

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1456
99TH GENERAL ASSEMBLY

4845H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.401, 70.210, 70.220, 190.300, 190.307, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, and 650.330, RSMo, and to enact in lieu thereof twenty new sections relating to emergency communication services, with penalty provisions.

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

Section A. Sections 43.401, 70.210, 70.220, 190.300, 190.307, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, and 650.330, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 43.401, 70.210, 70.220, 190.300, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.420, 190.455, 190.460, 190.465, 190.470, 190.475, 650.330, 650.335, to read as follows:

43.401. 1. The reporting of missing persons by law enforcement agencies, private citizens, and the responsibilities of the patrol in maintaining accurate records of missing persons are as follows:

(1) A person may file a complaint of a missing person with a law enforcement agency having jurisdiction. The complaint shall include, but need not be limited to, the following information:

(a) The name of the complainant;

(b) **The name, address, and phone number of the guardian, if any, of the missing person;**

(c) The relationship of the complainant to the missing person;

~~(e)~~ (d) The name, age, address, and all identifying characteristics of the missing person;

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.

13 ~~[(d)]~~ (e) The length of time the person has been missing; **and**
14 ~~[(e)]~~ (f) All other information deemed relevant by either the complainant or the law
15 enforcement agency;

16 (2) A report of the complaint of a missing person shall be immediately entered into the
17 Missouri uniform law enforcement system (MULES) and the National Crime Information Center
18 (NCIC) system by the law enforcement agency receiving the complaint, and disseminated to
19 other law enforcement agencies who may come in contact with or be involved in the
20 investigation or location of a missing person;

21 (3) A law enforcement agency with which a complaint of a missing child has been filed
22 shall prepare, as soon as practicable, a standard missing child report. The missing child report
23 shall be maintained as a record by the reporting law enforcement agency during the course of an
24 active investigation;

25 (4) Upon the location of a missing person, or the determination by the law enforcement
26 agency of jurisdiction that the person is no longer missing, the law enforcement agency which
27 reported the missing person shall immediately remove the record of the missing person from the
28 MULES and NCIC files.

29 2. No law enforcement agency shall prevent an immediate active investigation on the
30 basis of an agency rule which specifies an automatic time limitation for a missing person
31 investigation.

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

2 (1) "Governing body", the board, body or persons in which the powers of a municipality
3 or political subdivision are vested;

4 (2) "Municipality", municipal corporations, political corporations, **governmental**
5 **entities**, and other public corporations and agencies authorized to exercise governmental
6 functions;

7 (3) "Political subdivision", counties, townships, cities, towns, villages, school, county
8 library, city library, city-county library, road, drainage, sewer, levee and fire districts, soil and
9 water conservation districts, watershed subdistricts, county hospitals, any board of control of an
10 art museum, **any 911 or emergency services board authorized in chapter 190 or in section**
11 **321.243**, the board created under sections 205.968 to 205.973, and any other public subdivision
12 or public corporation having the power to tax.

70.220. 1. Any municipality or political subdivision of this state, as herein defined, may
2 contract and cooperate with any other municipality or political subdivision, or with an elective
3 or appointive official thereof, or with a duly authorized agency of the United States, or of this
4 state, or with other states or their municipalities or political subdivisions, or with any private
5 person, firm, association or corporation, for the planning, development, construction, acquisition

6 or operation of any public improvement or facility, or for a common service; provided, that the
7 subject and purposes of any such contract or cooperative action made and entered into by such
8 municipality or political subdivision shall be within the scope of the powers of such municipality
9 or political subdivision.

10 2. Any municipality or political subdivision of this state may contract with one or more
11 adjacent municipalities or political subdivisions to share the tax revenues of such cooperating
12 entities that are generated from real property and the improvements constructed thereon, if such
13 real property is located within the boundaries of either or both municipalities or subdivisions and
14 within three thousand feet of a common border of the contracting municipalities or political
15 subdivisions. The purpose of such contract shall be within the scope of powers of each
16 municipality or political subdivision. Municipalities or political subdivisions separated only by
17 a public street, easement, or right-of-way shall be considered to share a common border for
18 purposes of this subsection.

19 3. Any home rule city with more than seventy-three thousand but fewer than seventy-five
20 thousand inhabitants may contract with any county of the first classification with more than
21 eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants to share tax
22 revenues for the purpose of promoting tourism and the construction, maintenance, and
23 improvement of convention center and recreational facilities. In the event an agreement for the
24 distribution of tax revenues is entered into between a county of the first classification with more
25 than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants and a
26 home rule city with more than seventy-three thousand but fewer than seventy-five thousand
27 inhabitants, then all revenue received from such taxes shall be distributed in accordance with the
28 terms of said agreement. For purposes of this subsection, the term "tax revenues" shall include
29 tax revenues generated from the imposition of a transient guest tax imposed under the provisions
30 of section 67.1361.

31 4. If any contract or cooperative action entered into under this section is between a
32 municipality or political subdivision and an elective or appointive official of another
33 municipality or political subdivision, such contract or cooperative action shall be approved by
34 the governing body of the unit of government in which such elective or appointive official
35 resides.

36 5. In the event an agreement for the distribution of tax revenues is entered into between
37 a county of the first classification without a charter form of government and a constitutional
38 charter city with a population of more than one hundred forty thousand that is located in said
39 county prior to a vote to authorize the imposition of such tax, then all revenue received from
40 such tax shall be distributed in accordance with said agreement for so long as the tax remains in
41 effect or until the agreement is modified by mutual agreement of the parties.

42 **6. Notwithstanding any other provision of law to the contrary, no governmental**
43 **entity can contract with any other municipality or political subdivision for public safety**
44 **related information technology services without utilizing the competitive bidding**
45 **procedure in section 34.040.**

 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, [~~approved by the Missouri public service commission~~] **contracts,**
26 **service agreements, or similar documents governing the provision of the service,** which
27 represent the service supplier's recurring charges for exchange access facilities or their
28 equivalent, **or equivalent rates contained in contracts, service agreements, or similar**
29 **documents,** exclusive of all taxes, fees, licenses, or similar charges whatsoever.

 190.308. 1. In any county that has established an emergency telephone service pursuant
2 to sections 190.300 to [~~190.320~~] **190.340**, it shall be unlawful for any person to misuse the
3 emergency telephone service. For the purposes of this section, "emergency" means any incident

4 involving danger to life or property that calls for an emergency response dispatch of police, fire,
5 EMS or other public safety organization, "misuse the emergency telephone service" includes, but
6 is not limited to, repeatedly calling the "911" for nonemergency situations causing operators or
7 equipment to be in use when emergency situations may need such operators or equipment and
8 "repeatedly" means three or more times within a one-month period.

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

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

190.325. 1. In any county of the first classification without a charter form of government
2 with a population of at least one hundred fifty thousand inhabitants but less than two hundred
3 **fifty** thousand inhabitants, the county commission may use all or a part of the moneys derived
4 from the emergency telephone tax authorized pursuant to section 190.305 for central dispatching
5 of fire protection, emergency ambulance service or any other emergency services, which may
6 include the purchase and maintenance of communications and emergency equipment. In the
7 event such commission chooses to use the tax provided in that section for such services, the
8 provisions of sections 190.300 to 190.320 shall apply except as provided in this section.

9 2. The tax shall not exceed a percentage of the base tariff rate and such percentage shall
10 not exceed an amount equal to a maximum rate of one dollar thirty cents per line per month, the
11 provisions of section 190.305 to the contrary notwithstanding. The tax imposed by this section
12 and the amounts required to be collected are due monthly. The amount of tax collected in one
13 calendar month by the service supplier shall be remitted to the governing body no later than one
14 month after the close of a calendar month. On or before the last day of each calendar month, a
15 return for the preceding month shall be filed with the governing body in such form as the
16 governing body and service supplier shall agree. The service supplier shall include the list of any
17 service user refusing to pay the tax imposed by this section with each return filing. The service
18 supplier required to file the return shall deliver the return, together with a remittance of the
19 amount of the tax collected. The records shall be maintained for a period of one year from the
20 time the tax is collected. From every remittance to the governing body made on or before the
21 date when the same becomes due, the service supplier required to remit the same shall be entitled
22 to deduct and retain, as a collection fee, an amount equal to two percent thereof.

23 3. Nothing in this section shall be construed to require any municipality or other political
24 subdivision to join the central dispatching system established pursuant to this section. The
25 governing body of any municipality or other political subdivision may contract with the board

26 established pursuant to section 190.327 for such services or portion of such services, or for the
27 purchase and maintenance of communication and emergency equipment.

190.327. 1. Immediately upon the decision by the commission to utilize a portion of the
2 emergency telephone tax for central dispatching and an affirmative vote of the telephone tax, the
3 commission shall appoint the initial members of a board which shall administer the funds and
4 oversee the provision of central dispatching for emergency services in the county and in
5 municipalities and other political subdivisions which have contracted for such service.
6 Beginning with the general election in 1992, all board members shall be elected according to this
7 section and other applicable laws of this state. At the time of the appointment of the initial
8 members of the board, the commission shall relinquish to the board and no longer exercise the
9 duties prescribed in this chapter with regard to the provision of emergency telephone service and
10 in chapter 321, with regard to the provision of central dispatching service, and such duties shall
11 be exercised by the board.

12 2. Elections for board members may be held on general municipal election day, as
13 defined in subsection 3 of section 115.121, after approval by a simple majority of the county
14 commission.

15 3. For the purpose of providing the services described in this section, the board shall
16 have the following powers, authority and privileges:

17 (1) To have and use a corporate seal;

18 (2) To sue and be sued, and be a party to suits, actions and proceedings;

19 (3) To enter into contracts, franchises and agreements with any person, partnership,
20 association or corporation, public or private, affecting the affairs of the board;

21 (4) To acquire, construct, purchase, maintain, dispose of and encumber real and personal
22 property, including leases and easements;

23 (5) To have the management, control and supervision of all the business affairs of the
24 board and the construction, installation, operation and maintenance of any improvements;

25 (6) To hire and retain agents and employees and to provide for their compensation
26 including health and pension benefits;

27 (7) To adopt and amend bylaws and any other rules and regulations;

28 (8) To fix, charge and collect the taxes and fees authorized by law for the purpose of
29 implementing and operating the services described in this section;

30 (9) To pay all expenses connected with the first election and all subsequent elections;
31 and

32 (10) To have and exercise all rights and powers necessary or incidental to or implied
33 from the specific powers granted in this subsection. Such specific powers shall not be

34 considered as a limitation upon any power necessary or appropriate to carry out the purposes and
35 intent of sections 190.300 to 190.329.

36 **4. (1) Notwithstanding the provisions of subsections 1 and 2 of this section to the**
37 **contrary, the county commission may elect to appoint the members of the board to**
38 **administer the funds and oversee the provision of central dispatching for emergency**
39 **services in the counties, municipalities, and other political subdivisions which have**
40 **contracted for such service upon the request of the municipalities and other political**
41 **subdivisions. Upon appointment of the initial members of the board, the commission shall**
42 **relinquish all powers and duties to the board and no longer exercise the duties prescribed**
43 **in this chapter with regard to the provision of central dispatching service and such duties**
44 **shall be exercised by the board.**

45 **(2) The board shall consist of seven members appointed without regard to political**
46 **affiliation. The members shall include:**

47 **(a) Five members who shall serve for so long as they remain in their respective**
48 **county or municipal positions as follows:**

49 **a. The county sheriff, or his or her designee;**

50 **b. The heads of the municipal police department who have contracted for central**
51 **dispatching service in the two largest municipalities wholly contained within the county,**
52 **or their designees; or**

53 **c. The heads of the municipal fire departments or fire divisions who have**
54 **contracted for central dispatching service in the two largest municipalities wholly**
55 **contained within the county, or their designees;**

56 **(b) Two members who shall serve two year terms appointed from among the**
57 **following:**

58 **a. The head of any of the county's fire protection districts who have contracted for**
59 **central dispatching service, or his or her designee;**

60 **b. The head of any of the county's ambulance districts who have contracted for**
61 **central dispatching service, or his or her designee;**

62 **c. The head of any of the municipal police departments located in the county who**
63 **have contracted for central dispatching service, or his or her designee, excluding those**
64 **mentioned in subparagraph b of paragraph (a) of subdivision (2) of this subsection; and**

65 **d. The head of any of the municipal fire departments in the county who have**
66 **contracted for central dispatching service, or his or her designee, excluding those**
67 **mentioned in subparagraph c of paragraph (a) of subdivision (2) of this subsection.**

68 **(3) Upon the appointment of the board under this subsection, the board shall have**
69 **the powers provided in subsection 3 of this section and the commission shall relinquish all**

70 **powers and duties relating to the provision of central dispatching service under this**
71 **chapter to the board.**

190.328. 1. Beginning in 1997, within the area from which voters and the commission
2 have approved the provision of central dispatching for emergency services by a public agency
3 for an area containing third or fourth class cities in counties of the third classification with a
4 population of at least thirty-two thousand but no greater than forty thousand that border a county
5 of the first classification but do not border the Mississippi River, the initial board shall consist
6 of two members from each township within such area and one at-large member who shall serve
7 as the initial chairperson of such board.

8 2. Within the area from which voters and the commission have approved the provision
9 of central dispatching for emergency services by a public agency for an area containing third or
10 fourth class cities in counties of the third classification with a population of at least thirty-two
11 thousand but no greater than forty thousand that border a county of the first classification, voters
12 shall elect a board to administer funds and oversee the provision of central dispatching for
13 emergency services. Such board shall consist of two members elected from each of the
14 townships within such area and one member elected at large who shall serve as the chairperson
15 of the board.

16 3. Of those initially elected to the board as provided in this section, four from the
17 townships shall be elected to a term of two years, and four from the townships and the at-large
18 member shall be elected to a term of four years. Upon the expiration of these initial terms, all
19 members shall thereafter be elected to terms of four years; **provided that, if a board**
20 **established in this section consolidates with a board established under section 190.327 or**
21 **190.335, under the provisions of section 190.470, the term of office for the existing board**
22 **members shall end on the thirtieth day following the appointment of the initial board of**
23 **directors for the consolidated district.**

190.329. 1. Except in areas from which voters and the commission have approved the
2 provision of central dispatching for emergency services by a public agency for an area containing
3 third or fourth class cities located in counties of the third classification with a population of at
4 least thirty-two thousand but no greater than forty thousand that border a county of the first
5 classification but do not border the Mississippi River, the initial board shall consist of seven
6 members appointed without regard for political party who shall be selected from and shall
7 represent the fire protection districts, ambulance districts, sheriff's department, municipalities,
8 any other emergency services and the general public. This initial board shall serve until its
9 successor board is duly elected and installed in office. The commission shall ensure geographic
10 representation of the county by appointing no more than four members from any one commission
11 district of the county.

12 2. Beginning in 1992, three members shall be elected from each commission district and
13 one member shall be elected at large, with such at-large member to be a voting member and
14 chairman of the board. Of those first elected, four members from commission districts shall be
15 elected for terms of two years and two members from commission districts and the member at
16 large shall be elected for terms of four years. In 1994, and thereafter, all terms of office shall be
17 for four years, except as **otherwise provided in this subsection or as** provided in subsection
18 3 of this section. Any vacancy on the board shall be filled in the same manner as the initial
19 appointment was made. Four members shall constitute a quorum. **If a board established in**
20 **section 190.327 consolidates with a board established under section 190.327, 190.328, or**
21 **190.335, under the provisions of section 190.470, the term of office for the existing board**
22 **members shall end on the thirtieth day following the appointment of the initial board of**
23 **directors for the consolidated district.**

24 3. Upon approval by the county commission for the election of board members to be held
25 on general municipal election day, pursuant to subsection 2 of section 190.327, the terms of
26 those board members then holding office shall be reduced by seven months. After a board
27 member's term has been reduced, all following terms for that position shall be for four years,
28 **except as otherwise provided under subsection 2 of this section.**

190.334. The state auditor shall have the authority to conduct performance and fiscal
2 audits of any board, dispatch center, joint emergency communications entity, or trust fund
3 established under section 190.327, 190.328, 190.329, 190.335, 190.420, 190.455, 190.460,
4 **190.465, 190.470** or 650.325.

190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency
2 telephone services, the county commission of any county may impose a county sales tax for the
3 provision of central dispatching of fire protection, including law enforcement agencies,
4 emergency ambulance service or any other emergency services, including emergency telephone
5 services, which shall be collectively referred to herein as "emergency services", and which may
6 also include the purchase and maintenance of communications and emergency equipment,
7 including the operational costs associated therein, in accordance with the provisions of this
8 section.

9 2. Such county commission may, by a majority vote of its members, submit to the voters
10 of the county, at a public election, a proposal to authorize the county commission to impose a
11 tax under the provisions of this section. If the residents of the county present a petition signed
12 by a number of residents equal to ten percent of those in the county who voted in the most recent
13 gubernatorial election, then the commission shall submit such a proposal to the voters of the
14 county.

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

16 Shall the county of (insert name of county) impose a county sales tax of
17 (insert rate of percent) percent for the purpose of providing central dispatching of fire protection,
18 emergency ambulance service, including emergency telephone services, and other emergency
19 services?

20 YES NO

21

22 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
23 of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes
24 cast by the qualified voters voting are opposed to the proposal, then the county commission shall
25 have no power to impose the tax authorized by this section unless and until the county
26 commission shall again have submitted another proposal to authorize the county commission to
27 impose the tax under the provisions of this section, and such proposal is approved by a majority
28 of the qualified voters voting thereon.

29 4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from
30 the sale at retail of all tangible personal property or taxable services at retail within any county
31 adopting such tax, if such property and services are subject to taxation by the state of Missouri
32 under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior
33 to thirty-six months before operation of the central dispatching of emergency services.

34 5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
35 apply to the tax imposed under this section.

36 6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year
37 in which the tax imposed pursuant to this section for emergency services is certified by the board
38 to be fully operational. Any revenues collected from the tax authorized under section 190.305
39 shall be credited for the purposes for which they were intended.

40 7. At least once each calendar year, the board shall establish a tax rate, not to exceed the
41 amount authorized, that together with any surplus revenues carried forward will produce
42 sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess
43 of that necessary within a given year shall be carried forward to subsequent years. The board
44 shall make its determination of such tax rate each year no later than September first and shall fix
45 the new rate which shall be collected as provided in this act. Immediately upon making its
46 determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall
47 notify every retailer by mail of the new rate.

48 8. Immediately upon the affirmative vote of voters of such a county on the ballot
49 proposal to establish a county sales tax pursuant to the provisions of this section, the county
50 commission shall appoint the initial members of a board to administer the funds and oversee the
51 provision of emergency services in the county. Beginning with the general election in 1994, all

52 board members shall be elected according to this section and other applicable laws of this state.
53 At the time of the appointment of the initial members of the board, the commission shall
54 relinquish and no longer exercise the duties prescribed in this chapter with regard to the
55 provision of emergency services and such duties shall be exercised by the board.

56 9. The initial board shall consist of seven members appointed without regard to political
57 affiliation, who shall be selected from, and who shall represent, the fire protection districts,
58 ambulance districts, sheriff's department, municipalities, any other emergency services and the
59 general public. This initial board shall serve until its successor board is duly elected and
60 installed in office. The commission shall ensure geographic representation of the county by
61 appointing no more than four members from each district of the county commission.

62 10. Beginning in 1994, three members shall be elected from each district of the county
63 commission and one member shall be elected at large, such member to be the chairman of the
64 board. Of those first elected, four members from districts of the county commission shall be
65 elected for terms of two years and two members from districts of the county commission and the
66 member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of
67 office shall be four years; **provided that, if a board established in this section consolidates**
68 **with a board established under this section, section 190.327, or section 190.328, under the**
69 **provisions of section 190.470, the term of office for the existing board members shall end**
70 **on the thirtieth day following the appointment of the initial board of directors for the**
71 **consolidated district.** Notwithstanding any other provision of law, if there is no candidate for
72 an open position on the board, then no election shall be held for that position and it shall be
73 considered vacant, to be filled pursuant to the provisions of section 190.339, and, if there is only
74 one candidate for each open position, no election shall be held and the candidate or candidates
75 shall assume office at the same time and in the same manner as if elected.

76 11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary,
77 in any county of the first classification with more than two hundred forty thousand three hundred
78 but fewer than two hundred forty thousand four hundred inhabitants or in any county of the third
79 classification with a township form of government and with more than twenty-eight thousand
80 but fewer than thirty-one thousand inhabitants, any emergency telephone service 911 board
81 appointed by the county under section 190.309 which is in existence on the date the voters
82 approve a sales tax under this section shall continue to exist and shall have the powers set forth
83 under section 190.339. Such boards which existed prior to August 25, 2010, shall not be
84 considered a body corporate and a political subdivision of the state for any purpose, unless and
85 until an order is entered upon an unanimous vote of the commissioners of the county in which
86 such board is established reclassifying such board as a corporate body and political subdivision
87 of the state. The order shall approve the transfer of the assets and liabilities related to the

88 operation of the emergency **telephone** service 911 system to the new entity created by the
89 reclassification of the board.

90 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the
91 contrary, in any county of the second classification with more than fifty-four thousand two
92 hundred but fewer than fifty-four thousand three hundred inhabitants or any county of the first
93 classification with more than fifty thousand but fewer than seventy thousand inhabitants that has
94 approved a sales tax under this section, the county commission shall appoint the members of the
95 board to administer the funds and oversee the provision of emergency services in the county.

96 (2) The board shall consist of seven members appointed without regard to political
97 affiliation. Except as provided in subdivision (4) of this subsection, each member shall be one
98 of the following:

99 (a) The head of any of the county's fire protection districts, or a designee;

100 (b) The head of any of the county's ambulance districts, or a designee;

101 (c) The county sheriff, or a designee;

102 (d) The head of any of the police departments in the county, or a designee; and

103 (e) The head of any of the county's emergency management organizations, or a designee.

104 (3) Upon the appointment of the board under this subsection, the board shall have the
105 power provided in section 190.339 and shall exercise all powers and duties exercised by the
106 county commission under this chapter, and the commission shall relinquish all powers and duties
107 relating to the provision of emergency services under this chapter to the board.

108 (4) In any county of the first classification with more than fifty thousand but fewer than
109 seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall
110 be represented on the board by at least one member.

111 **(5) In any county with more than fifty thousand but fewer than seventy thousand**
112 **inhabitants and with a county seat with more than two thousand one hundred but fewer**
113 **than two thousand four hundred inhabitants, the entities listed in subdivision (2) of this**
114 **subsection shall be represented by one member, and two members shall be residents of the**
115 **county not affiliated with any of the entities listed in subdivision (2) of this subsection and**
116 **shall be known as public members.**

190.400. As used in sections 190.400 to [~~190.440~~] **190.460**, the following words and
2 terms shall mean:

3 (1) [~~"911", the primary emergency telephone number within the wireless system;~~

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

5 ~~—(3)] "Active telephone number", a ten-digit North American Numbering Plan~~

6 **number that has been assigned to a subscriber and is provisioned to generally reach, by**
7 **dialing, the public switched telephone network and not only 911 or the 911 system;**

8 **(2) "Communications service":**

9 **(a) Any service that:**

10 **a. Uses telephone numbers or their functional equivalents or successors;**

11 **b. Provides access to, and a connection or interface with, a 911 system through the**
12 **activation or enabling of a device, transmission medium, or technology that is used by a**
13 **customer to dial, initialize, or otherwise activate the 911 system, regardless of the**
14 **particular device, transmission medium, or technology employed;**

15 **c. Provides and enables real-time or interactive communications other than**
16 **machine-to-machine communications; and**

17 **d. Is available to a prepaid user or a standard user;**

18 **(b) The term includes, but is not limited to, the following:**

19 **a. Internet protocol-enabled services and applications that are provided through**
20 **wireline, cable, wireless, or satellite facilities, or any other facility or platform that is**
21 **capable of connecting and enabling a 911 communication to a public safety answering**
22 **point;**

23 **b. Commercial mobile radio service; and**

24 **c. Interconnected voice over internet protocol service and voice over power lines;**

25 **(c) The term does not include broadband internet access service; and**

26 **(d) For purposes of this section, if a device that is capable of contacting 911 is**
27 **permanently installed in a vehicle, it shall not be subject to this section unless the owner**
28 **of such vehicle purchases or otherwise subscribes to a commercial mobile service as defined**
29 **under 47 U.S.C. Section 332(d) of the Telecommunications Act of 1996;**

30 **(3) "Provider" or "communications service provider", a person who provides retail**
31 **communications services to the public that include 911 communications service including,**
32 **but not limited to, a local exchange carrier, a wireless provider, and a voice over internet**
33 **protocol provider, but only if such entity provides access to, and connection and interface**
34 **with, a 911 communications service or its successor service;**

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

39 ~~[(4)]~~ **(5) "Public safety answering point", the location at which 911 calls are [initially]**
40 **answered;**

41 ~~[(5)]~~ **(6) "Subscriber", a person who contracts with and is billed by a provider for**
42 **a retail communications service. In the case of wireless service and for purposes of section**
43 **190.455, the term "subscriber" means a person who contracts with a provider if the**

44 **person's primary place of use is within the county or city imposing a monthly fee under**
45 **section 190.455, and does not include subscribers to prepaid wireless service;**

46 (7) "Wireless service provider", a provider of commercial mobile service pursuant to
47 Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et 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 by wireless service providers]~~ **190.460** 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 and for**
9 **the answering and dispatching of emergency calls as determined to be appropriate by the**
10 **governing body of the county or city imposing the fee.**

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

15 4. **The moneys in the trust fund shall not be deemed to be state funds and shall not**
16 **be commingled with any funds of the state. The director of revenue shall keep accurate**
17 **records of the amount of moneys in the trust fund which were collected in each county, city**
18 **not within a county, or home rule city with more than fifteen thousand but fewer than**
19 **seventeen thousand inhabitants and partially located in any county of the third**
20 **classification without a township form of government and with more than thirty-seven**
21 **thousand but fewer than forty-one thousand inhabitants under sections 190.400 to 190.460,**
22 **and the records shall be open to the inspection of officers of a participating county or city**
23 **and the public.**

190.455. 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 190.325 or the sales tax imposed under**
3 **section 190.292 or 190.335, the governing body of any county, city not within a county, or**
4 **home rule city with more than fifteen thousand but fewer than seventeen thousand**
5 **inhabitants and partially located in any county of the third classification without a**
6 **township form of government and with more than thirty-seven thousand but fewer than**
7 **forty-one thousand inhabitants may impose, by order or ordinance, a monthly fee on**
8 **subscribers of any communications service that has been enabled to contact 911. The**
9 **monthly fee authorized in this section shall not exceed one dollar and fifty cents and shall**

10 be assessed to the subscriber of the communications service, regardless of technology,
11 based upon the number of active telephone numbers, or their functional equivalents or
12 successors, assigned by the provider and capable of simultaneously contacting the public
13 safety answering point; provided that, for multiline telephone systems and for facilities
14 provisioned with capacity greater than a voice-capable grade channel or its equivalent,
15 regardless of technology, the charge shall be assessed on the number of voice-capable grade
16 channels as provisioned by the provider that allow simultaneous contact with the public
17 safety answering point. Only one fee may be assessed per active telephone number, or its
18 functional equivalent or successor, used to provide a communications service. No fee
19 imposed under this section shall be imposed on more than one hundred voice-grade
20 channels or their equivalent per person per location. Notwithstanding any provision to the
21 contrary in this section, the monthly fee shall not be assessed on the provision of
22 broadband internet access service. The fee shall be imposed solely for the purpose of
23 funding 911 service in such county or city. The monthly fee authorized in this section shall
24 be limited to one fee per device. The fee authorized in this section shall be in addition to
25 all other taxes and fees imposed by law and may be stated separately from all other charges
26 and taxes. The fee shall be the liability of the subscriber, not the provider, except that the
27 provider shall be liable to remit all fees that the provider collects under this section.

28 **2. No such order or ordinance adopted under this section shall become effective**
29 **unless the governing body of the county or city submits to the voters residing within the**
30 **county or city at a state general, primary, or special election a proposal to authorize the**
31 **governing body to impose a fee under this section. The question submitted shall be in**
32 **substantially the following form:**

33 **"Shall (insert name of county or city) impose a monthly fee of (insert**
34 **amount) on a subscriber of any communications service that has been enabled to contact**
35 **911 for the purpose of funding 911 service in the (county or city)?"**

36

37 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**
38 **favor of the question, the fee shall become effective on the first day of the second calendar**
39 **quarter after the director of revenue receives notification of adoption of the fee. If a**
40 **majority of the votes cast on the question by the qualified voters voting thereon are**
41 **opposed to the question, the fee shall not become effective unless and until the question is**
42 **resubmitted under this section to the qualified voters and such question is approved by a**
43 **majority of the qualified voters voting on the question.**

44 **3. Except as modified in this section, all provisions of sections 32.085 and 32.087**
45 **and subsection 7 of section 144.190 shall apply to the fee imposed under this section.**

46 **4. All revenue collected under this section by the director of the department of**
47 **revenue on behalf of the county or city, except for two percent to be withheld by the**
48 **provider for the cost of administering the collection and remittance of the fee and one**
49 **percent for the cost of collection which shall be deposited in the state's general revenue**
50 **fund, shall be deposited in the Missouri 911 service trust fund created in section 190.420.**
51 **The director of the department of revenue shall remit such funds to the county or city on**
52 **a monthly basis. The governing body of any such county or city shall control such funds**
53 **remitted to the county or city unless the county or city has established an elected board for**
54 **the purpose of administering such funds. In the event that any county or city has**
55 **established a board under any other provision of state law for the purpose of administering**
56 **funds for 911 service, such existing board may continue to perform such functions after the**
57 **county or city has adopted the monthly fee under this section.**

58 **5. Nothing in this section imposes any obligation upon a provider of a**
59 **communications service to take any legal action to enforce the collection of the tax imposed**
60 **in this section. The tax shall be collected in compliance, as applicable, with the federal**
61 **Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as amended.**

62 **6. Notwithstanding any other provision of law to the contrary, proprietary**
63 **information submitted under this section shall only be subject to subpoena or lawful court**
64 **order. Information collected under this section shall only be released or published in**
65 **aggregate amounts that do not identify or allow identification of numbers of subscribers**
66 **or revenues attributable to an individual communications service provider.**

67 **7. Notwithstanding any other provision of law to the contrary, in no event shall any**
68 **communications service provider, its officers, employees, assigns, agents, vendors, or**
69 **anyone acting on behalf of such persons, be liable for any form of civil damages or criminal**
70 **liability that directly or indirectly results from, or is caused by:**

71 **(1) An act or omission in the development, design, installation, operation,**
72 **maintenance, performance, or provision of service to a public safety answering point or to**
73 **subscribers that use such service, whether providing such service is required by law or is**
74 **voluntary; or**

75 **(2) The release of subscriber information to any governmental entity under this**
76 **section unless such act, release of subscriber information, or omission constitutes gross**
77 **negligence, recklessness, or intentional misconduct.**

78

79 **Nothing in this section is intended to void or otherwise override any contractual obligation**
80 **pertaining to equipment or services sold to a public safety answering point by a**
81 **communications service provider. No cause of action shall lie in any court of law against**

82 any provider of communications service, commercial mobile service, or other
83 communications-related service, or its officers, employees, assignees, agents, vendors, or
84 anyone acting on behalf of such persons, for providing call location information concerning
85 the user of any such service in an emergency situation to a law enforcement official or
86 agency in order to respond to a call for emergency service by a subscriber, customer, or
87 user of such service or for providing caller location information or doing a ping locate in
88 an emergency situation that involves danger of death or serious physical injury to any
89 person where disclosure of communications relating to the emergency is required without
90 delay, whether such provision of information is required by law or voluntary.

91 **8. The fee imposed under this section shall not be imposed on customers who pay**
92 **for service prospectively, known as purchasers of prepaid wireless telecommunications**
93 **service customers.**

94 **9. No county or city shall submit a proposal to the voters under this section for a**
95 **fee of more than one dollar until the county or city receives approval for the fee amount**
96 **from the Missouri 911 service board established under section 650.325. Once a fee of more**
97 **than one dollar has been approved by the Missouri 911 service board and the voters, the**
98 **county or city shall not subsequently increase the fee until the increased fee amount has**
99 **been approved by the Missouri 911 service board and the voters under this section. Any**
100 **county or city seeking to impose or increase a fee of more than one dollar shall submit to**
101 **the Missouri 911 service board information to justify the fee amount. The information to**
102 **be provided shall include, but not be limited to, the following:**

103 **(1) Estimated costs of services to be provided;**

104 **(2) Estimated revenue from all sources intended to financially support the proposed**
105 **911 service;**

106 **(3) Prior revenue amounts and sources of financial support for the previously**
107 **funded 911 or emergency dispatch service;**

108 **(4) Efforts to secure revenue to support the proposed 911 service other than the**
109 **proposed fee under this section;**

110 **(5) Current level of 911 service provided and the proposed level of 911 service to**
111 **be provided;**

112 **(6) Any previous efforts regarding the consolidation of 911 services and any**
113 **currently proposed efforts regarding the consolidation of 911 services; and**

114 **(7) Expected level of training of personnel and expected number of**
115 **telecommunications per shift.**

116 **10. The fee imposed under this section shall not be imposed in conjunction with any**
117 **tax imposed under section 190.292, 190.305, 190.325, or 190.335. No county or city shall**

118 simultaneously impose more than one tax authorized in this section or section 190.292,
119 190.305, 190.325, or 190.335. No fee imposed under this section shall be imposed on more
120 than one hundred exchange access facilities or their equivalent per person per location.

121 **11. No county or legally authorized entity shall submit a proposal for a new fee or**
122 **a fee increase above the tax rate in effect as of August 28, 2018, including all emergency**
123 **services sales taxes as authorized by section 190.335, to the voters of the county under this**
124 **section or section 190.335 until either:**

125 **(1) All providers of emergency telephone service as defined in section 190.300 and**
126 **public safety answering point operations within the county are consolidated into one public**
127 **agency, as defined in section 190.300, or have entered into a shared services agreement for**
128 **such services to provide emergency telephone service for the county;**

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

133 **(3) The county or emergency services board, as defined in section 190.290, develops**
134 **a plan for consolidation of emergency telephone service as defined in section 190.300 and**
135 **public safety answering point operations within the county that includes either**
136 **consolidation or entering into a shared services agreement for such services, which shall**
137 **be implemented on approval of the fee by the voters.**

138 **12. Any plan developed under subdivision (2) or (3) of subsection 11 of this section**
139 **shall be filed with the Missouri 911 service board under subsection 4 of section 650.330.**
140 **Any plan that is filed under this subsection shall provide for the establishment of a joint**
141 **emergency communications board as described in section 70.260, unless a joint emergency**
142 **communications board or emergency services board for the area in question has been**
143 **previously established. The director of the department of revenue shall not remit any**
144 **funds as provided under this section until the department receives notification from the**
145 **Missouri 911 service board that the county has filed a plan that is ready for**
146 **implementation. If after one year following the enactment of the fee described in**
147 **subsection 1 of this section the county has not complied with the plan that the county**
148 **submitted under subdivision (2) or (3) of subsection 11 of this section, but the county has**
149 **substantially complied with the plan, the Missouri 911 service board may grant the county**
150 **an extension of up to six months to comply with its plan. Not more than one extension may**
151 **be granted to a county. The authority to impose the fee granted to the county in subsection**
152 **1 of this section shall be null and void if after one year following the enactment of the fee**
153 **described in subsection 1 of this section the county has not complied with the plan and has**

154 not been granted an extension by the Missouri 911 service board, or if the six-month
155 extension expires and the county has not complied with the plan.

156 **13. Each county that does not have a public agency as defined in section 190.300**
157 **that provides emergency telephone service as defined in section 190.300 for the county shall**
158 **either:**

159 **(1) Enter into a shared services agreement for providing emergency telephone**
160 **services with a public agency that provides emergency telephone service, if such an**
161 **agreement is feasible; or**

162 **(2) Form with one or more counties an emergency telephone services district in**
163 **conjunction with any county with a public agency that provides emergency telephone**
164 **service within the county. If such a district is formed under this subdivision, the governing**
165 **body of such district shall be the county commissioners of each county within the district,**
166 **and each county within such district shall submit to the voters of the county a proposal to**
167 **impose the fee under this section.**

168 **14. A county operating joint or shared emergency telephone service as defined in**
169 **section 190.300 may submit to the voters of the county a proposal to impose the fee to**
170 **support joint operations and further consolidation under this section.**

171 **15. All 911 fees shall be imposed as provided in the Mobile Telecommunications**
172 **Sourcing Act, 4 U.S.C. Sections 116 to 124, as amended.**

173 **16. Nothing in subsections 11, 12, 13, and 14 of this section shall apply to a county**
174 **with a charter form of government where all public safety answering points within the**
175 **county utilize a common 911 communication service as implemented by the appropriate**
176 **local and county agencies prior to August 28, 2018.**

177 **17. No county which contains any portion of a home rule city with more than four**
178 **hundred thousand inhabitants and located in more than one county shall submit a**
179 **proposal to the voters under this section until the county and the home rule city with more**
180 **than four hundred thousand inhabitants and located in more than one county enter into**
181 **an agreement for equitable sharing of revenue under this section and section 190.460. This**
182 **subsection shall not apply to a county of the first classification without a charter form of**
183 **government with a population of at least ninety-eight thousand but fewer than one**
184 **hundred five thousand inhabitants.**

190.460. 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 service provider", a provider that provides prepaid wireless
7 service to an end user;

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

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

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

18 (8) "Wireless telecommunications service", commercial mobile radio service as
19 defined by 47 CFR 20.3, as amended.

20 2. (1) Beginning January 1, 2019, there is hereby imposed a prepaid wireless
21 emergency telephone service charge on each retail transaction. The amount of such charge
22 shall be equal to three percent of each retail transaction. However, if a minimal amount
23 of prepaid wireless telecommunications service is sold with a prepaid wireless device for
24 a single nonitemized price, the seller may elect not to apply such service charge to such
25 transaction. For purposes of this subdivision, an amount of service denominated as ten or
26 fewer minutes, or five dollars or less, is minimal.

27 (2) The prepaid wireless emergency telephone service charge shall be collected by
28 the seller from the consumer with respect to each retail transaction occurring in this state.
29 The amount of the prepaid wireless emergency telephone service charge shall be either
30 separately stated on an invoice, receipt, or other similar document that is provided to the
31 consumer by the seller or otherwise disclosed to the consumer.

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

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

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

47 **3. (1) Prepaid wireless emergency telephone service charges collected by sellers**
48 **shall be remitted to the department at the times and in the manner provided by state law**
49 **with respect to sales and use taxes. The department shall establish registration and**
50 **payment procedures that substantially coincide with the registration and payment**
51 **procedures that apply under state law.**

52 **(2) Beginning on January 1, 2019, and ending on January 31, 2019, when a**
53 **consumer purchases prepaid wireless telecommunications service in a retail transaction**
54 **from a seller under this section, the seller shall be allowed to retain one hundred percent**
55 **of the prepaid wireless emergency telephone service charges that are collected by the seller**
56 **from the consumer. Beginning on February 1, 2019, a seller shall be permitted to deduct**
57 **and retain three percent of prepaid wireless emergency telephone service charges that are**
58 **collected by the seller from consumers.**

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

63 **(4) The department shall deposit all remitted prepaid wireless emergency telephone**
64 **service charges into the general revenue fund for the department's use until eight hundred**
65 **thousand one hundred fifty dollars is collected to reimburse its direct costs of**
66 **administering the collection and remittance of prepaid wireless emergency telephone**
67 **service charges. From then onward, the department shall deposit all remitted prepaid**
68 **wireless emergency telephone service charges into the Missouri 911 service trust fund**
69 **created in section 190.420 within thirty days of receipt for use by the board. After the**
70 **initial eight hundred thousand one hundred fifty dollars is collected, the department may**
71 **deduct an amount not to exceed one percent of collected charges to be retained by the**
72 **department to reimburse its direct costs of administering the collection and remittance of**
73 **prepaid wireless emergency telephone service charges.**

74 **(5) The board shall set a rate between twenty-five and seventy-five percent of the**
75 **prepaid wireless emergency telephone service charges deposited in the Missouri 911 service**
76 **trust fund collected in counties without a charter form of government, less the deductions**
77 **authorized in subdivision (4) of this subsection, that shall be remitted to such counties in**

78 **direct proportion to the amount of charges collected in each county. The board shall set**
79 **a rate between sixty-five and seventy-five percent of the prepaid wireless emergency**
80 **telephone service charges deposited in the Missouri 911 service trust fund collected in**
81 **counties with a charter form of government and any city not within a county, less the**
82 **deductions authorized in subdivision (4) of this subsection, that shall be remitted to each**
83 **such county or city not within a county in direct proportion to the amount of charges**
84 **collected in each such county or city not within a county. The initial percentage rate set**
85 **by the board for counties with and without a charter form of government and any city not**
86 **within a county may be adjusted after three years, and thereafter the rate may be adjusted**
87 **every two years; however, at no point shall the board set rates that fall below twenty-five**
88 **percent for counties without a charter form of government and sixty-five percent for**
89 **counties with a charter form of government and any city not within a county.**

90 **(6) Any amounts received by a county or city under subdivision (5) of this**
91 **subsection shall be used only for purposes authorized in sections 190.305 and 190.335.**

92 **4. (1) A seller that is not a provider shall be entitled to the immunity and liability**
93 **protections under section 190.455, notwithstanding any requirement in state law regarding**
94 **compliance with Federal Communications Commission Order 05-116.**

95 **(2) A provider shall be entitled to the immunity and liability protections under**
96 **section 190.455.**

97 **(3) In addition to the protection from liability provided in subdivisions (1) and (2)**
98 **of this subsection, each provider and seller and its officers, employees, assigns, agents,**
99 **vendors, or anyone acting on behalf of such persons shall be entitled to the further**
100 **protection from liability, if any, that is provided to providers and sellers of wireless**
101 **telecommunications service that is not prepaid wireless telecommunications service under**
102 **section 190.455.**

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

190.465. 1. In order to provide the best possible 911 technology and service to all
2 **areas of the state in the most efficient and economical manner possible, it is the public**
3 **policy of this state to encourage the consolidation of emergency communications**
4 **operations.**

5 **2. Any county, city, or 911 or emergency services board established under chapter**
6 **190 or under section 321.243 may contract and cooperate with any other county, city, or**
7 **911 or emergency services board established under chapter 190 or under section 321.243**

8 as provided in sections 70.210 to 70.320. Any contracting counties or boards may seek
9 assistance and advice from the Missouri 911 service board established in section 650.325
10 regarding the terms of the joint contract and the administration and operation of the
11 contracting counties, cities, and boards.

12 3. If two or more counties, cities, 911 districts, or existing emergency
13 communications entities desire to consolidate their emergency communications operations,
14 a joint emergency communications entity may be established by the parties through an
15 agreement identifying the conditions and provisions of the consolidation and the operation
16 of the joint entity. This agreement may include the establishment of a joint governing body
17 that may be comprised of the boards of the entities forming the agreement currently
18 authorized by statute or an elected or appointed joint board authorized in section 70.260;
19 provided that, the representation on the joint board of each of the entities forming the
20 agreement shall be equal. If the entities entering into an agreement under this subsection
21 decide that any 911 service center responsible for the answering of 911 calls and the
22 dispatch of assistance shall be physically located in a county other than a county with the
23 lowest average county wage from the set of counties where the entities entering into an
24 agreement under this subsection are located in whole or part, such entities shall provide
25 a written reason for this decision to the Missouri 911 service board and such document
26 shall be a public record under chapter 610. The county average wage comparison shall be
27 conducted using the information from the Missouri department of economic development,
28 which calculates such county average wages under section 135.950.

29 4. After August 28, 2018, no public safety answering point operation may be
30 established as a result of its separation from an existing public safety answering point
31 operation without a study by and the approval of the Missouri 911 service board.

32 5. No provision of this law shall be construed to prohibit or discourage in any
33 manner the formation of multiagency or multijurisdictional public safety answering point
34 operations.

190.470. 1. As an alternative to the procedure provided in section 190.465, two or
2 more 911 central dispatch centers that are organized under sections 190.327 to 190.329 or
3 section 190.335 and funded by public taxes may consolidate into one 911 central dispatch
4 center by following the procedures set forth in this section.

5 2. If the consolidation of existing 911 central dispatch centers is desired, a number
6 of voters residing in the existing 911 central dispatch centers' service areas equal to ten
7 percent of the votes cast for governor in those service areas in the preceding gubernatorial
8 election may file with the county clerk in which the territory or greater part of the

9 proposed consolidated 911 central dispatch center service area will be situated a petition
10 requesting consolidation of two or more 911 central dispatch centers.

11 3. The petition shall be in the following form:

12 "We, the undersigned voters residing in the service areas for the following 911
13 central dispatch centers, do hereby petition that the following existing 911 central dispatch
14 centers be consolidated into one 911 central dispatch center."

15 4. An alternative procedure of consolidation may be followed if each of the boards
16 of directors of the existing 911 central dispatch centers passes a resolution in the following
17 form:

18 "The board of directors of the 911 central dispatch center resolves that the
19 and 911 central dispatch centers be consolidated into one 911 central dispatch
20 center."

21 5. Upon the filing of a petition or resolution with the county clerk from each of the
22 service areas of the 911 central dispatch centers to be consolidated, the clerk shall present
23 the petition or resolution to the commissioners of the county commission having
24 jurisdiction, who shall thereupon order the submission of the question to voters within the
25 affected 911 central dispatch center service areas. The filing of a petition shall be no later
26 than twelve months after any original voter's signature contained therein.

27 6. The notice of election shall contain the names of the existing 911 central dispatch
28 centers to be included in the consolidated 911 central dispatch center.

29 7. The question shall be submitted in substantially the following form:

30 "Shall the existing 911 central dispatch centers be consolidated into one 911
31 central dispatch center?"

32 8. If the question of consolidation of the 911 central dispatch centers receives a
33 majority of the votes cast in each service area, the county commissions having joint
34 jurisdiction shall each enter an order declaring the proposition passed.

35 9. Within thirty days after the 911 central dispatch center has been declared
36 consolidated, the respective county commissions having jurisdiction shall jointly meet to
37 appoint a new seven-person board consisting of the agencies and professions listed in
38 subsection 9 of section 190.335, and shall ensure geographic representation by appointing
39 no more than four members from any one county having jurisdiction within the
40 consolidated area for the newly consolidated 911 central dispatch center.

41 10. Within thirty days after the appointment of the initial board of directors of the
42 newly consolidated 911 central dispatch center, the board of directors shall meet at a time
43 and place designated by the county commissions. At the first meeting, the newly appointed
44 board of directors shall choose a name for the consolidated 911 central dispatch center and

45 shall notify the clerks of the county commission of each county within which the newly
46 consolidated 911 central dispatch center's service area now subsumes.

47 **11. Starting with the April election in the year after the appointment of the initial**
48 **board of directors, one member shall be subject to running at large as chair for a four-year**
49 **term. Four members shall be selected by lot to run for two-year terms, and two members**
50 **shall be selected by lot to run for four-year terms. Thereafter, all terms shall be four-year**
51 **terms.**

52 **12. On the thirtieth day following the appointment of the initial board of directors,**
53 **the existing 911 central dispatch centers shall cease to exist and the consolidated 911**
54 **central dispatch center shall assume all of the powers and duties exercised by the 911**
55 **central dispatch centers. All assets and obligations of the existing 911 central dispatch**
56 **centers shall become the assets and obligations of the newly consolidated 911 central**
57 **dispatch center.**

58 **13. In any county that has a single board established under chapter 190 or under**
59 **section 321.243, if a consolidation under this section only affects existing 911 central**
60 **dispatch centers located wholly within such county, the existing board shall vote as to**
61 **whether the existing board shall continue to exist. Upon a majority vote for approval of**
62 **the existing board continuing to exist, subsections 9 to 12 of this section shall not apply, and**
63 **the existing board shall continue to exist and have the powers set forth under the**
64 **applicable section or sections within chapter 190 or under section 321.243. Upon a**
65 **majority vote in disapproval of the existing board continuing to exist, all applicable**
66 **subsections of this section shall apply to the consolidation. A tied vote shall be considered**
67 **a disapproval of the existing board continuing to exist.**

190.475. The director of the department of revenue shall maintain a centralized
2 **database, which shall be made available to the Missouri 911 service board established**
3 **under section 650.325, specifying the current monthly fee or tax imposed by each county**
4 **or city under section 190.292, 190.305, 190.325, 190.335, or 190.455. The database shall be**
5 **updated no less than sixty days prior to the effective date of the establishment or**
6 **modification of any monthly fee or tax listed in the database.**

650.330. 1. The board shall consist of fifteen members, one of which shall be chosen
2 from the department of public safety, and the other members shall be selected as follows:

3 (1) One member chosen to represent an association domiciled in this state whose primary
4 interest relates to municipalities;

5 (2) One member chosen to represent the Missouri 911 Directors Association;

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

- 7 (4) One member chosen to represent an association with a chapter domiciled in this state
8 whose primary interest relates to a national emergency number;
- 9 (5) One member chosen to represent an association whose primary interest relates to
10 issues pertaining to fire chiefs;
- 11 (6) One member chosen to represent an association with a chapter domiciled in this state
12 whose primary interest relates to issues pertaining to public safety communications officers;
- 13 (7) One member chosen to represent an association whose primary interest relates to
14 issues pertaining to police chiefs;
- 15 (8) One member chosen to represent an association domiciled in this state whose primary
16 interest relates to issues pertaining to sheriffs;
- 17 (9) One member chosen to represent counties of the second, third, and fourth
18 classification;
- 19 (10) One member chosen to represent counties of the first classification, counties with
20 a charter form of government, and cities not within a county;
- 21 (11) One member chosen to represent telecommunications service providers;
- 22 (12) One member chosen to represent wireless telecommunications service providers;
- 23 (13) One member chosen to represent voice over internet protocol service providers; and
- 24 (14) One member chosen to represent the governor's council on disability established
25 under section 37.735.
- 26 2. Each of the members of the board shall be appointed by the governor with the advice
27 and consent of the senate for a term of four years. Members of the committee may serve multiple
28 terms. No corporation or its affiliate shall have more than one officer, employee, assign, agent,
29 or other representative serving as a member of the board. Notwithstanding subsection 1 of this
30 section to the contrary, all members appointed as of August 28, 2017, shall continue to serve the
31 remainder of their terms.
- 32 3. The board shall meet at least quarterly at a place and time specified by the chairperson
33 of the board and it shall keep and maintain records of such meetings, as well as the other
34 activities of the board. Members shall not be compensated but shall receive actual and necessary
35 expenses for attending meetings of the board.
- 36 4. The board shall:
- 37 (1) Organize and adopt standards governing the board's formal and informal procedures;
- 38 (2) Provide recommendations for primary answering points and secondary answering
39 points on technical and operational standards for 911 services;
- 40 (3) Provide recommendations to public agencies concerning model systems to be
41 considered in preparing a 911 service plan;

42 (4) Provide requested mediation services to political subdivisions involved in
43 jurisdictional disputes regarding the provision of 911 services, except that the board shall not
44 supersede decision-making authority of local political subdivisions in regard to 911 services;

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

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

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

50 (8) Perform other duties as necessary to promote successful development,
51 implementation and operation of 911 systems across the state, including monitoring federal and
52 industry standards being developed for next-generation 911 systems;

53 (9) Designate a state 911 coordinator who shall be responsible for overseeing statewide
54 911 operations and ensuring compliance with federal grants for 911 funding;

55 (10) Elect the chair from its membership;

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

57 (12) Report to the governor and the general assembly at least every three years on the
58 status of 911 services statewide, as well as specific efforts to improve efficiency,
59 cost-effectiveness, and levels of service;

60 (13) Conduct and review an annual survey of public safety answering points in Missouri
61 to evaluate potential for improved services, coordination, and feasibility of consolidation;

62 (14) Make and execute contracts or any other instruments and agreements necessary or
63 convenient for the exercise of its powers and functions; and

64 (15) Develop a plan and timeline of target dates for the testing, implementation, and
65 operation of a next-generation 911 system throughout Missouri. The next-generation 911 system
66 shall allow for the processing of electronic messages including, but not limited to, electronic
67 messages containing text, images, video, or data.

68 **(16) Administer and authorize grants and loans under section 650.335 to those**
69 **counties and any home rule city with more than fifteen thousand but fewer than seventeen**
70 **thousand inhabitants and partially located in any county of the third classification without**
71 **a township form of government and with more than thirty-seven thousand but fewer than**
72 **forty-one thousand inhabitants that can demonstrate a financial commitment to improving**
73 **911 services by providing at least a fifty percent match and demonstrate the ability to**
74 **operate and maintain ongoing 911 services. The purpose of grants and loans from the 911**
75 **service trust fund shall include:**

76 **(a) Implementation of 911 services in counties of the state where services do not**
77 **exist or to improve existing 911 systems;**

78 (b) Promotion of consolidation where appropriate;

79 (c) Mapping and addressing all county locations;

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

82 (e) Implementation of initial emergency medical dispatch services, including
83 prearrival medical instructions in counties where those services are not offered as of July
84 1, 2019;

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

89 (18) Set the percentage rate of the prepaid wireless emergency telephone service
90 charges to be remitted to a county or city as provided under subdivision (5) of subsection
91 3 of section 190.460;

92 (19) Approve a proposal of a county or city to impose a fee of more than one dollar
93 under section 190.455;

94 (20) Retain in its records proposed county plans developed under subsection 11 of
95 section 190.455 and notify the department of revenue that the county has filed a plan that
96 is ready for implementation; and

97 (21) Notify any communications service provider, as defined in section 190.400, that
98 has voluntarily submitted its contact information when any update is made to the
99 centralized database established under section 190.475 as a result of a county or city
100 establishing or modifying a tax or monthly fee no less than ninety days prior to the effective
101 date of the establishment or modification of the tax or monthly fee.

102 5. The department of public safety shall provide staff assistance to the board as necessary
103 in order for the board to perform its duties pursuant to sections 650.320 to 650.340. The board
104 shall have the authority to hire consultants to administer the provisions of sections 650.320 to
105 650.340.

106 6. The board shall promulgate rules and regulations that are reasonable and necessary
107 to implement and administer the provisions of sections 650.320 to 650.340. Any rule or portion
108 of a rule, as that term is defined in section 536.010, shall become effective only if it has been
109 promulgated pursuant to the provisions of chapter 536. This section and chapter 536 are
110 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536
111 to review, to delay the effective date or to disapprove and annul a rule are subsequently held
112 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
113 August 28, 2017, shall be invalid and void.

- 650.335. 1. Any county or any home rule city with more than fifteen thousand but
2 fewer than seventeen thousand inhabitants and partially located in any county of the third
3 classification without a township form of government and with more than thirty-seven
4 thousand but fewer than forty-one thousand inhabitants, when the prepaid wireless
5 emergency telephone service charge is collected in the county or city, may submit an
6 application for loan funds or other financial assistance to the board for the purpose of
7 financing all or a portion of the costs incurred in implementing a 911 communications
8 service project. The application shall be accompanied by a technical assistance report.
9 The application and the technical assistance report shall be in such form and contain such
10 information, financial or otherwise, as prescribed by the board. This section shall not
11 preclude any applicant or borrower from joining in a cooperative project with any other
12 political subdivision or with any state or federal agency or entity in a 911 communications
13 service project, provided that all other requirements of this section have been met.
- 14 2. Applications may be approved for loans only in those instances where the
15 applicant has furnished the board information satisfactory to assure that the project cost
16 will be recovered during the repayment period of the loan. In no case shall a loan be made
17 to an applicant unless the approval of the governing body of the applicant to the loan
18 agreement is obtained and a written certification of such approval is provided, where
19 applicable. Repayment periods are to be determined by the board.
- 20 3. The board shall approve or disapprove all applications for loans which are sent
21 by certified or registered mail or hand delivered and received by the board upon a schedule
22 as determined by the board.
- 23 4. Each applicant to whom a loan has been made under this section shall repay such
24 loan, with interest. The rate of interest shall be the rate required by the board. The
25 number, amounts, and timing of the payments shall be as determined by the board.
- 26 5. Any applicant who receives a loan under this section shall annually budget an
27 amount which is at least sufficient to make the payments required under this section.
- 28 6. Repayment of principal and interest on loans shall be credited to the Missouri
29 911 service trust fund established under section 190.420.
- 30 7. If a loan recipient fails to remit a payment to the board in accordance with this
31 section within sixty days of the due date of such payment, the board shall notify the
32 director of the department of revenue to deduct such payment amount from first, the
33 prepaid wireless emergency telephone service charge remitted to the county or city under
34 section 190.460; and if insufficient to affect repayment of the loan, next, the regular
35 apportionment of local sales tax distributions to that county or city. Such amount shall

36 then immediately be deposited in the Missouri 911 service trust fund and credited to the
37 loan recipient.

38 **8. All applicants having received loans under this section shall remit the payments**
39 **required by subsection 4 of this section to the board or such other entity as may be directed**
40 **by the board. The board or such other entity shall immediately deposit such payments in**
41 **the Missouri 911 service trust fund.**

42 **9. Loans made under this section shall be used only for the purposes specified in**
43 **an approved application or loan agreement. In the event the board determines that loan**
44 **funds have been expended for purposes other than those specified in an approved**
45 **application or loan agreement or any event of default of the loan agreement occurs without**
46 **resolution, the board shall take appropriate actions to obtain the return of the full amount**
47 **of the loan and all moneys duly owed or other available remedies.**

48 **10. Upon failure of a borrower to remit repayment to the board within sixty days**
49 **of the date a payment is due, the board may initiate collection or other appropriate action**
50 **through the provisions outlined in subsection 7 of this section, if applicable.**

51 **11. If the borrower is an entity not covered under the collection procedures**
52 **established in this section, the board, with the advice and consent of the attorney general,**
53 **may initiate collection procedures or other appropriate action pursuant to applicable law.**

54 **12. The board may, at its discretion, audit the expenditure of any loan, grant, or**
55 **expenditure made or the computation of any payments made.**

2 ~~[190.307. 1. No public agency or public safety agency, nor any officer,~~
3 ~~agent or employee of any public agency, shall be liable for any civil damages as~~
4 ~~a result of any act or omission except willful and wanton misconduct or gross~~
5 ~~negligence, in connection with developing, adopting, operating or implementing~~
6 ~~any plan or system required by sections 190.300 to 190.340.]~~

7 ~~2. No person who gives emergency instructions through a system~~
8 ~~established pursuant to sections 190.300 to 190.340 to persons rendering services~~
9 ~~in an emergency at another location, nor any persons following such instructions~~
10 ~~in rendering such services, shall be liable for any civil damages as a result of~~
11 ~~issuing or following the instructions, unless issuing or following the instructions~~
12 ~~constitutes willful and wanton misconduct, or gross negligence.]~~

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

5 ~~(1) The director of the department of public safety or the director's~~
6 ~~designee who shall hold a position of authority in such department of at least a~~
7 ~~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.]~~

43

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~~
 4 ~~190.440, not to exceed fifty cents per wireless telephone number per month to be~~
 5 ~~collected by wireless service providers from wireless service customers.—~~

6 ~~_____ 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

7 a rule, as that term is defined in section 536.010, that is promulgated pursuant to
8 the authority delegated in sections 190.400 to 190.440 shall become effective
9 only if it has been promulgated pursuant to the provisions of chapter 536. All
10 rulemaking authority delegated prior to July 2, 1998, is of no force and effect and
11 repealed; however, nothing in this section shall be interpreted to repeal or affect
12 the validity of any rule filed or adopted prior to July 2, 1998, if it fully complied
13 with the provisions of chapter 536. This section and chapter 536 are
14 nonseverable and if any of the powers vested with the general assembly pursuant
15 to chapter 536 to review, to delay the effective date or to disapprove and annul
16 a rule are subsequently held unconstitutional, then the grant of rulemaking
17 authority and any rule proposed or adopted after July 2, 1998, shall be invalid and
18 void.

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

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

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

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

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

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

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

38 ~~(3) For the reimbursement of actual expenditures for equipment for~~
39 ~~implementation of wireless enhanced 911 service by public safety answering~~
40 ~~points to the extent that funds are available, provided that ten percent of funds~~
41 ~~distributed to public safety answering points shall be distributed in equal amounts~~
42 ~~to each public safety answering point participating in enhanced 911 service;~~

43 ~~(4) Notwithstanding any other provision of the law, no proprietary~~
44 ~~information submitted pursuant to this section shall be subject to subpoena or~~
45 ~~otherwise released to any person other than to the submitting wireless service~~
46 ~~provider, without the express permission of said wireless service provider.~~
47 ~~General information collected pursuant to this section shall only be released or~~
48 ~~published in aggregate amounts which do not identify or allow identification of~~

49 numbers of subscribers or revenues attributable to an individual wireless service
50 provider.

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

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

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

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

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

75
2 ~~[190.440. 1. The office of administration shall not be authorized to~~
3 ~~establish a fee pursuant to the authority granted in section 190.430 unless a ballot~~
4 ~~measure is submitted and approved by the voters of this state. The ballot measure~~
5 ~~shall be submitted by the secretary of state for approval or rejection at the general~~
6 ~~election held and conducted on the Tuesday immediately following the first~~
7 ~~Monday in November, 1998, or at a special election to be called by the governor~~
8 ~~on the ballot measure. If the measure is rejected at such general or special~~
9 ~~election, the measure may be resubmitted at each subsequent general election, or~~
10 ~~may be 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 to, the~~
13 ~~following language:~~

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

~~YES NO~~

17 ~~———— If you are in favor of the question, place an "X" in the box opposite "Yes". If you~~
18 ~~are opposed to the question, place an "X" in the box opposite "No".—~~

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

✓