

SECOND REGULAR SESSION

# SENATE BILL NO. 1056

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Read 1st time February 26, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5636S.011

## AN ACT

To repeal section 190.455, RSMo, and to enact in lieu thereof one new section relating to emergency communication services.

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

Section A. Section 190.455, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 190.455, to read as follows:

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

21 shall be imposed on more than one hundred voice-grade channels or their  
22 equivalent per person per location. Notwithstanding any provision of this section  
23 to the contrary, the monthly fee shall not be assessed on the provision of  
24 broadband internet access service. The fee shall be imposed solely for the  
25 purpose of funding 911 service in such county or city. The monthly fee authorized  
26 in this section shall be limited to one fee per device. The fee authorized in this  
27 section shall be in addition to all other taxes and fees imposed by law and may  
28 be stated separately from all other charges and taxes. The fee shall be the  
29 liability of the subscriber, not the provider, except that the provider shall be  
30 liable to remit all fees that the provider collects under this section.

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

36 "Shall \_\_\_\_\_ (insert name of county or city) impose a monthly  
37 fee of \_\_\_\_\_ (insert amount) on a subscriber of any  
38 communications service that has been enabled to contact 911 for  
39 the purpose of funding 911 service in the \_\_\_\_\_ (county or  
40 city)?"

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

49 3. Notwithstanding any provisions of this section to the contrary, the  
50 governing body of a county with a charter form of government and with more than  
51 six hundred thousand but fewer than seven hundred thousand inhabitants shall  
52 put the question set forth in subsection 2 of this section before the voters of the  
53 county no later than the general election in 2020.

54 4. Except as modified in this section, all provisions of sections 32.085 and  
55 32.087 and subsection 7 of section 144.190 shall apply to the fee imposed under  
56 this section. **All applicable provisions contained in sections 144.010 to**

57 **144.525 governing the state sales tax and section 32.057 shall apply to**  
58 **the collection of any fee imposed under this section except as modified.**

59         5. All revenue collected under this section by the director of the  
60 department of revenue on behalf of the county or city, except for two percent to  
61 be withheld by the provider for the cost of administering the collection and  
62 remittance of the fee, and one percent for the cost of collection which shall be  
63 deposited in the state's general revenue fund, shall be deposited in the Missouri  
64 911 service trust fund created under section 190.420. The director of the  
65 department of revenue shall remit such funds to the county or city on a monthly  
66 basis. The governing body of any such county or city shall control such funds  
67 remitted to the 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 any county  
69 or city has established a board under any other provision of state law for the  
70 purpose of administering funds for 911 service, such existing board may continue  
71 to perform such functions after the county or city has adopted the monthly fee  
72 under this section.

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

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

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

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

93           (2) The release of subscriber information to any governmental entity  
94 under this section unless such act, release of subscriber information, or omission  
95 constitutes gross negligence, recklessness, or intentional misconduct.  
96 Nothing in this section is intended to void or otherwise override any contractual  
97 obligation pertaining to equipment or services sold to a public safety answering  
98 point by a communications service provider. No cause of action shall lie in any  
99 court of law against any provider of communications service, commercial mobile  
100 service, or other communications-related service, or its officers, employees,  
101 assignees, agents, vendors, or anyone acting on behalf of such persons, for  
102 providing call location information concerning the user of any such service in an  
103 emergency situation to a law enforcement official or agency in order to respond  
104 to a call for emergency service by a subscriber, customer, or user of such service  
105 or for providing caller location information or doing a ping locate in an emergency  
106 situation that involves danger of death or serious physical injury to any person  
107 where disclosure of communications relating to the emergency is required without  
108 delay, whether such provision of information is required by law or voluntary.

109           9. The fee imposed under this section shall not be imposed on customers  
110 who pay for service prospectively, including customers of prepaid wireless  
111 telecommunications service.

112           10. The fee imposed under this section shall not be imposed in conjunction  
113 with any tax imposed under section 190.292, 190.305, 190.325, or 190.335. No  
114 county or city shall simultaneously impose more than one tax authorized in this  
115 section or section 190.292, 190.305, 190.325, or 190.335. No fee imposed under  
116 this section shall be imposed on more than one hundred exchange access facilities  
117 or their equivalent per person per location. The fee imposed under this section  
118 shall not be imposed in conjunction with any tax imposed for central dispatching  
119 of emergency services in any home rule city with more than four hundred  
120 thousand inhabitants and located in more than one county or any county  
121 containing a portion of such city, and such city or counties shall not  
122 simultaneously impose more than one tax or fee for central dispatching of  
123 emergency services; provided however, if any such county approves the fee  
124 authorized under this section, collection of such fee shall be in lieu of any tax  
125 authorized for central dispatching of emergency services in the county and any  
126 portion of the city within the county.

127           11. No county or legally authorized entity shall submit a proposal to the  
128 voters of the county under this section or section 190.335 until either:

129 (1) All providers of emergency telephone service as defined in section  
130 190.300 and public safety answering point operations within the county are  
131 consolidated into one public agency as defined in section 190.300 that provides  
132 emergency telephone service for the county, or such providers and the public  
133 safety answering point have entered into a shared services agreement for such  
134 services;

135 (2) The county develops a plan for consolidation of emergency telephone  
136 service, as defined in section 190.300, and public safety answering point  
137 operations within the county are consolidated into one public agency, as defined  
138 in section 190.300, that provides emergency telephone service for the county; or

139 (3) The county emergency services board, as defined in section 190.290,  
140 develops a plan for consolidation of emergency telephone service, as defined in  
141 section 190.300, and public safety answering point operations within the county  
142 that includes either consolidation or entering into a shared services agreement  
143 for such services, which shall be implemented on approval of the fee by the  
144 voters.

145 12. Any plan developed under subdivision (2) or (3) of subsection 11 of this  
146 section shall be filed with the Missouri 911 service board under subsection 4 of  
147 section 650.330. Any plan that is filed under this subsection shall provide for the  
148 establishment of a joint emergency communications board as described in section  
149 70.260 unless a joint emergency communication board or emergency services  
150 board for the area in question has been previously established. The director of  
151 the department of revenue shall not remit any funds as provided under this  
152 section until the department receives notification from the Missouri 911 service  
153 board that the county has filed a plan that is ready for implementation. If, after  
154 one year following the enactment of the fee described in subsection 1 of this  
155 section, the county has not complied with the plan that the county submitted  
156 under subdivision (2) or (3) of subsection 11 of this section, but the county has  
157 substantially complied with the plan, the Missouri 911 service board may grant  
158 the county an extension of up to six months to comply with its plan. Not more  
159 than one extension may be granted to a county. The authority to impose the fee  
160 granted to the county in subsection 1 of this section shall be null and void if after  
161 one year following the enactment of the fee described in subsection 1 of this  
162 section the county has not complied with the plan and has not been granted an  
163 extension by the Missouri 911 service board, or if the six-month extension expires  
164 and the county has not complied with the plan.

165           13. Each county that does not have a public agency, as defined in section  
166 190.300, that provides emergency telephone service as defined in section 190.300  
167 for the county shall either:

168           (1) Enter into a shared-services agreement for providing emergency  
169 telephone services with a public agency that provides emergency telephone  
170 service, if such an agreement is feasible; or

171           (2) Form with one or more counties an emergency telephone services  
172 district in conjunction with any county with a public agency that provides  
173 emergency telephone service within the county. If such a district is formed under  
174 this subdivision, the governing body of such district shall be the county  
175 commissioners of each county within the district, and each county within such  
176 district shall submit to the voters of the county a proposal to impose the fee under  
177 this section.

178           14. A county operating joint or shared emergency telephone service, as  
179 defined in section 190.300, may submit to the voters of the county a proposal to  
180 impose the fee to support joint operations and further consolidation under this  
181 section.

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

184           16. Nothing in subsections 11, 12, 13, and 14 of this section shall apply  
185 to a county with a charter form of government where all public safety answering  
186 points within the county utilize a common 911 communication service as  
187 implemented by the appropriate local and county agencies prior to August 28,  
188 2018.

189           17. Any home rule city with more than four hundred thousand inhabitants  
190 and located in more than one county and any county in which it is located shall  
191 establish an agreement regarding the allocation of anticipated revenue created  
192 upon passage of a ballot proposition submitted to the voters as provided for in  
193 sections 190.292, 190.305, 190.325, 190.335, and 190.455, as well as revenue  
194 provided based upon section 190.460 and the divided costs related to regional 911  
195 services. The allocation and actual expenses of the regional 911 service shall be  
196 determined based upon the percentage of residents of each county who also reside  
197 in the home rule city. The agreement between the counties and the home rule  
198 city may either be between the individual counties and the home rule city or  
199 jointly between all entities. The agreement to divide costs and revenue as  
200 required in this section shall not take effect until the passage of a ballot

201 proposition as provided for in section 190.292, 190.305, 190.325, 190.335, or  
202 190.455. The population shall be determined based upon the most recent  
203 decennial census. This subsection shall not apply to a county of the first  
204 classification without a charter form of government and with less than five  
205 percent of its population living in any home rule city with more than four  
206 hundred thousand inhabitants and located in more than one county.

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Bill

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