12 missing person;

13 [(d)] **(e)** The length of time the person has been missing;

14 [(e)] **(f)** All other information deemed relevant by either the complainant
15 or the law enforcement agency;

16 (2) A report of the complaint of a missing person shall be immediately
17 entered into the Missouri uniform law enforcement system (MULES) and the
18 National Crime Information Center (NCIC) system by the law enforcement agency
19 receiving the complaint, and disseminated to other law enforcement agencies who
20 may come in contact with or be involved in the investigation or location of a
21 missing person;

22 (3) A law enforcement agency with which a complaint of a missing child
23 has been filed shall prepare, as soon as practicable, a standard missing child
24 report. The missing child report shall be maintained as a record by the reporting
25 law enforcement agency during the course of an active investigation;

26 (4) Upon the location of a missing person, or the determination by the law
27 enforcement agency of jurisdiction that the person is no longer missing, the law
28 enforcement agency which reported the missing person shall immediately remove
29 the record of the missing person from the MULES and NCIC files.

30 2. No law enforcement agency shall prevent an immediate active
31 investigation on the basis of an agency rule which specifies an automatic time
32 limitation for a missing person investigation.

70.210. As used in sections 70.210 to 70.320, the following terms mean:

2 (1) "Governing body", the board, body or persons in which the powers of
3 a municipality or political subdivision are vested;

4 (2) "Municipality", municipal corporations, political corporations, and
5 other public corporations and agencies authorized to exercise governmental
6 functions;

7 (3) "Political subdivision", counties, townships, cities, towns, villages,
8 school, county library, city library, city-county library, road, drainage, sewer,
9 levee and fire districts, soil and water conservation districts, watershed
10 subdistricts, county hospitals, [and] any board of control of an art museum, **any**
11 **911 or emergency services board authorized in chapter 190 or in section**
12 **321.243**, and any other public subdivision or public corporation having the power
13 to tax.

190.300. As used in sections 190.300 to [190.320] **190.340**, the following

2 terms and phrases mean:

3 (1) "Emergency telephone service", a telephone system utilizing a single
4 three digit number "911" for reporting police, fire, medical or other emergency
5 situations;

6 (2) "Emergency telephone tax", a tax to finance the operation of emergency
7 telephone service;

8 (3) "Exchange access facilities", all facilities provided by the service
9 supplier for local telephone exchange access to a service user;

10 (4) "Governing body", the legislative body for a city, county or city not
11 within a county;

12 (5) "Person", any individual, firm, partnership, copartnership, joint
13 venture, association, cooperative organization, corporation, municipal or private,
14 and whether organized for profit or not, state, county, political subdivision, state
15 department, commission, board, bureau or fraternal organization, estate, trust,
16 business or common law trust, receiver, assignee for the benefit of creditors,
17 trustee or trustee in bankruptcy, or any other service user;

18 (6) "Public agency", any city, county, city not within a county, municipal
19 corporation, public district or public authority located in whole or in part within
20 this state which provides or has authority to provide fire fighting, law
21 enforcement, ambulance, emergency medical, or other emergency services;

22 (7) "Service supplier", any person providing exchange telephone services
23 to any service user in this state;

24 (8) "Service user", any person, other than a person providing pay
25 telephone service pursuant to the provisions of section 392.520 not otherwise
26 exempt from taxation, who is provided exchange telephone service in this state;

27 (9) "Tariff rate", the rate or rates billed by a service supplier to a service
28 user as stated in the service supplier's tariffs, [approved by the Missouri public
29 service commission] **contracts, service agreements, or similar documents**
30 **governing the provision of the service**, which represent the service
31 supplier's recurring charges for exchange access facilities or their equivalent, **or**
32 **equivalent rates contained in contracts, service agreements, or similar**
33 **documents**, exclusive of all taxes, fees, licenses or similar charges whatsoever.

190.308. 1. In any county that has established an emergency telephone
2 service pursuant to sections 190.300 to [190.320] **190.340**, it shall be unlawful
3 for any person to misuse the emergency telephone service. For the purposes of
4 this section, "emergency" means any incident involving danger to life or property

5 that calls for an emergency response dispatch of police, fire, EMS or other public
6 safety organization, "misuse the emergency telephone service" includes, but is not
7 limited to, repeatedly calling the "911" for nonemergency situations causing
8 operators or equipment to be in use when emergency situations may need such
9 operators or equipment and "repeatedly" means three or more times within a one-
10 month period.

11 2. Any violation of this section is a class B misdemeanor.

12 3. No political subdivision shall impose any fine or penalty on the owner
13 of a pay telephone or on the owner of any property upon which a pay telephone
14 is located for calls to the emergency telephone service made from the pay
15 telephone. Any such fine or penalty is hereby void.

190.328. 1. Beginning in 1997, within the area from which voters and the
2 commission have approved the provision of central dispatching for emergency
3 services by a public agency for an area containing third or fourth class cities in
4 counties of the third classification with a population of at least thirty-two
5 thousand but no greater than forty thousand that border a county of the first
6 classification but do not border the Mississippi River, the initial board shall
7 consist of two members from each township within such area and one at-large
8 member who shall serve as the initial chairperson of such board.

9 2. Within the area from which voters and the commission have approved
10 the provision of central dispatching for emergency services by a public agency for
11 an area containing third or fourth class cities in counties of the third
12 classification with a population of at least thirty-two thousand but no greater
13 than forty thousand that border a county of the first classification, voters shall
14 elect a board to administer funds and oversee the provision of central dispatching
15 for emergency services. Such board shall consist of two members elected from
16 each of the townships within such area and one member elected at large who
17 shall serve as the chairperson of the board.

18 3. Of those initially elected to the board as provided in this section, four
19 from the townships shall be elected to a term of two years, and four from the
20 townships and the at-large member shall be elected to a term of four years. Upon
21 the expiration of these initial terms, all members shall thereafter be elected to
22 terms of four years; **provided, however, that if a board established in this**
23 **section consolidates with a board established under section 190.327 or**
24 **190.335, under the provisions of section 190.460, the term of office for**
25 **the existing board members shall end on the thirtieth day following the**

26 **appointment of the initial board of directors for the consolidated**
27 **district.**

190.329. 1. Except in areas from which voters and the commission have
2 approved the provision of central dispatching for emergency services by a public
3 agency for an area containing third or fourth class cities located in counties of the
4 third classification with a population of at least thirty-two thousand but no
5 greater than forty thousand that border a county of the first classification but do
6 not border the Mississippi River, the initial board shall consist of seven members
7 appointed without regard for political party who shall be selected from and shall
8 represent the fire protection districts, ambulance districts, sheriff's department,
9 municipalities, any other emergency services and the general public. This initial
10 board shall serve until its successor board is duly elected and installed in
11 office. The commission shall ensure geographic representation of the county by
12 appointing no more than four members from any one commission district of the
13 county.

14 2. Beginning in 1992, three members shall be elected from each
15 commission district and one member shall be elected at large, with such at-large
16 member to be a voting member and chairman of the board. Of those first elected,
17 four members from commission districts shall be elected for terms of two years
18 and two members from commission districts and the member at large shall be
19 elected for terms of four years. In 1994, and thereafter, all terms of office shall
20 be for four years, except as **otherwise provided in this subsection or as**
21 **provided in subsection 3 of this section.** Any vacancy on the board shall be filled
22 in the same manner as the initial appointment was made. Four members shall
23 constitute a quorum. **If a board established in section 190.327**
24 **consolidates with a board established under section 190.327, 190.328, or**
25 **190.335, under the provisions of section 190.460, the term of office for**
26 **the existing board members shall end on the thirtieth day following the**
27 **appointment of the initial board of directors for the consolidated**
28 **district.**

29 3. Upon approval by the county commission for the election of board
30 members to be held on general municipal election day, pursuant to subsection 2
31 of section 190.327, the terms of those board members then holding office shall be
32 reduced by seven months. After a board member's term has been reduced, all
33 following terms for that position shall be for four years, **except as otherwise**
34 **provided under subsection 2 of this section.**

190.335. 1. In lieu of the tax levy authorized under section 190.305 for
 2 emergency telephone services, the county commission of any county may impose
 3 a county sales tax for the provision of central dispatching of fire protection,
 4 including law enforcement agencies, emergency ambulance service or any other
 5 emergency services, including emergency telephone services, which shall be
 6 collectively referred to herein as "emergency services", and which may also
 7 include the purchase and maintenance of communications and emergency
 8 equipment, including the operational costs associated therein, in accordance with
 9 the provisions of this section.

10 2. Such county commission may, by a majority vote of its members, submit
 11 to the voters of the county, at a public election, a proposal to authorize the county
 12 commission to impose a tax under the provisions of this section. If the residents
 13 of the county present a petition signed by a number of residents equal to ten
 14 percent of those in the county who voted in the most recent gubernatorial
 15 election, then the commission shall submit such a proposal to the voters of the
 16 county.

17 3. The ballot of submission shall be in substantially the following form:

18 Shall the county of (insert name of county) impose a county sales
 19 tax of (insert rate of percent) percent for the purpose of providing central
 20 dispatching of fire protection, emergency ambulance service, including emergency
 21 telephone services, and other emergency services?

22 YES NO

23 If a majority of the votes cast on the proposal by the qualified voters voting
 24 thereon are in favor of the proposal, then the ordinance shall be in effect as
 25 provided herein. If a majority of the votes cast by the qualified voters voting are
 26 opposed to the proposal, then the county commission shall have no power to
 27 impose the tax authorized by this section unless and until the county commission
 28 shall again have submitted another proposal to authorize the county commission
 29 to impose the tax under the provisions of this section, and such proposal is
 30 approved by a majority of the qualified voters voting thereon.

31 4. The sales tax may be imposed at a rate not to exceed one percent on the
 32 receipts from the sale at retail of all tangible personal property or taxable
 33 services at retail within any county adopting such tax, if such property and
 34 services are subject to taxation by the state of Missouri under the provisions of
 35 sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six
 36 months before operation of the central dispatching of emergency services.

37 5. Except as modified in this section, all provisions of sections 32.085 and
38 32.087 shall apply to the tax imposed under this section.

39 6. Any tax imposed pursuant to section 190.305 shall terminate at the end
40 of the tax year in which the tax imposed pursuant to this section for emergency
41 services is certified by the board to be fully operational. Any revenues collected
42 from the tax authorized under section 190.305 shall be credited for the purposes
43 for which they were intended.

44 7. At least once each calendar year, the board shall establish a tax rate,
45 not to exceed the amount authorized, that together with any surplus revenues
46 carried forward will produce sufficient revenues to fund the expenditures
47 authorized by this act. Amounts collected in excess of that necessary within a
48 given year shall be carried forward to subsequent years. The board shall make
49 its determination of such tax rate each year no later than September first and
50 shall fix the new rate which shall be collected as provided in this
51 act. Immediately upon making its determination and fixing the rate, the board
52 shall publish in its minutes the new rate, and it shall notify every retailer by
53 mail of the new rate.

54 8. Immediately upon the affirmative vote of voters of such a county on the
55 ballot proposal to establish a county sales tax pursuant to the provisions of this
56 section, the county commission shall appoint the initial members of a board to
57 administer the funds and oversee the provision of emergency services in the
58 county. Beginning with the general election in 1994, all board members shall be
59 elected according to this section and other applicable laws of this state. At the
60 time of the appointment of the initial members of the board, the commission shall
61 relinquish and no longer exercise the duties prescribed in this chapter with
62 regard to the provision of emergency services and such duties shall be exercised
63 by the board.

64 9. The initial board shall consist of seven members appointed without
65 regard to political affiliation, who shall be selected from, and who shall represent,
66 the fire protection districts, ambulance districts, sheriff's department,
67 municipalities, any other emergency services and the general public. This initial
68 board shall serve until its successor board is duly elected and installed in
69 office. The commission shall ensure geographic representation of the county by
70 appointing no more than four members from each district of the county
71 commission.

72 10. Beginning in 1994, three members shall be elected from each district

73 of the county commission and one member shall be elected at large, such member
74 to be the chairman of the board. Of those first elected, four members from
75 districts of the county commission shall be elected for terms of two years and two
76 members from districts of the county commission and the member at large shall
77 be elected for terms of four years. In 1996, and thereafter, all terms of office
78 shall be four years; **provided, however, that if a board established in this**
79 **section consolidates with a board established under this section or**
80 **section 190.327 or section 190.328, under the provisions of section**
81 **190.460, the term of office for the existing board members shall end on**
82 **the thirtieth day following the appointment of the initial board of**
83 **directors for the consolidated district.** Notwithstanding any other provision
84 of law, if there is no candidate for an open position on the board, then no election
85 shall be held for that position and it shall be considered vacant, to be filled
86 pursuant to the provisions of section 190.339, and, if there is only one candidate
87 for each open position, no election shall be held and the candidate or candidates
88 shall assume office at the same time and in the same manner as if elected.

89 11. Notwithstanding the provisions of subsections 8 to 10 of this section
90 to the contrary, in any county of the first classification with more than two
91 hundred forty thousand three hundred but fewer than two hundred forty
92 thousand four hundred inhabitants **or in any county of the third**
93 **classification with a township form of government and with more than**
94 **twenty-eight thousand but fewer than thirty-one thousand inhabitants,**
95 any emergency telephone service 911 board appointed by the county under section
96 190.309 which is in existence on the date the voters approve a sales tax under
97 this section shall continue to exist and shall have the powers set forth under
98 section 190.339. Such boards which existed prior to August 25, 2010, shall not
99 be considered a body corporate and a political subdivision of the state for any
100 purpose, unless and until an order is entered upon an unanimous vote of the
101 commissioners of the county in which such board is established reclassifying such
102 board as a corporate body and political subdivision of the state. The order shall
103 approve the transfer of the assets and liabilities related to the operation of the
104 emergency **telephone** service 911 system to the new entity created by the
105 reclassification of the board.

106 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this
107 section to the contrary, in any county of the second classification with more than
108 fifty-four thousand two hundred but fewer than fifty-four thousand three hundred

109 inhabitants or any county of the first classification with more than fifty thousand
110 but fewer than seventy thousand inhabitants that has approved a sales tax under
111 this section, the county commission shall appoint the members of the board to
112 administer the funds and oversee the provision of emergency services in the
113 county.

114 (2) The board shall consist of seven members appointed without regard
115 to political affiliation. Except as provided in subdivision (4) of this subsection,
116 each member shall be one of the following:

117 (a) The head of any of the county's fire protection districts, or a designee;

118 (b) The head of any of the county's ambulance districts, or a designee;

119 (c) The county sheriff, or a designee;

120 (d) The head of any of the police departments in the county, or a designee;

121 and

122 (e) The head of any of the county's emergency management organizations,
123 or a designee.

124 (3) Upon the appointment of the board under this subsection, the board
125 shall have the power provided in section 190.339 and shall exercise all powers
126 and duties exercised by the county commission under this chapter, and the
127 commission shall relinquish all powers and duties relating to the provision of
128 emergency services under this chapter to the board.

129 (4) In any county of the first classification with more than fifty thousand
130 but fewer than seventy thousand inhabitants, each of the entities listed in
131 subdivision (2) of this subsection shall be represented on the board by at least one
132 member.

133 **(5) In any county with more than fifty thousand but fewer than**
134 **seventy thousand inhabitants and with a county seat with more than**
135 **two thousand one hundred, but fewer than two thousand four hundred**
136 **inhabitants, the entities listed in subdivision (2) of this subsection shall**
137 **be represented by one member, and two members shall be residents of**
138 **the county not affiliated with any of the entities listed in subdivision**
139 **(2) of this section and shall be known as public members.**

190.400. As used in sections 190.400 to [190.440] 190.451, the following
2 words and terms shall mean:

3 (1) ["911", the primary emergency telephone number within the wireless
4 system;

5 (2) "Board", the wireless service provider enhanced 911 advisory board;

6 (3)] "Active telephone number", a ten-digit North American
7 Numbering Plan number that has been assigned to a subscriber and is
8 provisioned to generally reach, by dialing, the public switched
9 telephone network and not only 911 or the 911 system;

10 (2) "Communications service":

11 (a) Any service that:

12 a. Uses telephone numbers or their functional equivalents or
13 successors;

14 b. Provides access to, and a connection or interface with, a 911
15 system through the activation or enabling of a device, transmission
16 medium, or technology that is used by a customer to dial, initialize, or
17 otherwise activate the 911 system, regardless of the particular device,
18 transmission medium, or technology employed;

19 c. Provides and enables real time or interactive communications,
20 other than machine to machine communications; and

21 d. Is available to a prepaid user or a standard user;

22 (b) The term includes, but is not limited to, the following:

23 a. Internet protocol enabled services and applications that are
24 provided through wireline, cable, wireless, or satellite facilities, or any
25 other facility or platform that is capable of connecting and enabling a
26 911 communication to a public safety answering point;

27 b. Commercial mobile radio service; and

28 c. Interconnected voice over internet protocol service and voice
29 over power lines;

30 (c) The term does not include broadband internet access service;

31 (d) For purposes of this section, when a device is permanently
32 installed in a vehicle that is capable of contacting 911, it shall not be
33 subject to this section, unless the owner of such vehicle purchases or
34 otherwise subscribes to a commercial mobile service as defined under
35 47 U.S.C. 332(d) of the Telecommunications Act of 1996;

36 (3) "Provider or communications service provider", a person who
37 provides retail communications services to the public that includes 911
38 communications service including, but not limited to, a local exchange
39 carrier, a wireless provider, and a voice over internet protocol
40 provider, but only if such entity provides access to, and connection and
41 interface with, a 911 communications service or its successor service;

42 (4) "Public safety agency", a functional division of a public agency which

43 provides fire fighting, police, medical or other emergency services. For the
44 purpose of providing wireless service to users of 911 emergency services, as
45 expressly provided in this section, the department of public safety and state
46 highway patrol shall be considered a public safety agency;

47 [(4)] (5) "Public safety answering point", the location at which 911 calls
48 are [initially] answered;

49 [(5)] (6) "Subscriber", a person who contracts with and is billed
50 by a provider for a retail communications service. In the case of
51 wireless service and for purposes of section 190.450, the term
52 "subscriber" means a person who contracts with a provider if the
53 person's primary place of use is within the county or city imposing a
54 monthly fee under section 190.450, and does not include subscribers to
55 prepaid wireless service;

56 (7) "Wireless service provider", a provider of commercial mobile service
57 pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47
58 U.S.C. Section 151 et seq).

2 190.420. 1. There is hereby established a **special trust** fund to be known
3 as the "[Wireless Service Provider Enhanced] **Missouri 911 Service Trust Fund**".
4 All fees collected pursuant to sections 190.400 to [190.440 by wireless service
5 providers] **190.451** shall be remitted to the director of the department of revenue.

6 2. The director of the department of revenue shall deposit such payments
7 into the [wireless service provider enhanced] **Missouri 911 service trust**
8 fund. Moneys in the fund shall be used for the purpose of reimbursing
9 expenditures actually incurred in the implementation and operation of the
10 [wireless service provider enhanced] **Missouri 911 [system] systems and for**
11 **the answering and dispatching of emergency calls as determined to be**
12 **appropriate by the governing body of the county or city imposing the**
13 **fee.**

14 3. Any unexpended balance in the fund shall be exempt from the
15 provisions of section 33.080, relating to the transfer of unexpended balances to
16 the general revenue fund, and shall remain in the fund. Any interest earned on
17 the moneys in the fund shall be deposited into the fund.

18 4. **The moneys in the trust fund shall not be deemed to be state**
19 **funds and shall not be commingled with any funds of the state. The**
20 **director of revenue shall keep accurate records of the amount of**
21 **moneys in the trust fund which were collected in each county, city not**

22 within a county, or home rule city with more than fifteen thousand but
23 fewer than seventeen thousand inhabitants and partially located in any
24 county of the third classification without a township form of
25 government and with more than thirty-seven thousand but fewer than
26 forty-one thousand inhabitants under sections 190.400 to 190.451, and
27 the records shall be open to the inspection of officers of a participating
28 county, or city and the public.

190.450. 1. Except as provided under subsections 9 and 10 of this
2 section, in lieu of the tax levy authorized under section 190.305 or
3 190.325 or the sales tax imposed under section 190.292 or 190.335, the
4 governing body of any county, city not within a county, or home rule
5 city with more than fifteen thousand but fewer than seventeen
6 thousand inhabitants and partially located in any county of the third
7 classification without a township form of government and with more
8 than thirty-seven thousand but fewer than forty-one thousand
9 inhabitants may impose, by order or ordinance, a monthly fee on
10 subscribers of any communications service that has been enabled to
11 contact 911. The monthly fee authorized in this section shall not
12 exceed one dollar and fifty cents and shall be assessed to the subscriber
13 of communications service, regardless of technology, based upon the
14 number of active telephone numbers or their functional equivalents or
15 successors assigned by the provider and capable of simultaneously
16 contacting the public safety answering point; provided that, for multi-
17 line telephone systems and for facilities provisioned with capacity
18 greater than a voice capable grade channel or its equivalent, regardless
19 of technology, the charge shall be assessed on the number of voice
20 capable grade channels as provisioned by the provider that allow
21 simultaneous contact with the public safety answering point. Only one
22 fee may be assessed per active telephone number or its functional
23 equivalent or successor used to provide a communications service. No
24 fee imposed under this section shall be imposed on more than one
25 hundred voice grade channels or their equivalent per person per
26 location. Notwithstanding any provision to the contrary in this section,
27 the monthly fee shall not be assessed on the provision of broadband
28 internet access service. The fee shall be imposed solely for the purpose
29 of funding 911 service in such county or city. The monthly fee
30 authorized in this section shall be limited to one fee per device. The

31 fee authorized in this section shall be in addition to all other taxes and
32 fees imposed by law and may be stated separately from all other
33 charges and taxes. The fee shall be the liability of the subscriber, not
34 the provider, except that the provider shall be liable to remit all fees
35 that the provider collects pursuant to this section.

36 2. No such order or ordinance adopted under this section shall
37 become effective unless the governing body of the county or city
38 submits to the voters residing within the county or city at a state
39 general, primary, or special election a proposal to authorize the
40 governing body to impose a fee under this section. The question
41 submitted shall be in substantially the following form:

42 "Shall (insert name of county or city) impose a monthly fee of
43 (insert amount) on a subscriber of any communications service that
44 has been enabled to contact 911 for the purpose of funding 911 service
45 in the (county or city)?"

46 If a majority of the votes cast on the question by the qualified voters
47 voting thereon are in favor of the question, then the fee shall become
48 effective on the first day of the second calendar quarter after the
49 director of revenue receives notification of adoption of the fee. If a
50 majority of the votes cast on the question by the qualified voters voting
51 thereon are opposed to the question, then the fee shall not become
52 effective unless and until the question is resubmitted under this section
53 to the qualified voters and such question is approved by a majority of
54 the qualified voters voting on the question.

55 3. Except as modified in this section, all provisions of sections
56 32.085 and 32.087 and subsection 7 of section 144.190 shall apply to the
57 fee imposed under this section.

58 4. All revenue collected under this section by the director of the
59 department of revenue on behalf of the county or city, except for two
60 percent to be withheld by the provider for the cost of administering the
61 collection and remittance of the fee and one percent for the cost of
62 collection which shall be deposited in the state's general revenue fund,
63 shall be deposited in the Missouri 911 service trust fund created in
64 section 190.420. The director of the department of revenue shall remit
65 such funds to the county or city on a monthly basis. The governing
66 body of any such county or city shall control such funds remitted to the
67 county or city unless the county or city has established an elected

68 board for the purpose of administering such funds. In the event that
69 any county or city has established a board under any other provision
70 of state law for the purpose of administering funds for 911 service, such
71 existing board may continue to perform such functions after the county
72 or city has adopted the monthly fee under this section.

73 5. Nothing in this section imposes any obligation upon a provider
74 of a communications service to take any legal action to enforce the
75 collection of the tax imposed in this section. The tax shall be collected
76 in compliance, as applicable, with the federal Mobile
77 Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as
78 amended.

79 6. Notwithstanding any other provision of law to the contrary,
80 proprietary information submitted under this section shall only be
81 subject to subpoena or lawful court order. Information collected under
82 this section shall only be released or published in aggregate amounts
83 that do not identify or allow identification of numbers of subscribers
84 or revenues attributable to an individual communications service
85 provider.

86 7. Notwithstanding any other provision of law to the contrary,
87 in no event shall any communications service provider, its officers,
88 employees, assigns, agents, vendors, or anyone acting on behalf of such
89 persons, be liable for any form of civil damages or criminal liability
90 that directly or indirectly results from, or is caused by:

91 (1) An act or omission in the development, design, installation,
92 operation, maintenance, performance, or provision of service to a
93 public safety answering point or to subscribers that use such service
94 whether providing such service is required by law or is voluntary; or

95 (2) The release of subscriber information to any governmental
96 entity under this section unless such acts, release of subscriber
97 information, or omissions constitute gross negligence, recklessness, or
98 intentional misconduct.

99 Nothing in this section is intended to void or otherwise override any
100 contractual obligation pertaining to equipment or services sold to a
101 public service answering point by a communications service provider.
102 No cause of action shall lie in any court of law against any provider of
103 communications service, commercial mobile service, or other
104 communications-related service, or its officers, employees, assignees,

105 agents, vendors, or anyone acting on behalf of such persons, for
106 providing call location information concerning the user of any such
107 service in an emergency situation to a law enforcement official or
108 agency in order to respond to a call for emergency service by a
109 subscriber, customer, or user of such service or for providing caller
110 location information or doing a ping locate in an emergency situation
111 that involves danger of death or serious physical injury to any person
112 where disclosure of communications relating to the emergency is
113 required without delay, whether such providing of information is
114 required by law or voluntary.

115 8. The fee imposed under this section shall not be imposed on
116 customers who pay for service prospectively, known as purchasers of
117 prepaid wireless telecommunications service customers.

118 9. No county or city shall submit a proposal to the voters under
119 this section for a fee of more than one dollar until the county or city
120 receives approval for the fee amount from the Missouri 911 service
121 board established under section 650.325. Once a fee of more than one
122 dollar has been approved by the Missouri 911 service board and the
123 voters, the county or city shall not subsequently increase the fee until
124 the increased fee amount has been approved by the Missouri 911
125 service board and the voters under this section. Any county or city
126 seeking to impose or increase a fee of more than one dollar shall submit
127 to the Missouri 911 service board information to justify the fee
128 amount. The information to be provided shall include, but not be
129 limited to, the following:

- 130 (1) Estimated costs of services to be provided;
- 131 (2) Estimated revenue from all sources intended to financially
132 support the proposed 911 service;
- 133 (3) Prior revenue amounts and sources of financial support for
134 the previously funded 911 or emergency dispatch service;
- 135 (4) Efforts to secure revenue to support the proposed 911 service
136 other than the proposed fee under this section;
- 137 (5) Current level of 911 service provided and the proposed level
138 of 911 service to be provided;
- 139 (6) Any previous efforts regarding the consolidation of 911
140 services and any currently proposed efforts regarding the consolidation
141 of 911 services;

142 **(7) Expected level of training of personnel and expected number**
143 **of telecommunications per shift.**

144 **10. The fee imposed under this section shall not be imposed in**
145 **conjunction with any tax imposed under sections 190.292, 190.305,**
146 **190.325, or 190.335. No county or city shall simultaneously impose more**
147 **than one tax authorized in this section or sections 190.292, 190.305,**
148 **190.325, or 190.335. No fee imposed under this section shall be imposed**
149 **on more than one hundred exchange access facilities or their**
150 **equivalent per person per location.**

151 **11. No county shall submit a proposal to the voters of the county**
152 **under this section until either:**

153 **(1) All providers of emergency telephone service as defined in**
154 **section 190.300 and public safety answering point operations within the**
155 **county are consolidated into one public agency as defined in section**
156 **190.300 that provides emergency telephone service for the county; and**

157 **(2) The county develops a plan for consolidation of emergency**
158 **telephone service as defined in section 190.300, and public safety**
159 **answering point operations within the county are consolidated into one**
160 **public agency as defined in section 190.300 that provides emergency**
161 **telephone service for the county; or**

162 **(3) The county develops a plan for consolidation of emergency**
163 **telephone service as defined in section 190.300 and public safety**
164 **answering point operations within the county that includes either**
165 **consolidation or entering into a shared services agreement for such**
166 **services, which shall be implemented on approval of the fee by the**
167 **voters.**

168 **12. Any plan developed under subdivision (2) or (3) of subsection**
169 **11 of this section shall be filed with the Missouri 911 service board**
170 **under subsection 4 of section 650.330. Any plan that is filed under this**
171 **subsection shall provide for the establishment of a joint emergency**
172 **communications board as contemplated in section 70.260. The director**
173 **of the department of revenue shall not remit any funds as provided**
174 **under this section until the department receives notification from the**
175 **Missouri 911 service board that the county has filed a plan that is ready**
176 **for implementation. If after one year following the enactment of the fee**
177 **contemplated in subsection 1 of this section the county has not**
178 **complied with the plan that the county submitted under subdivision (2)**

179 or (3) of subsection 11 of this section, but the county has substantially
180 complied with the plan, then the Missouri 911 service board may grant
181 the county an extension of up to six months to comply with its
182 plan. Not more than one extension may be granted to a county. The
183 authority to impose the fee granted to the county in subsection 1 of this
184 section shall be null and void if after one year following the enactment
185 of the fee contemplated in subsection 1 of this section the county has
186 not complied with the plan and has not been granted an extension by
187 the Missouri 911 service board, or if the six month extension expires
188 and the county has not complied with the plan.

189 13. Each county that does not have a public agency as defined in
190 section 190.300 that provides emergency telephone service as defined
191 in section 190.300 for the county shall either:

192 (1) Enter into a shared services agreement for providing
193 emergency telephone services with a public agency that provides
194 emergency telephone service if such an agreement is feasible; or

195 (2) Form with one or more counties an emergency telephone
196 services district in conjunction with any county with a public agency
197 that provides emergency telephone service within the county. If such
198 a district is formed under this subdivision, the governing body of such
199 district shall be the county commissioners of each county within the
200 district, and each county within such district shall submit to the voters
201 of the county a proposal to impose the fee under this section.

202 14. A county operating joint or shared emergency telephone
203 service as defined in section 190.300 may submit to the voters of the
204 county a proposal to impose the fee to support joint operations and
205 further consolidation under this section.

206 15. All 911 fees shall be imposed as provided in the Mobile
207 Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as
208 amended.

209 16. Nothing in subsections 11, 12, 13, and 14 of this section shall
210 apply to a county with a charter form of government where all public
211 safety answering points within the county utilize a common 911
212 communication service as implemented by the appropriate local and
213 county agencies prior to August 28, 2016.

190.451. 1. As used in this section, the following terms mean:

2 (1) "Board", the Missouri 911 service board established under

3 section 650.325;

4 (2) "Consumer", a person who purchases prepaid wireless
5 telecommunications service in a retail transaction;

6 (3) "Department", the department of revenue;

7 (4) "Prepaid wireless service provider", a provider that provides
8 prepaid wireless service to an end user;

9 (5) "Prepaid wireless telecommunications service", a wireless
10 telecommunications service that allows a caller to dial 911 to access the
11 911 system and which service shall be paid for in advance and is sold
12 in predetermined units or dollars of which the number declines with
13 use in a known amount;

14 (6) "Retail transaction", the purchase of prepaid wireless
15 telecommunications service from a seller for any purpose other than
16 resale. The purchase of more than one item that provides prepaid
17 wireless telecommunication service, when such items are sold
18 separately, constitutes more than one retail transaction;

19 (7) "Seller", a person who sells prepaid wireless
20 telecommunications service to another person;

21 (8) "Wireless telecommunications service", commercial mobile
22 radio service as defined by Section 20.3 of Title 47 of the Code of
23 Federal Regulations, as amended.

24 2. (1) Beginning January 1, 2017, there is hereby imposed a
25 prepaid wireless emergency telephone service charge on each retail
26 transaction. The amount of such charge shall be equal to three percent
27 of each retail transaction. However, if a minimal amount of prepaid
28 wireless telecommunications service is sold with a prepaid wireless
29 device for a single nonitemized price, then the seller may elect not to
30 apply such service charge to such transaction. For purposes of this
31 subdivision, an amount of service denominated as ten or fewer minutes,
32 or five dollars or less is minimal.

33 (2) The prepaid wireless emergency telephone service charge
34 shall be collected by the seller from the consumer with respect to each
35 retail transaction occurring in this state. The amount of the prepaid
36 wireless emergency telephone service charge shall be either separately
37 stated on an invoice, receipt, or other similar document that is
38 provided to the consumer by the seller, or otherwise disclosed to the
39 consumer.

40 **(3) For purposes of this subsection, a retail transaction that is**
41 **effected in person by a consumer at a business location of the seller**
42 **shall be treated as occurring in this state if that business location is in**
43 **this state; and any other retail transaction shall be treated as occurring**
44 **in this state if the retail transaction is treated as occurring in this state**
45 **under state law.**

46 **(4) The prepaid wireless emergency telephone service charge is**
47 **the liability of the consumer and not of the seller or of any provider,**
48 **except that the seller shall be liable to remit all charges that the seller**
49 **is deemed to collect if the amount of the charge has not been separately**
50 **stated on an invoice, receipt, or other similar document provided to the**
51 **consumer by the seller.**

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

59 **3. (1) Prepaid wireless emergency telephone service charges**
60 **collected by sellers shall be remitted to the department at the times**
61 **and in the manner provided by state law with respect to the sales and**
62 **use taxes. The department shall establish registration and payment**
63 **procedures that substantially coincide with the registration and**
64 **payment procedures that apply under state law.**

65 **(2) Beginning on January 1, 2017, and ending on January 31,**
66 **2017, when a consumer purchases prepaid wireless telecommunications**
67 **service in a retail transaction from a seller under this section, the**
68 **seller shall be allowed to retain one hundred percent of the prepaid**
69 **wireless emergency telephone service charges that are collected by the**
70 **seller from the consumer. Beginning on February 1, 2017, a seller shall**
71 **be permitted to deduct and retain three percent of prepaid wireless**
72 **emergency telephone service charges that are collected by the seller**
73 **from consumers.**

74 **(3) The department shall establish procedures by which a seller**
75 **of prepaid wireless telecommunications service may document that a**
76 **sale is not a retail transaction which procedures shall substantially**

77 coincide with the procedures for documenting sale for resale
78 transactions for sales and use purposes under state law.

79 (4) The department shall deposit all remitted prepaid wireless
80 emergency telephone service charges into the Missouri 911 service trust
81 fund created in section 190.420 within thirty days of receipt for use by
82 the board. The department may deduct an amount not to exceed one
83 percent of collected charges to be retained by the department to
84 reimburse its direct costs of administering the collection and
85 remittance of prepaid wireless emergency telephone service charges.

86 (5) The board shall set a rate between twenty-five and seventy-
87 five percent of the prepaid wireless emergency telephone service
88 charges deposited in the Missouri 911 service trust fund less the
89 deductions authorized in subdivision (4) of this subsection that shall be
90 remitted to the counties without a charter form of government in direct
91 proportion to the amount of charges collected in each county. The
92 board shall set a rate between sixty-five and seventy-five percent of the
93 prepaid wireless emergency telephone service charges deposited in the
94 Missouri 911 service trust fund less the deductions authorized in
95 subdivision (4) of this subsection that shall be remitted to the counties
96 with a charter form of government and any city not within a county in
97 direct proportion to the amount of charges collected in each such
98 county or city not within a county. The initial percentage rate set by
99 the board for counties with and without a charter form of government
100 and any city not within a county may be adjusted after three years and
101 thereafter the rate may be adjusted every two years; however, at no
102 point shall the board set rates that fall below twenty-five percent for
103 counties without a charter form of government and sixty-five percent
104 for counties with a charter form of government and any city not within
105 a county.

106 (6) Any amounts received by a county or city under subdivision
107 (5) of this subsection shall be used only for purposes authorized in
108 sections 190.305 and 190.335.

109 4. (1) A seller that is not a provider shall be entitled to the
110 immunity and liability protections under section 190.450,
111 notwithstanding any requirement in state law regarding compliance
112 with Federal Communications Commission Order 05-116.

113 (2) A provider shall be entitled to the immunity and liability

114 **protections under section 190.450.**

115 **(3) In addition to the protection from liability provided in**
116 **subdivisions (1) and (2) of this subsection, each provider and seller and**
117 **its officers, employees, assigns, agents, vendors, or anyone acting on**
118 **behalf of such persons shall be entitled to the further protection from**
119 **liability, if any, that is provided to providers and sellers of wireless**
120 **telecommunications service that is not prepaid wireless**
121 **telecommunications service under section 190.450.**

122 **5. The prepaid wireless emergency telephone service charge**
123 **imposed by this section shall be in addition to any other tax, fee,**
124 **surcharge, or other charge imposed by this state, any political**
125 **subdivision of this state, or any intergovernmental agency for 911**
126 **funding purposes.**

190.455. 1. In order to provide the best possible 911 technology
2 **and service to all areas of the state in the most efficient and economical**
3 **manner possible, it is the public policy of this state to encourage the**
4 **consolidation of emergency communications operations.**

5 **2. Any county, city, or 911 or emergency services board**
6 **established under chapter 190 or under section 321.243 may contract**
7 **and cooperate with any other county, city, or 911 or emergency services**
8 **board established under chapter 190 or under section 321.243 as**
9 **provided in sections 70.210 to 70.320. Any contracting counties or**
10 **boards may seek assistance and advice from the Missouri 911 service**
11 **board established in section 650.325 regarding the terms of the joint**
12 **contract and the administration and operation of the contracting**
13 **counties, cities, and boards.**

14 **3. If two or more counties, cities, 911 districts, or existing**
15 **emergency communications entities desire to consolidate their**
16 **emergency communications operations, a joint emergency**
17 **communications entity may be established by the parties through an**
18 **agreement identifying the conditions and provisions of the**
19 **consolidation and the operation of the joint entity. This agreement may**
20 **include the establishment of a joint governing body that may be**
21 **comprised of the boards of the entities forming the agreement currently**
22 **authorized by statute or an elected or appointed joint board authorized**
23 **in section 70.260, provided that the representation on the joint board**
24 **of each of the entities forming the agreement shall be equal. If the**

25 entities entering into an agreement under this subsection decide that
26 any 911 service center, responsible for the answering of 911 calls and
27 the dispatch of assistance, shall be physically located in a county, other
28 than a county with the lowest average county wage from the set of
29 counties where the entities entering into an agreement under this
30 subsection are located in whole or part, then such entities shall provide
31 a written reason for this decision to the Missouri 911 service board and
32 such document shall be a public record under chapter 610. The county
33 average wage comparison shall be conducted using the information
34 from the Missouri department of economic development, which
35 calculates such county average wages under section 135.950.

36 4. After August 28, 2016, no public safety answering point
37 operation may be established as a result of its separation from an
38 existing public safety answering point operation without a study by
39 and the approval of the Missouri 911 service board.

40 5. No provision of this law shall be construed to prohibit or
41 discourage in any manner the formation of multiagency or
42 multijurisdictional public safety answering point operations.

190.460. 1. As an alternative to the procedure provided in
2 section 190.455, two or more 911 central dispatch centers that are
3 organized under sections 190.327 to 190.329 or section 190.335 and
4 funded by public taxes may consolidate into one 911 central dispatch
5 center by following the procedures set forth in this section.

6 2. If the consolidation of existing 911 central dispatch centers is
7 desired, a number of voters residing in the existing 911 central
8 dispatch centers' service areas equal to ten percent of the votes cast for
9 governor in those service areas in the next preceding gubernatorial
10 election may file with the county clerk in which the territory or greater
11 part of the proposed consolidated 911 central dispatch center service
12 area will be situated a petition requesting consolidation of two or more
13 911 central dispatch centers.

14 3. The petition shall be in the following form:

15 "We the undersigned voters residing in the service areas for the
16 following 911 central dispatch centers do hereby petition that the
17 following existing 911 central dispatch centers be consolidated into one
18 911 central dispatch center."

19 4. An alternative procedure of consolidation may be followed if

20 each of the boards of directors of the existing 911 central dispatch
21 centers passes a resolution in the following form:

22 "The board of directors of the 911 central dispatch center
23 resolves that the and 911 central dispatch centers be
24 consolidated into one consolidated 911 central dispatch center."

25 5. Upon the filing of a petition or resolution with the county
26 clerk from each of the service areas of the 911 central dispatch centers
27 to be consolidated, the clerk shall present the petition or resolution to
28 the commissioners of the county commission having jurisdiction who
29 shall thereupon order the submission of the question to voters within
30 the affected 911 central dispatch center service areas. The filing of a
31 petition shall be no later than twelve months after any original voter's
32 signature contained therein.

33 6. The notice of election shall contain the names of the existing
34 911 central dispatch centers to be included in the consolidated 911
35 central dispatch center.

36 7. The question shall be submitted in substantially the following
37 form:

38 "Shall the existing 911 central dispatch centers be
39 consolidated into one 911 central dispatch center?"

40 8. If the question of consolidation of the 911 central dispatch
41 centers receives a majority of the votes cast in each service area, the
42 county commissions having joint jurisdiction shall each enter an order
43 declaring the proposition passed.

44 9. Within thirty days after the 911 central dispatch center has
45 been declared consolidated, the respective county commissions having
46 jurisdiction shall jointly meet to appoint a new seven-person board
47 consisting of the agencies and professions listed in subsection 9 of
48 section 190.335, and shall ensure geographic representation by
49 appointing no more than four members from any one county having
50 jurisdiction within the consolidated area for the new consolidated 911
51 central dispatch center.

52 10. Within thirty days after the appointment of the initial board
53 of directors of the new consolidated 911 central dispatch center, the
54 board of directors shall meet at a time and place designated by the
55 county commissions. At the first meeting, the newly appointed board
56 of directors shall choose a name for the consolidated 911 central

57 dispatch center and shall notify the clerks of the county commission of
58 each county within which the new consolidated 911 central dispatch
59 center's service area now subsumes.

60 11. Starting with the April election in the year after the
61 appointment of the initial board of directors, one member shall be
62 subject to running at large as chair for a four-year term. Four members
63 shall be selected by lot to run for two-year terms, and two members
64 shall be selected by lot to run for four-year terms. Thereafter all terms
65 shall be four-year terms.

66 12. On the thirtieth day following the appointment of the initial
67 board of directors the existing 911 central dispatch centers shall cease
68 to exist and the consolidated 911 central dispatch center shall assume
69 all of the powers and duties exercised by the 911 central dispatch
70 centers. All assets and obligations of the existing 911 central dispatch
71 centers shall become the assets and obligations of the new consolidated
72 911 central dispatch center.

190.475. The director of the department of revenue shall
2 maintain a centralized database which shall be made available to the
3 Missouri 911 service board established under section 650.325, specifying
4 the current monthly fee or tax imposed by each county or city under
5 section 190.292, 190.305, 190.325, 190.335, or 190.450. The database shall
6 be updated no less than sixty days prior to the effective date of the
7 establishment or modification of any monthly fee or tax listed in the
8 database.

210.1013. 1. There is hereby created a statewide program called
2 the "Silver Alert System" referred to in this section as the "system" to
3 aid in the identification and location of a missing endangered person.

4 2. For the purposes of this section, the term "endangered person"
5 shall mean an individual who:

6 (1) Does not meet the criteria for an Amber alert under section
7 210.1012; and

8 (2) Is missing under unexplained, involuntary, or suspicious
9 circumstances; and

10 (3) Is believed to be in danger because of age, guardianship,
11 health, mental or physical disability, environmental or weather
12 conditions; or

13 (4) Is in the company of a potentially dangerous person or is

14 affected by some other factor that may put the individual in peril.
15 "Endangered person" does not include any person who is considered to
16 be a runaway and to whom subdivisions (2), (3), and (4) of this
17 subsection do not apply.

18 3. The department of public safety shall develop regions to
19 provide the system. The department of public safety shall coordinate
20 local law enforcement agencies and public commercial television and
21 radio broadcasters to provide an effective system. In the event that a
22 local law enforcement agency opts not to set up a system and an
23 abduction or report of a missing endangered person occurs within the
24 jurisdiction, the agency shall notify the department of public safety
25 who shall notify local media in the region.

26 4. The silver alert system shall include all state agencies capable
27 of providing urgent and timely information to the public together with
28 broadcasters and other private entities that volunteer to participate in
29 the dissemination of urgent public information. At a minimum, the
30 silver alert system shall include the department of public safety, state
31 highway patrol, department of transportation, department of health
32 and senior services, and Missouri lottery.

33 5. Participation in a silver alert system is entirely at the option
34 of local law enforcement agencies, federally licensed radio and
35 television broadcasters, and other private entities.

36 6. Any person who knowingly makes a false report that triggers
37 an alert pursuant to this section is guilty of a class A misdemeanor.

38 7. The department of public safety shall administer and
39 promulgate rules for the implementation of the silver alert system. Any
40 rule or portion of a rule, as that term is defined in section 536.010, that
41 is created under the authority delegated in this section shall become
42 effective only if it complies with and is subject to all of the provisions
43 of chapter 536, and, if applicable, section 536.028. This section and
44 chapter 536 are nonseverable and if any of the powers vested with the
45 general assembly pursuant to chapter 536, to review, to delay the
46 effective date, or to disapprove and annul a rule are subsequently held
47 unconstitutional, then the grant of rulemaking authority and any rule
48 proposed or adopted after August 28, 2016, shall be invalid and void.

650.320. For the purposes of sections 650.320 to 650.340, the following
2 terms mean:

- 3 (1) ["Committee"] **"Board"**, the [advisory committee for] **Missouri** 911
4 service [oversight] **board** established in section 650.325;
- 5 (2) "Public safety answering point", the location at which 911 calls are
6 [initially] answered;
- 7 (3) "Telecommunicator", any person employed as an emergency telephone
8 worker, call taker or public safety dispatcher whose duties include receiving,
9 processing or transmitting public safety information received through a 911
10 public safety answering point.

650.325. There is hereby established within the department of public
2 safety the ["Advisory Committee for 911 Service Oversight"] **"Missouri 911**
3 **Service Board"** which is charged with assisting and advising the state in
4 ensuring the availability, implementation and enhancement of a statewide
5 emergency telephone number common to all jurisdictions through research,
6 planning, training and education, **but shall have no authority over**
7 **communications service providers, as defined in section 190.400.** The
8 [committee for 911 service oversight] **board** shall represent all entities and
9 jurisdictions before appropriate policy-making authorities and the general
10 assembly and shall strive toward the immediate access to emergency services for
11 all citizens of this state.

650.330. 1. The [committee for 911 service oversight] **board** shall consist
2 of [sixteen] **fifteen** members, one of which shall be chosen from the department
3 of public safety [who shall serve as chair of the committee and only vote in the
4 instance of a tie vote among the other members], and the other members shall be
5 selected as follows:

- 6 (1) One member chosen to represent an association domiciled in this state
7 whose primary interest relates to [counties] **municipalities**;
- 8 (2) One member chosen to represent the Missouri [public service
9 commission] **911 directors association**;
- 10 (3) One member chosen to represent emergency medical services **and**
11 **physicians**;
- 12 (4) One member chosen to represent an association with a chapter
13 domiciled in this state whose primary interest relates to a national emergency
14 number;
- 15 (5) One member chosen to represent an association whose primary
16 interest relates to issues pertaining to fire chiefs;
- 17 (6) One member chosen to represent an association with a chapter

18 domiciled in this state whose primary interest relates to issues pertaining to
19 public safety communications officers;

20 (7) One member chosen to represent an association whose primary
21 interest relates to issues pertaining to police chiefs;

22 (8) [One member chosen to represent a league or association domiciled in
23 this state whose primary interest relates to issues pertaining to municipalities;

24 (9)] One member chosen to represent an association domiciled in this state
25 whose primary interest relates to issues pertaining to sheriffs;

26 [(10)] (9) One member chosen to represent [911 service providers in]
27 counties of the second, third and fourth classification;

28 [(11)] (10) One member chosen to represent [911 service providers in]
29 counties of the first classification, **counties** with [and without] a charter [forms]
30 **form** of government, and cities not within a county;

31 [(12)] (11) One member chosen to represent telecommunications service
32 providers [with at least one hundred thousand access lines located within
33 Missouri];

34 [(13)] (12) One member chosen to represent **wireless**
35 telecommunications service providers [with less than one hundred thousand
36 access lines located within Missouri];

37 (14) One member chosen to represent a professional association of
38 physicians who conduct with emergency care; and

39 (15) One member chosen to represent the general public of Missouri who
40 represents an association whose primary interest relates to education and
41 training, including that of 911, police and fire dispatchers; and]

42 (13) **One member chosen to represent voice over internet**
43 **protocol service providers;**

44 (14) **One member chosen to represent the Governor's council on**
45 **disability established under section 37.735.**

46 2. Each of the members of the [committee for 911 service oversight]
47 **board** shall be appointed by the governor with the advice and consent of the
48 senate for a term of four years]; except that, of those members first appointed,
49 four members shall be appointed to serve for one year, four members shall be
50 appointed to serve for two years, four members shall be appointed to serve for
51 three years and four members shall be appointed to serve for four
52 years]. Members of the committee may serve multiple terms. **No corporation**
53 **or its affiliate shall have more than one officer, employee, assign, agent,**

54 **or other representative serving as a member of the**
55 **board. Notwithstanding subsection 1 of this section to the contrary, all**
56 **members appointed as of August 28, 2016, shall continue to serve the**
57 **remainder of their terms.**

58 3. The [committee for 911 service oversight] **board** shall meet at least
59 quarterly at a place and time specified by the chairperson of the committee and
60 it shall keep and maintain records of such meetings, as well as the other
61 activities of the committee. Members shall not be compensated but shall receive
62 actual and necessary expenses for attending meetings of the committee.

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

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

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

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

71 (4) Provide requested mediation services to political subdivisions involved
72 in jurisdictional disputes regarding the provision of 911 services, except that
73 [such committee] **the board** shall not supersede decision-making authority of
74 local political subdivisions in regard to 911 services;

75 (5) Provide assistance to the governor and the general assembly regarding
76 911 services;

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

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

81 (8) Perform other duties as necessary to promote successful development,
82 implementation and operation of 911 systems across the state, **including**
83 **monitoring federal and industry standards being developed for next**
84 **generation 911 systems; [and]**

85 (9) [Advise the department of public safety on establishing rules and
86 regulations necessary to administer the provisions of sections 650.320 to 650.340]
87 **Elect the chair from its membership;**

88 **(10) Designate a state 911 coordinator;**

89 **(11) Apply for and receive grants from federal, private, and other**

90 sources;

91 (12) Administer and authorize grants and loans under section
92 650.335 to those counties and any home rule city with more than fifteen
93 thousand but fewer than seventeen thousand inhabitants and partially
94 located in any county of the third classification without a township
95 form of government and with more than thirty-seven thousand but
96 fewer than forty-one thousand inhabitants, that can demonstrate a
97 financial commitment to improving 911 services by providing at least
98 a fifty percent match and demonstrate the ability to operate and
99 maintain ongoing 911 services. The purpose of grants and loans from
100 the 911 service trust fund shall include:

101 (a) Implementation of 911 services in counties of the state where
102 services do not exist or to improve existing 911 systems;

103 (b) Promotion of consolidation where appropriate;

104 (c) Mapping and addressing all county locations;

105 (d) Ensuring primary access and texting abilities to 911 services
106 for disabled residents;

107 (e) Implementation of initial emergency medical dispatch
108 services including prearrival medical instructions in counties where
109 those services are not offered as of July 1, 2017;

110 (13) Develop an application process including reporting and
111 accountability requirements, withholding a portion of the grant until
112 completion of a project, and other measures to assure funds are used
113 in accordance with the law and purpose of the grant, then conduct
114 audits as deemed necessary;

115 (14) Report to the governor and the general assembly at least
116 every three years on the status of 911 services statewide as well as
117 specific efforts to improve efficiency, cost effectiveness, and levels of
118 service;

119 (15) Conduct and review an annual survey of public safety
120 answering points in Missouri to evaluate potential for improved
121 services, coordination, and feasibility of consolidation;

122 (16) Set the percentage rate of the prepaid wireless emergency
123 telephone service charges to be remitted to a county or city as provided
124 under subdivision (5) of subsection 3 of section 190.451;

125 (17) Make and execute contracts or any other instruments and
126 agreements necessary or convenient for the exercise of its powers and

127 **functions;**

128 **(18) Approve a proposal of a county or city to impose a fee of**
129 **more than one dollar under section 190.450;**

130 **(19) Retain in its records proposed county plans developed under**
131 **subsection 11 of section 190.450 and notify the department of revenue**
132 **that the county has filed a plan that is ready for implementation; and**

133 **(20) Notify any communications service provider, as defined in**
134 **section 190.400, that has voluntarily submitted its contact information**
135 **when any update is made to the centralized database established under**
136 **section 190.475 as a result of a county or city establishing or modifying**
137 **a tax or monthly fee no less than ninety days prior to the effective date**
138 **of the establishment or modification of the tax or monthly fee.**

139 **5. The department of public safety shall provide staff assistance to the**
140 **[committee for 911 service oversight] board as necessary in order for the**
141 **[committee] board to perform its duties pursuant to sections 650.320 to 650.340.**
142 **The board shall have the authority to hire consultants to administer**
143 **the provisions of sections 650.320 to 650.340.**

144 **6. Any county that has one 911 service shall be presumed to be**
145 **consolidated.**

146 **7. The [department of public safety is authorized to adopt those] board**
147 **shall promulgate rules and regulations that are reasonable and necessary [to**
148 **accomplish the limited duties specifically delegated within section] to**
149 **implement and administer the provisions of sections 650.320 to**
150 **650.340. Any rule or portion of a rule, as that term is defined in section 536.010,**
151 **shall become effective only if it has been promulgated pursuant to the provisions**
152 **of chapter 536. This section and chapter 536 are nonseverable and if any of the**
153 **powers vested with the general assembly pursuant to chapter 536 to review, to**
154 **delay the effective date or to disapprove and annul a rule are subsequently held**
155 **unconstitutional, then the grant of rulemaking authority and any rule proposed**
156 **or adopted after August 28, [1999] 2016, shall be invalid and void.**

650.335. 1. Any county or any home rule city with more than
2 **fifteen thousand but fewer than seventeen thousand inhabitants and**
3 **partially located in any county of the third classification without a**
4 **township form of government and with more than thirty-seven**
5 **thousand but fewer than forty-one thousand inhabitants, when the**
6 **prepaid wireless emergency telephone service charge is collected in the**

7 county or city, may submit an application for loan funds or other
8 financial assistance to the board for the purpose of financing all or a
9 portion of the costs incurred in implementing a 911 communications
10 service project. The application shall be accompanied by a technical
11 assistance report. The application and the technical assistance report
12 shall be in such form and contain such information, financial or
13 otherwise, as prescribed by the board. This section shall not preclude
14 any applicant or borrower from joining in a cooperative project with
15 any other political subdivision or with any state or federal agency or
16 entity in a 911 communications service project; provided that, all other
17 requirements of this section have been met.

18 2. Applications may be approved for loans only in those instances
19 where the applicant has furnished the board information satisfactory
20 to assure that the project cost will be recovered during the repayment
21 period of the loan. In no case shall a loan be made to an applicant
22 unless the approval of the governing body of the applicant to the loan
23 agreement is obtained and a written certification of such approval is
24 provided, where applicable. Repayment periods are to be determined
25 by the board.

26 3. The board shall approve or disapprove all applications for
27 loans which are sent by certified or registered mail or hand delivered
28 and received by the board upon a schedule as determined by the board.

29 4. Each applicant to whom a loan has been made under this
30 section shall repay such loan, with interest. The rate of interest shall
31 be the rate required by the board. The number, amounts, and timing
32 of the payments shall be as determined by the board.

33 5. Any applicant who receives a loan under this section shall
34 annually budget an amount which is at least sufficient to make the
35 payments required under this section.

36 6. Repayment of principal and interest on loans shall be credited
37 to the Missouri 911 service trust fund established under section 190.420.

38 7. If a loan recipient fails to remit a payment to the board in
39 accordance with this section within sixty days of the due date of such
40 payment, the board shall notify the director of the department of
41 revenue to deduct such payment amount from first, the prepaid
42 wireless emergency telephone service charge remitted to the county or
43 city pursuant to section 190.451; and if insufficient to affect repayment

44 of the loan, next the regular apportionment of local sales tax
45 distributions to that county or city. Such amount shall then
46 immediately be deposited in the Missouri 911 service trust fund and
47 credited to the loan recipient.

48 8. All applicants having received loans pursuant to this section
49 shall remit the payments required by subsection 4 of this section to the
50 board or such other entity as may be directed by the board. The board
51 or such other entity shall immediately deposit such payments in the
52 Missouri 911 service trust fund.

53 9. Loans made pursuant to this section shall be used only for the
54 purposes specified in an approved application or loan agreement. In
55 the event the board determines that loan funds have been expended for
56 purposes other than those specified in an approved application or loan
57 agreement or any event of default of the loan agreement occurs without
58 resolution, the board shall take appropriate actions to obtain the
59 return of the full amount of the loan and all moneys duly owed or other
60 available remedies.

61 10. Upon failure of a borrower to remit repayment to the board
62 within sixty days of the date a payment is due, the board may initiate
63 collection or other appropriate action through the provisions outlined
64 in subsection 7 of this section when applicable.

65 11. When the borrower is an entity not covered under the
66 collection procedures established in this section, the board, with the
67 advice and consent of the attorney general, may initiate collection
68 procedures or other appropriate action pursuant to applicable law.

69 12. The board may, at its discretion, audit the expenditure of any
70 loan, grant, or expenditure made or the computation of any payments
71 made.

650.340. 1. The provisions of this section may be cited and shall be
2 known as the "911 Training and Standards Act".

3 2. Initial training requirements for telecommunicators who answer 911
4 calls that come to public safety answering points shall be as follows:

- 5 (1) Police telecommunicator. 16 hours;
- 6 (2) Fire telecommunicator. 16 hours;
- 7 (3) Emergency medical services telecommunicator. 16 hours;
- 8 (4) Joint communication center telecommunicator. 40 hours.

9 3. All persons employed as a telecommunicator in this state shall be

10 required to complete ongoing training so long as such person engages in the
11 occupation as a telecommunicator. Such persons shall complete at least
12 twenty-four hours of ongoing training every three years by such persons or
13 organizations as provided in subsection 6 of this section. The reporting period for
14 the ongoing training under this subsection shall run concurrent with the existing
15 continuing education reporting periods for Missouri peace officers pursuant to
16 chapter 590.

17 4. Any person employed as a telecommunicator on August 28, 1999, shall
18 not be required to complete the training requirement as provided in subsection
19 2 of this section. Any person hired as a telecommunicator after August 28, 1999,
20 shall complete the training requirements as provided in subsection 2 of this
21 section within twelve months of the date such person is employed as a
22 telecommunicator.

23 5. The training requirements as provided in subsection 2 of this section
24 shall be waived for any person who furnishes proof to the committee that such
25 person has completed training in another state which are at least as stringent as
26 the training requirements of subsection 2 of this section.

27 6. The [department of public safety] **board** shall determine by
28 administrative rule the persons or organizations authorized to conduct the
29 training as required by subsection 2 of this section.

30 7. This section shall not apply to an emergency medical dispatcher or
31 agency as defined in section 190.100, or a person trained by an entity accredited
32 or certified under section 190.131, or a person who provides prearrival medical
33 instructions who works for an agency which meets the requirements set forth in
34 section 190.134.

**Section 1. The state auditor shall have the authority to conduct
2 performance and fiscal audits of any board, dispatch center, joint
3 emergency communications entity, or trust fund established under
4 section 190.327, 190.328, 190.329, 190.335, 190.420, 190.455, 190.460, or
5 650.325.**

[190.307. 1. No public agency or public safety agency, nor
2 any officer, agent or employee of any public agency, shall be liable
3 for any civil damages as a result of any act or omission except
4 willful and wanton misconduct or gross negligence, in connection
5 with developing, adopting, operating or implementing any plan or
6 system required by sections 190.300 to 190.340.

7 2. No person who gives emergency instructions through a
8 system established pursuant to sections 190.300 to 190.340 to
9 persons rendering services in an emergency at another location, nor
10 any persons following such instructions in rendering such services,
11 shall be liable for any civil damages as a result of issuing or
12 following the instructions, unless issuing or following the
13 instructions constitutes willful and wanton misconduct, or gross
14 negligence.]

15 [190.410. 1. There is hereby created in the department of
16 public safety the "Wireless Service Provider Enhanced 911 Advisory
17 Board", consisting of eight members as follows:

18 (1) The director of the department of public safety or the
19 director's designee who shall hold a position of authority in such
20 department of at least a division director;

21 (2) The chairperson of the public service commission or the
22 chairperson's designee; except that such designee shall be a
23 commissioner of the public service commission or hold a position of
24 authority in the commission of at least a division director;

25 (3) Three representatives and one alternate from the
26 wireless service providers, elected by a majority vote of wireless
27 service providers licensed to provide service in this state; and

28 (4) Three representatives from public safety answering
29 point organizations, elected by the members of the state chapter of
30 the associated public safety communications officials and the state
31 chapter of the National Emergency Numbering Association.

32 2. Immediately after the board is established the initial
33 term of membership for a member elected pursuant to subdivision
34 (3) of subsection 1 of this section shall be one year and all
35 subsequent terms for members so elected shall be two years. The
36 membership term for a member elected pursuant to subdivision (4)
37 of subsection 1 of this section shall initially and subsequently be
38 two years. Each member shall serve no more than two successive
39 terms unless the member is on the board pursuant to subdivision
40 (1) or (2) of subsection 1 of this section. Members of the board
41 shall serve without compensation, however, the members may
42 receive reimbursement of actual and necessary expenses. Any

43 vacancies on the board shall be filled in the manner provided for in
44 this subsection.

45 3. The board shall do the following:

46 (1) Elect from its membership a chair and other such
47 officers as the board deems necessary for the conduct of its
48 business;

49 (2) Meet at least one time per year for the purpose of
50 discussing the implementation of Federal Communications
51 Commission order 94-102;

52 (3) Advise the office of administration regarding
53 implementation of Federal Communications Commission order
54 94-102; and

55 (4) Provide any requested mediation service to a political
56 subdivision which is involved in a jurisdictional dispute regarding
57 the providing of wireless 911 services. The board shall not
58 supersede decision-making authority of any political subdivision in
59 regard to 911 services.

60 4. The director of the department of public safety shall
61 provide and coordinate staff and equipment services to the board
62 to facilitate the board's duties.]

[190.430. 1. The commissioner of the office of
2 administration is authorized to establish a fee, if approved by the
3 voters pursuant to section 190.440, not to exceed fifty cents per
4 wireless telephone number per month to be collected by wireless
5 service providers from wireless service customers.

6 2. The office of administration shall promulgate rules and
7 regulations to administer the provisions of sections 190.400 to
8 190.440. Any rule or portion of a rule, as that term is defined in
9 section 536.010, that is promulgated pursuant to the authority
10 delegated in sections 190.400 to 190.440 shall become effective only
11 if it has been promulgated pursuant to the provisions of chapter
12 536. All rulemaking authority delegated prior to July 2, 1998, is
13 of no force and effect and repealed; however, nothing in this section
14 shall be interpreted to repeal or affect the validity of any rule filed
15 or adopted prior to July 2, 1998, if it fully complied with the
16 provisions of chapter 536. This section and chapter 536 are

17 nonseverable and if any of the powers vested with the general
18 assembly pursuant to chapter 536 to review, to delay the effective
19 date or to disapprove and annul a rule are subsequently held
20 unconstitutional, then the grant of rulemaking authority and any
21 rule proposed or adopted after July 2, 1998, shall be invalid and
22 void.

23 3. The office of administration is authorized to administer
24 the fund and to distribute the moneys in the wireless service
25 provider enhanced 911 service fund for approved expenditures as
26 follows:

27 (1) For the reimbursement of actual expenditures for
28 implementation of wireless enhanced 911 service by wireless
29 service providers in implementing Federal Communications
30 Commission order 94-102; and

31 (2) To subsidize and assist the public safety answering
32 points based on a formula established by the office of
33 administration, which may include, but is not limited to the
34 following:

35 (a) The volume of wireless 911 calls received by each public
36 safety answering point;

37 (b) The population of the public safety answering point
38 jurisdiction;

39 (c) The number of wireless telephones in a public safety
40 answering point jurisdiction by zip code; and

41 (d) Any other criteria found to be valid by the office of
42 administration provided that of the total amount of the funds used
43 to subsidize and assist the public safety answering points, at least
44 ten percent of said funds shall be distributed equally among all
45 said public safety answering points providing said services under
46 said section;

47 (3) For the reimbursement of actual expenditures for
48 equipment for implementation of wireless enhanced 911 service by
49 public safety answering points to the extent that funds are
50 available, provided that ten percent of funds distributed to public
51 safety answering points shall be distributed in equal amounts to
52 each public safety answering point participating in enhanced 911

53 service;

54 (4) Notwithstanding any other provision of the law, no
55 proprietary information submitted pursuant to this section shall be
56 subject to subpoena or otherwise released to any person other than
57 to the submitting wireless service provider, without the express
58 permission of said wireless service provider. General information
59 collected pursuant to this section shall only be released or
60 published in aggregate amounts which do not identify or allow
61 identification of numbers of subscribers or revenues attributable to
62 an individual wireless service provider.

63 4. Wireless service providers are entitled to retain one
64 percent of the surcharge money they collect for administrative costs
65 associated with billing and collection of the surcharge.

66 5. No more than five percent of the moneys in the fund,
67 subject to appropriation by the general assembly, shall be retained
68 by the office of administration for reimbursement of the costs of
69 overseeing the fund and for the actual and necessary expenses of
70 the board.

71 6. The office of administration shall review the distribution
72 formula once every year and may adjust the amount of the fee
73 within the limits of this section, as determined necessary.

74 7. The provisions of sections 190.307 and 190.308 shall be
75 applicable to programs and services authorized by sections 190.400
76 to 190.440.

77 8. Notwithstanding any other provision of the law, in no
78 event shall any wireless service provider, its officers, employees,
79 assigns or agents, be liable for any form of civil damages or
80 criminal liability which directly or indirectly result from, or is
81 caused by, an act or omission in the development, design,
82 installation, operation, maintenance, performance or provision of
83 911 service or other emergency wireless two- and three-digit
84 wireless numbers, unless said acts or omissions constitute gross
85 negligence, recklessness or intentional misconduct. Nor shall any
86 wireless service provider, its officers, employees, assigns, or agents
87 be liable for any form of civil damages or criminal liability which
88 directly or indirectly result from, or is caused by, the release of

89 subscriber information to any governmental entity as required
 90 under the provisions of this act unless the release constitutes gross
 91 negligence, recklessness or intentional misconduct.]

[190.440. 1. The office of administration shall not be
 2 authorized to establish a fee pursuant to the authority granted in
 3 section 190.430 unless a ballot measure is submitted and approved
 4 by the voters of this state. The ballot measure shall be submitted
 5 by the secretary of state for approval or rejection at the general
 6 election held and conducted on the Tuesday immediately following
 7 the first Monday in November, 1998, or at a special election to be
 8 called by the governor on the ballot measure. If the measure is
 9 rejected at such general or special election, the measure may be
 10 resubmitted at each subsequent general election, or may be
 11 resubmitted at any subsequent special election called by the
 12 governor on the ballot measure, until such measure is approved.

13 2. The ballot of the submission shall contain, but is not
 14 limited to, the following language:

15 Shall the Missouri Office of Administration be authorized to
 16 establish a fee of up to fifty cents per month to be charged every
 17 wireless telephone number for the purpose of funding wireless
 18 enhanced 911 service?

19 YES NO

20 If you are in favor of the question, place an "X" in the box opposite
 21 "Yes". If you are opposed to the question, place an "X" in the box
 22 opposite "No".

23 3. If a majority of the votes cast on the ballot measure by
 24 the qualified voters voting thereon are in favor of such measure,
 25 then the office of administration shall be authorized to establish a
 26 fee pursuant to section 190.430, and the fee shall be effective on
 27 January 1, 1999, or the first day of the month occurring at least
 28 thirty days after the approval of the ballot measure. If a majority
 29 of the votes cast on the ballot measure by the qualified voters
 30 voting thereon are opposed to the measure, then the office of
 31 administration shall have no power to establish the fee unless and
 32 until the measure is approved.]

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