

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2003 GENERAL SESSION

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

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

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

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

No basic emergency service provider or service supplier and no employee or agent thereof shall be liable to any person or entity for infringement or invasion of the right of privacy of any person caused or claimed to have been caused, directly or indirectly, by any act or omission in connection with the installation, operation, maintenance, removal, presence, condition, occasion or use of emergency service features, automatic number identification or automatic location identification services and the equipment associated therewith, including the identification of the telephone number, address or name associated with the telephone used by the person accessing 911 service, wireless automatic number identification or wireless automatic location identification service. A governmental entity, public safety agency, local exchange access company, telephone exchange access company or wireless carrier that provides access to an emergency system or any officers, agents or employees thereof is not liable as a result of any act or omission except willful and wanton misconduct or gross negligence in connection with developing, adopting, operating or implementing emergency telephone service, enhanced wireless 911 service or any 911 system.

ORIGINAL HOUSE  
BILL NO. 0207

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2003 GENERAL SESSION

**Section 2.** W.S. 16-9-102(a)(iii) through (v), (viii), (ix) and by creating new paragraphs (xi) through (xvi) and 16-9-103 through 16-9-106 are amended to read:

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

(a) As used in this act:

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

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

(v) "911 emergency ~~surcharge tax~~" is a charge tax 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~~

ORIGINAL HOUSE  
BILL NO. 0207

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2003 GENERAL SESSION

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

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

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

(xiii) "Wireless automatic number identification" means the definition supplied by the Federal Communication Commission regulation that allows the mobile identification number of the wireless service

ORIGINAL HOUSE  
BILL NO. 0207

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2003 GENERAL SESSION

user initiating a 911 call to the public safety answering point;

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

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

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

**16-9-103. Imposition of tax; liability of user for tax; collection; uncollected amounts; discontinuing service prohibited.**

(a) In addition to any other powers for the protection of the public health, a governing body may incur any nonrecurring or recurring costs for the installation, maintenance or operation of a 911 system and may pay these costs by imposing a 911 emergency ~~surcharge~~tax for this service in those portions of the governing body's jurisdiction for which 911 service is to be provided.

(b) In accordance with the provisions of this subsection, and after a public hearing the governing body may, by ordinance in the case of cities and by resolution in the case of counties or special districts, impose a monthly uniform ~~charge~~tax on service users within its designated 911 service area in an amount not to exceed ~~fifty cents (\$.50)~~seventy-five cents (\$.75) per month on

ORIGINAL HOUSE  
BILL NO. 0207

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2003 GENERAL SESSION

each local exchange access line, ~~in those portions of the governing body's jurisdiction for which the 911 system is to be provided~~ per wireless communications access or other technological device that under normal operation is designed or routinely used to access 911. Only one (1) governing body may impose a ~~charge~~ 911 emergency tax for each 911 system. Regardless of the level at which the tax is set, if an assessment is made on both local exchange access facilities and wireless communications access, the amount of the tax imposed per local exchange access facility and the amount of the tax imposed per wireless communications access or access by other technological device that under normal operation is designed or routinely used to access 911, shall be equal. The proceeds of the ~~charge~~ 911 emergency tax shall be set aside in an enterprise fund or other separate ~~account~~ accounts from which the receipts shall be used to pay for the 911 system ~~pursuant to this chapter~~ costs authorized in W.S. 16-9-105, and may be imposed at any time following the execution of an agreement with the provider of the service at the discretion of the governing body.

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

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

(e) Every billed service user shall be liable for any ~~charge~~ 911 emergency tax imposed under this chapter until

ORIGINAL HOUSE  
BILL NO. 0207

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2003 GENERAL SESSION

it has been paid to the ~~local exchange access company~~  
service supplier or governing body.

(f) An action to collect ~~charges~~ taxes under subsection (d) of this section may be brought by or on behalf of the public agency imposing the ~~charge~~ tax. The ~~local exchange access company~~ service supplier shall annually provide the governing body a list of the amounts uncollected along with the names and addresses of delinquent service users. The ~~local exchange access company~~ service supplier is not liable for uncollected amounts.

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

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

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

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

(a) Any ~~charge~~ tax imposed under this chapter and the amounts collected are to be remitted quarterly. The amount of the ~~charge~~ tax collected in one (1) calendar quarter by the ~~local exchange access company~~ service supplier shall be

ORIGINAL HOUSE  
BILL NO. 0207

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2003 GENERAL SESSION

remitted to the governing body no later than fifteen (15) days after the close of the calendar quarter. On or before the sixteenth day of each month following the preceding calendar quarter, a return for the preceding quarter shall be filed with the governing body in a form the governing body and ~~local exchange access company~~ service supplier agree upon. The ~~local exchange access company~~ service supplier required to file the return shall deliver the return together with the remittance of the amount of the ~~charge tax~~ payable to the governing body. The ~~local exchange access company~~ service supplier shall maintain a record of the amount of each ~~charge tax~~ collected pursuant to this chapter. The record shall be maintained for a period of one (1) year after the time the ~~charge tax~~ was collected.

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

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

ORIGINAL HOUSE  
BILL NO. 0207

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2003 GENERAL SESSION

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

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

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

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

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

(c) Funds collected from the ~~charge~~tax pursuant to this chapter shall be credited to a cash account separate from the general fund of the public agency, for payments for public safety answering points and service supplier costs pursuant to ~~subsection~~subsections (b) and (d) of this section. Any monies remaining in the cash account at the end of any fiscal year shall remain in the account for payments during any succeeding year. If any 911 system is

ORIGINAL HOUSE  
BILL NO. 0207

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2003 GENERAL SESSION

discontinued, monies remaining in the account shall, after all payments to the service supplier pursuant to subsection (b) of this section, be transferred to the general fund of the public agency or proportionately to the general fund of each participating public agency.

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

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

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_  
DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk

ORIGINAL HOUSE  
BILL NO. 0207

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2003 GENERAL SESSION