

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1249
100TH GENERAL ASSEMBLY

1996H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 190.292, 190.335, and 190.455, RSMo, and to enact in lieu thereof four new sections relating to emergency services.

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

Section A. Sections 190.292, 190.335, and 190.455, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 190.292, 190.293, 190.335, and
3 190.455, to read as follows:

190.292. 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]~~ **percentage**) percent for the purpose of providing

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.

18 central dispatching of fire protection, emergency ambulance service, including
19 emergency telephone services, and other emergency 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, as established by subsection 11 of this
41 section, shall establish a tax rate, not to exceed the amount authorized, that together with any
42 surplus revenues carried forward will produce sufficient revenues to fund the expenditures
43 authorized by sections 190.290 to 190.296. Amounts collected in excess of that necessary within
44 a given year shall be carried forward to subsequent years. The board shall make its
45 determination of such tax rate each year no later than September first and shall fix the new rate
46 which shall be collected as provided in sections 190.290 to 190.296. Immediately upon making
47 its determination and fixing the rate, the board shall publish in its minutes the new rate, and it
48 shall notify every retailer by mail of the new rate.

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

54 At the time of the appointment of the initial members of the board, the commission shall
55 relinquish and no longer exercise the duties prescribed in this chapter with regard to the
56 provision of emergency services and such duties shall be exercised by the board.

57 9. The initial board shall consist of seven members appointed without regard to political
58 affiliation, three of whom shall be selected from, and who shall represent, the fire protection
59 districts, ambulance districts, sheriff's department, municipalities, and any other emergency
60 services. Four of the members of the board shall not be selected from or represent the fire
61 protection districts, ambulance districts, sheriff's department, municipalities, or any other
62 emergency services. Any individual serving on the board on August 28, 2004, may continue to
63 serve and seek reelection or reappointment to the board, notwithstanding any provisions of this
64 subsection. This initial board shall serve until its successor board is duly elected and installed
65 in office. The commission shall ensure geographic representation of the county by appointing
66 no more than four members from each district of the county commission.

67 10. (1) Beginning in 1994, three members shall be elected from each district of the
68 county commission and one member shall be elected at large. The members of the board shall
69 annually elect, from among their number, the chairman of the board. Of those first elected, four
70 members from districts of the county commission shall be elected for terms of two years and two
71 members from districts of the county commission and the member at large shall be elected for
72 terms of four years. In 1996, and thereafter, all terms of office shall be four years. The election
73 of the board members shall be conducted at the first municipal election held in a calendar year.

74 (2) **Alternatively, the county commission of any county of the first classification**
75 **with more than seventy thousand but fewer than eighty-three thousand inhabitants and**
76 **with a city of the fourth classification with more than thirteen thousand five hundred but**
77 **fewer than sixteen thousand inhabitants as the county seat may elect to set the term of**
78 **office length for board members and have the board consist of seven members, elected as**
79 **follows:**

- 80 (a) **Two members who reside in the most populous city in the county;**
81 (b) **Two members who reside in the second most populous city in the county;**
82 (c) **Two members who reside in the county but not within the two most populous**
83 **cities of the county; and**
84 (d) **One member who resides anywhere in the county elected at-large.**
85

86 **The commission shall appoint the initial members of the board without regard to political**
87 **affiliation, but board membership shall be an elected position thereafter.**

88 11. When the board is organized, it shall be a body corporate and a political subdivision
89 of the state and shall be known as the "_____ Emergency Services Board".

90 12. This section shall only apply to any county of the third classification without a
91 township form of government and with more than twenty-four thousand five hundred but less
92 than twenty-four thousand six hundred inhabitants.

**190.293. 1. In lieu of the tax levy authorized under section 190.305 for emergency
2 telephone services, the county commission of a county of the first classification with more
3 than seventy thousand but fewer than eighty-three thousand inhabitants and with a city
4 of the fourth classification with more than thirteen thousand five hundred but fewer than
5 sixteen thousand inhabitants as the county seat may impose a county sales tax for the
6 provision of central dispatching of fire protection, including law enforcement agencies,
7 emergency ambulance service, or any other emergency services, including emergency
8 telephone services, which shall be collectively referred to herein as "emergency services"
9 and which may also include the purchase and maintenance of communications and
10 emergency equipment, including the operational costs associated therein, in accordance
11 with the provisions of this section.**

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

**3. The ballot of submission shall be in substantially the following form:
18 Shall the county of _____ (insert name of county) impose a county sales tax
19 of _____ (insert percentage) percent for the purpose of providing central
20 dispatching of fire protection, emergency ambulance service, emergency
21 telephone services, and other emergency services?**

☐ YES ☐ NO

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

**4. The sales tax may be imposed at a rate not to exceed one percent on the receipts
32 from the sale at retail of all tangible personal property or taxable services at retail within
33**

34 any county adopting such tax, if such property and services are subject to taxation by the
35 state of Missouri under the provisions of sections 144.010 to 144.525. The sales tax shall
36 not be collected prior to thirty-six months before operation of the central dispatching of
37 emergency services.

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

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

44 7. Upon voter approval of the proposal, the county commission may elect to
45 establish a board to administer revenue from the tax and oversee the central dispatching
46 for emergency services. The commission shall appoint the initial members of the board
47 without regard to political affiliation, but board membership shall be an elected position
48 thereafter. The commission shall set the term of office length for board members. Upon
49 appointing the initial members of the board, the commission shall relinquish, and the
50 board shall assume, all powers and duties prescribed under this chapter regarding central
51 dispatching for emergency services. Seven members shall comprise the board, elected as
52 follows:

53 (1) Two members who reside in the most populous city in the county;

54 (2) Two members who reside in the second most populous city in the county;

55 (3) Two members who reside in the county but not within the two most populous
56 cities of the county; and

57 (4) One member who resides anywhere in the county elected at-large.

58 8. At least once each calendar year, the emergency telephone service 911 board of
59 the county shall establish a tax rate, not to exceed the amount authorized, that together
60 with any surplus revenues carried forward shall produce sufficient revenues to fund the
61 expenditures authorized by sections 190.290 to 190.296. Amounts collected in excess of that
62 necessary within a given year shall be carried forward to subsequent years. The board
63 shall make its determination of such tax rate each year before September first and shall fix
64 the new rate which shall be collected as provided in sections 190.290 to 190.296.
65 Immediately upon making its determination and fixing the rate, the board shall publish
66 in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

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]~~ **percentage**) percent for the purpose of providing
18 central dispatching of fire protection, emergency ambulance service, including
19 emergency telephone services, and other emergency 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 under 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 on the
70 thirtieth day following the appointment of the initial board of directors for the consolidated
71 district. Notwithstanding any other provision of law, if there is no candidate for an open position
72 on the board, then no election shall be held for that position and it shall be considered vacant,
73 to be filled pursuant to the provisions of section 190.339, and, if there is only one candidate for
74 each open position, no election shall be held and the candidate or candidates shall assume office
75 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 or in any county of the third classification without
81 a township form of government and with more than thirty-seven thousand but fewer than
82 forty-one thousand inhabitants and with a city of the fourth classification with more than four
83 thousand five hundred but fewer than five thousand inhabitants as the county seat, any
84 emergency telephone service 911 board appointed by the county under section 190.309 which
85 is in existence on the date the voters approve a sales tax under this section shall continue to exist
86 and shall have the powers set forth under section 190.339. Such boards which existed prior to
87 August 25, 2010, shall not be considered a body corporate and a political subdivision of the state
88 for any purpose, unless and until an order is entered upon an unanimous vote of the
89 commissioners of the county in which such board is established reclassifying such board as a
90 corporate body and political subdivision of the state. The order shall approve the transfer of the
91 assets and liabilities related to the operation of the emergency telephone service 911 system to
92 the new entity created by the reclassification of the board.

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

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

- 102 (a) The head of any of the county's fire protection districts, or a designee;
103 (b) The head of any of the county's ambulance districts, or a designee;
104 (c) The county sheriff, or a designee;
105 (d) The head of any of the police departments in the county, or a designee; and
106 (e) The head of any of the county's emergency management organizations, or a designee.

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

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

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

13. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, the county commission of any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants as the county seat may elect to set the term of office length for board members and have the board consist of seven members, elected as follows:

(1) Two members who reside in the most populous city in the county;

(2) Two members who reside in the second most populous city in the county;

(3) Two members who reside in the county but not within the two most populous cities of the county; and

(4) One member who resides anywhere in the county elected at-large.

The commission shall appoint the initial members of the board without regard to political affiliation, but board membership shall be an elected position thereafter.

14. Any county that has authorized a tax levy under this section, and such levy is reduced automatically in future years, shall not submit to the voters of the county for approval any proposal authorized under this section that is greater than the amount at the time of reduction.

190.455. 1. Except as provided under subsection 9 of this section, in lieu of the tax levy authorized under section 190.305 or 190.325, or the sales tax imposed under section 190.292 or 190.335, the governing body of any county, city not within a county, or home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants may impose, by order or ordinance, a monthly fee on subscribers of any communications service that has been enabled to contact 911. The monthly fee authorized in this section shall not exceed one dollar and shall be assessed to the subscriber of the communications service, regardless of technology, based upon the number of active telephone numbers, or their functional equivalents or successors,

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

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

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

35

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

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

45 4. **(1)** All revenue collected under this section by the director of the department of
46 revenue on behalf of the county or city, except for two percent to be withheld by the provider for

47 the cost of administering the collection and remittance of the fee, and one percent for the cost
48 of collection which shall be deposited in the state's general revenue fund, shall be deposited in
49 the Missouri 911 service trust fund created under section 190.420. The director of the
50 department of revenue shall remit such funds to the county or city on a monthly basis. The
51 governing body of any such county or city shall control such funds remitted to the county or city
52 unless the county or city has established an elected board for the purpose of administering such
53 funds.

54 (2) In the event that any county or city has established a board under any other provision
55 of state law for the purpose of administering funds for 911 service, such existing board may
56 continue to perform such functions after the county or city has adopted the monthly fee under
57 this section.

58 (3) **If the county commission of any county of the first classification with more than**
59 **seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the**
60 **fourth classification with more than thirteen thousand five hundred but fewer than sixteen**
61 **thousand inhabitants as the county seat elects to establish a board, the commission shall**
62 **appoint the initial members of the board without regard to political affiliation, but board**
63 **membership shall be an elected position thereafter. The commission shall set the term of**
64 **office length for board members. Upon appointing the initial members of the board, the**
65 **commission shall relinquish, and the board shall assume, all powers and duties prescribed**
66 **under this chapter regarding central dispatching for emergency services. Seven members**
67 **shall comprise the board, elected as follows:**

68 (a) **Two members who reside in the most populous city in the county;**

69 (b) **Two members who reside in the second most populous city in the county;**

70 (c) **Two members who reside in the county but not within the two most populous**
71 **cities of the county; and**

72 (d) **One member who resides anywhere in the county elected at-large.**

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

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

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

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

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

92
93 Nothing in this section is intended to void or otherwise override any contractual obligation
94 pertaining to equipment or services sold to a public safety answering point by a communications
95 service provider. No cause of action shall lie in any court of law against any provider of
96 communications service, commercial mobile service, or other communications-related service,
97 or its officers, employees, assignees, agents, vendors, or anyone acting on behalf of such persons,
98 for providing call location information concerning the user of any such service in an emergency
99 situation to a law enforcement official or agency in order to respond to a call for emergency
100 service by a subscriber, customer, or user of such service or for providing caller location
101 information or doing a ping locate in an emergency situation that involves danger of death or
102 serious physical injury to any person where disclosure of communications relating to the
103 emergency is required without delay, whether such provision of information is required by law
104 or voluntary.

105 8. The fee imposed under this section shall not be imposed on customers who pay for
106 service prospectively, including customers of prepaid wireless telecommunications service.

107 9. The fee imposed under this section shall not be imposed in conjunction with any tax
108 imposed under section 190.292, 190.305, 190.325, or 190.335. No county or city shall
109 simultaneously impose more than one tax authorized in this section or section 190.292, 190.305,
110 190.325, or 190.335. No fee imposed under this section shall be imposed on more than one
111 hundred exchange access facilities or their equivalent per person per location. The fee imposed
112 under this section shall not be imposed in conjunction with any tax imposed for central
113 dispatching of emergency services in any home rule city with more than four hundred thousand
114 inhabitants and located in more than one county or any county containing a portion of such city,
115 and such city or counties shall not simultaneously impose more than one tax or fee for central
116 dispatching of emergency services; provided however, if any such county approves the fee
117 authorized under this section, collection of such fee shall be in lieu of any tax authorized for

118 central dispatching of emergency services in the county and any portion of the city within the
119 county.

120 10. No county or legally authorized entity shall submit a proposal to the voters of the
121 county under this section or section 190.335 until either:

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

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

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

136 11. Any plan developed under subdivision (2) or (3) of subsection 10 of this section shall
137 be filed with the Missouri 911 service board under subsection 4 of section 650.330. Any plan
138 that is filed under this subsection shall provide for the establishment of a joint emergency
139 communications board as described in section 70.260 unless a joint emergency communication
140 board or emergency services board for the area in question has been previously established. The
141 director of the department of revenue shall not remit any funds as provided under this section
142 until the department receives notification from the Missouri 911 service board that the county
143 has filed a plan that is ready for implementation. If, after one year following the enactment of
144 the fee described in subsection 1 of this section, the county has not complied with the plan that
145 the county submitted under subdivision (2) or (3) of subsection 10 of this section, but the county
146 has substantially complied with the plan, the Missouri 911 service board may grant the county
147 an extension of up to six months to comply with its plan. Not more than one extension may be
148 granted to a county. The authority to impose the fee granted to the county in subsection 1 of this
149 section shall be null and void if after one year following the enactment of the fee described in
150 subsection 1 of this section the county has not complied with the plan and has not been granted
151 an extension by the Missouri 911 service board, or if the six-month extension expires and the
152 county has not complied with the plan.

12. Each county that does not have a public agency, as defined in section 190.300, that provides emergency telephone service as defined in section 190.300 for the county shall either:

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

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

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

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

15. Nothing in subsections 10, 11, 12, and 13 of this section shall apply to a county with a charter form of government where all public safety answering points within the county utilize a common 911 communication service as implemented by the appropriate local and county agencies prior to August 28, 2018.

16. Any home rule city with more than four hundred thousand inhabitants and located in more than one county and any county in which it is located shall establish an agreement regarding the allocation of anticipated revenue created upon passage of a ballot proposition submitted to the voters as provided for in sections 190.292, 190.305, 190.325, 190.335, and 190.455, as well as revenue provided based upon section 190.460 and the divided costs related to regional 911 services. The allocation and actual expenses of the regional 911 service shall be determined based upon the percentage of residents of each county who also reside in the home rule city. The agreement between the counties and the home rule city may either be between the individual counties and the home rule city or jointly between all entities. The agreement to divide costs and revenue as required in this section shall not take effect until the passage of a ballot proposition as provided for in section 190.292, 190.305, 190.325, 190.335, or 190.455. The population shall be determined based upon the most recent decennial census. This subsection shall not apply to a county of the first classification without a charter form of government and with less than five percent of its population living in any home rule city with more than four hundred thousand inhabitants and located in more than one county.

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