

HOUSE BILL NO. HB0207

Emergency telephone service.

Sponsored by: Representative(s) Cohee, Edwards, Gentile  
and McOmie and Senator(s) Barrasso and Peck

A BILL

for

1 AN ACT relating to emergency telephone service; providing  
2 definitions; raising surcharges; modifying use of funds  
3 collected; providing immunity in specified situations; and  
4 providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 16-9-108 is created to read:

9

10 **16-9-108. Immunity for providers.**

11

12 No basic emergency service provider or service supplier and  
13 no employee or agent thereof shall be liable to any person  
14 or entity for infringement or invasion of the right of  
15 privacy of any person caused or claimed to have been  
16 caused, directly or indirectly, by any act or omission in

1 connection with the installation, operation, maintenance,  
2 removal, presence, condition, occasion or use of emergency  
3 service features, automatic number identification or  
4 automatic location identification services and the  
5 equipment associated therewith, including the  
6 identification of the telephone number, address or name  
7 associated with the telephone used by the person accessing  
8 911 service, wireless automatic number identification or  
9 wireless automatic location identification service. A  
10 governmental entity, public safety agency, local exchange  
11 access company, telephone exchange access company or  
12 wireless carrier that provides access to an emergency  
13 system or any officers, agents or employees thereof is not  
14 liable as a result of any act or omission except willful  
15 and wanton misconduct or gross negligence in connection  
16 with developing, adopting, operating or implementing  
17 emergency telephone service, enhanced wireless 911 service  
18 or any 911 system.

19

20 **Section 2.** W.S. 16-9-102(a)(iii) through (v), (viii),  
21 (ix) and by creating new paragraphs (xi) through (xvi),  
22 16-9-103(b) through (h) and by creating a new subsection  
23 (j) and 16-9-104 through 16-9-106 are amended to read:

24

1           **16-9-102. Definitions.**

2

3           (a) As used in this act:

4

5                   (iii) "Local exchange access line" means any  
6 land line telephone line that connects a telephone  
7 subscriber to the local switching office and has the  
8 capability of reaching local public safety service agencies  
9 by voice communication;

10

11                   (iv) "911 emergency reporting system" or "911  
12 system" means a telephone system consisting of network,  
13 database, services and ~~on-premises~~ equipment, including  
14 operating and personnel costs as specified in W.S.  
15 16-9-105, using the single three-digit number 911 for  
16 reporting police, fire, medical or other emergency  
17 situations and enabling the users of a public telephone  
18 system, other technology or wireless telecommunications  
19 system to reach a public safety answering point to report  
20 emergencies by dialing 911. The level of technology for  
21 provision of the 911 emergency reporting system is to be  
22 determined by the governing body and may include enhanced  
23 wireless 911 services, however, the 911 system shall  
24 include a device for telecommunications for the deaf;

1

2

3

4

5

6

7

8

9

10 16-9-105;

11

12

13

14

15

16

17

18

19

20

21

22

23

(v) "911 emergency surcharge" is a charge on service users within the governing body's designated 911 service area set by the governing body in accordance with this act and assessed on each service user's local exchange access ~~line which physically terminates within the governing body's designated 911 service area~~ lines and wireless communications access to pay the directly related costs of a 911 system as authorized in accordance with W.S. 16-9-105;

(viii) "Service supplier" means any utility, person or entity providing or offering to provide 911 system equipment, database installation, maintenance or local exchange access, wireless communication access or other technological device that under normal operation is designed or routinely used to access 911 services within the 911 service access area;

(ix) "Service user" means any person within the local government's designated 911 service area who is provided local exchange access ~~exchange~~ telephone service, ~~in this state~~ wireless communication access service or

1 other technological device that under normal operation is  
2 designed or routinely used to access 911;

3  
4 (xi) "Enhanced wireless 911 service" means any  
5 enhanced 911 service so designated by the Federal  
6 Communications Commission, including wireless automatic  
7 location identification and automatic number  
8 identification;

9  
10 (xii) "Wireless automatic location  
11 identification" means the definition supplied by the  
12 Federal Communication Commission regulation that provides  
13 for the automatic display on equipment at the public safety  
14 answering point of the location of the wireless service  
15 user initiating a 911 call to the public safety answering  
16 point;

17  
18 (xiii) "Wireless automatic number  
19 identification" means the definition supplied by the  
20 Federal Communication Commission regulation that allows  
21 the mobile identification number of the wireless service  
22 user initiating a 911 call to the public safety answering  
23 point;

24

1           (xiv) "Wireless carrier" means a provider of  
2 commercial mobile services or any other radio communication  
3 service that the Federal Communications Commission requires  
4 to provide wireless 911 service;

5  
6           (xv) "Wireless communications access" means the  
7 radio equipment and assigned mobile identification number  
8 used to connect a wireless customer to a wireless carrier  
9 for two-way interactive voice or voice capable services;

10  
11           (xvi) "Wireless 911 service" means any 911  
12 service provided by a wireless carrier, including enhanced  
13 wireless 911 service.

14  
15           **16-9-103. Imposition of charge; liability of user for**  
16 **charge; collection; uncollected amounts; discontinuing**  
17 **service prohibited.**

18  
19           (b) In accordance with the provisions of this  
20 subsection, and after a public hearing the governing body  
21 may, by ordinance in the case of cities and by resolution  
22 in the case of counties or special districts, impose a  
23 monthly uniform ~~charge~~ surchage on service users within  
24 its designated 911 service area in an amount not to exceed

1 ~~fifty cents (\$.50)~~ seventy-five cents (\$.75) per month on  
2 each local exchange access line, ~~in those portions of the~~  
3 ~~governing body's jurisdiction for which the 911 system is~~  
4 ~~to be provided~~ per wireless communications access or other  
5 technological device that under normal operation is  
6 designed or routinely used to access 911. Only one (1)  
7 governing body may impose a ~~charge~~ 911 emergency surcharge  
8 for each 911 system. Regardless of the level at which the  
9 charge is set, if an assessment is made on both local  
10 exchange access facilities and wireless communications  
11 access, the amount of the charge imposed per local exchange  
12 access facility and the amount of the charge imposed per  
13 wireless communications access or access by other  
14 technological device that under normal operation is  
15 designed or routinely used to access 911, shall be equal.  
16 The proceeds of the ~~charge~~ 911 emergency surcharge shall be  
17 set aside in an enterprise fund or other separate ~~account~~  
18 accounts from which the receipts shall be used to pay for  
19 the 911 system ~~pursuant to this chapter~~ costs authorized in  
20 W.S. 16-9-105, and may be imposed at any time following the  
21 execution of an agreement with the provider of the service  
22 at the discretion of the governing body.

23

1 (c) No ~~charge~~911 emergency surcharge shall be  
2 imposed upon more than one hundred (100) local exchange  
3 access lines or their equivalent per customer billing.

4  
5 (d) Collection of any ~~charge~~911 emergency surcharge  
6 from a service user pursuant to this chapter shall commence  
7 at the time specified by the governing body in accordance  
8 with this act. Charges imposed under this chapter and  
9 required to be collected by the ~~local exchange access~~  
10 ~~company~~service supplier shall be added to and stated  
11 separately in the billings to the service user.

12  
13 (e) Every billed service user shall be liable for any  
14 ~~charge~~911 emergency surcharge imposed under this chapter  
15 until it has been paid to the ~~local exchange access company~~  
16 service supplier or governing body.

17  
18 (f) An action to collect ~~charges~~surcharges under  
19 subsection (d) of this section may be brought by or on  
20 behalf of the public agency imposing the charge. The ~~local~~  
21 ~~exchange access company~~service supplier shall annually  
22 provide the governing body a list of the amounts  
23 uncollected along with the names and addresses of



1 delinquent service users. The ~~local exchange access company~~  
2 service supplier is not liable for uncollected amounts.

3

4 (g) Any ~~charge~~ 911 emergency surcharge imposed under  
5 this chapter shall be collected at the time charges for the  
6 ~~local exchange access~~ telecommunications are collected  
7 under the regular billing practice of the ~~local exchange~~  
8 ~~access company~~ service supplier.

9

10 (h) Service shall not be discontinued to any service  
11 user by any ~~local exchange access company~~ service supplier  
12 for the nonpayment of any surcharge under this act.

13

14 (j) The 911 emergency surcharge imposed pursuant to  
15 this section shall only be imposed upon service users whose  
16 address is in those portions of the governing body's  
17 jurisdiction for which emergency telephone service shall be  
18 provided; however, such 911 emergency surcharge shall not  
19 be imposed upon any state or local governmental entity.

20

21 **16-9-104. Remittance of charge to the governing body;**  
22 **administrative fee; establishment of rate of charge.**

23

1           (a) Any charge imposed under this chapter and the  
2 amounts collected are to be remitted quarterly. The amount  
3 of the charge collected in one (1) calendar quarter by the  
4 ~~local exchange access company~~ service supplier shall be  
5 remitted to the governing body no later than fifteen (15)  
6 days after the close of the calendar quarter. On or before  
7 the sixteenth day of each month following the preceding  
8 calendar quarter, a return for the preceding quarter shall  
9 be filed with the governing body in a form the governing  
10 body and ~~local exchange access company~~ service supplier  
11 agree upon. The ~~local exchange access company~~ service  
12 supplier required to file the return shall deliver the  
13 return together with the remittance of the amount of the  
14 charge payable to the governing body. The ~~local exchange~~  
15 ~~access company~~ service supplier shall maintain a record of  
16 the amount of each charge collected pursuant to this  
17 chapter. The record shall be maintained for a period of  
18 one (1) year after the time the charge was collected.

19

20           (b) The ~~local exchange access company~~ service  
21 supplier remitting the charges collected under this chapter  
22 may deduct and retain one percent (1%) of the charges  
23 collected as the cost of administration for collecting the  
24 charges.

1

2 (c) At least once each calendar year, the governing  
3 body shall establish a rate of charge not to exceed the  
4 amount authorized. Amounts collected in excess of necessary  
5 expenditures within any fiscal year shall be carried  
6 forward to subsequent years and shall only be used for the  
7 purposes set forth in W.S. 16-9-105. The governing body  
8 shall fix the rate, publish notice of its new rate and  
9 notify by mail every local exchange access company at least  
10 ninety (90) days before the new rate becomes effective.  
11 The governing body may at its own expense require an annual  
12 audit of the ~~local exchange access company's~~ service  
13 supplier's books and records concerning the collection and  
14 remittance of the charge authorized by this chapter.

15

16 **16-9-105. Agreements or contract for 911 emergency**  
17 **reporting systems; use of funds collected.**

18

19 (a) Any governing body imposing the charge authorized  
20 by this chapter may enter into an agreement directly with  
21 ~~the any~~ service supplier ~~of to~~ the 911 system or may  
22 contract and cooperate with any public agency or any other  
23 state for the administration of a 911 system in accordance  
24 with law.

1

2 (b) Funds collected from the ~~charge~~ 911 emergency  
3 surcharge imposed pursuant to this chapter shall be spent  
4 solely to pay for ~~the~~ public safety answering point and  
5 service suppliers' equipment and service costs,  
6 installation costs, maintenance costs, monthly recurring  
7 charges and other costs directly related to the continued  
8 operation of a 911 system including enhanced wireless 911  
9 service. Funds may also be expended for personnel expenses  
10 necessarily incurred by a public safety answering point.  
11 "Personnel expenses necessarily incurred" means expenses  
12 incurred for persons employed to:

13

14 (i) Take emergency telephone calls and dispatch  
15 them appropriately; or

16

17 (ii) Maintain the computer data base of the  
18 public safety answering point.

19

20 (c) Funds collected from the charge pursuant to this  
21 chapter shall be credited to a cash account separate from  
22 the general fund of the public agency, for payments for  
23 public safety answering points and service supplier costs  
24 pursuant to ~~subsection~~ subsections (b) and (d) of this

1 section. Any monies remaining in the cash account at the  
2 end of any fiscal year shall remain in the account for  
3 payments during any succeeding year. If any 911 system is  
4 discontinued, monies remaining in the account shall, after  
5 all payments to the service supplier pursuant to subsection  
6 (b) of this section, be transferred to the general fund of  
7 the public agency or proportionately to the general fund of  
8 each participating public agency.

9  
10 **16-9-106. Private listing and wireless subscribers,**  
11 **911 service.**

12  
13 Private listing and wireless subscribers in 911 service  
14 areas waive privacy afforded by nonlisted or nonpublished  
15 numbers to the extent that the name and address associated  
16 with the telephone number may be furnished to the 911  
17 system, for call routing, for automatic retrieval of  
18 location information and for associated emergency services.

19  
20 **Section 3.** This act is effective July 1, 2003.

21  
22 (END)