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**SUBSTITUTE HOUSE BILL 1703**

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AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

**State of Washington                      67th Legislature                      2022 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Orwall, Boehnke, Ryu, Paul, Dolan, Graham, Goodman, Griffey, Leavitt, Harris-Talley, and Frame; by request of Military Department)

READ FIRST TIME 02/01/22.

1            AN ACT Relating to the modernization of the statewide 911  
2 emergency communications system; amending RCW 38.52.030, 38.52.440,  
3 38.52.500, 38.52.501, 38.52.505, 38.52.510, 38.52.520, 38.52.525,  
4 38.52.532, 38.52.535, 38.52.540, 38.52.545, 38.52.550, 38.52.561,  
5 38.52.575, 82.14B.010, 82.14B.020, 82.14B.030, 82.14B.040,  
6 82.14B.042, 82.14B.050, 82.14B.060, 82.14B.061, 82.14B.063,  
7 82.14B.065, 82.14B.150, 82.14B.200, and 82.14B.210; reenacting and  
8 amending RCW 38.52.010; adding a new section to chapter 38.52 RCW;  
9 creating a new section; and repealing RCW 38.52.530.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11            NEW SECTION.    **Sec. 1.** The ongoing modernization of the statewide  
12 911 emergency communications system is essential to public safety.  
13 Implementing new technologies with the modernization to next  
14 generation 911 requires clarifying changes to update requirements and  
15 definitions currently in statute.

16            **Sec. 2.** RCW 38.52.010 and 2019 c 471 s 2 and 2019 c 207 s 1 are  
17 each reenacted and amended to read as follows:

18            As used in this chapter:

19            (1) "911 emergency communications system" means a public 911  
20 communications system consisting of a network, database, and on-

1 premises equipment that is accessed by dialing or accessing 911 and  
2 that enables reporting police, fire, medical, or other emergency  
3 situations to a public safety answering point. The system includes  
4 the capability to selectively route incoming 911 voice and data to  
5 the appropriate public safety answering point that operates in a  
6 defined 911 service area and the capability to automatically display  
7 the name, location, and telephone number of incoming 911 voice and  
8 data at the appropriate public safety answering point.

9 (2) "Automatic location identification" means information about a  
10 caller's location that is part of or associated with an enhanced or  
11 next generation 911 emergency communications system as defined in  
12 this section and RCW 82.14B.020 and intended for the purpose of  
13 display at a public safety answering point with incoming 911 voice or  
14 data, or both.

15 (3) "Automatic number identification" means a method for uniquely  
16 associating a communication device that has accessed 911 with the  
17 incoming 911 voice or data, or both, and intended for the purpose of  
18 display at a public safety answering point.

19 (4) "Baseline level of 911 service" means access to 911 dialing  
20 from all communication devices with service from a telecommunications  
21 provider within a county's jurisdiction so that incoming 911 voice  
22 and data communication is answered, received, and displayed on 911  
23 equipment at a public safety answering point designated by the  
24 county.

25 (5) "Broadcaster" means a person or entity that holds a license  
26 issued by the federal communications commission under 47 C.F.R. Part  
27 73, 74, 76, or 78.

28 ~~((+2))~~ (6)(a) "Catastrophic incident" means any natural or  
29 human-caused incident, including terrorism and enemy attack, that  
30 results in extraordinary levels of mass casualties, damage, or  
31 disruption severely affecting the population, infrastructure,  
32 environment, economy, or government functions.

33 (b) "Catastrophic incident" does not include an event resulting  
34 from individuals exercising their rights, under the first amendment,  
35 of freedom of speech, and of the people to peaceably assemble.

36 ~~((+3))~~ (7) "Communication plan," as used in RCW 38.52.070, means  
37 a section in a local comprehensive emergency management plan that  
38 addresses emergency notification of life safety information.

39 ~~((+4))~~ (8) "Continuity of government planning" means the  
40 internal effort of all levels and branches of government to provide

1 that the capability exists to continue essential functions and  
2 services following a catastrophic incident. These efforts include,  
3 but are not limited to, providing for: (a) Orderly succession and  
4 appropriate changes of leadership whether appointed or elected; (b)  
5 filling vacancies; (c) interoperability communications; and (d)  
6 processes and procedures to reconvene government following periods of  
7 disruption that may be caused by a catastrophic incident. Continuity  
8 of government planning is intended to preserve the constitutional and  
9 statutory authority of elected officials at the state and local level  
10 and provide for the continued performance of essential functions and  
11 services by each level and branch of government.

12 ~~((5))~~ (9) "Continuity of operations planning" means the  
13 internal effort of an organization to provide that the capability  
14 exists to continue essential functions and services in response to a  
15 comprehensive array of potential emergencies or disasters.

16 ~~((6))~~ (10) "Department" means the state military department.

17 ~~((7))~~ (11) "Director" means the adjutant general.

18 ~~((8))~~ (12) "Emergency management" or "comprehensive emergency  
19 management" means the preparation for and the carrying out of all  
20 emergency functions, other than functions for which the military  
21 forces are primarily responsible, to mitigate, prepare for, respond  
22 to, and recover from emergencies and disasters, and to aid victims  
23 suffering from injury or damage, resulting from disasters caused by  
24 all hazards, whether natural, technological, or human caused, and to  
25 provide support for search and rescue operations for persons and  
26 property in distress. However, "emergency management" or  
27 "comprehensive emergency management" does not mean preparation for  
28 emergency evacuation or relocation of residents in anticipation of  
29 nuclear attack.

30 ~~((9))~~ (13)(a) "Emergency or disaster" as used in all sections  
31 of this chapter except RCW 38.52.430 means an event or set of  
32 circumstances which: (i) Demands immediate action to preserve public  
33 health, protect life, protect public property, or to provide relief  
34 to any stricken community overtaken by such occurrences; or (ii)  
35 reaches such a dimension or degree of destructiveness as to warrant  
36 the governor proclaiming a state of emergency pursuant to RCW  
37 43.06.010.

38 (b) "Emergency" as used in RCW 38.52.430 means an incident that  
39 requires a normal police, coroner, fire, rescue, emergency medical

1 services, or utility response as a result of a violation of one of  
2 the statutes enumerated in RCW 38.52.430.

3 ~~((10))~~ (14) "Emergency response" as used in RCW 38.52.430 means  
4 a public agency's use of emergency services during an emergency or  
5 disaster as defined in subsection ~~((9))~~ (13)(b) of this section.

6 ~~((11))~~ (15) "Emergency services communication system" means a  
7 multicounty or countywide communications network, including an  
8 enhanced or next generation 911 emergency communications system,  
9 which provides rapid public access for coordinated dispatching of  
10 services, personnel, equipment, and facilities for police, fire,  
11 medical, or other emergency services.

12 (16) "Emergency services communications system data" includes  
13 voice or audio; multimedia, including pictures and video; text  
14 messages; telematics or telemetrics; or other information that is  
15 received or displayed, or both, at a public safety answering point in  
16 association with a 911 access.

17 (17) "Emergency worker" means any person who is registered with a  
18 local emergency management organization or the department and holds  
19 an identification card issued by the local emergency management  
20 director or the department for the purpose of engaging in authorized  
21 emergency management activities or is an employee of the state of  
22 Washington or any political subdivision thereof who is called upon to  
23 perform emergency management activities.

24 ~~((12))~~ (18) "Executive head" and "executive heads" means the  
25 county executive in those charter counties with an elective office of  
26 county executive, however designated, and, in the case of other  
27 counties, the county legislative authority. In the case of cities and  
28 towns, it means the mayor in those cities and towns with mayor-  
29 council or commission forms of government, where the mayor is  
30 directly elected, and it means the city manager in those cities and  
31 towns with council manager forms of government. Cities and towns may  
32 also designate an executive head for the purposes of this chapter by  
33 ordinance.

34 ~~((13))~~ (19) "Expense of an emergency response" as used in RCW  
35 38.52.430 means reasonable costs incurred by a public agency in  
36 reasonably making an appropriate emergency response to the incident,  
37 but shall only include those costs directly arising from the response  
38 to the particular incident. Reasonable costs shall include the costs  
39 of providing police, coroner, firefighting, rescue, emergency medical

1 services, or utility response at the scene of the incident, as well  
2 as the salaries of the personnel responding to the incident.

3 ~~((14))~~ (20) "First informer broadcaster" means an individual  
4 who:

5 (a) Is employed by, or acting pursuant to a contract under the  
6 direction of, a broadcaster; and

7 (b) (i) Maintains, including repairing or resupplying,  
8 transmitters, generators, or other essential equipment at a broadcast  
9 station or facility; or (ii) provides technical support services to  
10 broadcasters needed during a period of proclaimed emergency.

11 ~~((15))~~ (21) "Incident command system" means: (a) An all-  
12 hazards, on-scene functional management system that establishes  
13 common standards in organization, terminology, and procedures;  
14 provides a means (unified command) for the establishment of a common  
15 set of incident objectives and strategies during multiagency/  
16 multijurisdiction operations while maintaining individual agency/  
17 jurisdiction authority, responsibility, and accountability; and is a  
18 component of the national interagency incident management system; or  
19 (b) an equivalent and compatible all-hazards, on-scene functional  
20 management system.

21 ~~((16))~~ (22) "Injury" as used in this chapter shall mean and  
22 include accidental injuries and/or occupational diseases arising out  
23 of emergency management activities.

24 ~~((17))~~ (23) "Interconnected voice over internet protocol  
25 service provider" means a provider of interconnected voice over  
26 internet protocol service as defined by the federal communications  
27 commission in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent  
28 date determined by the department.

29 (24) "Life safety information" means information provided to  
30 people during a response to a life-threatening emergency or disaster  
31 informing them of actions they can take to preserve their safety.  
32 Such information may include, but is not limited to, information  
33 regarding evacuation, sheltering, sheltering-in-place, facility  
34 lockdown, and where to obtain food and water.

35 ~~((18))~~ (25) "Local director" means the director of a local  
36 organization of emergency management or emergency services.

37 ~~((19))~~ (26) "Local organization for emergency services or  
38 management" means an organization created in accordance with the  
39 provisions of this chapter by state or local authority to perform  
40 local emergency management functions.

1        ~~((20))~~ (27) "Next generation 911" means an internet protocol-  
2 based system comprised of managed emergency services internet  
3 protocol networks, functional elements (applications), and databases  
4 that replicate enhanced 911 features and functions as defined in RCW  
5 82.14B.020(4) that provide additional capabilities designed to  
6 provide access to emergency services from all connected  
7 communications sources and provide multimedia data capabilities for  
8 public safety answering points.

9        (28) "Next generation 911 demarcation point" means the location  
10 and equipment that separates the next generation 911 network from:

11        (a) A telecommunications provider's network, known as the ingress  
12 next generation 911 demarcation point; and

13        (b) A public safety answering point, known as the egress next  
14 generation 911 demarcation point.

15        (29) "Next generation 911 emergency communications system" means  
16 a public communications system consisting of networks, databases, and  
17 public safety answering point 911 hardware, software, and technology  
18 that is accessed by the public in the state through 911. The system  
19 includes the capability to: Route incoming 911 voice and data to the  
20 appropriate public safety answering point that operates in a defined  
21 911 service area; answer incoming 911 voice and data; and receive and  
22 display incoming 911 voice and data, including automatic location  
23 identification and automatic number identification, at a public  
24 safety answering point. "Next generation 911 emergency communications  
25 system" includes future modernizations to the 911 system.

26        (30) "Next generation 911 emergency services internet protocol  
27 network" means a managed internet protocol network used for 911  
28 emergency services communications that is managed and maintained,  
29 including security and credentialing functions, by the state 911  
30 coordination office to provide next generation 911 emergency  
31 communications from the ingress next generation 911 demarcation point  
32 to the egress next generation 911 demarcation point. It provides the  
33 internet protocol transport infrastructure upon which application  
34 platforms and core services are necessary for providing next  
35 generation 911 services. Next generation 911 emergency services  
36 internet protocol networks may be constructed from a mix of dedicated  
37 and shared facilities and may be interconnected at local, regional,  
38 state, federal, national, and international levels to form an  
39 internet protocol-based inter-network (network of networks).

1 (31) "Next generation 911 service" means public access to the  
2 next generation 911 emergency communications system and its  
3 capabilities by accessing 911 from communication devices to report  
4 police, fire, medical, or other emergency situations to a public  
5 safety answering point.

6 (32) "Political subdivision" means any county, city or town.

7 ~~((21))~~ (33) "Public agency" means the state, and a city,  
8 county, municipal corporation, district, town, or public authority  
9 located, in whole or in part, within this state which provides or may  
10 provide firefighting, police, ambulance, medical, or other emergency  
11 services.

12 ~~((22))~~ (34) "Public safety answering point" means the public  
13 safety location that receives and answers 911 voice and data  
14 originating in a given area as designated by the county. Public  
15 safety answering points must be equipped with 911 hardware, software,  
16 and technology that is accessed through 911 and is capable of  
17 answering incoming 911 calls and receiving and displaying incoming  
18 911 data.

19 (a) "Primary public safety answering point" means a public safety  
20 answering point, as designated by the county, to which 911 calls and  
21 data originating in a given area and entering the next generation 911  
22 network are initially routed for answering.

23 (b) "Secondary public safety answering point" means a public  
24 safety answering point, as designated by the county, that only  
25 receives 911 voice and data that has been transferred by other public  
26 safety answering points.

27 (35) "Radio communications service company" (~~has the meaning~~  
28 ascribed to it in RCW 82.14B.020)) means every corporation, company,  
29 association, joint stock, partnership, and person, their lessees,  
30 trustees, or receivers appointed by any court, and every city or town  
31 making available facilities to provide commercial mobile radio  
32 services, as defined by 47 U.S.C. Sec. 332(d)(1), or cellular  
33 communications services for hire, sale, and both facilities-based and  
34 nonfacilities-based resellers, and does not include radio paging  
35 providers.

36 ~~((23))~~ (36) "Search and rescue" means the acts of searching  
37 for, rescuing, or recovering by means of ground, marine, or air  
38 activity any person who becomes lost, injured, or is killed while  
39 outdoors or as a result of a natural, technological, or human caused  
40 disaster, including instances involving searches for downed aircraft

1 when ground personnel are used. Nothing in this section shall affect  
2 appropriate activity by the department of transportation under  
3 chapter 47.68 RCW.

4 (37) "Telecommunications provider" means a telecommunications  
5 company as defined in RCW 80.04.010, a radio communications service  
6 company as defined in RCW 38.52.010, a commercial mobile radio  
7 service provider as defined in 47 C.F.R. Sec. 20.3, providers of  
8 interconnected voice over internet protocol service as defined in RCW  
9 38.52.010, and providers of data services.

10 (38) "Washington state patrol public safety answering points"  
11 means those designated as primary or secondary public safety  
12 answering points by the counties in which they provide service.

13 **Sec. 3.** RCW 38.52.030 and 2019 c 471 s 3 are each amended to  
14 read as follows:

15 (1) The director may employ such personnel and may make such  
16 expenditures within the appropriation therefor, or from other funds  
17 made available for purposes of emergency management, as may be  
18 necessary to carry out the purposes of this chapter.

19 (2) The director, subject to the direction and control of the  
20 governor, shall be responsible to the governor for carrying out the  
21 program for emergency management of this state. The director shall  
22 coordinate the activities of all organizations for emergency  
23 management within the state, and shall maintain liaison with and  
24 cooperate with emergency management agencies and organizations of  
25 other states and of the federal government, and shall have such  
26 additional authority, duties, and responsibilities authorized by this  
27 chapter, as may be prescribed by the governor.

28 (3) The director shall develop and maintain a comprehensive, all-  
29 hazard emergency plan for the state which shall include an analysis  
30 of the natural, technological, or human caused hazards which could  
31 affect the state of Washington, and shall include the procedures to  
32 be used during emergencies for coordinating local resources, as  
33 necessary, and the resources of all state agencies, departments,  
34 commissions, and boards. The comprehensive emergency management plan  
35 shall direct the department in times of state emergency to administer  
36 and manage the state's emergency operations center. This will include  
37 representation from all appropriate state agencies and be available  
38 as a single point of contact for the authorizing of state resources  
39 or actions, including emergency permits. The comprehensive emergency



1 management plan must specify the use of the incident command system  
2 for multiagency/multijurisdiction operations. The comprehensive, all-  
3 hazard emergency plan authorized under this subsection may not  
4 include preparation for emergency evacuation or relocation of  
5 residents in anticipation of nuclear attack. This plan shall be known  
6 as the comprehensive emergency management plan.

7 (4) In accordance with the comprehensive emergency management  
8 plans and the programs for the emergency management of this state,  
9 the director shall procure supplies and equipment, institute training  
10 programs and public information programs, and shall take all other  
11 preparatory steps, including the partial or full mobilization of  
12 emergency management organizations in advance of actual disaster, to  
13 insure the furnishing of adequately trained and equipped forces of  
14 emergency management personnel in time of need.

15 (5) The director shall make such studies and surveys of the  
16 industries, resources, and facilities in this state as may be  
17 necessary to ascertain the capabilities of the state for emergency  
18 management, and shall plan for the most efficient emergency use  
19 thereof.

20 (6) The emergency management council shall advise the director on  
21 all aspects of the communications and warning systems and facilities  
22 operated or controlled under the provisions of this chapter.

23 (7) The director, through the state (~~enhanced~~) 911 coordinator,  
24 shall coordinate and facilitate implementation and operation of a  
25 statewide (~~enhanced~~) 911 emergency communications network.

26 (8) The director shall appoint a state coordinator of search and  
27 rescue operations to coordinate those state resources, services and  
28 facilities (other than those for which the state director of  
29 aeronautics is directly responsible) requested by political  
30 subdivisions in support of search and rescue operations, and on  
31 request to maintain liaison with and coordinate the resources,  
32 services, and facilities of political subdivisions when more than one  
33 political subdivision is engaged in joint search and rescue  
34 operations.

35 (9) The director, subject to the direction and control of the  
36 governor, shall prepare and administer a state program for emergency  
37 assistance to individuals within the state who are victims of a  
38 natural, technological, or human caused disaster, as defined by RCW  
39 38.52.010(~~(+6)~~) (13). Such program may be integrated into and  
40 coordinated with disaster assistance plans and programs of the

1 federal government which provide to the state, or through the state  
2 to any political subdivision thereof, services, equipment, supplies,  
3 materials, or funds by way of gift, grant, or loan for purposes of  
4 assistance to individuals affected by a disaster. Further, such  
5 program may include, but shall not be limited to, grants, loans, or  
6 gifts of services, equipment, supplies, materials, or funds of the  
7 state, or any political subdivision thereof, to individuals who, as a  
8 result of a disaster, are in need of assistance and who meet  
9 standards of eligibility for disaster assistance established by the  
10 department of social and health services: PROVIDED, HOWEVER, That  
11 nothing herein shall be construed in any manner inconsistent with the  
12 provisions of Article VIII, section 5 or section 7 of the Washington  
13 state Constitution.

14 (10) The director shall appoint a state coordinator for  
15 radioactive and hazardous waste emergency response programs. The  
16 coordinator shall consult with the state radiation control officer in  
17 matters relating to radioactive materials. The duties of the state  
18 coordinator for radioactive and hazardous waste emergency response  
19 programs shall include:

20 (a) Assessing the current needs and capabilities of state and  
21 local radioactive and hazardous waste emergency response teams on an  
22 ongoing basis;

23 (b) Coordinating training programs for state and local officials  
24 for the purpose of updating skills relating to emergency mitigation,  
25 preparedness, response, and recovery;

26 (c) Utilizing appropriate training programs such as those offered  
27 by the federal emergency management agency, the department of  
28 transportation and the environmental protection agency; and

29 (d) Undertaking other duties in this area that are deemed  
30 appropriate by the director.

31 (11) The director is responsible to the governor to lead the  
32 development and management of a program for interagency coordination  
33 and prioritization of continuity of operations planning by state  
34 agencies. Each state agency is responsible for developing an  
35 organizational continuity of operations plan that is updated and  
36 exercised annually in compliance with the program for interagency  
37 coordination of continuity of operations planning.

38 (12) The director shall maintain a copy of the continuity of  
39 operations plan for election operations for each county that has a  
40 plan available.

1 (13) Subject to the availability of amounts appropriated for this  
2 specific purpose, the director is responsible to the governor to lead  
3 the development and management of a program to provide information  
4 and education to state and local government officials regarding  
5 catastrophic incidents and continuity of government planning to  
6 assist with statewide development of continuity of government plans  
7 by all levels and branches of state and local government that address  
8 how essential government functions and services will continue to be  
9 provided following a catastrophic incident.

10 **Sec. 4.** RCW 38.52.440 and 2017 c 295 s 3 are each amended to  
11 read as follows:

12 (1) Subject to the availability of amounts appropriated for this  
13 specific purpose, the director, through the state ((enhanced)) 911  
14 coordinator, and in collaboration with the department of health, the  
15 department of social and health services, the Washington state  
16 patrol, the Washington association of sheriffs and police chiefs, the  
17 Washington council of police and sheriffs, the state fire marshal's  
18 office, a representative of a first responder organization with  
19 experience in addressing the needs of a person with a disability, and  
20 other individuals and entities at the discretion of the director,  
21 must assess, and report back to the appropriate committees of the  
22 legislature by December 1, 2018, regarding:

23 (a) The resources, capabilities, techniques, protocols, and  
24 procedures available or required in order to include as part of the  
25 enhanced 911 emergency service the ability to allow an immediate  
26 display on the screen indicating that a person with a disability may  
27 be present at the scene of an emergency, the caller's identification,  
28 location, phone number, address, and if made available, additional  
29 information on the person with a disability that would assist the  
30 first responder in the emergency response;

31 (b) How best to acquire, implement, and safeguard a secure  
32 website and the information in the system provided by a person with a  
33 disability, or a parent, guardian, or caretaker of a person with a  
34 disability in order to make such information directly available to  
35 first responders at the scene of an emergency or on the way to the  
36 scene of an emergency;

37 (c) What information provided by a person must remain  
38 confidential under state or federal law, or otherwise should remain  
39 confidential without written permission to release it for purposes of

1 chapter 295, Laws of 2017 or the information is otherwise releasable  
2 or available under other provisions of law; and

3 (d) The need to provide various agencies and employees that are  
4 first responders and emergency personnel immunity from civil  
5 liability for acts or omissions in the performance of their duties,  
6 and what standard should apply, such as if the act or omission is the  
7 result of simple negligence, gross negligence, or willful misconduct.

8 (2) For purposes of this section:

9 (a) Both "accident" and "emergency" mean an unforeseen  
10 combination of circumstances or a resulting situation that results in  
11 a need for assistance or relief and calls for immediate action; and

12 (b) "Person with a disability" means an individual who has been  
13 diagnosed medically to have a physical, mental, emotional,  
14 intellectual, behavioral, developmental, or sensory disability.

15 **Sec. 5.** RCW 38.52.500 and 1991 c 54 s 1 are each amended to read  
16 as follows:

17 The legislature finds that a statewide emergency communications  
18 network of ((enhanced)) 911 telephone service, which allows an  
19 immediate display of a caller's identification and location, would  
20 serve to further the safety, health, and welfare of the state's  
21 citizens, and would save lives. The legislature, after reviewing the  
22 study outlined in section 1, chapter 260, Laws of 1990, further finds  
23 that statewide implementation of ((enhanced)) 911 telephone service  
24 is feasible and should be accomplished as soon as practicable.

25 **Sec. 6.** RCW 38.52.501 and 2002 c 341 s 1 are each amended to  
26 read as follows:

27 The legislature finds that statewide ((enhanced)) 911 emergency  
28 communications service has proven to be a lifesaving service and that  
29 routing a 911 call to the appropriate public safety answering point  
30 with a display of the caller's identification and location should be  
31 available for all users of telecommunications services, regardless of  
32 the technology used to make and transmit the 911 call. The  
33 legislature also finds that it is in the best public interest to  
34 ensure that there is adequate ongoing funding to support ((enhanced  
35 911 service)) necessary 911 system upgrades as technology evolves to  
36 next generation 911 technology and beyond for 911 emergency  
37 communications baseline service statewide that supports emerging  
38 communications devices.

1       **Sec. 7.** RCW 38.52.505 and 1999 c 24 s 2 are each amended to read  
2 as follows:

3       The adjutant general shall establish rules on minimum information  
4 requirements of automatic location identification for the purposes of  
5 ~~((enhanced))~~ 911 emergency service. Such rules shall permit the chief  
6 of a local fire department or a chief fire protection officer or such  
7 other person as may be designated by the governing body of a city or  
8 county to take into consideration local circumstances when approving  
9 the accuracy of location information generated when calls are made to  
10 911 from facilities within his or her service area.

11       **Sec. 8.** RCW 38.52.510 and 2010 1st sp.s. c 19 s 14 are each  
12 amended to read as follows:

13       (1) Each county, singly or in combination with one or more  
14 ((adjacent)) counties, must ((implement)) provide or participate in  
15 countywide or multicounty-wide ((enhanced)) 911 emergency  
16 communications systems so that ((enhanced)) 911 is available  
17 throughout the state. The county must provide funding for the  
18 ((enhanced)) 911 communications system in the county in an amount  
19 equal to the amount the maximum tax under RCW 82.14B.030(1) would  
20 generate in the county less any applicable administrative fee charged  
21 by the department of revenue or the amount necessary to provide full  
22 funding of the system in the county. The state ((enhanced)) 911  
23 coordination office established by RCW 38.52.520 must assist and  
24 facilitate ((enhanced)) 911 implementation throughout the state.

25       (2) A county may request a Washington state patrol public safety  
26 answering point to become a primary public safety answering point and  
27 receive 911 calls from a specific geographical area and may cancel  
28 that designation at any time.

29       **Sec. 9.** RCW 38.52.520 and 2010 1st sp.s. c 19 s 15 are each  
30 amended to read as follows:

31       A state ~~((enhanced))~~ 911 coordination office, headed by the state  
32 ~~((enhanced))~~ 911 coordinator, is established in the emergency  
33 management division of the department. Duties of the office include:

34       (1) ~~((Coordinating and facilitating the implementation and~~  
35 ~~operation of enhanced 911 emergency communications systems throughout~~  
36 ~~the state)) Administering the 911 account established in RCW~~  
37 38.52.540;

1 (2) Seeking advice and assistance from, and providing staff  
2 support for((7)) the enhanced 911 advisory committee;

3 (3) Providing and supporting 911 emergency communications  
4 systems, which may include procurement, funding, ownership, and  
5 management;

6 (4) Assisting the counties and Washington state patrol public  
7 safety answering points by distributing state 911 emergency  
8 communications system funding within the priorities identified in RCW  
9 38.52.545. When designated as a primary public safety answering point  
10 by the county, the state 911 coordination office may provide funding  
11 for Washington state patrol public safety answering point 911  
12 emergency communications systems;

13 (5) Develop forms, submission dates, and methods as necessary for  
14 all public safety answering points to submit reports;

15 (6) Recommending to the utilities and transportation commission  
16 by August 31st of each year the level of the state ((enhanced)) 911  
17 emergency communications system excise tax established in RCW  
18 82.14B.030(5) for the following year;

19 ~~((4) Considering base needs of individual counties for specific~~  
20 ~~assistance, specify rules defining the purposes for which available~~  
21 ~~state enhanced 911 funding may be expended, with the advice and~~  
22 ~~assistance of the enhanced 911 advisory committee; and~~

23 ~~(5) Providing an annual update to the enhanced)) (7) Establishing~~  
24 ~~rules that:~~

25 (a) Determine eligible components of the 911 emergency  
26 communications system, its administration, and operation that the  
27 state and county 911 excise taxes, under RCW 82.14B.030, may be used  
28 to fund;

29 (b) Determine how appropriated funds from the state 911 account  
30 shall be distributed, considering the baseline level of 911 emergency  
31 communications system service needs of individual counties and  
32 county-designated Washington state patrol primary public safety  
33 answering points for specific assistance; and

34 (c) Specify statewide 911 emergency communications system and  
35 service standards, consistent with applicable state and federal law.  
36 The authority given to the state 911 coordinator in this section is  
37 limited to setting standards as set forth in this section and does  
38 not constitute authority to regulate radio communications service  
39 companies or interconnected voice over internet protocol service  
40 companies; and

1 (8) Annually providing a complete report to the 911 advisory  
2 committee on ((how much money each county has spent on)):

3 (a) Efforts to modernize their existing enhanced 911 emergency  
4 communications system; ~~((and~~

5 ~~(b) Enhanced 911 operational costs))~~ (b) All public safety  
6 answering points expenditures for administrative and operational  
7 costs and expenses of the 911 emergency communications system; and

8 (c) Any additional data that may be identified by the 911  
9 advisory committee.

10 **Sec. 10.** RCW 38.52.525 and 1995 c 243 s 9 are each amended to  
11 read as follows:

12 The state ~~((enhanced))~~ 911 coordination office may develop and  
13 ~~((implement))~~ provide public education materials ~~((regarding the~~  
14 ~~capability of specific equipment used as part of a private~~  
15 ~~telecommunications system or in the provision of private shared~~  
16 ~~telecommunications services to forward automatic location~~  
17 ~~identification and automatic number identification))~~ relating to the  
18 911 emergency communications system.

19 NEW SECTION. **Sec. 11.** A new section is added to chapter 38.52  
20 RCW to read as follows:

21 The 911 advisory committee is created to advise and assist the  
22 state 911 coordinator in coordinating and facilitating the  
23 implementation and operation of 911 throughout the state. The  
24 director shall appoint:

25 (1) County 911 representatives from diverse urban and rural  
26 geographical counties;

27 (2) The statewide 988 coordinator or designee identified by the  
28 office of the governor;

29 (3) Those who represent diverse geographical areas of the state  
30 and include state residents who are members of the national emergency  
31 number association, the association of public communications  
32 officials Washington chapter, the Washington state fire chiefs  
33 association, the Washington association of sheriffs and police  
34 chiefs, the Washington state council of firefighters, the Washington  
35 state council of police officers, the Washington ambulance  
36 association, the Washington state firefighters association, the  
37 Washington state association of fire marshals, the Washington fire  
38 commissioners association, the Washington state patrol, the

1 association of Washington cities, and the Washington state  
2 association of counties;

3 (4) The utilities and transportation commission or commission  
4 staff;

5 (5) A representative of a voice over internet protocol company;

6 (6) An equal number of representatives of large and small local  
7 exchange telephone companies and large and small radio communications  
8 service companies offering commercial mobile radio service in the  
9 state;

10 (7) A representative of the Washington state department of  
11 health; and

12 (8) Other members identified and appointed by the director.

13 **Sec. 12.** RCW 38.52.532 and 2010 1st sp.s. c 19 s 17 are each  
14 amended to read as follows:

15 (~~On an annual basis~~) (1) Annually, the ((enhanced)) 911  
16 advisory committee must provide an update on the status of  
17 ((enhanced)) 911 service in the state to the appropriate committees  
18 in the legislature. The update must include progress by the state 911  
19 coordination office and the counties towards ((creating greater  
20 efficiencies in enhanced)) continual growth and maintenance of a 911  
21 emergency communications system with greater efficiencies in 911  
22 operations including, but not limited to, regionalization of  
23 facilities, centralization of equipment, ((and)) statewide  
24 purchasing, strategic plan performance, and fiscal health of the 911  
25 emergency communications system.

26 (2) To assist with modernization of the 911 emergency  
27 communications system, all counties operating public safety answering  
28 points in Washington state, with the exception of tribal nations,  
29 must assist the 911 advisory committee to update the legislature  
30 annually within the requirements of RCW 38.52.520(8) by providing  
31 annual public safety answering point expenditure reports and  
32 additional information as necessary requested by the state 911  
33 coordinator's office.

34 (3) To assist with modernization of the 911 emergency  
35 communications system, public safety answering points providing  
36 service in multiple counties shall report to the county where they  
37 are physically located. Public safety answering points providing  
38 services outside of Washington state borders shall limit reporting to  
39 those areas within the boundaries of Washington state. Counties



1 receiving services from a public safety answering point outside of  
2 Washington state must report the cost of services into their county.

3 **Sec. 13.** RCW 38.52.535 and 1998 c 245 s 32 are each amended to  
4 read as follows:

5 The state ((enhanced)) 911 coordination office and the  
6 ((enhanced)) 911 advisory committee may participate in efforts to set  
7 uniform national standards for ((automatic number identification and  
8 automatic location identification data transmission for private  
9 telecommunications systems and private shared telecommunications  
10 services)) the 911 emergency communications system.

11 **Sec. 14.** RCW 38.52.540 and 2015 3rd sp.s. c 4 s 949 are each  
12 amended to read as follows:

13 (1) The ((enhanced)) 911 account is created in the state  
14 treasury. All receipts from the state ((enhanced)) 911 excise taxes  
15 imposed by RCW 82.14B.030 must be deposited into the account. Moneys  
16 in the account must be used ((only)) to support the priorities  
17 established in RCW 38.52.545, procure, fund, and manage the statewide  
18 911 emergency communications system network, purchase goods and  
19 services that support the counties and Washington state patrol public  
20 safety answering points in providing 911 baseline level of service  
21 statewide, assist the counties and Washington state patrol public  
22 safety answering points to provide 911 emergency communications  
23 systems and associated administrative and operational costs, acquire  
24 911 hardware, software, and technology appropriate to support a 911  
25 emergency communications system, 911 emergency communications  
26 training and public education, support the statewide coordination and  
27 management of the ((enhanced)) 911 emergency communications system,  
28 ((for the implementation of wireless enhanced 911 statewide,)) and  
29 for ((the)) modernization needs as technology evolves of ((enhanced))  
30 the 911 emergency communications systems statewide((, and to help  
31 supplement, within available funds, the operational costs of the  
32 system, including adequate funding of counties to enable  
33 implementation of wireless enhanced 911 service and reimbursement of  
34 radio communications service companies for costs incurred in  
35 providing wireless enhanced 911 service pursuant to negotiated  
36 contracts between the counties or their agents and the radio  
37 communications service companies. For the 2013-2015 and the 2015-2017  
38 fiscal biennia, the account may be used for a criminal history system

1 upgrade in the Washington state patrol and for activities and  
2 programs in the military department. A county must show just cause,  
3 including but not limited to a true and accurate accounting of the  
4 funds expended, for any inability to provide reimbursement to radio  
5 communications service companies of costs incurred in providing  
6 enhanced 911 service)).

7 (2) Funds generated by the ((enhanced)) 911 excise tax imposed by  
8 RCW 82.14B.030(5), (6), and (8) may not be distributed to any county  
9 that has not imposed the maximum county ((enhanced)) 911 excise tax  
10 allowed under RCW 82.14B.030(1) through (3). ((Funds generated by the  
11 enhanced 911 excise tax imposed by RCW 82.14B.030(6) may not be  
12 distributed to any county that has not imposed the maximum county  
13 enhanced 911 excise tax allowed under RCW 82.14B.030(2)-.))

14 (3) The state ((enhanced)) 911 coordinator, with the advice and  
15 assistance of the ((enhanced)) 911 advisory committee, is authorized  
16 to enter into statewide agreements to improve the efficiency of  
17 ((enhanced)) the 911 ((services for all counties)) emergency  
18 communications system and shall specify by rule the additional  
19 purposes for which moneys, if available, may be expended from this  
20 account.

21 **Sec. 15.** RCW 38.52.545 and 2010 1st sp.s. c 19 s 19 are each  
22 amended to read as follows:

23 In specifying rules defining the purposes for which available  
24 state ((enhanced)) 911 moneys may be expended, the state ((enhanced))  
25 911 coordinator, with the advice and assistance of the ((enhanced))  
26 911 advisory committee, must consider ((base)) needs ((of individual  
27 counties for specific assistance)) necessary to provide a baseline  
28 level of 911 service by individual counties and their designated  
29 Washington state patrol public safety answering points. Priorities  
30 for available ((enhanced)) 911 emergency communications system  
31 funding are as follows:

32 (1) To procure, fund, and manage the statewide 911 network and  
33 supporting services, and assure that 911 dialing is operational  
34 statewide;

35 (2) To assist counties and Washington state patrol public safety  
36 answering points to provide 911 emergency communications systems and  
37 associated administrative and operational costs as necessary to  
38 assure that they can achieve a ((basic service)) baseline level of  
39 service for 911 operations; and

1 (3) To assist counties (~~as practicable to acquire items of a~~  
2 ~~capital nature appropriate to modernize 911 systems and increase 911~~  
3 ~~effectiveness~~) and their designated Washington state patrol public  
4 safety answering points to acquire 911 hardware, software, and  
5 technology to support a 911 emergency communications system baseline  
6 level of service.

7 **Sec. 16.** RCW 38.52.550 and 2010 1st sp.s. c 19 s 20 are each  
8 amended to read as follows:

9 A telecommunications company, radio communications service  
10 company, or interconnected voice over internet protocol service  
11 company, providing emergency communications systems or services or a  
12 business or individual providing database information to ((enhanced))  
13 911 emergency communications personnel is not liable for civil  
14 damages caused by an act or omission of the company, business, or  
15 individual, the state, political subdivisions and any 911 public  
16 corporations in the:

17 (1) Good faith release of information not in the public record,  
18 including unpublished or unlisted subscriber information to emergency  
19 service providers responding to calls placed to an ((enhanced)) 911  
20 emergency communications service; or

21 (2) Design, development, installation, maintenance, or provision  
22 of consolidated ((enhanced)) 911 emergency communications systems or  
23 services other than an act or omission constituting gross negligence  
24 or wanton or willful misconduct.

25 **Sec. 17.** RCW 38.52.561 and 2010 1st sp.s. c 19 s 21 are each  
26 amended to read as follows:

27 The state ((enhanced)) 911 coordinator, with the advice and  
28 assistance of the ((enhanced)) 911 advisory committee, must set  
29 nondiscriminatory, uniform technical and operational standards  
30 consistent with the rules of the federal communications commission  
31 for the transmission of 911 calls from radio communications service  
32 companies and interconnected voice over internet protocol service  
33 companies to ((enhanced)) 911 emergency communications systems. These  
34 standards must be modernized to align with national standards adopted  
35 by the state of Washington in rule making and not exceed the  
36 requirements set by the federal communications commission. The  
37 authority given to the state ((enhanced)) 911 coordinator in this  
38 section is limited to setting standards as set forth in this section

1 and does not constitute authority to regulate radio communications  
2 service companies or interconnected voice over internet protocol  
3 service companies.

4 **Sec. 18.** RCW 38.52.575 and 2015 c 224 s 6 are each amended to  
5 read as follows:

6 (1) Information contained in an automatic number identification  
7 or automatic location identification database that is part of a  
8 county (~~enhanced~~) 911 emergency communications system as defined in  
9 RCW 82.14B.020 and intended for display at a public safety answering  
10 point with incoming 911 voice or data is exempt from public  
11 inspection and copying under chapter 42.56 RCW.

12 (2) Information voluntarily submitted to be contained in a  
13 database that is part of or associated with a county (~~enhanced~~) 911  
14 emergency communications system as defined in RCW 82.14B.020 and  
15 intended for the purpose of display at a public safety answering  
16 point with incoming 911 voice or data is exempt from public  
17 inspection and copying under chapter 42.56 RCW.

18 (3) This section shall not be interpreted to prohibit:

19 (a) Display of information at a public safety answering point;

20 (b) Dissemination of information by the public safety answering  
21 point to police, fire, or emergency medical responders for display on  
22 a device used by police, fire, or emergency medical responders for  
23 the purpose of handling or responding to emergency calls or for  
24 training;

25 (c) Maintenance of the database by a county;

26 (d) Dissemination of information by a county to local agency  
27 personnel for inclusion in an emergency notification system that  
28 makes outgoing calls to telephone numbers to provide notification of  
29 a community emergency event;

30 (e) Inspection or copying by the subject of the information or an  
31 authorized representative; or

32 (f) The public disclosure of information prepared, retained,  
33 disseminated, transmitted, or recorded, for the purpose of handling  
34 or responding to emergency calls, unless disclosure of any such  
35 information is otherwise exempted under chapter 42.56 RCW or other  
36 law.

37 **Sec. 19.** RCW 82.14B.010 and 2010 1st sp.s. c 19 s 1 are each  
38 amended to read as follows:

1 The legislature finds that the state and counties should be  
2 provided with an additional revenue source to fund (~~enhanced~~) 911  
3 emergency communications systems throughout the state on a  
4 multicounty or countywide basis. The legislature further finds that  
5 the most efficient and appropriate method of deriving additional  
6 revenue for this purpose is to impose an excise tax on the use of  
7 switched access lines, radio access lines, and interconnected voice  
8 over internet protocol service lines.

9 **Sec. 20.** RCW 82.14B.020 and 2013 2nd sp.s. c 8 s 102 are each  
10 amended to read as follows:

11 As used in this chapter:

12 (1) "911 emergency communications system" means a public 911  
13 communications system consisting of a network, database, and on-  
14 premises equipment that is accessed by dialing or accessing 911 and  
15 that enables reporting police, fire, medical, or other emergency  
16 situations to a public safety answering point. The system includes  
17 the capability to selectively route incoming 911 voice and data to  
18 the appropriate public safety answering point that operates in a  
19 defined 911 service area and the capability to automatically display  
20 the name, address, and telephone number of incoming 911 voice and  
21 data at the appropriate public safety answering point.

22 (2) "Consumer" means a person who purchases a prepaid wireless  
23 telecommunications service in a retail transaction.

24 (~~(2)~~) (3) "Emergency services communication system" means a  
25 multicounty or countywide communications network, including an  
26 enhanced or next generation 911 emergency communications system,  
27 which provides rapid public access for coordinated dispatching of  
28 services, personnel, equipment, and facilities for police, fire,  
29 medical, or other emergency services.

30 (~~(3)~~) (4) "Enhanced 911 emergency communications system" means  
31 a public communications system consisting of a network, database, and  
32 on-premises equipment that is accessed by dialing or accessing 911  
33 and that enables reporting police, fire, medical, or other emergency  
34 situations to a public safety answering point. The system includes  
35 the capability to selectively route incoming 911 voice or data to the  
36 appropriate public safety answering point that operates in a defined  
37 911 service area and the capability to automatically display the  
38 name, address, and telephone number of incoming 911 voice or data at  
39 the appropriate public safety answering point. "Enhanced 911

1 emergency communications system" includes the modernization to next  
2 generation 911 systems.

3 ~~((4))~~ (5) "Interconnected voice over internet protocol service"  
4 has the same meaning as provided by the federal communications  
5 commission in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent  
6 date determined by the department.

7 ~~((5))~~ (6) "Interconnected voice over internet protocol service  
8 line" means an interconnected voice over internet protocol service  
9 that offers an active telephone number or successor dialing protocol  
10 assigned by a voice over internet protocol provider to a voice over  
11 internet protocol service customer that has inbound and outbound  
12 calling capability, which can directly access a public safety  
13 answering point when such a voice over internet protocol service  
14 customer has a place of primary use in the state.

15 ~~((6))~~ (7) "Local exchange company" has the meaning ascribed to  
16 it in RCW 80.04.010.

17 ~~((7))~~ (8) "Next generation 911 emergency communications system"  
18 means a public communications system consisting of networks,  
19 databases, and public safety answering point 911 hardware, software,  
20 and technology that is accessed by the public in the state through  
21 911. The system includes the capability to: Route incoming 911 voice  
22 and data to the appropriate public safety answering point that  
23 operates in a defined 911 service area; answer incoming 911 voice and  
24 data; and receive and display incoming 911 voice and data, including  
25 automatic location identification and automatic number  
26 identification, at a public safety answering point. "Next Generation  
27 911 emergency communications system" includes future modernizations  
28 to the 911 system.

29 (9) "Place of primary use" means the street address  
30 representative of where the subscriber's use of the radio access line  
31 or interconnected voice over internet protocol service line occurs,  
32 which must be:

33 (a) The residential street address or primary business street  
34 address of the subscriber; and

35 (b) In the case of radio access lines, within the licensed  
36 service area of the home service provider.

37 ~~((8))~~ (10) "Prepaid wireless telecommunications service" means  
38 a telecommunications service that provides the right to use mobile  
39 wireless service as well as other nontelecommunications services  
40 including the download of digital products delivered electronically,

1 content, and ancillary services, which must be paid for in full in  
2 advance and sold in predetermined units or dollars of which the  
3 number declines with use in a known amount.

4 ~~((9))~~ (11) "Private telecommunications system" has the meaning  
5 ascribed to it in RCW 80.04.010.

6 ~~((10))~~ (12) "Radio access line" means the telephone number  
7 assigned to or used by a subscriber for two-way local wireless voice  
8 service available to the public for hire from a radio communications  
9 service company. Radio access lines include, but are not limited to,  
10 radio-telephone communications lines used in cellular telephone  
11 service, personal communications services, and network radio access  
12 lines, or their functional and competitive equivalent. Radio access  
13 lines do not include lines that provide access to one-way signaling  
14 service, such as paging service, or to communications channels  
15 suitable only for data transmission, or to nonlocal radio access line  
16 service, such as wireless roaming service, or to a private  
17 telecommunications system.

18 ~~((11))~~ (13) "Radio communications service company" ~~((has the~~  
19 ~~meaning ascribed to it in RCW 80.04.010, except that it does not~~  
20 ~~include radio paging providers. It does include those persons or~~  
21 ~~entities that provide commercial mobile radio services, as defined by~~  
22 ~~47 U.S.C. Sec. 332(d)(1), and both facilities-based and~~  
23 ~~nonfacilities-based resellers)) means every corporation, company,~~  
24 association, joint stock, partnership, and person, their lessees,  
25 trustees, or receivers appointed by any court, and every city or town  
26 making available facilities to provide commercial mobile radio  
27 services, as defined by 47 U.S.C. Sec. 332(d)(1), or cellular  
28 communications services for hire, sale, and both facilities-based and  
29 nonfacilities-based resellers, and does not include radio paging  
30 providers.

31 ~~((12))~~ (14) "Retail transaction" means the purchase of prepaid  
32 wireless telecommunications service from a seller for any purpose  
33 other than resale.

34 ~~((13))~~ (15) "Seller" means a person who sells prepaid wireless  
35 telecommunications service to another person.

36 ~~((14))~~ (16) "Subscriber" means the retail purchaser of  
37 telecommunications service, a competitive telephone service, or  
38 interconnected voice over internet protocol service. "Subscriber"  
39 does not include a consumer, as defined in this section.

1        (~~(15)~~) (17) "Switched access line" means the telephone service  
2 line which connects a subscriber's main telephone(s) or equivalent  
3 main telephone(s) to the local exchange company's switching office.

4        **Sec. 21.** RCW 82.14B.030 and 2013 2nd sp.s. c 8 s 105 are each  
5 amended to read as follows:

6        Subject to the enactment into law of the 2013 amendments to RCW  
7 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the  
8 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of  
9 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in  
10 section 109, chapter 8, Laws of 2013 2nd sp. sess.:

11        (1) The legislative authority of a county may impose a county  
12 (~~enhanced~~) 911 excise tax on the use of switched access lines in an  
13 amount not exceeding seventy cents per month for each switched access  
14 line. The amount of tax must be uniform for each switched access  
15 line. Each county must provide notice of the tax to all local  
16 exchange companies serving in the county at least sixty days in  
17 advance of the date on which the first payment is due. The tax  
18 imposed under this subsection must be remitted to the department by  
19 local exchange companies on a tax return provided by the department.  
20 The tax must be deposited in the county (~~enhanced~~) 911 excise tax  
21 account as provided in RCW 82.14B.063.

22        (2)(a) The legislative authority of a county may also impose a  
23 county (~~enhanced~~) 911 excise tax on the use of radio access lines:

24        (i) By subscribers whose place of primary use is located within  
25 the county in an amount not exceeding seventy cents per month for  
26 each radio access line. The amount of tax must be uniform for each  
27 radio access line under this subsection (2)(a)(i); and

28        (ii) By consumers whose retail transaction occurs within the  
29 county in an amount not exceeding seventy cents per retail  
30 transaction. The amount of tax must be uniform for each retail  
31 transaction under this subsection (2)(a)(ii).

32        (b) The county must provide notice of the tax to all radio  
33 communications service companies serving in the county at least sixty  
34 days in advance of the date on which the first payment is due. The  
35 tax imposed under this section must be remitted to the department by  
36 radio communications service companies, including those companies  
37 that resell radio access lines, and sellers of prepaid wireless  
38 telecommunications services, on a tax return provided by the



1 department. The tax must be deposited in the county ((enhanced)) 911  
2 excise tax account as provided in RCW 82.14B.063.

3 (3) (a) The legislative authority of a county may impose a county  
4 ((enhanced)) 911 excise tax on the use of interconnected voice over  
5 internet protocol service lines in an amount not exceeding seventy  
6 cents per month for each interconnected voice over internet protocol  
7 service line. The amount of tax must be uniform for each line and  
8 must be levied on no more than the number of voice over internet  
9 protocol service lines on an account that are capable of simultaneous  
10 unrestricted outward calling to the public switched telephone  
11 network.

12 (b) The interconnected voice over internet protocol service  
13 company must use the place of primary use of the subscriber to  
14 determine which county's ((enhanced)) 911 excise tax applies to the  
15 service provided to the subscriber.

16 (c) The tax imposed under this section must be remitted to the  
17 department by interconnected voice over internet protocol service  
18 companies on a tax return provided by the department.

19 (d) The tax must be deposited in the county ((enhanced)) 911  
20 excise tax account as provided in RCW 82.14B.063.

21 (e) To the extent that a local exchange carrier and an  
22 interconnected voice over internet protocol service company  
23 contractually jointly provide a single service line, only one service  
24 company is responsible for remitting the ((enhanced)) 911 excise  
25 taxes, and nothing in this section precludes service companies who  
26 jointly provide service from agreeing by contract which of them must  
27 remit the taxes collected.

28 (4) Counties imposing a county ((enhanced)) 911 excise tax must  
29 provide an annual update to the ((enhanced)) 911 coordinator  
30 detailing the proportion of their county ((enhanced)) 911 excise tax  
31 that is being spent on:

32 (a) Efforts to modernize their existing ((enhanced)) 911  
33 communications system; and

34 (b) ((Enhanced)) 911 operational costs.

35 (5) A state ((enhanced)) 911 excise tax is imposed on all  
36 switched access lines in the state. The amount of tax may not exceed  
37 twenty-five cents per month for each switched access line. The tax  
38 must be uniform for each switched access line. The tax imposed under  
39 this subsection must be remitted to the department by local exchange  
40 companies on a tax return provided by the department. Tax proceeds

1 must be deposited by the treasurer in the ((enhanced)) 911 account  
2 created in RCW 38.52.540.

3 (6) (a) A state ((enhanced)) 911 excise tax is imposed on the use  
4 of all radio access lines:

5 (i) By subscribers whose place of primary use is located within  
6 the state in an amount of twenty-five cents per month for each radio  
7 access line. The tax must be uniform for each radio access line under  
8 this subsection (6) (a) (i); and

9 (ii) By consumers whose retail transaction occurs within the  
10 state in an amount of twenty-five cents per retail transaction. The  
11 tax must be uniform for each retail transaction under this subsection  
12 (6) (a) (ii). Until July 1, 2018, a seller of prepaid wireless  
13 telecommunications service may charge an additional five cents per  
14 retail transaction as compensation for the cost of collecting and  
15 remitting the tax.

16 (b) The tax imposed under this section must be remitted to the  
17 department by radio communications service companies, including those  
18 companies that resell radio access lines, and sellers of prepaid  
19 wireless telecommunications service, on a tax return provided by the  
20 department. Tax proceeds must be deposited by the treasurer in the  
21 ((enhanced)) 911 account created in RCW 38.52.540. The tax imposed  
22 under this section is not subject to the state sales and use tax or  
23 any local tax.

24 (7) For purposes of the state and county ((enhanced)) 911 excise  
25 taxes imposed by subsections (2) and (6) of this section, the retail  
26 transaction is deemed to occur at the location where the transaction  
27 is sourced to under RCW 82.32.520 (3) (c).

28 (8) A state ((enhanced)) 911 excise tax is imposed on all  
29 interconnected voice over internet protocol service lines in the  
30 state. The amount of tax may not exceed twenty-five cents per month  
31 for each interconnected voice over internet protocol service line  
32 whose place of primary use is located in the state. The amount of tax  
33 must be uniform for each line and must be levied on no more than the  
34 number of voice over internet protocol service lines on an account  
35 that are capable of simultaneous unrestricted outward calling to the  
36 public switched telephone network. The tax imposed under this  
37 subsection must be remitted to the department by interconnected voice  
38 over internet protocol service companies on a tax return provided by  
39 the department. Tax proceeds must be deposited by the treasurer in  
40 the ((enhanced)) 911 account created in RCW 38.52.540.

1 (9) For calendar year 2011, the taxes imposed by subsections (5)  
2 and (8) of this section must be set at their maximum rate. By August  
3 31, 2011, and by August 31st of each year thereafter, the state  
4 ((enhanced)) 911 coordinator must recommend the level for the next  
5 year of the state ((enhanced)) 911 excise tax imposed by subsections  
6 (5) and (8) of this section, based on a systematic cost and revenue  
7 analysis, to the utilities and transportation commission. The  
8 commission must by the following October 31st determine the level of  
9 the state ((enhanced)) 911 excise taxes imposed by subsections (5)  
10 and (8) of this section for the following year.

11 **Sec. 22.** RCW 82.14B.040 and 2013 2nd sp.s. c 8 s 103 are each  
12 amended to read as follows:

13 Subject to the enactment into law of the 2013 amendments to RCW  
14 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the  
15 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of  
16 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in  
17 section 109, chapter 8, Laws of 2013 2nd sp. sess.:

18 (1) Except as provided otherwise in subsection (2) of this  
19 section:

20 (a) The state ((enhanced)) 911 excise tax and the county  
21 ((enhanced)) 911 excise tax on switched access lines must be  
22 collected from the subscriber by the local exchange company providing  
23 the switched access line.

24 (b) The state ((enhanced)) 911 excise tax and the county  
25 ((enhanced)) 911 excise tax on radio access lines must be collected  
26 from the subscriber by the radio communications service company,  
27 including those companies that resell radio access lines, providing  
28 the radio access line to the subscriber, and the seller of prepaid  
29 wireless telecommunications service.

30 (c) The state and county ((enhanced)) 911 excise taxes on  
31 interconnected voice over internet protocol service lines must be  
32 collected from the subscriber by the interconnected voice over  
33 internet protocol service company providing the interconnected voice  
34 over internet protocol service line to the subscriber.

35 (d) The amount of the tax must be stated separately on the  
36 billing statement which is sent to the subscriber.

37 (2)(a) The state and county ((enhanced)) 911 excise taxes imposed  
38 by this chapter must be collected from the consumer by the seller of

1 a prepaid wireless telecommunications service for each retail  
2 transaction occurring in this state.

3 (b) The department must transfer all tax proceeds remitted by a  
4 seller under this subsection (2) as provided in RCW 82.14B.030 (2)  
5 and (6).

6 (c) The taxes required by this subsection to be collected by the  
7 seller must be separately stated in any sales invoice or instrument  
8 of sale provided to the consumer.

9 **Sec. 23.** RCW 82.14B.042 and 2013 2nd sp.s. c 8 s 104 are each  
10 amended to read as follows:

11 Subject to the enactment into law of the 2013 amendments to RCW  
12 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the  
13 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of  
14 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in  
15 section 109, chapter 8, Laws of 2013 2nd sp. sess.:

16 (1)(a) The state and county (~~enhanced~~) 911 excise taxes imposed  
17 by this chapter must be paid by:

18 (i) The subscriber to the local exchange company providing the  
19 switched access line, the radio communications service company  
20 providing the radio access line, or the interconnected voice over  
21 internet protocol service company providing the interconnected voice  
22 over internet protocol service line; or

23 (ii) The consumer to the seller of prepaid wireless  
24 telecommunications service.

25 (b) Each local exchange company, each radio communications  
26 service company, and each interconnected voice over internet protocol  
27 service company must collect from the subscriber, and each seller of  
28 prepaid wireless telecommunications service must collect from the  
29 consumer, the full amount of the taxes payable. The state and county  
30 (~~enhanced~~) 911 excise taxes required by this chapter to be  
31 collected by a company or seller, are deemed to be held in trust by  
32 the company or seller until paid to the department. Any local  
33 exchange company, radio communications service company, seller of  
34 prepaid wireless telecommunications service, or interconnected voice  
35 over internet protocol service company that appropriates or converts  
36 the tax collected to its own use or to any use other than the payment  
37 of the tax to the extent that the money collected is not available  
38 for payment on the due date as prescribed in this chapter is guilty  
39 of a gross misdemeanor.

1 (2) If any local exchange company, radio communications service  
2 company, seller of prepaid wireless telecommunications service, or  
3 interconnected voice over internet protocol service company fails to  
4 collect the state or county ((enhanced)) 911 excise tax or, after  
5 collecting the tax, fails to pay it to the department in the manner  
6 prescribed by this chapter, whether such failure is the result of its  
7 own act or the result of acts or conditions beyond its control, the  
8 company or seller is personally liable to the state for the amount of  
9 the tax, unless the company or seller has taken from the buyer in  
10 good faith documentation, in a form and manner prescribed by the  
11 department, stating that the buyer is not a subscriber or consumer or  
12 is otherwise not liable for the state or county ((enhanced)) 911  
13 excise tax.

14 (3) The amount of tax, until paid by the subscriber to the local  
15 exchange company, the radio communications service company, the  
16 interconnected voice over internet protocol service company, or to  
17 the department, or until paid by the consumer to the seller of  
18 prepaid wireless telecommunications service, or to the department,  
19 constitutes a debt from the subscriber to the company, or from the  
20 consumer to the seller. Any company or seller that fails or refuses  
21 to collect the tax as required with intent to violate the provisions  
22 of this chapter or to gain some advantage or benefit, either direct  
23 or indirect, and any subscriber or consumer who refuses to pay any  
24 tax due under this chapter is guilty of a misdemeanor. The state and  
25 county ((enhanced)) 911 excise taxes required by this chapter to be  
26 collected by the local exchange company, radio communications service  
27 company, or interconnected voice over internet protocol service  
28 company must be stated separately on the billing statement that is  
29 sent to the subscriber.

30 (4) If a subscriber has failed to pay to the local exchange  
31 company, radio communications service company, or interconnected  
32 voice over internet protocol service company, or a consumer has  
33 failed to pay to the seller of prepaid wireless telecommunications  
34 service, the state or county ((enhanced)) 911 excise taxes imposed by  
35 this chapter and the company or seller has not paid the amount of the  
36 tax to the department, the department may, in its discretion, proceed  
37 directly against the subscriber or consumer for collection of the  
38 tax, in which case a penalty of ten percent may be added to the  
39 amount of the tax for failure of the subscriber or consumer to pay  
40 the tax to the company or seller, regardless of when the tax is

1 collected by the department. Tax under this chapter is due as  
2 provided under RCW 82.14B.061.

3 **Sec. 24.** RCW 82.14B.050 and 1981 c 160 s 5 are each amended to  
4 read as follows:

5 The proceeds of any tax collected under this chapter shall be  
6 used by the state or county only for the ((emergency services  
7 communication system)) 911 emergency communications system and its  
8 administrative and operational costs.

9 **Sec. 25.** RCW 82.14B.060 and 2010 1st sp.s. c 19 s 8 are each  
10 amended to read as follows:

11 A county legislative authority imposing a tax under this chapter  
12 must establish by ordinance all necessary and appropriate procedures  
13 for the administration of the county ((enhanced)) 911 excise taxes by  
14 the department. A county legislative authority imposing a tax under  
15 this chapter must provide the department notification of the  
16 imposition of the tax or a change in the tax no less than seventy-  
17 five days before the effective date of the imposition of the tax or  
18 the change in the tax.

19 **Sec. 26.** RCW 82.14B.061 and 2010 1st sp.s. c 19 s 9 are each  
20 amended to read as follows:

21 (1) The department must administer and adopt rules as may be  
22 necessary to enforce and administer the state and county ((enhanced))  
23 911 excise taxes imposed or authorized by this chapter. Chapter 82.32  
24 RCW, with the exception of RCW 82.32.045, 82.32.145, and 82.32.380,  
25 applies to the administration, collection, and enforcement of the  
26 state and county ((enhanced)) 911 excise taxes.

27 (2) The state and county ((enhanced)) 911 excise taxes imposed or  
28 authorized by this chapter, along with reports and returns on forms  
29 prescribed by the department, are due at the same time the taxpayer  
30 reports other taxes under RCW 82.32.045. If no other taxes are  
31 reported under RCW 82.32.045, the taxpayer must remit tax on an  
32 annual basis in accordance with RCW 82.32.045.

33 (3) The department may relieve any taxpayer or class of taxpayers  
34 from the obligation of remitting monthly and may require the return  
35 to cover other longer reporting periods, but in no event may returns  
36 be filed for a period greater than one year.

1 (4) The state and county (~~enhanced~~) 911 excise taxes imposed or  
2 authorized by this chapter are in addition to any taxes imposed upon  
3 the same persons under chapters 82.08, 82.12, and 82.14 RCW.

4 (5) Returns must be filed electronically using the department's  
5 online tax filing service or other method of electronic reporting as  
6 the department may authorize as provided in RCW 82.32.080.

7 **Sec. 27.** RCW 82.14B.063 and 2010 1st sp.s. c 19 s 4 are each  
8 amended to read as follows:

9 (1) Counties imposing the (~~enhanced~~) 911 excise tax under RCW  
10 82.14B.030 must contract with the department for the administration  
11 and collection of the tax. The department may deduct a percentage  
12 amount, as provided by contract, of no more than two percent of the  
13 (~~enhanced~~) 911 excise taxes collected to cover administration and  
14 collection expenses incurred by the department. If a county imposes  
15 (~~an enhanced~~) a 911 excise tax with an effective date of January 1,  
16 2011, the county must contract with the department for the  
17 administration and collection of the tax by October 15, 2010.

18 (2) The remainder of any portion of the county (~~enhanced~~) 911  
19 excise tax under RCW 82.14B.030 that is collected by the department  
20 must be deposited in the county (~~enhanced~~) 911 excise tax account  
21 hereby created in the custody of the state treasurer. Expenditures  
22 from the account may be used only for distribution to counties  
23 imposing the (~~enhanced~~) 911 excise tax. Only the director of the  
24 department or his or her designee may authorize expenditures from the  
25 account. The account is not subject to allotment procedures under  
26 chapter 43.88 RCW, and an appropriation is not required for  
27 expenditures.

28 **Sec. 28.** RCW 82.14B.065 and 2010 1st sp.s. c 19 s 5 are each  
29 amended to read as follows:

30 (1) All moneys that accrue in the county (~~enhanced~~) 911 excise  
31 tax account created in RCW 82.14B.063 must be distributed monthly to  
32 the counties in the amount of the taxes collected on behalf of each  
33 county, minus the administration and collection fee retained by the  
34 department as provided in RCW 82.14B.063.

35 (2) If a county imposes by resolution or ordinance (~~an~~  
36 ~~enhanced~~) a 911 excise tax that is in excess of the maximum  
37 allowable county (~~enhanced~~) 911 excise tax provided in RCW  
38 82.14B.030, the ordinance or resolution may not be considered void in

1 its entirety, but only with respect to that portion of the  
2 (~~enhanced~~) 911 excise tax that is in excess of the maximum  
3 allowable tax.

4 **Sec. 29.** RCW 82.14B.150 and 2010 1st sp.s. c 19 s 10 are each  
5 amended to read as follows:

6 (1) A local exchange company, radio communications service  
7 company, or interconnected voice over internet protocol service  
8 company must file tax returns on a cash receipts or accrual basis  
9 according to which method of accounting is regularly employed in  
10 keeping the books of the company. A company filing returns on a cash  
11 receipts basis is not required to pay tax on debt subject to credit  
12 or refund under subsection (2) of this section.

13 (2) A local exchange company, radio communications service  
14 company, or interconnected voice over internet protocol service  
15 company is entitled to a credit or refund for state and county  
16 (~~enhanced~~) 911 excise taxes previously paid on bad debts, as that  
17 term is used in 26 U.S.C. Sec. 166, as amended or renumbered as of  
18 January 1, 2003.

19 **Sec. 30.** RCW 82.14B.200 and 2013 2nd sp.s. c 8 s 106 are each  
20 amended to read as follows:

21 Subject to the enactment into law of the 2013 amendments to RCW  
22 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the  
23 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of  
24 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in  
25 section 109, chapter 8, Laws of 2013 2nd sp. sess.:

26 (1) Unless a seller, local exchange company, radio communications  
27 service company, or interconnected voice over internet protocol  
28 service company has taken from the buyer documentation, in a form and  
29 manner prescribed by the department, stating that the buyer is not a  
30 subscriber, consumer, or is otherwise not liable for the tax, the  
31 burden of proving that a sale of the use of a switched access line,  
32 radio access line, or interconnected voice over internet protocol  
33 service line was not a sale to a subscriber, consumer, or was not  
34 otherwise subject to the tax is upon the person who made the sale.

35 (2) If a seller, local exchange company, radio communications  
36 service company, or interconnected voice over internet protocol  
37 service company does not receive documentation, in a form and manner  
38 prescribed by the department, stating that the buyer is not a



1 subscriber, consumer, or is otherwise not liable for the tax at the  
2 time of the sale, have such documentation on file at the time of the  
3 sale, or obtain such documentation from the buyer within a reasonable  
4 time after the sale, the seller, local exchange company, radio  
5 communications service company, or interconnected voice over internet  
6 protocol service company remains liable for the tax as provided in  
7 RCW 82.14B.042, unless the seller, local exchange company, radio  
8 communications service company, or interconnected voice over internet  
9 protocol service company can demonstrate facts and circumstances  
10 according to rules adopted by the department that show the sale was  
11 properly made without payment of the state or county ((enhanced)) 911  
12 excise tax.

13 (3) The penalty imposed by RCW 82.32.291 may not be assessed on  
14 state or county ((enhanced)) 911 excise taxes due but not paid as a  
15 result of the improper use of documentation stating that the buyer is  
16 not a subscriber or consumer or is otherwise not liable for the state  
17 or county ((enhanced)) 911 excise tax. This subsection does not  
18 prohibit or restrict the application of other penalties authorized by  
19 law.

20 **Sec. 31.** RCW 82.14B.210 and 1998 c 304 s 11 are each amended to  
21 read as follows:

22 (1) Upon termination, dissolution, or abandonment of a corporate  
23 or limited liability company business, any officer, member, manager,  
24 or other person having control or supervision of state ((enhanced))  
25 911 excise tax funds collected and held in trust under RCW  
26 82.14B.042, or who is charged with the responsibility for the filing  
27 of returns or the payment of state ((enhanced)) 911 excise tax funds  
28 collected and held in trust under RCW 82.14B.042, is personally  
29 liable for any unpaid taxes and interest and penalties on those  
30 taxes, if such officer or other person willfully fails to pay or to  
31 cause to be paid any state ((enhanced)) 911 excise taxes due from the  
32 corporation under this chapter. For the purposes of this section, any  
33 state ((enhanced)) 911 excise taxes that have been paid but not  
34 collected are deductible from the state ((enhanced)) 911 excise taxes  
35 collected but not paid. For purposes of this subsection "willfully  
36 fails to pay or to cause to be paid" means that the failure was the  
37 result of an intentional, conscious, and voluntary course of action.

38 (2) The officer, member, manager, or other person is liable only  
39 for taxes collected that became due during the period he or she had

1 the control, supervision, responsibility, or duty to act for the  
2 corporation described in subsection (1) of this section, plus  
3 interest and penalties on those taxes.

4 (3) Persons liable under subsection (1) of this section are  
5 exempt from liability if nonpayment of the state (~~enhanced~~) 911  
6 excise tax funds held in trust is due to reasons beyond their control  
7 as determined by the department by rule.

8 (4) Any person having been issued a notice of assessment under  
9 this section is entitled to the appeal procedures under RCW 82.32.160  
10 through 82.32.200.

11 (5) This section applies only if the department has determined  
12 that there is no reasonable means of collecting the state  
13 (~~enhanced~~) 911 excise tax funds held in trust directly from the  
14 corporation.

15 (6) This section does not relieve the corporation or limited  
16 liability company of other tax liabilities or otherwise impair other  
17 tax collection remedies afforded by law.

18 (7) Collection authority and procedures prescribed in chapter  
19 82.32 RCW apply to collections under this section.

20 NEW SECTION. **Sec. 32.** RCW 38.52.530 (Enhanced 911 advisory  
21 committee) and 2010 1st sp.s. c 19 § 16, 2010 1st sp.s. c 7 s 51,  
22 2006 c 210 s 1, 2002 c 341 s 3, 2000 c 34 s 1, 1997 c 49 s 7, & 1991  
23 c 54 s 5 are each repealed.

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