

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 409
98TH GENERAL ASSEMBLY

Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, April 16, 2015, with recommendation that the Senate Committee Substitute do pass.

1832S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 70.210, 190.300, 190.307, 190.308, 190.328, 190.329, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 321.015, 650.320, 650.325, 650.330, and 650.340, RSMo, and to enact in lieu thereof twenty new sections relating to emergency services, with penalty provisions.

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

Section A. Sections 70.210, 190.300, 190.307, 190.308, 190.328, 190.329, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 321.015, 650.320, 650.325, 650.330, and 650.340, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 29.225, 70.210, 190.300, 190.308, 190.328, 190.329, 190.335, 190.400, 190.420, 190.450, 190.451, 190.455, 190.460, 190.475, 321.015, 650.320, 650.325, 650.330, 650.335, and 650.340, to read as follows:

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

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

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

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

(3) "Political subdivision", counties, townships, cities, towns, villages,

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

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, any emergency telephone service 911 board
93 appointed by the county under section 190.309 which is in existence on the date
94 the voters approve a sales tax under this section shall continue to exist and shall
95 have the powers set forth under section 190.339. Such boards which existed prior
96 to August 25, 2010, shall not be considered a body corporate and a political
97 subdivision of the state for any purpose, unless and until an order is entered
98 upon an unanimous vote of the commissioners of the county in which such board
99 is established reclassifying such board as a corporate body and political
100 subdivision of the state. The order shall approve the transfer of the assets and
101 liabilities related to the operation of the emergency **telephone** service 911

102 system to the new entity created by the reclassification of the board.

103 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this
104 section to the contrary, in any county of the second classification with more than
105 fifty-four thousand two hundred but fewer than fifty-four thousand three hundred
106 inhabitants or any county of the first classification with more than fifty thousand
107 but fewer than seventy thousand inhabitants that has approved a sales tax under
108 this section, the county commission shall appoint the members of the board to
109 administer the funds and oversee the provision of emergency services in the
110 county.

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

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

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

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

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

118 and

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

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

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

 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)] **"Communications service":**

7 **(a) Any service that:**

8 **a. Uses telephone numbers or IP addresses or their functional**

9 equivalents or successors;

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

15 **c. Provides and enables real time or interactive communications,**
16 **other than machine to machine communications; and**

17 **d. Is available to a prepaid user or a standard user;**

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

19 **a. Internet protocol enabled services and applications that are**
20 **provided through wireline, cable, wireless, or satellite facilities, or any**
21 **other facility or platform that is capable of connecting and enabling a**
22 **911 communication to a public safety answering point;**

23 **b. Commercial mobile radio service;**

24 **c. Interconnected voice over internet protocol service and voice**
25 **over power lines; and**

26 **d. Integrated telecommunications service;**

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

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

38 **(3) "Public safety agency", a functional division of a public agency which**
39 **provides fire fighting, police, medical or other emergency services. For the**
40 **purpose of providing wireless service to users of 911 emergency services, as**
41 **expressly provided in this section, the department of public safety and state**
42 **highway patrol shall be considered a public safety agency;**

43 **(4) "Public safety answering point", the location at which 911 calls are**
44 **[initially] answered;**

45 **(5) "Subscriber", a person who contracts with, and is billed by a**

46 **provider for, a retail communications service. In the case of wireless**
47 **service and for purposes of section 190.450, the term "subscriber" means**
48 **a person who contracts with a provider if the person's primary place**
49 **of use is within the county or city imposing a monthly fee under section**
50 **190.450, and does not include subscribers to prepaid wireless service;**

51 **(6) "Wireless service provider", a provider of commercial mobile service**
52 **pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47**
53 **U.S.C. Section 151 et seq).**

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

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

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

17 4. **The moneys in the trust fund shall not be deemed to be state**
18 **funds and shall not be commingled with any funds of the state. The**
19 **director of revenue shall keep accurate records of the amount of money**
20 **in the trust fund which was collected in each county, city not within a**
21 **county, or home rule city with more than fifteen thousand but fewer**
22 **than seventeen thousand inhabitants and partially located in any**
23 **county of the third classification without a township form of**
24 **government and with more than thirty-seven thousand but fewer than**
25 **forty-one thousand inhabitants under sections 190.400 to 190.451, and**
26 **the records shall be open to the inspection of officers of a participating**
27 **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 the
3 sales tax imposed under section 190.292, 190.325, 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 voice communications service, regardless of technology, based on 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 bandwidth
18 greater than a voice grade channel or its equivalent, regardless of
19 technology, the charge shall be assessed on the number of voice grade
20 channels or their equivalent capable of simultaneously contacting the
21 public safety answering point. No fee imposed under this section shall
22 be imposed on more than one hundred voice grade channels or their
23 equivalent per person per location. Provided further, for nonvoice
24 communications services capable of dialing or otherwise activating the
25 911 system, the monthly fee assessed to the subscriber shall be based
26 upon the number of active telephone numbers or functional equivalents
27 capable of simultaneously contacting the public safety answering
28 point. Notwithstanding anything to the contrary in this section, the
29 monthly fee shall not be assessed on the provision of broadband
30 internet access service. The fee shall be imposed solely for the purpose
31 of funding 911 service in such county or city. The fee authorized in this
32 section shall be in addition to all other taxes and fees imposed by law
33 and may be stated separately from all other charges and taxes.

34 2. No such order or ordinance adopted under this section shall
35 become effective unless the governing body of the county or city
36 submits to the voters residing within the county or city at a state
37 general, primary, or special election a proposal to authorize the
38 governing body to impose a fee under this section. The question

39 submitted shall be in substantially the following form:

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

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

53 3. Except as modified in this section, all provisions of sections
54 32.085 and 32.087 and subsection 7 of section 144.190 shall apply to the
55 fee imposed under this section.

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

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

76 **6. Notwithstanding any other provision of law to the contrary,**
77 **proprietary information submitted under this section shall only be**
78 **subject to subpoena or lawful court order. General information**
79 **collected under this section shall only be released or published in**
80 **aggregate amounts that do not identify or allow identification of**
81 **numbers of subscribers or revenues attributable to an individual 911**
82 **communications service provider.**

83 **7. Notwithstanding any other provision of law to the contrary,**
84 **in no event shall any 911 communications service provider, its officers,**
85 **employees, assigns, agents, vendors, or anyone acting on behalf of such**
86 **persons, be liable for any form of civil damages or criminal liability**
87 **that directly or indirectly results from, or is caused by:**

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

92 **(2) The release of subscriber information to any governmental**
93 **entity as required under this section unless such acts, release of**
94 **subscriber information, or omissions constitute gross negligence,**
95 **recklessness, or intentional misconduct.**

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

111 **8. The fee imposed under this section shall not be imposed on**
112 **customers who pay for service prospectively, known as purchasers of**

113 **prepaid wireless telecommunications service customers.**

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

125 **(1) Estimated costs of services to be provided;**

126 **(2) Estimated revenue from all sources intended to financially**
127 **support the proposed 911 service;**

128 **(3) Prior revenue amounts and sources of financial support for**
129 **the previously funded 911 or emergency dispatch service;**

130 **(4) Efforts to secure revenue to support the proposed 911 service**
131 **other than the proposed fee under this section;**

132 **(5) Current level of 911 service provided and the proposed level**
133 **of 911 service to be provided;**

134 **(6) Any previous efforts regarding consolidation of 911 services**
135 **and any currently proposed efforts regarding consolidation of 911**
136 **services; and**

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

139 **10. The fee imposed under this section shall not be imposed in**
140 **conjunction with any tax imposed under section 190.292, 190.305,**
141 **190.325, or 190.335. No county or city shall simultaneously impose more**
142 **than one tax authorized in this section or section 190.292, 190.305,**
143 **190.325, or 190.335. No fee imposed under this section shall be imposed**
144 **on more than one hundred exchange access facilities or their**
145 **equivalent per person per location.**

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

148 **(1) All providers of emergency telephone service as defined in**
149 **section 190.300 and public safety answering point operations within the**

150 county are consolidated into one public agency as defined in section
151 190.300 that provides emergency telephone service for the county; and

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

157 (3) 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 that includes either
160 consolidation or entering into a shared services agreement for such
161 services, which shall be implemented on approval of the fee by the
162 voters.

163 12. Any plan developed under subdivision (2) or (3) of subsection
164 11 of this section shall be filed with the Missouri 911 service board
165 under subsection 4 of section 650.330. Any plan that is filed under this
166 subsection shall provide for the establishment of a joint emergency
167 communications board as contemplated in section 70.260. The director
168 of the department of revenue shall not remit any funds as provided
169 under this section until the department receives notification from the
170 Missouri 911 service board that the county has filed a plan that is ready
171 for implementation.

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

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

178 (2) Form with one or more counties, an emergency telephone
179 services district in conjunction with any county with a public agency
180 that provides emergency telephone service within the county. If such
181 a district is formed under this subdivision, the governing body of such
182 district shall be the county commissioners of each county within the
183 district, and each county within such district shall submit to the voters
184 of the county a proposal to impose the fee under this section.

185 14. A county operating joint or shared emergency telephone
186 service as defined in section 190.300 may submit to the voters of the

187 county a proposal to impose the fee to support joint operations and
188 further consolidation under this section.

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

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 telecommunications 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, 2016, 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, 2016, and ending on January 31,**
66 **2016, 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, 2016, 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) Ten percent of remitted prepaid wireless emergency
87 telephone service charges deposited in the Missouri 911 service trust
88 fund less the deduction authorized in subdivision (4) of this subsection
89 shall be dedicated to the Missouri regional poison information center
90 established in section 190.353. The amount allocated under this
91 subdivision shall not exceed one million dollars in any twelve-month
92 period, nor shall the Missouri regional poison information center
93 receive more than one million dollars from the Missouri 911 service
94 trust fund in any one calendar year under this subdivision. Any
95 amount that would be allocated under this subdivision in excess of one
96 million dollars in any twelve-month period or any calendar year shall
97 be retained in the Missouri 911 service trust fund.

98 (6) The board shall set a rate between twenty-five and seventy-
99 five percent of the prepaid wireless emergency telephone service
100 charges deposited in the Missouri 911 service trust fund less the
101 deductions authorized in subdivisions (4) and (5) of this subsection that
102 shall be remitted to the counties without a charter form of government
103 in direct proportion to the amount of charges collected in each
104 county. The board shall set a rate between sixty-five and seventy-five
105 percent of the prepaid wireless emergency telephone service charges
106 deposited in the Missouri 911 service trust fund less the deductions

107 authorized in subdivisions (4) and (5) of this subsection that shall be
108 remitted to the counties with a charter form of government and any
109 city not within a county in direct proportion to the amount of charges
110 collected in each such county or city not within a county. The initial
111 percentage rate set by the board for counties with and without a
112 charter form of government and any city not within a county may be
113 adjusted after three years and thereafter the rate may be adjusted
114 every two years; however, at no point shall the board set rates that fall
115 below twenty-five percent for counties without a charter form of
116 government and sixty-five percent for counties with a charter form of
117 government and any city not within a county.

118 (7) Any amounts received by a county or city under subdivision
119 (6) of this subsection shall be used only for purposes authorized in
120 sections 190.305 and 190.335.

121 4. (1) A seller that is not a provider shall be entitled to the
122 immunity and liability protections under section 190.450,
123 notwithstanding any requirement in state law regarding compliance
124 with Federal Communications Commission Order 05-116.

125 (2) A provider shall be entitled to the immunity and liability
126 protections under section 190.450.

127 (3) In addition to the protection from liability provided in
128 subdivisions (1) and (2) of this subsection, each provider and seller and
129 its officers, employees, assigns, agents, vendors, or anyone acting on
130 behalf of such persons shall be entitled to the further protection from
131 liability, if any, that is provided to providers and sellers of wireless
132 telecommunications service that is not prepaid wireless
133 telecommunications service under section 190.450.

134 5. The prepaid wireless emergency telephone service charge
135 imposed by this section shall be in addition to any other tax, fee,
136 surcharge, or other charge imposed by this state, any political
137 subdivision of this state, or any intergovernmental agency for 911
138 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.

25 4. After August 28, 2015, no public safety answering point
26 operation may be established as a result of its separation from an
27 existing public safety answering point operation without a study by
28 and the approval of the Missouri 911 service board.

29 5. No provision of this law shall be construed to prohibit or
30 discourage in any manner the formation of multiagency or
31 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 vote 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, there shall be elected a
62 board of five directors, and at the first meeting, the board members
63 shall, by lot, determine the terms of their office. Three of the terms
64 shall be for four years and two of the terms shall be for two
65 years. They shall all serve until their successors are elected and
66 qualified. Thereafter all terms shall be four-year terms. The members
67 shall select one of the members with a four-year term to be chairman
68 of the board.

69 12. On the thirtieth day following the appointment of the initial
70 board of directors the existing 911 central dispatch centers shall cease
71 to exist and the consolidated 911 central dispatch center shall assume
72 all of the powers and duties exercised by the 911 central dispatch
73 centers. All assets and obligations of the existing 911 central dispatch
74 centers shall become the assets and obligations of the new consolidated
75 911 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.

321.015. 1. No person holding any lucrative office or employment under
2 this state, or any political subdivision thereof as defined in section 70.120, shall

3 hold the office of fire protection district director under this chapter. When any
4 fire protection district director accepts any office or employment under this state
5 or any political subdivision thereof, his office shall thereby be vacated and he
6 shall thereafter perform no duty and receive no salary or expenses as fire
7 protection district director.

8 2. This section shall not apply to:

9 (1) Members of the organized militia, of the reserve corps, public school
10 employees and notaries public;

11 (2) Fire protection districts located wholly within counties of the second,
12 third or fourth classification;

13 (3) Fire protection districts in counties of the first classification with less
14 than eighty-five thousand inhabitants;

15 (4) Fire protection districts located within counties of the first
16 classification not adjoining any other county of the first classification;

17 (5) Fire protection districts located within any county of the first or
18 second classification not having more than nine hundred thousand inhabitants
19 which borders any three counties of the first classification;

20 (6) Fire protection districts located within any county of the first
21 classification which adjoins both a county with a charter form of government with
22 more than nine hundred fifty thousand inhabitants, and adjoins at least four
23 other counties;

24 (7) Fire protection districts located within any county of the first
25 classification with more than one hundred fifty thousand but fewer than two
26 hundred thousand inhabitants.

27 3. For the purposes of this section, the term "lucrative office or
28 employment" does not include **part-time employment defined as less than**
29 **thirty-five hours per week**, receiving retirement benefits, compensation for
30 expenses, or [a stipend or per diem, in an amount not to exceed seventy-five
31 dollars for each day of service,] for service rendered to a fire protection district,
32 the state or any political subdivision thereof.

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**. The [committee for 911 service
8 oversight] **board** shall represent all entities and jurisdictions before appropriate
9 policy-making authorities and the general assembly and shall strive toward the
10 immediate access to emergency services for all citizens of this state.

650.330. 1. The [committee for 911 service oversight] **board** shall consist
2 of [sixteen] **fourteen** members, one of which shall be chosen from the
3 department of public safety [who shall serve as chair of the committee and only
4 vote in the instance of a tie vote among the other members], and the other
5 members shall be 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
25 state 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
29 in] counties of the first classification, **counties** with [and without] a charter
30 [forms] **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 2. Each of the members of the [committee for 911 service oversight]
45 **board** shall be appointed by the governor with the advice and consent of the
46 senate for a term of four years[; except that, of those members first appointed,
47 four members shall be appointed to serve for one year, four members shall be
48 appointed to serve for two years, four members shall be appointed to serve for
49 three years and four members shall be appointed to serve for four
50 years]. Members of the committee may serve multiple terms. **No corporation**
51 **shall have more than one officer, employee, assign, agent, or other**
52 **representative serving as a member of the board. Notwithstanding**
53 **subsection 1 of this section to the contrary, all members appointed as**
54 **of August 28, 2015, shall continue to serve the remainder of their terms.**

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

59 actual and necessary expenses for attending meetings of the committee.

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

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

63 (2) Provide recommendations for primary answering points and secondary
64 answering points on [statewide] technical and operational standards for 911
65 services;

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

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

72 (5) Provide assistance to the governor and the general assembly regarding
73 911 services;

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

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

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

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

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

86 **(11) Apply for and receive grants from federal, private, and other**
87 **sources;**

88 **(12) Administer and authorize grants and loans under section**
89 **650.335 to those counties and any home rule city with more than fifteen**
90 **thousand but fewer than seventeen thousand inhabitants and partially**
91 **located in any county of the third classification without a township**
92 **form of government and with more than thirty-seven thousand but**
93 **fewer than forty-one thousand inhabitants, that can demonstrate a**
94 **financial commitment to improving 911 services by providing at least**

95 a fifty percent match and demonstrate the ability to operate and
96 maintain ongoing 911 services. The purpose of grants and loans from
97 the 911 service trust fund shall include:

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

100 (b) Promotion of consolidation where appropriate;

101 (c) Mapping and addressing all county locations;

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

104 (e) Implementation of initial emergency medical dispatch
105 services including prearrival medical instructions in counties where
106 those services are not offered as of July 1, 2015;

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

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

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

119 (16) Set the percentage rate of the prepaid wireless emergency
120 telephone service charges to be remitted to a county or city as provided
121 under subdivision (6) of subsection 3 of section 190.451;

122 (17) Make and execute contracts or any other instruments and
123 agreements necessary or convenient for the exercise of its powers and
124 functions;

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

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

130 (20) Notify any communications service provider that has
131 voluntarily submitted its contact information when any update is made

132 **to the centralized database established under section 190.475 as a result**
133 **of a county or city establishing or modifying a tax or monthly fee no**
134 **less than ninety days prior to the effective date of the establishment or**
135 **modification of the tax or monthly fee.**

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

141 6. **The board shall presume that any county with only one public**
142 **safety answering point has consolidated its emergency telephone**
143 **services.**

144 7. The [department of public safety is authorized to adopt those] **board**
145 **shall promulgate rules and regulations** that are reasonable and necessary [to
146 accomplish the limited duties specifically delegated within section] **to**
147 **implement and administer the provisions of sections 650.320 to**
148 650.340. Any rule or portion of a rule, as that term is defined in section 536.010,
149 shall become effective only if it has been promulgated pursuant to the provisions
150 of chapter 536. This section and chapter 536 are nonseverable and if any of the
151 powers vested with the general assembly pursuant to chapter 536 to review, to
152 delay the effective date or to disapprove and annul a rule are subsequently held
153 unconstitutional, then the grant of rulemaking authority and any rule proposed
154 or adopted after August 28, [1999] **2015**, 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 may submit an**
6 **application for loan funds or other financial assistance to the board for**
7 **the purpose of financing all or a portion of the costs incurred in**
8 **implementing a 911 communications service project. The application**
9 **shall be accompanied by a technical assistance report. The application**
10 **and the technical assistance report shall be in such form and contain**
11 **such information, financial or otherwise, as prescribed by the**
12 **board. This section shall not preclude any applicant or borrower from**
13 **joining in a cooperative project with any other political subdivision or**

14 with any state or federal agency or entity in a 911 communications
15 service project; provided that, all other requirements of this section
16 have been met.

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

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

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

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

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

37 7. If a loan recipient fails to remit a payment to the board in
38 accordance with this section within sixty days of the due date of such
39 payment, the board shall notify the director of the department of
40 revenue to deduct such payment amount from first, the prepaid
41 wireless emergency telephone service charge remitted to the county or
42 city pursuant to section 190.451; and if insufficient to affect repayment
43 of the loan, next the regular apportionment of local sales tax
44 distributions to that county or city. Such amount shall then
45 immediately be deposited in the Missouri 911 service trust fund and
46 credited to the loan recipient.

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

51 **Missouri 911 service trust fund.**

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

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

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

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

[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.]

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

4 (1) The director of the department of public safety or the

5 director's designee who shall hold a position of authority in such
6 department of at least a division director;

7 (2) The chairperson of the public service commission or the
8 chairperson's designee; except that such designee shall be a
9 commissioner of the public service commission or hold a position of
10 authority in the commission of at least a division director;

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

14 (4) Three representatives from public safety answering
15 point organizations, elected by the members of the state chapter of
16 the associated public safety communications officials and the state
17 chapter of the National Emergency Numbering Association.

18 2. Immediately after the board is established the initial
19 term of membership for a member elected pursuant to subdivision
20 (3) of subsection 1 of this section shall be one year and all
21 subsequent terms for members so elected shall be two years. The
22 membership term for a member elected pursuant to subdivision (4)
23 of subsection 1 of this section shall initially and subsequently be
24 two years. Each member shall serve no more than two successive
25 terms unless the member is on the board pursuant to subdivision
26 (1) or (2) of subsection 1 of this section. Members of the board
27 shall serve without compensation, however, the members may
28 receive reimbursement of actual and necessary expenses. Any
29 vacancies on the board shall be filled in the manner provided for in
30 this subsection.

31 3. The board shall do the following:

32 (1) Elect from its membership a chair and other such
33 officers as the board deems necessary for the conduct of its
34 business;

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

38 (3) Advise the office of administration regarding
39 implementation of Federal Communications Commission order
40 94-102; and

41 (4) Provide any requested mediation service to a political
42 subdivision which is involved in a jurisdictional dispute regarding
43 the providing of wireless 911 services. The board shall not
44 supersede decision-making authority of any political subdivision in
45 regard to 911 services.

46 4. The director of the department of public safety shall
47 provide and coordinate staff and equipment services to the board
48 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
3 by the voters pursuant to section 190.440, not to exceed fifty
4 cents per wireless telephone number per month to be
5 collected by wireless service providers from wireless service
6 customers.

7 2. The office of administration shall promulgate
8 rules and regulations to administer the provisions of
9 sections 190.400 to 190.440. Any rule or portion of a rule,
10 as that term is defined in section 536.010, that is
11 promulgated pursuant to the authority delegated in sections
12 190.400 to 190.440 shall become effective only if it has been
13 promulgated pursuant to the provisions of chapter 536. All
14 rulemaking authority delegated prior to July 2, 1998, is of
15 no force and effect and repealed; however, nothing in this
16 section shall be interpreted to repeal or affect the validity
17 of any rule filed or adopted prior to July 2, 1998, if it fully
18 complied with the provisions of chapter 536. This section
19 and chapter 536 are nonseverable and if any of the powers
20 vested with the general assembly pursuant to chapter 536
21 to review, to delay the effective date or to disapprove and
22 annul a rule are subsequently held unconstitutional, then
23 the grant of rulemaking authority and any rule proposed or
24 adopted after July 2, 1998, shall be invalid and void.

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

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

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

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

39 (b) The population of the public safety answering
40 point jurisdiction;

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

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

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

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

65 individual wireless service provider.

66 4. Wireless service providers are entitled to retain
67 one percent of the surcharge money they collect for
68 administrative costs associated with billing and collection
69 of the surcharge.

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

75 6. The office of administration shall review the
76 distribution formula once every year and may adjust the
77 amount of the fee within the limits of this section, as
78 determined necessary.

79 7. The provisions of sections 190.307 and 190.308
80 shall be applicable to programs and services authorized by
81 sections 190.400 to 190.440.

82 8. Notwithstanding any other provision of the law,
83 in no event shall any wireless service provider, its officers,
84 employees, assigns or agents, be liable for any form of civil
85 damages or criminal liability which directly or indirectly
86 result from, or is caused by, an act or omission in the
87 development, design, installation, operation, maintenance,
88 performance or provision of 911 service or other emergency
89 wireless two- and three-digit wireless numbers, unless said
90 acts or omissions constitute gross negligence, recklessness
91 or intentional misconduct. Nor shall any wireless service
92 provider, its officers, employees, assigns, or agents be liable
93 for any form of civil damages or criminal liability which
94 directly or indirectly result from, or is caused by, the release
95 of subscriber information to any governmental entity as
96 required under the provisions of this act unless the release
97 constitutes gross negligence, recklessness or intentional
98 misconduct.]

2 [190.440. 1. The office of administration shall not
be authorized to establish a fee pursuant to the authority

3 granted in section 190.430 unless a ballot measure is
4 submitted and approved by the voters of this state. The
5 ballot measure shall be submitted by the secretary of state
6 for approval or rejection at the general election held and
7 conducted on the Tuesday immediately following the first
8 Monday in November, 1998, or at a special election to be
9 called by the governor on the ballot measure. If the
10 measure is rejected at such general or special election, the
11 measure may be resubmitted at each subsequent general
12 election, or may be resubmitted at any subsequent special
13 election called by the governor on the ballot measure, until
14 such measure is approved.

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

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

21 YES NO

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

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