

FIRST REGULAR SESSION

[CORRECTED]

HOUSE BILL NO. 826

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MAYS (50).

Read 1st time February 20, 2001 and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1367L.011

AN ACT

To amend chapter 190, RSMo, by adding thereto one new section relating to emergency telephone service.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 190, RSMo, is amended by adding thereto one new section, to be known as section 190.435, to read as follows:

190.435. 1. The governing body of any county or city not within a county may impose a county fee, not to exceed fifty cents per wireless telephone number per month, to be collected by wireless service providers from wireless service customers who are residents of such county, in accordance with the provisions of this section.

2. Such governing body may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the governing body to impose a fee pursuant to the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the governing body shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a county fee of (insert amount not greater than fifty cents) per wireless telephone number per month on residents of such county for the purpose of providing enhanced 911 service?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in

18 favor of the proposal, then the ordinance shall be in effect as provided herein. If a
19 majority of the votes cast by the qualified voters voting are opposed to the proposal, then
20 the governing body shall have no power to impose the fee authorized by this section unless
21 and until the governing body shall again have submitted another proposal to authorize the
22 governing body to impose the fee pursuant to the provisions of this section, and such
23 proposal is approved by a majority of the qualified voters voting thereon.

24 4. Any fee imposed pursuant to this section shall be collected by the wireless service
25 provider and remitted to the county collector of the county of residence of the subscriber
26 of the wireless telephone number, as indicated by the subscriber's billing address. The
27 wireless service provider is entitled to retain two percent of the fee collected for
28 administrative costs associated with the billing and collection of the fee.

29 5. All revenue generated from the fee imposed pursuant to this section shall be
30 placed in any existing county fund which has been created for emergency services as
31 provided by this chapter or, if no such fund exists, in a county fund created for wireless
32 service provider enhanced 911 service, and used solely for the following purposes:

33 (1) For the reimbursement of actual expenditures for implementation of wireless
34 enhanced 911 service by wireless service providers in implementing Federal
35 Communications Commission Order 94-102;

36 (2) For actual expenditures for the implementation and upgrading of any system
37 for determining the location at which 911 calls are initially answered; or

38 (3) For the expansion or upgrading of existing 911 facilities and service.

39 6. Notwithstanding any other provision of law, in no event shall any wireless service
40 provider, its officers, employees, assigns or agents, be liable for any form of civil damages
41 or criminal liability which directly or indirectly result from, or is caused by, an act or
42 omission in the development, design, installation, operation, maintenance, performance or
43 provision of 911 service or other emergency wireless two- and three-digit wireless numbers,
44 unless said acts or omissions constitute gross negligence, recklessness or intentional
45 misconduct, nor shall any wireless service provider, its officers, employees, assigns or
46 agents be liable for any form of civil damages or criminal liability which directly or
47 indirectly result from, or is caused by, the release of wireless telephone subscriber
48 information to any governmental entity unless the release constitutes gross negligence,
49 recklessness or intentional misconduct.