
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1578 Session of
2013

INTRODUCED BY FARINA, FLYNN, HARKINS, KORTZ, COHEN, MOLCHANY,
MCNEILL AND SNYDER, JUNE 24, 2013

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, JUNE 24, 2013

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, further providing for Wireless E-911
3 Emergency Services Fund.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 5311.4(b) and (h) of Title 35 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 5311.4. Wireless E-911 Emergency Services Fund.

9 * * *

10 (b) Wireless E-911 surcharge.--[Each wireless service
11 customer shall pay a fee, to be known as a] A wireless E-911
12 surcharge, in an amount of [\$1] \$2 per month for each device
13 that provides wireless service for which [that] a customer is
14 billed by a wireless provider for wireless service shall be paid
15 one dollar from the wireless service customer and one dollar
16 from the wireless provider. The fee shall be collected apart
17 from and in addition to a fee levied by the wireless provider in
18 whole or in part for the provision of 911 services.

1 (1) Wireless providers shall collect the fee on behalf
2 of the agency as part of their billing process and shall
3 remit the collected fee plus their portion of the fee to the
4 agency. The provider shall have no obligation to take any
5 legal action to enforce the collection of the surcharge.
6 Action may be brought by or on behalf of the agency. Upon
7 written request of the agency, each wireless provider shall
8 annually provide a list of the names and addresses of those
9 wireless service customers carrying a balance that have
10 failed to pay the wireless E-911 surcharge. The wireless
11 provider shall not be liable for the unpaid amounts.

12 (2) If a wireless provider receives a partial payment
13 for a monthly bill from a wireless service customer, the
14 wireless provider shall apply the payment against the amount
15 the wireless service customer owes the wireless provider
16 first and shall remit to the State Treasurer the lesser
17 amount, if any, resulting from the application.

18 (3) The fees collected under this subsection from the
19 wireless service customers shall not be subject to taxes or
20 charges levied by the Commonwealth or a political subdivision
21 of this Commonwealth, nor shall the fees be considered
22 revenue of the wireless provider for any purpose.

23 (4) The provisions of this subsection shall not apply to
24 sellers, providers or consumers of prepaid wireless
25 telecommunications service.

26 * * *

27 (h) Surcharge sunset.--The wireless E-911 surcharge fee
28 established in subsections (b) and (b.1) shall terminate on June
29 30, [2014] 2016, unless extended by an act of the General
30 Assembly.

1 Section 2. This act shall take effect immediately.