

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1573

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LAUER (Sponsor), DIEHL, GATSCHENBERGER, ROORDA,  
KOLKMEYER, REIBOLDT, PHILLIPS, ROWLAND, JUSTUS, MAYFIELD, HIGDON, BROWN, RIZZO,  
BLACK, FITZWATER AND LAFAVER (Co-sponsors).

4151H.01P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 70.210, 92.077, 190.105, 190.300, 190.308, 190.400, 190.410, 190.420, 190.430, 190.440, 650.320, 650.325, 650.330, and 650.340, RSMo, and to enact in lieu thereof fourteen new sections relating to emergency communications service, with penalty provisions.

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

Section A. Sections 70.210, 92.077, 190.105, 190.300, 190.308, 190.400, 190.410, 190.420, 190.430, 190.440, 650.320, 650.325, 650.330, and 650.340, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 70.210, 92.077, 190.105, 190.300, 190.308, 190.400, 190.420, 190.450, 190.451, 190.455, 650.320, 650.325, 650.330, and 650.340, to read as follows:

70.210. As used in sections 70.210 to 70.320, the following terms mean:

- (1) "Governing body", the board, body or persons in which the powers of a municipality or political subdivision are vested;
- (2) "Municipality", municipal corporations, political corporations, and other public corporations and agencies authorized to exercise governmental functions;
- (3) "Political subdivision", counties, townships, cities, towns, villages, school, county library, city library, city-county library, road, drainage, sewer, levee and fire districts, soil and water conservation districts, watershed subdistricts, county hospitals, [and] any board of control

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 of an art museum, **any 911 or emergency services board authorized in chapter 190 or in**  
10 **section 321.243**, and any other public subdivision or public corporation having the power to tax.

92.077. As used in sections 92.074 to 92.095, unless the context clearly requires  
2 otherwise, the following terms mean:

3 (1) "Business license tax", any tax, including any fee, charge, or assessment in the nature  
4 of a tax, assessed by a municipality on a telecommunications company for the privilege of doing  
5 business within the borders of such municipality, and specifically includes any tax assessed on  
6 a telecommunications company by a municipality under section 66.300 and section 80.090,  
7 section 92.073, section 94.110, 94.270, or 94.360, or under authority granted in its charter, as  
8 well as an occupation license tax, gross receipts tax, franchise tax, or similar tax, but shall not  
9 include:

10 (a) Any state or municipal sales tax imposed under sections 144.010 to 144.525; or

11 (b) Any municipal right-of-way usage fee imposed under the authority of a municipality's  
12 police powers under Section 253(c) of the Federal Telecommunications Act of 1996, or under  
13 sections 67.1830 to 67.1846; or

14 (c) Any tax or fee levied for emergency services under section 190.292, 190.305,  
15 190.325, or 190.335, [or 190.430,] or any tax authorized by the general assembly after August  
16 28, 2005, for emergency services;

17 (d) Any flat tax duly imposed on or before August 28, 2005;

18 (2) "Director", the director of the department of revenue;

19 (3) "Municipal", of or relating to a municipality;

20 (4) "Municipality", any city, county, town, or village in Missouri entitled by authority  
21 of section 66.300, section 80.090, section 92.073, section 94.110, 94.270, or 94.360, or under  
22 authority granted in its charter to assess a business license tax on telecommunications companies;

23 (5) "Telecommunications company", any company doing business in this state that  
24 provides telecommunications service;

25 (6) "Telecommunications service", the same meaning as such term is defined in section  
26 144.010. The term telephone company, as used in sections 94.110, 94.270, and 94.360, shall  
27 have the same meaning as telecommunications company as defined in this section.

190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate,  
2 conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business  
3 or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any  
4 public way or place of the state of Missouri unless such person holds a currently valid license  
5 from the department for an ambulance service issued pursuant to the provisions of sections  
6 190.001 to 190.245.

7           2. No ground ambulance shall be operated for ambulance purposes, and no individual  
8 shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless  
9 the ground ambulance is under the immediate supervision and direction of a person who is  
10 holding a currently valid Missouri license as an emergency medical technician. Nothing in this  
11 section shall be construed to mean that a duly registered nurse or a duly licensed physician be  
12 required to hold an emergency medical technician's license. Each ambulance service is  
13 responsible for assuring that any person driving its ambulance is competent in emergency vehicle  
14 operations and has a safe driving record. Each ground ambulance shall be staffed with at least  
15 two licensed individuals when transporting a patient, except as provided in section 190.094. **In**  
16 **emergency situations which require additional medical personnel to assist the patient**  
17 **during transportation, a first responder, fire fighter, or law enforcement personnel with a**  
18 **valid drivers' license and prior experience with driving emergency vehicles may drive the**  
19 **ground ambulance provided the ground ambulance service stipulates to this practice in**  
20 **operational policies.**

21           3. No license shall be required for an ambulance service, or for the attendant of an  
22 ambulance, which:

23           (1) Is rendering assistance in the case of an emergency, major catastrophe or any other  
24 unforeseen event or series of events which jeopardizes the ability of the local ambulance service  
25 to promptly respond to emergencies; or

26           (2) Is operated from a location or headquarters outside of Missouri in order to transport  
27 patients who are picked up beyond the limits of Missouri to locations within or outside of  
28 Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for  
29 transportation to locations within Missouri, except as provided in subdivision (1) of this  
30 subsection.

31           4. The issuance of a license pursuant to the provisions of sections 190.001 to 190.245  
32 shall not be construed so as to authorize any person to provide ambulance services or to operate  
33 any ambulances without a franchise in any city not within a county or in a political subdivision  
34 in any county with a population of over nine hundred thousand inhabitants, or a franchise,  
35 contract or mutual-aid agreement in any other political subdivision which has enacted an  
36 ordinance making it unlawful to do so.

37           5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or  
38 regulation not in conflict with such sections by any city not within a county, or at least as strict  
39 as such sections by any county, municipality or political subdivision except that no such  
40 regulations or ordinances shall be adopted by a political subdivision in a county with a  
41 population of over nine hundred thousand inhabitants except by the county's governing body.

42           6. In a county with a population of over nine hundred thousand inhabitants, the  
43 governing body of the county shall set the standards for all ambulance services which shall  
44 comply with subsection 5 of this section. All such ambulance services must be licensed by the  
45 department. The governing body of such county shall not prohibit a licensed ambulance service  
46 from operating in the county, as long as the ambulance service meets county standards.

47           7. An ambulance service or vehicle when operated for the purpose of transporting  
48 persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or  
49 contract carrier under the jurisdiction of the Missouri division of motor carrier and railroad  
50 safety.

51           8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor  
52 vehicle used by an employer for the transportation of such employer's employees whose illness  
53 or injury occurs on private property, and not on a public highway or property, nor to any person  
54 operating such a motor vehicle.

55           9. A political subdivision that is authorized to operate a licensed ambulance service may  
56 establish, operate, maintain and manage its ambulance service, and select and contract with a  
57 licensed ambulance service. Any political subdivision may contract with a licensed ambulance  
58 service.

59           10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection  
60 2 of section 190.109, shall be construed to authorize any municipality or county which is located  
61 within an ambulance district or a fire protection district that is authorized to provide ambulance  
62 service to promulgate laws, ordinances or regulations related to the provision of ambulance  
63 services. This provision shall not apply to any municipality or county which operates an  
64 ambulance service established prior to August 28, 1998.

65           11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be construed to  
66 authorize any municipality or county which is located within an ambulance district or a fire  
67 protection district that is authorized to provide ambulance service to operate an ambulance  
68 service without a franchise in an ambulance district or a fire protection district that is authorized  
69 to provide ambulance service which has enacted an ordinance making it unlawful to do so. This  
70 provision shall not apply to any municipality or county which operates an ambulance service  
71 established prior to August 28, 1998.

72           12. No provider of ambulance service within the state of Missouri which is licensed by  
73 the department to provide such service shall discriminate regarding treatment or transportation  
74 of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national  
75 origin, ancestry, handicap, medical condition or ability to pay.

76           13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section,  
77 is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter

78 or to fire protection districts pursuant to chapter 321, or to counties, cities, towns and villages  
79 pursuant to chapter 67.

80 14. Upon the sale or transfer of any ground ambulance service ownership, the owner of  
81 such service shall notify the department of the change in ownership within thirty days of such  
82 sale or transfer. After receipt of such notice, the department shall conduct an inspection of the  
83 ambulance service to verify compliance with the licensure standards of sections 190.001 to  
84 190.245.

190.300. As used in sections 190.300 to [190.320] **190.340**, the following terms and  
2 phrases mean:

3 (1) "Emergency telephone service", a telephone system utilizing a single three digit  
4 number "911" for reporting police, fire, medical or other emergency situations;

5 (2) "Emergency telephone tax", a tax to finance the operation of emergency telephone  
6 service;

7 (3) "Exchange access facilities", all facilities provided by the service supplier for local  
8 telephone exchange access to a service user;

9 (4) "Governing body", the legislative body for a city, county or city not within a county;

10 (5) "Person", any individual, firm, partnership, copartnership, joint venture, association,  
11 cooperative organization, corporation, municipal or private, and whether organized for profit or  
12 not, state, county, political subdivision, state department, commission, board, bureau or fraternal  
13 organization, estate, trust, business or common law trust, receiver, assignee for the benefit of  
14 creditors, trustee or trustee in bankruptcy, or any other service user;

15 (6) "Public agency", any city, county, city not within a county, municipal corporation,  
16 public district or public authority located in whole or in part within this state which provides or  
17 has authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other  
18 emergency services;

19 (7) "Service supplier", any person providing exchange telephone services to any service  
20 user in this state;

21 (8) "Service user", any person, other than a person providing pay telephone service  
22 pursuant to the provisions of section 392.520 not otherwise exempt from taxation, who is  
23 provided exchange telephone service in this state;

24 (9) "Tariff rate", the rate or rates billed by a service supplier to a service user as stated  
25 in the service supplier's tariffs, **contracts, service agreements, or similar documents**  
26 **governing the provision of the service**, [approved by the Missouri public service commission]  
27 which represent the service supplier's recurring charges for exchange access facilities or their  
28 equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever.

190.308. 1. In any county that has established an emergency telephone service pursuant to sections 190.300 to [190.320] **190.340**, it shall be unlawful for any person to misuse the emergency telephone service. For the purposes of this section, "emergency" means any incident involving danger to life or property that calls for an emergency response dispatch of police, fire, EMS or other public safety organization, "misuse the emergency telephone service" includes, but is not limited to, repeatedly calling the "911" for nonemergency situations causing operators or equipment to be in use when emergency situations may need such operators or equipment and "repeatedly" means three or more times within a one-month period.

2. Any violation of this section is a class B misdemeanor.

3. No political subdivision shall impose any fine or penalty on the owner of a pay telephone or on the owner of any property upon which a pay telephone is located for calls to the emergency telephone service made from the pay telephone. Any such fine or penalty is hereby void.

190.400. As used in sections 190.400 to [190.440] **190.451**, the following words and terms shall mean:

(1) ["911", the primary emergency telephone number within the wireless system;

(2) "Board", the wireless service provider enhanced 911 advisory board;

(3)] **"Communications service", any service that:**

(a) **Uses telephone numbers or IP addresses or their functional equivalents or successors;**

(b) **Allows access to, or a connection or interface with, a 911 system through the activation or enabling of a device, transmission medium, or technology that is used by a customer to dial, initialize, or otherwise activate the 911 system, regardless of the particular device, transmission medium, or technology employed;**

(c) **Provides or enables real time or interactive communications, other than machine to machine communications; and**

(d) **Is available to a prepaid user or a standard user.**

The term includes, but is not limited to, the following:

(a) **Internet protocol enabled services and applications that are provided through wireline, cable, wireless, or satellite facilities, or any other facility or platform that is capable of connecting a 911 communication to a public safety answering point;**

(b) **A multiline telephone system;**

(c) **Commercial mobile radio service;**

(d) **Interconnected voice over internet protocol service and voice over power lines;**

**and**

24           **(e) Integrated telecommunications service.**

25           **(2)** "Public safety agency", a functional division of a public agency which provides fire  
26 fighting, police, medical or other emergency services. For the purpose of providing wireless  
27 service to users of 911 emergency services, as expressly provided in this section, the department  
28 of public safety and state highway patrol shall be considered a public safety agency;

29           [(4)] **(3)** "Public safety answering point", the location at which 911 calls are [initially]  
30 answered;

31           [(5)] **(4)** "Wireless service provider", a provider of commercial mobile service pursuant  
32 to Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et  
33 seq).

190.420. 1. There is hereby established a **special trust** fund to be known as the  
2 "[Wireless Service Provider Enhanced] **Missouri** 911 Service **Trust** Fund". All fees collected  
3 pursuant to sections 190.400 to [190.440] **190.451** by wireless service providers shall be remitted  
4 to the director of the department of revenue.

5           2. The director of the department of revenue shall deposit such payments into the  
6 [wireless service provider enhanced] **Missouri** 911 service **trust** fund. Moneys in the fund shall  
7 be used for the purpose of reimbursing expenditures actually incurred in the implementation and  
8 operation of the [wireless service provider enhanced] **Missouri** 911 [system] **systems**.

9           3. Any unexpended balance in the fund shall be exempt from the provisions of section  
10 33.080, relating to the transfer of unexpended balances to the general revenue fund, and shall  
11 remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the  
12 fund.

13           **4. The moneys in the trust fund shall not be deemed to be state funds and shall not**  
14 **be commingled with any funds of the state. The director of revenue shall keep accurate**  
15 **records of the amount of money in the trust fund which was collected in each county, city**  
16 **not within a county, or home rule city with more than fifteen thousand but fewer than**  
17 **seventeen thousand inhabitants and partially located in any county of the third**  
18 **classification without a township form of government and with more than thirty-seven**  
19 **thousand but fewer than forty-one thousand inhabitants under sections 190.400 to 190.451,**  
20 **and the records shall be open to the inspection of officers of a participating county, city not**  
21 **within a county, or home rule city and the public.**

190.450. 1. Except as provided under subsections 9 and 10 of this section, in lieu  
2 of the tax levy authorized under section 190.305 or the sales tax imposed under section  
3 190.335, the governing body of any county, city not within a county, or home rule city with  
4 more than fifteen thousand but fewer than seventeen thousand inhabitants and partially  
5 located in any county of the third classification without a township form of government

6 and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants  
7 may impose, by order or ordinance, a monthly fee on any communications service capable  
8 of contacting 911. The fee authorized in this section shall not exceed one dollar and fifty  
9 cents per any such communications service capable of contacting 911 and shall be imposed  
10 solely for the purpose of funding 911 service in such county, city not within a county, or  
11 home rule city. The fee authorized in this section shall be in addition to all other taxes and  
12 fees imposed by law and shall be stated separately from all other charges and taxes.

13 2. No such order or ordinance adopted under this section shall become effective  
14 unless the governing body of the county, city not within a county, or home rule city submits  
15 to the voters residing within the county, city not within a county, or home rule city at a  
16 state general, primary, or special election a proposal to authorize the governing body to  
17 impose a fee under this section. The question submitted shall be in substantially the  
18 following form:

19 "Shall (insert name of county, city not within a county, or home rule city) impose  
20 a monthly fee of (insert amount) per any communications service capable of contacting 911  
21 for the purpose of funding 911 service in the (county, city not within a county, or home rule  
22 city)?"  
23

24 If a majority of the votes cast on the question by the qualified voters voting thereon are in  
25 favor of the question, then the fee shall become effective on the first day of the second  
26 calendar quarter after the director of revenue receives notification of adoption of the fee.  
27 If a majority of the votes cast on the question by the qualified voters voting thereon are  
28 opposed to the question, then the fee shall not become effective unless and until the  
29 question is resubmitted under this section to the qualified voters and such question is  
30 approved by a majority of the qualified voters voting on the question.

31 3. The director of revenue shall maintain a centralized database which shall be  
32 made available to providers, specifying the current monthly fee imposed by each county,  
33 city not within a county, or home rule city updated no less than sixty days prior to the  
34 effective date of any changes.

35 4. Except as modified in this section, all provisions of sections 32.085 and 32.087  
36 shall apply to the fee imposed under this section.

37 5. All revenue collected under this section by the director of the department of  
38 revenue on behalf of the county, city not within a county, or home rule city, except for two  
39 percent to be withheld by the provider for the cost of administering the collection and  
40 remittance of the fee and one percent for the cost of collection which shall be deposited in  
41 the state's general revenue fund, shall be deposited in the Missouri 911 service trust fund



created in section 190.420. The director of the department of revenue shall remit such funds to the county, city not within a county, or home rule city on a monthly basis. The governing body of any such county, city not within a county, or home rule city shall control such funds remitted to the county, city not within a county, or home rule city unless the county, city not within a county, or home rule city has established an elected board for the purpose of administering such funds. In the event that any county, city not within a county, or home rule city has established a board under any other provision of state law for the purpose of administering funds for 911 service, such existing board may continue to perform such functions after the county, city not within a county, or home rule city has adopted the monthly fee under this section.

6. Notwithstanding any other provision of law to the contrary, no proprietary information submitted under this section shall be subject to subpoena or otherwise released to any person other than to the submitting 911 communications service provider without the express permission of such 911 communications service provider. General information collected under this section shall only be released or published in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual 911 communications service provider.

7. Notwithstanding any other provision of law to the contrary, in no event shall any 911 communications service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability that directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance, or provision of a public safety answering point, or that directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under this section unless such acts, release of subscriber information, or omissions constitute gross negligence, recklessness, or intentional misconduct. No cause of action shall lie in any court of law against any provider of telecommunications service, commercial mobile service, or other communications-related service, or its officers, employees, agents, or other persons acting on behalf of them, for providing call location information concerning the user of any such service in an emergency situation to a law enforcement official or agency in order to respond to a call for emergency service by a subscriber, customer, or user of such service or for providing caller location information or doing a ping locate in an emergency situation that involves danger of death or serious physical injury to any person where disclosure of communications relating to the emergency is required without delay, whether such providing of information is required by law or voluntary.

77           **8. The fee imposed under this section shall not be imposed on customers who pay**  
78 **for service prospectively, known as prepaid wireless telecommunications service customers.**

79           **9. The fee imposed under this section shall not be imposed in conjunction with any**  
80 **tax imposed under section 190.305 or 190.335. No county, city not within a county, or**  
81 **home rule city shall simultaneously impose more than one tax authorized in this section,**  
82 **section 190.305, or section 190.335.**

83           **10. No county of the third or fourth classification shall submit a proposal to the**  
84 **voters of the county under this section until either:**

85           **(1) All providers of emergency telephone service as defined in section 190.300 and**  
86 **public safety answering point operations within the county are consolidated into one public**  
87 **agency as defined in section 190.300 that provides emergency telephone service for the**  
88 **county;**

89           **(2) The county develops a plan for consolidation of emergency telephone service as**  
90 **defined in section 190.300 and public safety answering point operations within the county**  
91 **are consolidated into one public agency as defined in section 190.300 that provides**  
92 **emergency telephone service for the county; or**

93           **(3) The county develops a plan for consolidation of emergency telephone service as**  
94 **defined in section 190.300 and public safety answering point operations within the county**  
95 **that includes either consolidation or entering into a shared services agreement for such**  
96 **services, which shall be implemented on approval of the fee by the voters. The plan shall**  
97 **be filed with the Missouri 911 service board under subsection 4 of section 650.330. The**  
98 **director of the department of revenue shall not remit any funds as provided under this**  
99 **section until it receives notification from the board that the county has filed a plan that is**  
100 **ready for implementation.**

101           **11. Each county of the third classification that does not have a public agency as**  
102 **defined in section 190.300 that provides emergency telephone service as defined in section**  
103 **190.300 for the county shall either:**

104           **(1) Enter into a shared services agreement for providing emergency telephone**  
105 **services with a public agency that provides emergency telephone service if such an**  
106 **agreement is feasible; or**

107           **(2) Form an emergency telephone services district in conjunction with any**  
108 **adjoining county with a public agency that provides emergency telephone service within**  
109 **such adjoining county. If such a district is formed under this subdivision, the governing**  
110 **body of such district shall be the county commissioners of each county within the district,**  
111 **and each county within such district shall submit to the voters of the county a proposal to**  
112 **impose the fee under this section.**

113           **12. A county of the third classification operating joint or shared emergency**  
114 **telephone service as defined in section 190.300 may submit to the voters of the county a**  
115 **proposal to impose the fee to support joint operations and further consolidation under this**  
116 **section.**

117           **13. All 911 fees shall be imposed as provided in the Mobile Telecommunications**  
118 **Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.**

**190.451. 1. As used in this section, the following terms mean:**

2           **(1) "Board", the Missouri 911 service board established under section 650.325;**

3           **(2) "Consumer", a person who purchases prepaid wireless telecommunications**  
4 **service in a retail transaction;**

5           **(3) "Department", the department of revenue;**

6           **(4) "Prepaid wireless telecommunications service", a wireless telecommunications**  
7 **service that allows a caller to dial 911 to access the 911 system and which service shall be**  
8 **paid for in advance and is sold in predetermined units or dollars of which the number**  
9 **declines with use in a known amount;**

10          **(5) "Provider", a person or business that provides prepaid wireless**  
11 **telecommunications service under a license issued by the Federal Communications**  
12 **Commission;**

13          **(6) "Retail transaction", the purchase of prepaid wireless telecommunications**  
14 **service from a seller for any purpose other than resale. The purchase of more than one**  
15 **item that provides prepaid wireless telecommunication service, when such items are sold**  
16 **separately, constitutes more than one retail transaction;**

17          **(7) "Seller", a person who sells prepaid wireless telecommunications service to**  
18 **another person;**

19          **(8) "Wireless telecommunications service", commercial mobile radio service as**  
20 **defined by Section 20.3 of Title 47 of the Code of Federal Regulations, as amended.**

21          **2. (1) Beginning January 1, 2015, there is hereby imposed a prepaid wireless**  
22 **emergency telephone service charge on each retail transaction. The amount of such charge**  
23 **shall be equal to three percent of each retail transaction. However, if a minimal amount**  
24 **of prepaid wireless telecommunications service is sold with a prepaid wireless device for**  
25 **a single non-itemized price, then the seller may elect not to apply such service charge to**  
26 **such transaction. For purposes of this subdivision, an amount of service denominated as**  
27 **ten or fewer minutes, or five dollars or less is minimal.**

28          **(2) The prepaid wireless emergency telephone service charge shall be collected by**  
29 **the seller from the consumer with respect to each retail transaction occurring in this state.**  
30 **The amount of the prepaid wireless emergency telephone service charge shall be either**

31 separately stated on an invoice, receipt, or other similar document that is provided to the  
32 consumer by the seller, or otherwise disclosed to the consumer.

33 (3) For purposes of this subsection, a retail transaction that is effected in person by  
34 a consumer at a business location of the seller shall be treated as occurring in this state if  
35 that business location is in this state; and any other retail transaction shall be treated as  
36 occurring in this state if the retail transaction is treated as occurring in this state under  
37 state law.

38 (4) The prepaid wireless emergency telephone service charge is the liability of the  
39 consumer and not of the seller or of any provider, except that the seller shall be liable to  
40 remit all charges that the seller is deemed to collect where the amount of the charge has not  
41 been separately stated on an invoice, receipt, or other similar document provided to the  
42 consumer by the seller.

43 (5) The amount of the prepaid wireless emergency telephone service charge that is  
44 collected by a seller from a consumer, if such amount is separately stated on an invoice,  
45 receipt, or other similar document provided to the consumer by the seller, shall not be  
46 included in the base for measuring any tax, fee, surcharge, or other charge that is imposed  
47 by this state, any political subdivision of this state, or any intergovernmental agency.

48 3. (1) Prepaid wireless emergency telephone service charges collected by sellers  
49 shall be remitted to the department at the times and in the manner provided by state law  
50 with respect to the sales and use taxes. The department shall establish registration and  
51 payment procedures that substantially coincide with the registration and payment  
52 procedures that apply under state law.

53 (2) Beginning on January 1, 2015 and ending on January 31, 2015, when a consumer  
54 purchases prepaid wireless telecommunications service in a retail transaction from a seller  
55 under this section, the seller shall be allowed to retain one hundred percent of the prepaid  
56 wireless emergency telephone service charges that are collected by the seller from the  
57 consumer. Beginning on February 1, 2015, a seller shall be permitted to deduct and retain  
58 two percent of prepaid wireless emergency telephone service charges that are collected by  
59 the seller from consumers.

60 (3) The department shall establish procedures by which a seller of prepaid wireless  
61 telecommunications service may document that a sale is not a retail transaction which  
62 procedures shall substantially coincide with the procedures for documenting sale for resale  
63 transactions for sales and use purposes under state law.

64 (4) The department shall deposit all remitted prepaid wireless emergency telephone  
65 service charges into the Missouri 911 service trust fund created in section 190.420 within  
66 thirty days of receipt for use by the board. The department may deduct an amount not to

67 exceed one percent of collected charges to be retained by the department to reimburse its  
68 direct costs of administering the collection and remittance of prepaid wireless emergency  
69 telephone service charges.

70 (5) Ten percent of remitted prepaid wireless emergency telephone service charges  
71 deposited in the Missouri 911 service trust fund less the deduction authorized in  
72 subdivision (4) of this subsection shall be dedicated to the Missouri regional poison  
73 information center established in section 190.353. The amount allocated under this  
74 subdivision shall not exceed one million dollars in any twelve-month period, nor shall the  
75 Missouri regional poison information center receive more than one million dollars from  
76 the Missouri 911 service trust fund in any one calendar year under this subdivision.

77 Any amount that would be allocated under this subdivision in excess of one million  
78 dollars in any twelve month period or any calendar year shall be retained in the Missouri  
79 911 service trust fund.

80 (6) The board shall set a rate between twenty-five and fifty percent of the prepaid  
81 wireless emergency telephone service charges deposited in the Missouri 911 service trust  
82 fund less the deductions authorized in subdivisions (4) and (5) of this subsection that shall  
83 be remitted to the counties, city not within a county, or home rule city with more than  
84 fifteen thousand but fewer than seventeen thousand inhabitants and partially located in  
85 any county of the third classification without a township form of government and with  
86 more than thirty-seven thousand but fewer than forty-one thousand inhabitants in direct  
87 proportion to the amount of charges collected in each county, city not within a county, or  
88 home rule city. The initial percentage rate set by the board may be adjusted after five  
89 years and thereafter the rate may be adjusted every two years.

90 (7) Any amounts received by a county, city not within a county, or home rule city  
91 under subdivision (6) of this subsection shall be used only for purposes authorized in  
92 sections 190.305 and 190.335.

93 4. (1) A seller that is not a provider shall be entitled to the immunity and liability  
94 protections under section 190.450, notwithstanding any requirement in state law regarding  
95 compliance with Federal Communications Commission Order 05-116.

96 (2) A provider shall be entitled to the immunity and liability protections under  
97 section 190.450.

98 (3) In addition to the protection from liability provided in subdivisions (1) and (2)  
99 of this subsection, each provider and seller shall be entitled to the further protection from  
100 liability, if any, that is provided to providers and sellers of wireless telecommunications  
101 service that is not prepaid wireless telecommunications service under section 190.450.

102           **5. The prepaid wireless emergency telephone service charge imposed by this section**  
103 **shall be in addition to any other tax, fee, surcharge, or other charge imposed by this state,**  
104 **any political subdivision of this state, or any intergovernmental agency for 911 funding**  
105 **purposes.**

**190.455. Any county or 911 or emergency services board established under chapter**  
2 **190 or under section 321.243 may contract and cooperate with any other county or 911 or**  
3 **emergency services board established under chapter 190 or under section 321.243 as**  
4 **provided in sections 70.210 to 70.320. Any contracting counties or boards may seek**  
5 **assistance and advice from the Missouri 911 service board established in section 650.325**  
6 **regarding terms of the joint contract and the administration and operation of the**  
7 **contracting counties and boards.**

          650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

2           (1) ["Committee"] **"Board"**, the [advisory committee for] **Missouri** 911 service  
3 [oversight] **board** established in section 650.325;

4           (2) "Public safety answering point", the location at which 911 calls are [initially]  
5 answered;

6           (3) "Telecommunicator", any person employed as an emergency telephone worker, call  
7 taker or public safety dispatcher whose duties include receiving, processing or transmitting  
8 public safety information received through a 911 public safety answering point.

          650.325. There is hereby established within the department of public safety the  
2 ["Advisory Committee for 911 Service Oversight"] **"Missouri 911 Service Board"** which is  
3 charged with assisting and advising the state in ensuring the availability, implementation and  
4 enhancement of a statewide emergency telephone number common to all jurisdictions through  
5 research, planning, training and education. The [committee for 911 service oversight] **board**  
6 shall represent all entities and jurisdictions before appropriate policy-making authorities and the  
7 general assembly and shall strive toward the immediate access to emergency services for all  
8 citizens of this state.

          650.330. 1. The [committee for 911 service oversight] **board** shall consist of [sixteen]  
2 **thirteen** members, one of which shall be chosen from the department of public safety [who shall  
3 serve as chair of the committee and only vote in the instance of a tie vote among the other  
4 members], and the other members shall be selected as follows:

5           (1) One member chosen to represent an association domiciled in this state whose primary  
6 interest relates to [counties] **municipalities**;

7           (2) One member chosen to represent the Missouri [public service commission] **911**  
8 **directors association**;

9           (3) One member chosen to represent emergency medical services **and physicians**;

10 (4) One member chosen to represent an association with a chapter domiciled in this state  
11 whose primary interest relates to a national emergency number;

12 (5) One member chosen to represent an association whose primary interest relates to  
13 issues pertaining to fire chiefs;

14 (6) One member chosen to represent an association with a chapter domiciled in this state  
15 whose primary interest relates to issues pertaining to public safety communications officers;

16 (7) One member chosen to represent an association whose primary interest relates to  
17 issues pertaining to police chiefs;

18 (8) [One member chosen to represent a league or association domiciled in this state  
19 whose primary interest relates to issues pertaining to municipalities;

20 (9)] One member chosen to represent an association domiciled in this state whose  
21 primary interest relates to issues pertaining to sheriffs;

22 [(10)] (9) One member chosen to represent [911 service providers in] counties [of the  
23 second, third and fourth classification;

24 (11) One member chosen to represent 911 service providers in counties of the first  
25 classification, with and without charter forms of government, and cities not within a county];

26 [(12)] (10) One member chosen to represent telecommunications service providers [with  
27 at least one hundred thousand access lines located within Missouri];

28 [(13)] (11) One member chosen to represent **wireless** telecommunications service  
29 providers [with less than one hundred thousand access lines located within Missouri;

30 (14) One member chosen to represent a professional association of physicians who  
31 conduct with emergency care; and

32 (15) One member chosen to represent the general public of Missouri who represents an  
33 association whose primary interest relates to education and training, including that of 911, police  
34 and fire dispatchers] ; **and**

35 **(12) One member chosen to represent voice over internet protocol service**  
36 **providers.**

37 2. Each of the members of the [committee for 911 service oversight] **board** shall be  
38 appointed by the governor with the advice and consent of the senate for a term of four years;  
39 except that, of those members first appointed, four members shall be appointed to serve for one  
40 year, four members shall be appointed to serve for two years, four members shall be appointed  
41 to serve for three years and four members shall be appointed to serve for four years. Members  
42 of the committee may serve multiple terms.

43 3. The [committee for 911 service oversight] **board** shall meet at least quarterly at a  
44 place and time specified by the chairperson of the committee and it shall keep and maintain  
45 records of such meetings, as well as the other activities of the committee. Members shall not be

46 compensated but shall receive actual and necessary expenses for attending meetings of the  
47 committee.

48 4. The [committee for 911 service oversight] **board** shall:

49 (1) Organize and adopt standards governing the committee's formal and informal  
50 procedures;

51 (2) Provide recommendations for primary answering points and secondary answering  
52 points on [statewide] technical and operational standards for 911 services;

53 (3) Provide recommendations to public agencies concerning model systems to be  
54 considered in preparing a 911 service plan;

55 (4) Provide requested mediation services to political subdivisions involved in  
56 jurisdictional disputes regarding the provision of 911 services, except that [such committee] **the**  
57 **board** shall not supersede decision-making authority of local political subdivisions in regard to  
58 911 services;

59 (5) Provide assistance to the governor and the general assembly regarding 911 services;

60 (6) Review existing and proposed legislation and make recommendations as to changes  
61 that would improve such legislation;

62 (7) Aid and assist in the timely collection and dissemination of information relating to  
63 the use of a universal emergency telephone number;

64 (8) Perform other duties as necessary to promote successful development,  
65 implementation and operation of 911 systems across the state, **including monitoring federal**  
66 **and industry standards being developed for next generation 911 systems;** [and]

67 (9) [Advise the department of public safety on establishing rules and regulations  
68 necessary to administer the provisions of sections 650.320 to 650.340] **Elect the chair from its**  
69 **membership;**

70 **(10) Designate a state 911 coordinator;**

71 **(11) Apply for and receive grants from federal, private, and other sources;**

72 **(12) Administer and authorize grants and loans to counties, that demonstrate a**  
73 **commitment to improving 911. The purpose of grants and loans from the 911 service trust**  
74 **fund shall include:**

75 **(a) Implementation of 911 services in counties of the state where services do not**  
76 **exist;**

77 **(b) Promotion of consolidation where appropriate;**

78 **(c) Mapping and addressing all county locations;**

79 **(d) Ensuring primary access and texting abilities to 911 services for disabled**  
80 **residents;**



81           (e) Implementation of initial emergency medical dispatch services including pre-  
82 arrival medical instructions in counties where those services are not offered as of July 1,  
83 2014;

84           (13) Develop an application process including reporting and accountability  
85 requirements, withholding a portion of the grant until completion of a project and other  
86 measures to assure funds are used in accordance with the law and purpose of the grant,  
87 then conduct audits as deemed necessary;

88           (14) Report to the governor and the general assembly at least every five years on  
89 the status of 911 services statewide as well as specific efforts to improve efficiency, cost  
90 effectiveness, and levels of service;

91           (15) Conduct a survey at least every five years of public safety answering points in  
92 Missouri to evaluate potential for improved services, coordination, and feasibility of  
93 consolidation;

94           (16) Set a rate between twenty-five and fifty percent of the prepaid wireless  
95 emergency telephone service charges deposited in the Missouri 911 service trust fund less  
96 the deductions authorized in subdivisions (4) and (5) of subsection 3 of section 190.451 that  
97 shall be remitted to the counties in direct proportion to the amount of prepaid wireless  
98 emergency telephone service charges collected in each county. The board may adjust the  
99 initial percentage rate after five years, and thereafter the rate may be adjusted every two  
100 years;

101           (17) Make and execute contracts or any other instruments and agreements  
102 necessary or convenient for the exercise of its powers and functions; and

103           (18) Retain in its records proposed county plans developed under subsection 9 of  
104 section 190.450 and notify the department of revenue that the county has filed a plan that  
105 is ready for implementation.

106           5. The department of public safety shall provide staff assistance to the [committee for  
107 911 service oversight] **board** as necessary in order for the [committee] **board** to perform its  
108 duties pursuant to sections 650.320 to 650.340.

109           6. The [department of public safety is authorized to adopt those] **board shall**  
110 **promulgate rules and regulations** that are reasonable and necessary [to accomplish the limited  
111 duties specifically delegated within section] **to implement and administer the provisions of**  
112 **sections 650.320 to 650.340.** Any rule or portion of a rule, as that term is defined in section  
113 536.010, shall become effective only if it has been promulgated pursuant to the provisions of  
114 chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with  
115 the general assembly pursuant to chapter 536 to review, to delay the effective date or to  
116 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking

117 authority and any rule proposed or adopted after August 28, [1999] **2014**, shall be invalid and  
118 void.

650.340. 1. The provisions of this section may be cited and shall be known as the "911  
2 Training and Standards Act".

3 2. Initial training requirements for telecommunicators who answer 911 calls that come  
4 to public safety answering points shall be as follows:

5 (1) Police telecommunicator ..... 16 hours;

6 (2) Fire telecommunicator. .... 16 hours;

7 (3) Emergency medical services telecommunicator. .... 16 hours;

8 (4) Joint communication center telecommunicator. .... 40 hours.

9 3. All persons employed as a telecommunicator in this state shall be required to complete  
10 ongoing training so long as such person engages in the occupation as a telecommunicator. Such  
11 persons shall complete at least twenty-four hours of ongoing training every three years by such  
12 persons or organizations as provided in subsection 6 of this section. The reporting period for the  
13 ongoing training under this subsection shall run concurrent with the existing continuing  
14 education reporting periods for Missouri peace officers pursuant to chapter 590.

15 4. Any person employed as a telecommunicator on August 28, 1999, shall not be  
16 required to complete the training requirement as provided in subsection 2 of this section. Any  
17 person hired as a telecommunicator after August 28, 1999, shall complete the training  
18 requirements as provided in subsection 2 of this section within twelve months of the date such  
19 person is employed as a telecommunicator.

20 5. The training requirements as provided in subsection 2 of this section shall be waived  
21 for any person who furnishes proof to the committee that such person has completed training in  
22 another state which are at least as stringent as the training requirements of subsection 2 of this  
23 section.

24 6. The [department of public safety] **board** shall determine by administrative rule the  
25 persons or organizations authorized to conduct the training as required by subsection 2 of this  
26 section.

27 7. This section shall not apply to an emergency medical dispatcher or agency as defined  
28 in section 190.100, or a person trained by an entity accredited or certified under section 190.131,  
29 or a person who provides prearrival medical instructions who works for an agency which meets  
30 the requirements set forth in section 190.134.

[190.410. 1. There is hereby created in the department of public safety  
2 the "Wireless Service Provider Enhanced 911 Advisory Board", consisting of  
3 eight members as follows:

4 (1) The director of the department of public safety or the director's  
5 designee who shall hold a position of authority in such department of at least a  
6 division director;

7 (2) The chairperson of the public service commission or the chairperson's  
8 designee; except that such designee shall be a commissioner of the public service  
9 commission or hold a position of authority in the commission of at least a  
10 division director;

11 (3) Three representatives and one alternate from the wireless service  
12 providers, elected by a majority vote of wireless service providers licensed to  
13 provide service in this state; and

14 (4) Three representatives from public safety answering point  
15 organizations, elected by the members of the state chapter of the associated  
16 public safety communications officials and the state chapter of the National  
17 Emergency Numbering Association.

18 2. Immediately after the board is established the initial term of  
19 membership for a member elected pursuant to subdivision (3) of subsection 1 of  
20 this section shall be one year and all subsequent terms for members so elected  
21 shall be two years. The membership term for a member elected pursuant to  
22 subdivision (4) of subsection 1 of this section shall initially and subsequently be  
23 two years. Each member shall serve no more than two successive terms unless  
24 the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of  
25 this section. Members of the board shall serve without compensation, however,  
26 the members may receive reimbursement of actual and necessary expenses. Any  
27 vacancies on the board shall be filled in the manner provided for in this  
28 subsection.

29 3. The board shall do the following:

30 (1) Elect from its membership a chair and other such officers as the board  
31 deems necessary for the conduct of its business;

32 (2) Meet at least one time per year for the purpose of discussing the  
33 implementation of Federal Communications Commission order 94-102;

34 (3) Advise the office of administration regarding implementation of  
35 Federal Communications Commission order 94-102; and

36 (4) Provide any requested mediation service to a political subdivision  
37 which is involved in a jurisdictional dispute regarding the providing of wireless  
38 911 services. The board shall not supersede decision-making authority of any  
39 political subdivision in regard to 911 services.

40 4. The director of the department of public safety shall provide and  
41 coordinate staff and equipment services to the board to facilitate the board's  
42 duties.]

2 [190.430. 1. The commissioner of the office of administration is  
3 authorized to establish a fee, if approved by the voters pursuant to section  
190.440, not to exceed fifty cents per wireless telephone number per

month to be collected by wireless service providers from wireless service customers.

2. The office of administration shall promulgate rules and regulations to administer the provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated pursuant to the authority delegated in sections 190.400 to 190.440 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to July 2, 1998, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 2, 1998, if it fully complied with the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 2, 1998, shall be invalid and void.

3. The office of administration is authorized to administer the fund and to distribute the moneys in the wireless service provider enhanced 911 service fund for approved expenditures as follows:

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

(2) To subsidize and assist the public safety answering points based on a formula established by the office of administration, which may include, but is not limited to the following:

(a) The volume of wireless 911 calls received by each public safety answering point;

(b) The population of the public safety answering point jurisdiction;

(c) The number of wireless telephones in a public safety answering point jurisdiction by zip code; and

(d) Any other criteria found to be valid by the office of administration provided that of the total amount of the funds used to subsidize and assist the public safety answering points, at least ten percent of said funds shall be distributed equally among all said public safety answering points providing said services under said section;

(3) For the reimbursement of actual expenditures for equipment for implementation of wireless enhanced 911 service by public safety answering points to the extent that funds are available, provided that ten percent of funds distributed to public safety answering points shall be

distributed in equal amounts to each public safety answering point participating in enhanced 911 service;

(4) Notwithstanding any other provision of the law, no proprietary information submitted pursuant to this section shall be subject to subpoena or otherwise released to any person other than to the submitting wireless service provider, without the express permission of said wireless service provider. General information collected pursuant to this section shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual wireless service provider.

4. Wireless service providers are entitled to retain one percent of the surcharge money they collect for administrative costs associated with billing and collection of the surcharge.

5. No more than five percent of the moneys in the fund, subject to appropriation by the general assembly, shall be retained by the office of administration for reimbursement of the costs of overseeing the fund and for the actual and necessary expenses of the board.

6. The office of administration shall review the distribution formula once every year and may adjust the amount of the fee within the limits of this section, as determined necessary.

7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and services authorized by sections 190.400 to 190.440.

8. Notwithstanding any other provision of the law, in no event shall any wireless service provider, its officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this act unless the release constitutes gross negligence, recklessness or intentional misconduct.]

[190.440. 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the

6 Tuesday immediately following the first Monday in November, 1998, or  
7 at a special election to be called by the governor on the ballot measure.  
8 If the measure is rejected at such general or special election, the measure  
9 may be resubmitted at each subsequent general election, or may be  
10 resubmitted at any subsequent special election called by the governor on  
11 the ballot measure, until such measure is approved.

12 2. The ballot of the submission shall contain, but is not limited  
13 to, the following language:

14 Shall the Missouri Office of Administration be authorized to  
15 establish a fee of up to fifty cents per month to be charged every wireless  
16 telephone number for the purpose of funding wireless enhanced 911  
17 service?

18 ☐ YES

☐ NO

19 If you are in favor of the question, place an "X" in the box opposite  
20 "Yes". If you are opposed to the question, place an "X" in the box  
21 opposite "No".

22 3. If a majority of the votes cast on the ballot measure by the  
23 qualified voters voting thereon are in favor of such measure, then the  
24 office of administration shall be authorized to establish a fee pursuant to  
25 section 190.430, and the fee shall be effective on January 1, 1999, or the  
26 first day of the month occurring at least thirty days after the approval of  
27 the ballot measure. If a majority of the votes cast on the ballot measure  
28 by the qualified voters voting thereon are opposed to the measure, then  
29 the office of administration shall have no power to establish the fee  
30 unless and until the measure is approved.]

✓