

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; modifying accounting of funds; providing
4 immunity in specified situations; and providing for an
5 effective date.

6

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

8

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

10

11 **16-9-108. Immunity for providers.**

12

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

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

20

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

1

2 **16-9-102. Definitions.**

3

4 (a) As used in this act:

5

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

11

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

1 services, however, the 911 system shall include a device
2 for telecommunications for the deaf;

3
4 (v) "911 emergency surcharge" is a charge on
5 service users within the governing body's designated 911
6 service area set by the governing body in accordance with
7 this act and assessed on each service user's local exchange
8 access ~~line which physically terminates within the~~
9 ~~governing body's designated 911 service area~~ lines and
10 wireless communications access to pay the directly related
11 costs of a 911 system as authorized in accordance with W.S.
12 16-9-105;

13
14 (viii) "Service supplier" means any utility,
15 person or entity providing or offering to provide 911
16 system equipment, database installation, maintenance or
17 local exchange access or wireless communication access
18 services within the 911 service access area;

19
20 (ix) "Service user" means any person within the
21 local government's designated 911 service area who is
22 provided local exchange access ~~exchange~~ telephone service
23 ~~in this state~~ and any person within the local government's

1 designated 911 service area who is provided wireless
2 communication access;

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~~ or per wireless communications access. Only
5 one (1) governing body may impose a ~~charge~~ 911 emergency
6 surcharge for each 911 system. Regardless of the level at
7 which the charge is set, if an assessment is made on both
8 local exchange access facilities and wireless
9 communications access, the amount of the charge imposed per
10 local exchange access facility and the amount of the charge
11 imposed per wireless communications access, shall be equal.
12 The proceeds of the ~~charge~~ 911 emergency surcharge shall be
13 set aside in an enterprise fund or other separate ~~account~~
14 accounts from which the receipts shall be used to pay for
15 the 911 system ~~pursuant to this chapter~~ costs authorized in
16 W.S. 16-9-105, and may be imposed at any time following the
17 execution of an agreement with the provider of the service
18 at the discretion of the governing body.

19

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

23

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

8
9 (e) Every billed service user shall be liable for any
10 ~~charge~~ 911 emergency surcharge imposed under this chapter
11 until it has been paid to the ~~local exchange access company~~
12 service supplier or governing body.

13
14 (f) An action to collect ~~charges~~ surcharges under
15 subsection (d) of this section may be brought by or on
16 behalf of the public agency imposing the charge. The ~~local~~
17 ~~exchange access company~~ service supplier shall annually
18 provide the governing body a list of the amounts
19 uncollected along with the names and addresses of
20 delinquent service users. The ~~local exchange access company~~
21 service supplier is not liable for uncollected amounts.

22
23 (g) Any ~~charge~~ 911 emergency surcharge imposed under
24 this chapter shall be collected at the time charges for the

1 ~~local exchange access~~ telecommunications are collected
2 under the regular billing practice of the ~~local exchange~~
3 ~~access company~~ service supplier.

4
5 (h) Service shall not be discontinued to any service
6 user by any ~~local exchange access company~~ service supplier
7 for the nonpayment of any surcharge under this act.

8
9 (j) The 911 emergency surcharge imposed pursuant to
10 this section shall only be imposed upon service users whose
11 address is in those portions of the governing body's
12 jurisdiction for which emergency telephone service shall be
13 provided; however, such 911 emergency surcharge shall not
14 be imposed upon any state or local governmental entity.

15
16 **16-9-104. Remittance of charge to the governing body;**
17 **administrative fee; establishment of rate of charge.**

18
19 (a) Any charge imposed under this chapter and the
20 amounts collected are to be remitted quarterly. The amount
21 of the charge collected in one (1) calendar quarter by the
22 ~~local exchange access company~~ service supplier shall be
23 remitted to the governing body no later than fifteen (15)
24 days after the close of the calendar quarter. On or before

1 the sixteenth day of each month following the preceding
2 calendar quarter, a return for the preceding quarter shall
3 be filed with the governing body in a form the governing
4 body and ~~local exchange access company~~ service supplier
5 agree upon. The ~~local exchange access company~~ service
6 supplier required to file the return shall deliver the
7 return together with the remittance of the amount of the
8 charge payable to the governing body. The ~~local exchange~~
9 ~~access company~~ service supplier shall maintain a record of
10 the amount of each charge collected pursuant to this
11 chapter. The record shall be maintained for a period of
12 one (1) year after the time the charge was collected.

13

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

19

20 (c) At least once each calendar year, the governing
21 body shall establish a rate of charge not to exceed the
22 amount authorized. Amounts collected in excess of necessary
23 expenditures within any fiscal year shall be carried
24 forward to subsequent years and shall only be used for the

1 purposes set forth in W.S. 16-9-105. The governing body
2 shall fix the rate, publish notice of its new rate and
3 notify by mail every local exchange access company at least
4 ninety (90) days before the new rate becomes effective.
5 The governing body may at its own expense require an annual
6 audit of the ~~local exchange access company's~~ service
7 supplier's books and records concerning the collection and
8 remittance of the charge authorized by this chapter.

9

10 **16-9-105. Agreements or contract for 911 emergency**
11 **reporting systems; use of funds collected.**

12

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

19

20 (b) Except as provided for in subsection (d) of this
21 section, funds collected from the ~~charge~~ 911 emergency
22 surcharge imposed pursuant to this chapter shall be spent
23 solely to pay for ~~the~~ public safety answering point and
24 service providers' equipment and service costs,

1 installation costs, maintenance costs, monthly recurring
2 charges and other costs directly related to the continued
3 operation of a 911 system. Funds may also be expended for
4 personnel expenses necessarily incurred by a public safety
5 answering point. "Personnel expenses necessarily incurred"
6 means expenses incurred for persons employed to:

7

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

10

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

13

14 (c) Funds collected from the charge pursuant to this
15 chapter shall be credited to ~~a~~two (2) separate cash
16 ~~account~~accounts, one (1) for funds collected from wireless
17 carriers and one (1) for funds collected from local
18 exchange access carriers. These accounts shall be separate
19 from each other and separate from the general fund of the
20 public agency, for payments for public safety answering
21 points and service supplier costs pursuant to ~~subsection~~
22 subsections (b) and (d) of this section. Any monies
23 remaining in the cash ~~account~~accounts at the end of any
24 fiscal year shall remain in the ~~account~~accounts for

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

7
8 (d) 911 surcharges collected from a wireless carrier
9 shall only be used for those costs set forth in subsection
10 (b) of this section that are:

11
12 (i) Directly incurred by the public safety
13 answering point as a result of wireless users use of the
14 911 system; or

15
16 (ii) Incurred by service suppliers and the
17 public safety answering point for wireless enhanced 911
18 service.

19
20 **16-9-106. Private listing and wireless subscribers,**
21 **911 service.**

22
23 Private listing and wireless subscribers in 911 service
24 areas waive privacy afforded by nonlisted or nonpublished

1 numbers to the extent that the name and address associated
2 with the telephone number may be furnished to the 911
3 system, for call routing, for automatic retrieval of
4 location information and for associated emergency services.

5

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

7

8

(END)