

FIRST REGULAR SESSION

# SENATE BILL NO. 409

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time February 5, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1832S.011

## AN ACT

To repeal sections 70.210, 92.077, 190.300, 190.307, 190.308, 190.328, 190.329, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 321.015, 650.320, 650.325, 650.330, and 650.340, RSMo, and to enact in lieu thereof twenty new sections relating to emergency services, with penalty provisions.

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

Section A. Sections 70.210, 92.077, 190.300, 190.307, 190.308, 190.328, 190.329, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 321.015, 650.320, 650.325, 650.330, and 650.340, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 70.210, 92.077, 190.300, 190.308, 190.328, 190.329, 190.335, 190.400, 190.420, 190.450, 190.451, 190.455, 190.460, 190.475, 321.015, 650.320, 650.325, 650.330, 650.335, and 650.340, to read as follows:

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

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

(2) "Municipality", municipal corporations, political corporations, and other public corporations and agencies authorized to exercise governmental functions;

(3) "Political subdivision", counties, townships, cities, towns, villages, school, county library, city library, city-county library, road, drainage, sewer, levee and fire districts, soil and water conservation districts, watershed subdistricts, county hospitals, [and] any board of control of an art museum, **any 911 or emergency services board authorized in chapter 190 or in section 321.243**, and any other public subdivision or public corporation having the power

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13 to tax.

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

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

11 (a) Any state or municipal sales tax imposed under sections 144.010 to  
12 144.525; or

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

16 (c) Any tax or fee levied for emergency services under section 190.292,  
17 190.305, 190.325, or 190.335, [or 190.430,] or any tax authorized by the general  
18 assembly after August 28, 2005, for emergency services;

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

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

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

22 (4) "Municipality", any city, county, town, or village in Missouri entitled  
23 by authority of section 66.300, section 80.090, section 92.073, section 94.110,  
24 94.270, or 94.360, or under authority granted in its charter to assess a business  
25 license tax on telecommunications companies;

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

28 (6) "Telecommunications service", the same meaning as such term is  
29 defined in section 144.010. The term telephone company, as used in sections  
30 94.110, 94.270, and 94.360, shall have the same meaning as telecommunications  
31 company as defined in this section.

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

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

5 situations;

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

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

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

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

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

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

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

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

190.308. 1. In any county that has established an emergency telephone  
2 service pursuant to sections 190.300 to [190.320] **190.340**, it shall be unlawful  
3 for any person to misuse the emergency telephone service. For the purposes of  
4 this section, "emergency" means any incident involving danger to life or property  
5 that calls for an emergency response dispatch of police, fire, EMS or other public  
6 safety organization, "misuse the emergency telephone service" includes, but is not  
7 limited to, repeatedly calling the "911" for nonemergency situations causing

8 operators or equipment to be in use when emergency situations may need such  
9 operators or equipment and "repeatedly" means three or more times within a one-  
10 month period.

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

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

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

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

18 3. Of those initially elected to the board as provided in this section, four  
19 from the townships shall be elected to a term of two years, and four from the  
20 townships and the at-large member shall be elected to a term of four years. Upon  
21 the expiration of these initial terms, all members shall thereafter be elected to  
22 terms of four years; **provided, however, that if a board established in this**  
23 **section consolidates with a board established under section 190.327 or**  
24 **190.335, under the provisions of section 190.460, the term of office for**  
25 **the existing board members shall end on the thirtieth day following the**  
26 **appointment of the initial board of directors for the consolidated**  
27 **district.**

190.329. 1. Except in areas from which voters and the commission have

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

14 2. Beginning in 1992, three members shall be elected from each  
15 commission district and one member shall be elected at large, with such at-large  
16 member to be a voting member and chairman of the board. Of those first elected,  
17 four members from commission districts shall be elected for terms of two years  
18 and two members from commission districts and the member at large shall be  
19 elected for terms of four years. In 1994, and thereafter, all terms of office shall  
20 be for four years, except as **otherwise provided in this subsection or as**  
21 **provided in subsection 3 of this section.** Any vacancy on the board shall be filled  
22 in the same manner as the initial appointment was made. Four members shall  
23 constitute a quorum. **If a board established in section 190.327**  
24 **consolidates with a board established under section 190.327, 190.328, or**  
25 **190.335, under the provisions of section 190.460, the term of office for**  
26 **the existing board members shall end on the thirtieth day following the**  
27 **appointment of the initial board of directors for the consolidated**  
28 **district.**

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

190.335. 1. In lieu of the tax levy authorized under section 190.305 for  
2 emergency telephone services, the county commission of any county may impose  
3 a county sales tax for the provision of central dispatching of fire protection,

4 including law enforcement agencies, emergency ambulance service or any other  
 5 emergency services, including emergency telephone services, which shall be  
 6 collectively referred to herein as "emergency services", and which may also  
 7 include the purchase and maintenance of communications and emergency  
 8 equipment, including the operational costs associated therein, in accordance with  
 9 the provisions of this section.

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

17         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  
 19 tax of ..... (insert rate of percent) percent for the purpose of providing central  
 20 dispatching of fire protection, emergency ambulance service, including emergency  
 21 telephone services, and other emergency services?

22                                  YES                                  NO

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

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

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

39         6. Any tax imposed pursuant to section 190.305 shall terminate at the end

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

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

54 8. Immediately upon the affirmative vote of voters of such a county on the  
55 ballot proposal to establish a county sales tax pursuant to the provisions of this  
56 section, the county commission shall appoint the initial members of a board to  
57 administer the funds and oversee the provision of emergency services in the  
58 county. Beginning with the general election in 1994, all board members shall be  
59 elected according to this section and other applicable laws of this state. At the  
60 time of the appointment of the initial members of the board, the commission shall  
61 relinquish and no longer exercise the duties prescribed in this chapter with  
62 regard to the provision of emergency services and such duties shall be exercised  
63 by the board.

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

72 10. Beginning in 1994, three members shall be elected from each district  
73 of the county commission and one member shall be elected at large, such member  
74 to be the chairman of the board. Of those first elected, four members from  
75 districts of the county commission shall be elected for terms of two years and two

76 members from districts of the county commission and the member at large shall  
77 be elected for terms of four years. In 1996, and thereafter, all terms of office  
78 shall be four years; **provided, however, that if a board established in this**  
79 **section consolidates with a board established under this section or**  
80 **section 190.327 or section 190.328, under the provisions of section**  
81 **190.460, the term of office for the existing board members shall end on**  
82 **the thirtieth day following the appointment of the initial board of**  
83 **directors for the consolidated district.** Notwithstanding any other provision  
84 of law, if there is no candidate for an open position on the board, then no election  
85 shall be held for that position and it shall be considered vacant, to be filled  
86 pursuant to the provisions of section 190.339, and, if there is only one candidate  
87 for each open position, no election shall be held and the candidate or candidates  
88 shall assume office at the same time and in the same manner as if elected.

89         11. Notwithstanding the provisions of subsections 8 to 10 of this section  
90 to the contrary, in any county of the first classification with more than two  
91 hundred forty thousand three hundred but fewer than two hundred forty  
92 thousand four hundred inhabitants, any emergency telephone service 911 board  
93 appointed by the county under section 190.309 which is in existence on the date  
94 the voters approve a sales tax under this section shall continue to exist and shall  
95 have the powers set forth under section 190.339. Such boards which existed prior  
96 to August 25, 2010, shall not be considered a body corporate and a political  
97 subdivision of the state for any purpose, unless and until an order is entered  
98 upon an unanimous vote of the commissioners of the county in which such board  
99 is established reclassifying such board as a corporate body and political  
100 subdivision of the state. The order shall approve the transfer of the assets and  
101 liabilities related to the operation of the emergency service 911 system to the new  
102 entity created by the reclassification of the board.

103         12. (1) Notwithstanding the provisions of subsections 8 to 10 of this  
104 section to the contrary, in any county of the second classification with more than  
105 fifty-four thousand two hundred but fewer than fifty-four thousand three hundred  
106 inhabitants or any county of the first classification with more than fifty thousand  
107 but fewer than seventy thousand inhabitants that has approved a sales tax under  
108 this section, the county commission shall appoint the members of the board to  
109 administer the funds and oversee the provision of emergency services in the  
110 county.

111         (2) The board shall consist of seven members appointed without regard

112 to political affiliation. Except as provided in subdivision (4) of this subsection,  
113 each member shall be one of the following:

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

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

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

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

118 and

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

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

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

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

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

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

6 (3)] **"Communications service":**

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

8 **a. Uses telephone numbers or IP addresses or their functional**  
9 **equivalents or successors;**

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

15 **c. Provides and enables real time or interactive communications,**  
16 **other than 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**  
20 **provided through wireline, cable, wireless, or satellite facilities, or any**  
21 **other facility or platform that is capable of connecting and enabling a**  
22 **911 communication to a public safety answering point;**

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

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

26           d. **Integrated telecommunications service;**

27           (c) **For purposes of this section, when a device is permanently**  
28 **installed in a vehicle which is capable of contacting 911, it shall not be**  
29 **subject to this section, unless the owner of such vehicle purchases or**  
30 **otherwise subscribes to a commercial mobile service as defined under**  
31 **47 U.S.C. 332(d) of the Telecommunications Act of 1996;**

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

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

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

45           (5) **"Subscriber", a person who contracts with, and is billed by a**  
46 **provider for, a communications service. In the case of wireless service**  
47 **and for purposes of section 190.450, the term "subscriber" means a**  
48 **person who contracts with a provider if the person's primary place of**  
49 **use is within the county or city imposing a monthly fee under section**  
50 **190.450, and does not include subscribers to prepaid wireless service;**

51           (6) **"Wireless service provider", a provider of commercial mobile service**  
52 **pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47**  
53 **U.S.C. Section 151 et seq).**

190.420. 1. There is hereby established a **special trust** fund to be known  
2 as the "[Wireless Service Provider Enhanced] **Missouri 911 Service Trust Fund**".

3 All fees collected pursuant to sections 190.400 to [190.440 by wireless service  
4 providers] **190.451** shall be remitted to the director of the department of revenue.

5         2. The director of the department of revenue shall deposit such payments  
6 into the [wireless service provider enhanced] **Missouri 911 service trust**  
7 fund. Moneys in the fund shall be used for the purpose of reimbursing  
8 expenditures actually incurred in the implementation and operation of the  
9 [wireless service provider enhanced] **Missouri 911 [system] systems and for**  
10 **the answering and dispatching of emergency calls as determined to be**  
11 **appropriate by the governing body of the county or city imposing the**  
12 **fee.**

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

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

**190.450. 1. Except as provided under subsections 9 and 10 of this**  
2 **section, in lieu of the tax levy authorized under section 190.305 or the**  
3 **sales tax imposed under section 190.292, 190.325, or 190.335, the**  
4 **governing body of any county, city not within a county, or home rule**  
5 **city with more than fifteen thousand but fewer than seventeen**  
6 **thousand inhabitants and partially located in any county of the third**  
7 **classification without a township form of government and with more**  
8 **than thirty-seven thousand but fewer than forty-one thousand**  
9 **inhabitants may impose, by order or ordinance, a monthly fee on**  
10 **subscribers of any communications service that has been enabled to**  
11 **contact 911. The monthly fee authorized in this section shall not**

12 exceed one dollar and fifty cents and shall be limited to one fee per  
13 device. The fee shall be imposed solely for the purpose of funding 911  
14 service in such county or city. The fee authorized in this section shall  
15 be in addition to all other taxes and fees imposed by law and may be  
16 stated separately from all other charges and taxes.

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

23 "Shall ..... (insert name of county or city) impose a monthly fee  
24 of ..... (insert amount) on a subscriber of any communications service  
25 that has been enabled to contact 911 for the purpose of funding 911  
26 service in the (county or city)?"

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

36 3. Except as modified in this section, all provisions of sections  
37 32.085 and 32.087 and subsection 7 of section 144.190 shall apply to the  
38 fee imposed under this section.

39 4. All revenue collected under this section by the director of the  
40 department of revenue on behalf of the county or city, except for two  
41 percent to be withheld by the provider for the cost of administering the  
42 collection and remittance of the fee and one percent for the cost of  
43 collection which shall be deposited in the state's general revenue fund,  
44 shall be deposited in the Missouri 911 service trust fund created in  
45 section 190.420. The director of the department of revenue shall remit  
46 such funds to the county or city on a monthly basis. The governing  
47 body of any such county or city shall control such funds remitted to the  
48 county or city unless the county or city has established an elected

49 board for the purpose of administering such funds. In the event that  
50 any county or city has established a board under any other provision  
51 of state law for the purpose of administering funds for 911 service, such  
52 existing board may continue to perform such functions after the county  
53 or city has adopted the monthly fee under this section.

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

59 6. Notwithstanding any other provision of law to the contrary,  
60 proprietary information submitted under this section shall only be  
61 subject to subpoena or lawful court order. General information  
62 collected under this section shall only be released or published in  
63 aggregate amounts that do not identify or allow identification of  
64 numbers of subscribers or revenues attributable to an individual 911  
65 communications service provider.

66 7. Notwithstanding any other provision of law to the contrary,  
67 in no event shall any 911 communications service provider, its officers,  
68 employees, assigns, agents, vendors, or anyone acting on behalf of such  
69 persons, be liable for any form of civil damages or criminal liability  
70 that directly or indirectly results from, or is caused by:

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

75 (2) The release of subscriber information to any governmental  
76 entity as required under this section unless such acts, release of  
77 subscriber information, or omissions constitute gross negligence,  
78 recklessness, or intentional misconduct.

79 Nothing in this section is intended to void or otherwise override any  
80 contractual obligation pertaining to equipment or services sold to a  
81 public service answering point by a communications service provider.  
82 No cause of action shall lie in any court of law against any provider of  
83 communications service, commercial mobile service, or other  
84 communications-related service, or its officers, employees, agents,  
85 vendors, or anyone acting on behalf of such persons, for providing call

86 location information concerning the user of any such service in an  
87 emergency situation to a law enforcement official or agency in order to  
88 respond to a call for emergency service by a subscriber, customer, or  
89 user of such service or for providing caller location information or  
90 doing a ping locate in an emergency situation that involves danger of  
91 death or serious physical injury to any person where disclosure of  
92 communications relating to the emergency is required without delay,  
93 whether such providing of information is required by law or voluntary.

94       8. The fee imposed under this section shall not be imposed on  
95 customers who pay for service prospectively, known as purchasers of  
96 prepaid wireless telecommunications service customers.

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

108       (1) Estimated costs of services to be provided;

109       (2) Estimated revenue from all sources intended to financially  
110 support the proposed 911 service;

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

113       (4) Efforts to secure revenue to support the proposed 911 service  
114 other than the proposed fee under this section;

115       (5) Current level of 911 service provided and the proposed level  
116 of 911 service to be provided;

117       (6) Any previous efforts regarding consolidation of 911 services  
118 and any currently proposed efforts regarding consolidation of 911  
119 services; and

120       (7) Expected level of training of personnel and expected number  
121 of telecommunications per shift.

122       10. The fee imposed under this section shall not be imposed in

123 conjunction with any tax imposed under section 190.292, 190.305,  
124 190.325, or 190.335. No county or city shall simultaneously impose more  
125 than one tax authorized in this section or section 190.292, 190.305,  
126 190.325, or 190.335. No fee imposed under this section shall be imposed  
127 on more than one hundred exchange access facilities or their  
128 equivalent per person per location.

129 11. No county of the third or fourth classification shall submit a  
130 proposal to the voters of the county under this section until either:

131 (1) All providers of emergency telephone service as defined in  
132 section 190.300 and public safety answering point operations within the  
133 county are consolidated into one public agency as defined in section  
134 190.300 that provides emergency telephone service for the county; and

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

140 (3) The county develops a plan for consolidation of emergency  
141 telephone service as defined in section 190.300 and public safety  
142 answering point operations within the county that includes either  
143 consolidation or entering into a shared services agreement for such  
144 services, which shall be implemented on approval of the fee by the  
145 voters.

146 12. Any plan developed under subdivision (2) or (3) of subsection  
147 11 of this section shall be filed with the Missouri 911 service board  
148 under subsection 4 of section 650.330. Any plan that is filed under this  
149 subsection shall provide for the establishment of a joint emergency  
150 communications board as contemplated in section 70.260. The director  
151 of the department of revenue shall not remit any funds as provided  
152 under this section until the department receives notification from the  
153 Missouri 911 service board that the county has filed a plan that is ready  
154 for implementation.

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

159 (1) Enter into a shared services agreement for providing

160 emergency telephone services with a public agency that provides  
161 emergency telephone service if such an agreement is feasible; or

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

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

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

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

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

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

6 (3) "Department", the department of revenue;

7 (4) "Prepaid wireless service provider", a provider that provides  
8 prepaid wireless service to an end user;

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

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

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

21 (8) "Wireless telecommunications service", commercial mobile

22 radio service as defined by Section 20.3 of Title 47 of the Code of  
23 Federal Regulations, as amended.

24       2. (1) Beginning January 1, 2016, there is hereby imposed a  
25 prepaid wireless emergency telephone service charge on each retail  
26 transaction. The amount of such charge shall be equal to three percent  
27 of each retail transaction. However, if a minimal amount of prepaid  
28 wireless telecommunications service is sold with a prepaid wireless  
29 device for a single nonitemized price, then the seller may elect not to  
30 apply such service charge to such transaction. For purposes of this  
31 subdivision, an amount of service denominated as ten or fewer minutes,  
32 or five dollars or less is minimal.

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

40       (3) For purposes of this subsection, a retail transaction that is  
41 effected in person by a consumer at a business location of the seller  
42 shall be treated as occurring in this state if that business location is in  
43 this state; and any other retail transaction shall be treated as occurring  
44 in this state if the retail transaction is treated as occurring in this state  
45 under state law.

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

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

59           **3. (1) Prepaid wireless emergency telephone service charges**  
60 **collected by sellers shall be remitted to the department at the times**  
61 **and in the manner provided by state law with respect to the sales and**  
62 **use taxes. The department shall establish registration and payment**  
63 **procedures that substantially coincide with the registration and**  
64 **payment procedures that apply under state law.**

65           **(2) Beginning on January 1, 2016, and ending on January 31,**  
66 **2016, when a consumer purchases prepaid wireless telecommunications**  
67 **service in a retail transaction from a seller under this section, the**  
68 **seller shall be allowed to retain one hundred percent of the prepaid**  
69 **wireless emergency telephone service charges that are collected by the**  
70 **seller from the consumer. Beginning on February 1, 2016, a seller shall**  
71 **be permitted to deduct and retain three percent of prepaid wireless**  
72 **emergency telephone service charges that are collected by the seller**  
73 **from consumers.**

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

79           **(4) The department shall deposit all remitted prepaid wireless**  
80 **emergency telephone service charges into the Missouri 911 service trust**  
81 **fund created in section 190.420 within thirty days of receipt for use by**  
82 **the board. The department may deduct an amount not to exceed one**  
83 **percent of collected charges to be retained by the department to**  
84 **reimburse its direct costs of administering the collection and**  
85 **remittance of prepaid wireless emergency telephone service charges.**

86           **(5) Ten percent of remitted prepaid wireless emergency**  
87 **telephone service charges deposited in the Missouri 911 service trust**  
88 **fund less the deduction authorized in subdivision (4) of this subsection**  
89 **shall be dedicated to the Missouri regional poison information center**  
90 **established in section 190.353. The amount allocated under this**  
91 **subdivision shall not exceed one million dollars in any twelve-month**  
92 **period, nor shall the Missouri regional poison information center**  
93 **receive more than one million dollars from the Missouri 911 service**  
94 **trust fund in any one calendar year under this subdivision. Any**  
95 **amount that would be allocated under this subdivision in excess of one**

96 million dollars in any twelve-month period or any calendar year shall  
97 be retained in the Missouri 911 service trust fund.

98 (6) The board shall set a rate between twenty-five and seventy-  
99 five percent of the prepaid wireless emergency telephone service  
100 charges deposited in the Missouri 911 service trust fund less the  
101 deductions authorized in subdivisions (4) and (5) of this subsection that  
102 shall be remitted to the counties without a charter form of government  
103 in direct proportion to the amount of charges collected in each  
104 county. The board shall set a rate between sixty-five and seventy-five  
105 percent of the prepaid wireless emergency telephone service charges  
106 deposited in the Missouri 911 service trust fund less the deductions  
107 authorized in subdivisions (4) and (5) of this subsection that shall be  
108 remitted to the counties with a charter form of government and any  
109 city not within a county in direct proportion to the amount of charges  
110 collected in each such county or city not within a county. The initial  
111 percentage rate set by the board for counties with and without a  
112 charter form of government and any city not within a county may be  
113 adjusted after three years and thereafter the rate may be adjusted  
114 every two years.

115 (7) Any amounts received by a county or city under subdivision  
116 (6) of this subsection shall be used only for purposes authorized in  
117 sections 190.305 and 190.335.

118 4. (1) A seller that is not a provider shall be entitled to the  
119 immunity and liability protections under section 190.450,  
120 notwithstanding any requirement in state law regarding compliance  
121 with Federal Communications Commission Order 05-116.

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

124 (3) In addition to the protection from liability provided in  
125 subdivisions (1) and (2) of this subsection, each provider and seller and  
126 its officers, employees, assigns, agents, vendors, or anyone acting on  
127 behalf of such persons shall be entitled to the further protection from  
128 liability, if any, that is provided to providers and sellers of wireless  
129 telecommunications service that is not prepaid wireless  
130 telecommunications service under section 190.450.

131 5. The prepaid wireless emergency telephone service charge  
132 imposed by this section shall be in addition to any other tax, fee,

133 surcharge, or other charge imposed by this state, any political  
134 subdivision of this state, or any intergovernmental agency for 911  
135 funding purposes.

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

5 2. Any county, city, or 911 or emergency services board  
6 established under chapter 190 or under section 321.243 may contract  
7 and cooperate with any other county, city, or 911 or emergency services  
8 board established under chapter 190 or under section 321.243 as  
9 provided in sections 70.210 to 70.320. Any contracting counties or  
10 boards may seek assistance and advice from the Missouri 911 service  
11 board established in section 650.325 regarding the terms of the joint  
12 contract and the administration and operation of the contracting  
13 counties, cities, and boards.

14 3. If two or more counties, cities, 911 districts, or existing  
15 emergency communications entities desire to consolidate their  
16 emergency communications operations, a joint emergency  
17 communications entity may be established by the parties through an  
18 agreement identifying the conditions and provisions of the  
19 consolidation and the operation of the joint entity. This agreement  
20 shall include the establishment of a joint governing body that may be  
21 comprised of the boards of the entities forming the agreement currently  
22 authorized by statute or an elected or appointed joint board authorized  
23 in section 70.260, provided that the representation on the joint board  
24 of each of the entities forming the agreement shall be equal.

25 4. After August 28, 2015, no public safety answering point  
26 operation may be established as a result of its separation from an  
27 existing public safety answering point operation without a study by  
28 and the approval of the Missouri 911 service board.

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

190.460. 1. Two or more 911 central dispatch centers that are  
2 organized under sections 190.327 to 190.329 or section 190.335 and  
3 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  
6 desired, a number of voters residing in the existing 911 central  
7 dispatch centers' service areas equal to ten percent of the vote cast for  
8 governor in those service areas in the immediately preceding  
9 gubernatorial election may file with the county clerk in which the  
10 territory or greater part of the proposed consolidated 911 central  
11 dispatch center service area will be situated a petition requesting  
12 consolidation of two or more 911 central dispatch centers.

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

14           "We the undersigned voters residing in the service areas for the  
15 following 911 central dispatch centers do hereby petition that the  
16 following existing 911 central dispatch centers be consolidated into one  
17 911 central dispatch center."

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

21           "The board of directors of the ..... 911 central dispatch center  
22 resolves that the ..... and ..... 911 central dispatch centers be  
23 consolidated into one consolidated 911 central dispatch center."

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

32           6. The notice of election shall contain the names of the existing  
33 911 central dispatch centers to be included in the consolidated 911  
34 central dispatch center.

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

37           "Shall the existing ..... 911 central dispatch centers be  
38 consolidated into one 911 central dispatch center?"

39           8. If the question of consolidation of the 911 central dispatch  
40 centers receives a majority of the votes cast in each service area, the

41 county commissions having joint jurisdiction shall each enter an order  
42 declaring the proposition passed.

43 9. Within thirty days after the 911 central dispatch center has  
44 been declared consolidated, the respective county commissions having  
45 jurisdiction shall jointly meet to appoint a new seven-person board  
46 consisting of the agencies and professions listed in subsection 9 of  
47 section 190.335, and shall ensure geographic representation by  
48 appointing no more than four members from any one county having  
49 jurisdiction within the consolidated area for the new consolidated 911  
50 central dispatch center.

51 10. Within thirty days after the appointment of the initial board  
52 of directors of the new consolidated 911 central dispatch center, the  
53 board of directors shall meet at a time and place designated by the  
54 county commissions. At the first meeting, the newly appointed board  
55 of directors shall choose a name for the consolidated 911 central  
56 dispatch center and shall notify the clerks of the county commission of  
57 each county within which the new consolidated 911 central dispatch  
58 center's service area now subsumes.

59 11. Starting with the April election in the year after the  
60 appointment of the initial board of directors, there shall be elected a  
61 board of five directors, and at the first meeting, the board members  
62 shall, by lot, determine the terms of their office. Three of the terms  
63 shall be for four years and two of the terms shall be for two  
64 years. They shall all serve until their successors are elected and  
65 qualified. Thereafter all terms shall be four-year terms. The members  
66 shall select one of the members with a four-year term to be chairman  
67 of the board.

68 12. On the thirtieth day following the appointment of the initial  
69 board of directors the existing 911 central dispatch centers shall cease  
70 to exist and the consolidated 911 central dispatch center shall assume  
71 all of the powers and duties exercised by the 911 central dispatch  
72 centers. All assets and obligations of the existing 911 central dispatch  
73 centers shall become the assets and obligations of the new consolidated  
74 911 central dispatch center.

190.475. The director of the department of revenue shall  
2 maintain a centralized database which shall be made available to the  
3 Missouri 911 service board established under section 650.325, specifying

4 **the current monthly fee or tax imposed by each county or city under**  
5 **section 190.292, 190.305, 190.325, 190.335, or 190.450. The database shall**  
6 **be updated no less than sixty days prior to the effective date of the**  
7 **establishment or modification of any monthly fee or tax listed in the**  
8 **database.**

321.015. 1. No person holding any lucrative office or employment under  
2 this state, or any political subdivision thereof as defined in section 70.120, shall  
3 hold the office of fire protection district director under this chapter. When any  
4 fire protection district director accepts any office or employment under this state  
5 or any political subdivision thereof, his office shall thereby be vacated and he  
6 shall thereafter perform no duty and receive no salary or expenses as fire  
7 protection district director.

8 2. This section shall not apply to:

9 (1) Members of the organized militia, of the reserve corps, public school  
10 employees and notaries public;

11 (2) Fire protection districts located wholly within counties of the second,  
12 third or fourth classification;

13 (3) Fire protection districts in counties of the first classification with less  
14 than eighty-five thousand inhabitants;

15 (4) Fire protection districts located within counties of the first  
16 classification not adjoining any other county of the first classification;

17 (5) Fire protection districts located within any county of the first or  
18 second classification not having more than nine hundred thousand inhabitants  
19 which borders any three counties of the first classification;

20 (6) Fire protection districts located within any county of the first  
21 classification which adjoins both a county with a charter form of government with  
22 more than nine hundred fifty thousand inhabitants, and adjoins at least four  
23 other counties;

24 (7) Fire protection districts located within any county of the first  
25 classification with more than one hundred fifty thousand but fewer than two  
26 hundred thousand inhabitants.

27 3. For the purposes of this section, the term "lucrative office or  
28 employment" does not include **part-time employment defined as less than**  
29 **thirty-five hours per week**, receiving retirement benefits, compensation for  
30 expenses, or [a stipend or per diem, in an amount not to exceed seventy-five  
31 dollars for each day of service,] for service rendered to a fire protection district,

32 the state or any political subdivision thereof.

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

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

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

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

650.325. There is hereby established within the department of public  
2 safety the ["Advisory Committee for 911 Service Oversight"] **Missouri 911**  
3 **Service Board**" which is charged with assisting and advising the state in  
4 ensuring the availability, implementation and enhancement of a statewide  
5 emergency telephone number common to all jurisdictions through research,  
6 planning, training and education, **but shall have no authority over**  
7 **communications service providers**. The [committee for 911 service  
8 oversight] **board** shall represent all entities and jurisdictions before appropriate  
9 policy-making authorities and the general assembly and shall strive toward the  
10 immediate access to emergency services for all citizens of this state.

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

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

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

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

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

15 (5) One member chosen to represent an association whose primary

16 interest relates to issues pertaining to fire chiefs;

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

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

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

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

26 [(10)] (9) One member chosen to represent [911 service providers in]  
27 counties of the second, third and fourth classification;

28 [(11)] (10) One member chosen to represent [911 service providers in]  
29 counties of the first classification, **counties** with [and without] a charter [forms]  
30 **form** of government, and cities not within a county;

31 [(12)] (11) One member chosen to represent telecommunications service  
32 providers [with at least one hundred thousand access lines located within  
33 Missouri];

34 [(13)] (12) One member chosen to represent **wireless**  
35 telecommunications service providers [with less than one hundred thousand  
36 access lines located within Missouri];

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

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

42 (13) **One member chosen to represent voice over internet**  
43 **protocol service providers.**

44 2. Each of the members of the [committee for 911 service oversight]  
45 **board** shall be appointed by the governor with the advice and consent of the  
46 senate for a term of four years[; except that, of those members first appointed,  
47 four members shall be appointed to serve for one year, four members shall be  
48 appointed to serve for two years, four members shall be appointed to serve for  
49 three years and four members shall be appointed to serve for four  
50 years]. Members of the committee may serve multiple terms. **No corporation**  
51 **shall have more than one officer, employee, assign, agent, or other**

52 **representative serving as a member of the board. Notwithstanding**  
53 **subsection 1 of this section to the contrary, all members appointed as**  
54 **of August 28, 2015, shall continue to serve the remainder of their terms.**

55 3. The [committee for 911 service oversight] **board** shall meet at least  
56 quarterly at a place and time specified by the chairperson of the committee and  
57 it shall keep and maintain records of such meetings, as well as the other  
58 activities of the committee. Members shall not be compensated but shall receive  
59 actual and necessary expenses for attending meetings of the committee.

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

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

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

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

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

72 (5) Provide assistance to the governor and the general assembly regarding  
73 911 services;

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

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

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

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

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

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

88           **(12) Administer and authorize grants and loans under section**  
89 **650.335 to those counties and any home rule city with more than fifteen**  
90 **thousand but fewer than seventeen thousand inhabitants and partially**  
91 **located in any county of the third classification without a township**  
92 **form of government and with more than thirty-seven thousand but**  
93 **fewer than forty-one thousand inhabitants, that can demonstrate a**  
94 **financial commitment to improving 911 services by providing at least**  
95 **a fifty percent match and demonstrate the ability to operate and**  
96 **maintain ongoing 911 services. The purpose of grants and loans from**  
97 **the 911 service trust fund shall include:**

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

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

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

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

104           **(e) Implementation of initial emergency medical dispatch**  
105 **services including prearrival medical instructions in counties where**  
106 **those services are not offered as of July 1, 2015;**

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

112           **(14) Report to the governor and the general assembly at least**  
113 **every three years on the status of 911 services statewide as well as**  
114 **specific efforts to improve efficiency, cost effectiveness, and levels of**  
115 **service;**

116           **(15) Conduct and review an annual survey of public safety**  
117 **answering points in Missouri to evaluate potential for improved**  
118 **services, coordination, and feasibility of consolidation;**

119           **(16) Set the percentage rate of the prepaid wireless emergency**  
120 **telephone service charges to be remitted to a county or city as provided**  
121 **under subdivision (6) of subsection 3 of section 190.451;**

122           **(17) Make and execute contracts or any other instruments and**  
123 **agreements necessary or convenient for the exercise of its powers and**  
124 **functions;**

125           **(18) Approve a proposal of a county or city to impose a fee of**  
126 **more than one dollar under section 190.450;**

127           **(19) Retain in its records proposed county plans developed under**  
128 **subsection 11 of section 190.450 and notify the department of revenue**  
129 **that the county has filed a plan that is ready for implementation; and**

130           **(20) Notify any communications service provider that has**  
131 **voluntarily submitted its contact information when any update is made**  
132 **to the centralized database established under section 190.475 as a result**  
133 **of a county or city establishing or modifying a tax or monthly fee no**  
134 **less than ninety days prior to the effective date of the establishment or**  
135 **modification of the tax or monthly fee.**

136           5. The department of public safety shall provide staff assistance to the  
137 [committee for 911 service oversight] **board** as necessary in order for the  
138 [committee] **board** to perform its duties pursuant to sections 650.320 to  
139 650.340. **The board shall have the authority to hire consultants to**  
140 **administer the provisions of sections 650.320 to 650.340.**

141           6. The [department of public safety is authorized to adopt those] **board**  
142 **shall promulgate rules and regulations** that are reasonable and necessary [to  
143 accomplish the limited duties specifically delegated within section] **to**  
144 **implement and administer the provisions of sections 650.320 to**  
145 650.340. Any rule or portion of a rule, as that term is defined in section 536.010,  
146 shall become effective only if it has been promulgated pursuant to the provisions  
147 of chapter 536. This section and chapter 536 are nonseverable and if any of the  
148 powers vested with the general assembly pursuant to chapter 536 to review, to  
149 delay the effective date or to disapprove and annul a rule are subsequently held  
150 unconstitutional, then the grant of rulemaking authority and any rule proposed  
151 or adopted after August 28, [1999] **2015**, shall be invalid and void.

**650.335. 1. Any county or any home rule city with more than**  
2 **fifteen thousand but fewer than seventeen thousand inhabitants and**  
3 **partially located in any county of the third classification without a**  
4 **township form of government and with more than thirty-seven**  
5 **thousand but fewer than forty-one thousand inhabitants may submit an**  
6 **application for loan funds or other financial assistance to the board for**  
7 **the purpose of financing all or a portion of the costs incurred in**  
8 **implementing a 911 communications service project. The application**  
9 **shall be accompanied by a technical assistance report. The application**

10 and the technical assistance report shall be in such form and contain  
11 such information, financial or otherwise, as prescribed by the  
12 board. This section shall not preclude any applicant or borrower from  
13 joining in a cooperative project with any other political subdivision or  
14 with any state or federal agency or entity in a 911 communications  
15 service project; provided that, all other requirements of this section  
16 have been met.

17       2. Applications may be approved for loans only in those instances  
18 where the applicant has furnished the board information satisfactory  
19 to assure that the project cost will be recovered during the repayment  
20 period of the loan. In no case shall a loan be made to an applicant  
21 unless the approval of the governing body of the applicant to the loan  
22 agreement is obtained and a written certification of such approval is  
23 provided, where applicable. Repayment periods are to be determined  
24 by the board.

25       3. The board shall approve or disapprove all applications for  
26 loans which are sent by certified or registered mail or hand delivered  
27 and received by the board upon a schedule as determined by the board.

28       4. Each applicant to whom a loan has been made under this  
29 section shall repay such loan, with interest. The rate of interest shall  
30 be the rate required by the board. The number, amounts, and timing  
31 of the payments shall be as determined by the board.

32       5. Any applicant who receives a loan under this section shall  
33 annually budget an amount which is at least sufficient to make the  
34 payments required under this section.

35       6. Repayment of principal and interest on loans shall be credited  
36 to the Missouri 911 service trust fund established under section 190.420.

37       7. If a loan recipient fails to remit a payment to the board in  
38 accordance with this section within sixty days of the due date of such  
39 payment, the board shall notify the director of the department of  
40 revenue to deduct such payment amount from first, the prepaid  
41 wireless emergency telephone service charge remitted to the county or  
42 city pursuant to section 190.451; and if insufficient to affect repayment  
43 of the loan, next the regular apportionment of local sales tax  
44 distributions to that county or city. Such amount shall then  
45 immediately be deposited in the Missouri 911 service trust fund and  
46 credited to the loan recipient.

47           **8. All applicants having received loans pursuant to this section**  
 48 **shall remit the payments required by subsection 4 of this section to the**  
 49 **board or such other entity as may be directed by the board. The board**  
 50 **or such other entity shall immediately deposit such payments in the**  
 51 **Missouri 911 service trust fund.**

52           **9. Loans made pursuant to this section shall be used only for the**  
 53 **purposes specified in an approved application or loan agreement. In**  
 54 **the event the board determines that loan funds have been expended for**  
 55 **purposes other than those specified in an approved application or loan**  
 56 **agreement or any event of default of the loan agreement occurs without**  
 57 **resolution, the board shall take appropriate actions to obtain the**  
 58 **return of the full amount of the loan and all moneys duly owed or other**  
 59 **available remedies.**

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

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

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

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

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

- 5           (1) Police telecommunicator. . . . . 16 hours;
- 6           (2) Fire telecommunicator. . . . . 16 hours;
- 7           (3) Emergency medical services telecommunicator. . . . . 16 hours;
- 8           (4) Joint communication center telecommunicator. . . . . 40 hours.

9           3. All persons employed as a telecommunicator in this state shall be  
 10 required to complete ongoing training so long as such person engages in the  
 11 occupation as a telecommunicator. Such persons shall complete at least  
 12 twenty-four hours of ongoing training every three years by such persons or  
 13 organizations as provided in subsection 6 of this section. The reporting period for

14 the ongoing training under this subsection shall run concurrent with the existing  
15 continuing education reporting periods for Missouri peace officers pursuant to  
16 chapter 590.

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

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

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

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

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

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

[190.410. 1. There is hereby created in the department of

2 public safety the "Wireless Service Provider Enhanced 911 Advisory  
3 Board", consisting of eight members as follows:

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

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

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

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

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

31 3. The board shall do the following:

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

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

38           (3) Advise the office of administration regarding  
39 implementation of Federal Communications Commission order  
40 94-102; and

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

46           4. The director of the department of public safety shall  
47 provide and coordinate staff and equipment services to the board  
48 to facilitate the board's duties.]

          [190.430. 1. The commissioner of the office of  
2 administration is authorized to establish a fee, if approved by the  
3 voters pursuant to section 190.440, not to exceed fifty cents per  
4 wireless telephone number per month to be collected by wireless  
5 service providers from wireless service customers.

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

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

26 follows:

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

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

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

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

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

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

47 (3) For the reimbursement of actual expenditures for  
48 equipment for implementation of wireless enhanced 911 service by  
49 public safety answering points to the extent that funds are  
50 available, provided that ten percent of funds distributed to public  
51 safety answering points shall be distributed in equal amounts to  
52 each public safety answering point participating in enhanced 911  
53 service;

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

62 an individual wireless service provider.

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

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

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

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

77 8. Notwithstanding any other provision of the law, in no  
78 event shall any wireless service provider, its officers, employees,  
79 assigns or agents, be liable for any form of civil damages or  
80 criminal liability which directly or indirectly result from, or is  
81 caused by, an act or omission in the development, design,  
82 installation, operation, maintenance, performance or provision of  
83 911 service or other emergency wireless two- and three-digit  
84 wireless numbers, unless said acts or omissions constitute gross  
85 negligence, recklessness or intentional misconduct. Nor shall any  
86 wireless service provider, its officers, employees, assigns, or agents  
87 be liable for any form of civil damages or criminal liability which  
88 directly or indirectly result from, or is caused by, the release of  
89 subscriber information to any governmental entity as required  
90 under the provisions of this act unless the release constitutes gross  
91 negligence, recklessness or intentional misconduct.]

2 [190.440. 1. The office of administration shall not be  
3 authorized to establish a fee pursuant to the authority granted in  
4 section 190.430 unless a ballot measure is submitted and approved  
5 by the voters of this state. The ballot measure shall be submitted  
6 by the secretary of state for approval or rejection at the general  
election held and conducted on the Tuesday immediately following

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

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

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

19  YES  NO

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

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

✓