

911 AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad L. Dee

Senate Sponsor: Jon J. Greiner

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LONG TITLE

General Description:

This bill modifies code provisions regarding 911 emergency communications and uses of funding.

Highlighted Provisions:

This bill:

- ▶ provides a definition of a public safety answering point; and
- ▶ provides additional uses for the 911 surcharge funds.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

**53-10-602**, as last amended by Laws of Utah 2009, Chapter 64

**53-10-603**, as last amended by Laws of Utah 2007, Chapter 241

**69-2-2**, as last amended by Laws of Utah 2002, Chapter 320

**69-2-5**, as last amended by Laws of Utah 2009, Chapter 203

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53-10-602** is amended to read:

**53-10-602. Committee's duties and powers.**

(1) The committee shall:

- 30 (a) review and make recommendations to the division, the Bureau of  
31 Communications, public safety answering points, and the Legislature on:
- 32 (i) technical, administrative, fiscal, and operational issues for the implementation of a  
33 unified statewide wireless and land-based E-911 emergency system;
- 34 (ii) specific technology and standards for the implementation of a unified statewide  
35 wireless and land-based E-911 emergency system;
- 36 (iii) emerging technological upgrades;
- 37 (iv) expenditures by local public service answering points to assure implementation of  
38 a unified statewide wireless and land-based E-911 emergency system and standards of  
39 operation; and
- 40 (v) mapping systems and technology necessary to implement the unified statewide  
41 wireless and land-based E-911 emergency system;
- 42 (b) administer the fund as provided in this part;
- 43 (c) assist as many local entities as possible, at their request, to implement the  
44 recommendations of the committee; and
- 45 (d) fulfill all other duties imposed on the committee by the Legislature by this part.
- 46 (2) The committee may sell, lease, or otherwise dispose of equipment or personal  
47 property belonging to the committee, the proceeds from which shall return to the fund.
- 48 (3) (a) The committee shall review information regarding:
- 49 (i) in aggregate, the number of telecommunication service subscribers by  
50 telecommunication service type in a political subdivision;
- 51 (ii) 911 call delivery network costs;
- 52 (iii) public safety answering point costs; and
- 53 (iv) system engineering information.
- 54 (b) In accordance with Subsection (3)(a) the committee may request:
- 55 (i) information as described in Subsection (3)(a)(i) from the Utah State Tax  
56 Commission; and
- 57 (ii) information from public safety answering points connected to the 911 call delivery

58 system.

59 (c) The information requested by and provided to the committee under Subsection (3)  
60 is a protected record in accordance with Section 63G-2-305.

61 (4) The committee shall issue the reimbursement allowed under Subsection  
62 53-10-605(1)(b) provided that:

63 (a) the reimbursement is based on aggregated cost studies submitted to the committee  
64 by the wireless carriers seeking reimbursement; and

65 (b) the reimbursement to any one carrier does not exceed 125% of the wireless  
66 carrier's contribution to the fund.

67 (5) The committee shall adopt rules in accordance with Title 63G, Chapter 3, Utah  
68 Administrative Rulemaking Act, to administer the fund created in Section 53-10-603  
69 including rules that establish the criteria, standards, technology, and equipment that a local  
70 entity or state agency must adopt in order to qualify for grants from the fund.

71 (6) The committee may employ an outside consultant to study and advise on the issue  
72 of public safety answering points.

73 [~~6~~] (7) This section does not expand the authority of the Utah State Tax Commission  
74 to request additional information from a telecommunication service provider.

75 Section 2. Section **53-10-603** is amended to read:

76 **53-10-603. Statewide Unified E-911 Emergency Service Fund -- Fund uses.**

77 (1) There is created a restricted account in the General Fund entitled the "Statewide  
78 Unified E-911 Emergency Service Fund," or "fund" consisting of:

79 (a) proceeds from the fee imposed in Section 69-2-5.6;

80 (b) money appropriated or otherwise made available by the Legislature; and

81 (c) contributions of money, property, or equipment from federal agencies, political  
82 subdivisions of the state, persons, or corporations.

83 (2) The monies in this fund shall be used exclusively for the following statewide  
84 public purposes:

85 (a) enhancing public safety as provided in this chapter;

86 (b) providing a statewide, unified, wireless E-911 service available to public [service]  
87 safety answering points; [~~and~~]

88 (c) providing reimbursement to providers for certain costs associated with Phase II  
89 wireless E-911 service[-]; and

90 (d) paying for an outside consultant hired by the Utah 911 Committee to study and  
91 advise the committee regarding public safety answering points.

92 Section 3. Section **69-2-2** is amended to read:

93 **69-2-2. Definitions.**

94 As used in this chapter:

95 (1) "911 emergency telephone service" means a communication system which  
96 provides citizens with rapid direct access to public emergency operation centers by dialing the  
97 telephone number "911" with the objective of reducing the response time to situations  
98 requiring law enforcement, fire, medical, rescue, and other emergency services.

99 (2) "Local exchange service" means the provision of public telecommunications  
100 services by a wireline common carrier to customers within a geographic area encompassing  
101 one or more local communities as described in the carrier's service territory maps, tariffs, price  
102 lists, or rate schedules filed with and approved by the Public Service Commission.

103 (3) "Local exchange service switched access line" means the transmission facility and  
104 local switching equipment used by a wireline common carrier to connect a customer location  
105 to a carrier's local exchange switching network for providing two-way interactive voice, or  
106 voice capable, services.

107 (4) "Mobile telecommunications service" is as defined in Section 54-8b-2.

108 (5) "Public agency" means any county, city, town, special service district, or public  
109 authority located within the state which provides or has authority to provide fire fighting, law  
110 enforcement, ambulance, medical, or other emergency services.

111 (6) "Public safety agency" means a functional division of a public agency which  
112 provides fire fighting, law enforcement, medical, or other emergency services.

113 (7) "Public safety answering point" means a facility that:

114 (a) is equipped and staffed under the authority of a political subdivision; and  
115 (b) receives 911 calls, other calls for emergency services, and asynchronous event  
116 notifications for a defined geographic area.

117 [~~7~~] (8) "Radio communications access line" means the radio equipment and assigned  
118 customer identification number used to connect a mobile or fixed radio customer in Utah to a  
119 radio communication service provider's network for two-way interactive voice, or voice  
120 capable, services.

121 [~~8~~] (9) "Radio communications service" means a public telecommunications service  
122 providing the capability of two-way interactive telecommunications between mobile and fixed  
123 radio customers, and between mobile or fixed radio customers and the local exchange service  
124 network customers of a wireline common carrier. Radio communications service providers  
125 include corporations, persons or entities offering cellular telephone service, enhanced  
126 specialized mobile radio service, rural radio service, radio common carrier services, personal  
127 communications services, and any equivalent wireless public telecommunications service, as  
128 defined in 47 CFR, parts 20, 21, 22, 24, and 90.

129 [~~9~~] (10) "Wireline common carrier" means a public telecommunications service  
130 provider that primarily uses metallic or nonmetallic cables and wires for connecting customers  
131 to its local exchange service networks.

132 Section 4. Section **69-2-5** is amended to read:

133 **69-2-5. Funding for 911 emergency telecommunications service.**

134 (1) In providing funding of 911 emergency telecommunications service, any public  
135 agency establishing a 911 emergency telecommunications service may:

136 (a) seek assistance from the federal or state government, to the extent constitutionally  
137 permissible, in the form of loans, advances, grants, subsidies, and otherwise, directly or  
138 indirectly;

139 (b) seek funds appropriated by local governmental taxing authorities for the funding of  
140 public safety agencies; and

141 (c) seek gifts, donations, or grants from individuals, corporations, or other private

142 entities.

143 (2) For purposes of providing funding of 911 emergency telecommunications service,  
144 special service districts may raise funds as provided in Section 17D-1-105 and may borrow  
145 money and incur indebtedness as provided in Section 17D-1-103.

146 (3) (a) Except as provided in Subsection (3)(b) and subject to the other provisions of  
147 this Subsection (3) a county, city, or town within which 911 emergency telecommunications  
148 service is provided may levy monthly an emergency services telecommunications charge on:

149 (i) each local exchange service switched access line within the boundaries of the  
150 county, city, or town;

151 (ii) each revenue producing radio communications access line with a billing address  
152 within the boundaries of the county, city, or town; and

153 (iii) any other service, including voice over Internet protocol, provided to a user within  
154 the boundaries of the county, city, or town that allows the user to make calls to and receive  
155 calls from the public switched telecommunications network, including commercial mobile  
156 radio service networks.

157 (b) Notwithstanding Subsection (3)(a), an access line provided for public coin  
158 telecommunications service is exempt from emergency telecommunications charges.

159 (c) The amount of the charge levied under this section may not exceed:

160 (i) 61 cents per month for each local exchange service switched access line;

161 (ii) 61 cents per month for each radio communications access line; and

162 (iii) 61 cents per month for each service under Subsection (3)(a)(iii).

163 (d) (i) For purposes of this Subsection (3)(d) the following terms shall be defined as  
164 provided in Section 59-12-102 or 59-12-215:

165 (A) "mobile telecommunications service";

166 (B) " place of primary use";

167 (C) "service address"; and

168 (D) "telecommunications service."

169 (ii) An access line described in Subsection (3)(a) is considered to be within the

170 boundaries of a county, city, or town if the telecommunications services provided over the  
171 access line are located within the county, city, or town:

172 (A) for purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use Tax  
173 Act; and

174 (B) determined in accordance with Section 59-12-215.

175 (iii) The rate imposed on an access line under this section shall be determined in  
176 accordance with Subsection (3)(d)(iv) if the location of an access line described in Subsection  
177 (3)(a) is determined under Subsection (3)(d)(ii) to be a county, city, or town other than county,  
178 city, or town in which is located:

179 (A) for a telecommunications service, the purchaser's service address; or

180 (B) for mobile telecommunications service, the purchaser's place of primary use.

181 (iv) The rate imposed on an access line under this section shall be the lower of:

182 (A) the rate imposed by the county, city, or town in which the access line is located  
183 under Subsection (3)(d)(ii); or

184 (B) the rate imposed by the county, city, or town in which it is located:

185 (I) for telecommunications service, the purchaser's service address; or

186 (II) for mobile telecommunications service, the purchaser's place of primary use.

187 (e) (i) A county, city, or town shall notify the Public Service Commission of the intent  
188 to levy the charge under this Subsection (3) at least 30 days before the effective date of the  
189 charge being levied.

190 (ii) For purposes of this Subsection (3)(e):

191 (A) "Annexation" means an annexation to:

192 (I) a city or town under Title 10, Chapter 2, Part 4, Annexation; or

193 (II) a county under Title 17, Chapter 2, [~~Annexation to County~~] County

194 Consolidations and Annexations.

195 (B) "Annexing area" means an area that is annexed into a county, city, or town.

196 (iii) (A) Except as provided in Subsection (3)(e)(iii)(C) or (D), if on or after July 1,  
197 2003, a county, city, or town enacts or repeals a charge or changes the amount of the charge

198 under this section, the enactment, repeal, or change shall take effect:

199 (I) on the first day of a calendar quarter; and

200 (II) after a 90-day period beginning on the date the State Tax Commission receives  
201 notice meeting the requirements of Subsection (3)(e)(iii)(B) from the county, city, or town.

202 (B) The notice described in Subsection (3)(e)(iii)(A) shall state:

203 (I) that the county, city, or town will enact or repeal a charge or change the amount of  
204 the charge under this section;

205 (II) the statutory authority for the charge described in Subsection (3)(e)(iii)(B)(I);

206 (III) the effective date of the charge described in Subsection (3)(e)(iii)(B)(I); and

207 (IV) if the county, city, or town enacts the charge or changes the amount of the charge  
208 described in Subsection (3)(e)(iii)(B)(I), the amount of the charge.

209 (C) Notwithstanding Subsection (3)(e)(iii)(A), the enactment of a charge or a charge  
210 increase under this section shall take effect on the first day of the first billing period:

211 (I) that begins after the effective date of the enactment of the charge or the charge  
212 increase; and

213 (II) if the billing period for the charge begins before the effective date of the enactment  
214 of the charge or the charge increase imposed under this section.

215 (D) Notwithstanding Subsection (3)(e)(iii)(A), the repeal of a charge or a charge  
216 decrease under this section shall take effect on the first day of the last billing period:

217 (I) that began before the effective date of the repeal of the charge or the charge  
218 decrease; and

219 (II) if the billing period for the charge begins before the effective date of the repeal of  
220 the charge or the charge decrease imposed under this section.

221 (iv) (A) Except as provided in Subsection (3)(e)(iv)(C) or (D), if for an annexation  
222 that occurs on or after July 1, 2003, the annexation will result in the enactment, repeal, or a  
223 change in the amount of a charge imposed under this section for an annexing area, the  
224 enactment, repeal, or change shall take effect:

225 (I) on the first day of a calendar quarter; and



226 (II) after a 90-day period beginning on the date the State Tax Commission receives  
227 notice meeting the requirements of Subsection (3)(e)(iv)(B) from the county, city, or town that  
228 annexes the annexing area.

229 (B) The notice described in Subsection (3)(e)(iv)(A) shall state:

230 (I) that the annexation described in Subsection (3)(e)(iv)(A) will result in an  
231 enactment, repeal, or a change in the charge being imposed under this section for the annexing  
232 area;

233 (II) the statutory authority for the charge described in Subsection (3)(e)(iv)(B)(I);

234 (III) the effective date of the charge described in Subsection (3)(e)(iv)(B)(I); and

235 (IV) if the county, city, or town enacts the charge or changes the amount of the charge  
236 described in Subsection (3)(e)(iv)(B)(I), the amount of the charge.

237 (C) Notwithstanding Subsection (3)(e)(iv)(A), the enactment of a charge or a charge  
238 increase under this section shall take effect on the first day of the first billing period:

239 (I) that begins after the effective date of the enactment of the charge or the charge  
240 increase; and

241 (II) if the billing period for the charge begins before the effective date of the enactment  
242 of the charge or the charge increase imposed under this section.

243 (D) Notwithstanding Subsection (3)(e)(iv)(A), the repeal of a charge or a charge  
244 decrease under this section shall take effect on the first day of the last billing period:

245 (I) that began before the effective date of the repeal of the charge or the charge  
246 decrease; and

247 (II) if the billing period for the charge begins before the effective date of the repeal of  
248 the charge or the charge decrease imposed under this section.

249 (f) Subject to Subsection (3)(g), an emergency services telecommunications charge  
250 levied under this section shall:

251 (i) be billed and collected by the person that provides the:

252 (A) local exchange service switched access line services; or

253 (B) radio communications access line services; and

254 (ii) except for costs retained under Subsection (3)(h), remitted to the State Tax  
255 Commission.

256 (g) An emergency services telecommunications charge on a mobile  
257 telecommunications service may be levied, billed, and collected only to the extent permitted  
258 by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

259 (h) The person that bills and collects the charges levied under Subsection (3)(f) may:

260 (i) bill the charge imposed by this section in combination with the charge levied under  
261 Section 69-2-5.6 as one line item charge; and

262 (ii) retain an amount not to exceed 1.5% of the levy collected under this section as  
263 reimbursement for the cost of billing, collecting, and remitting the levy.

264 (i) The State Tax Commission shall:

265 (i) collect, enforce, and administer the charge imposed under this Subsection (3) using  
266 the same procedures used in the administration, collection, and enforcement of the state sales  
267 and use taxes under:

268 (A) Title 59, Chapter 1, General Taxation Policies; and  
269 (B) Title 59, Chapter 12, Part 1, Tax Collection, except for:

270 (I) Section 59-12-104;  
271 (II) Section 59-12-104.1;  
272 (III) Section 59-12-104.2;  
273 (IV) Section 59-12-107.1; and  
274 (V) Section 59-12-123;

275 (ii) transmit monies collected under this Subsection (3):

276 (A) monthly; and  
277 (B) by electronic funds transfer by the commission to the county, city, or town that  
278 imposes the charge; and

279 (iii) charge the county, city, or town for the State Tax Commission's services under  
280 this Subsection (3) in an amount:

281 (A) sufficient to reimburse the State Tax Commission for the cost to the State Tax

282 Commission in rendering the services; and

283 (B) that may not exceed an amount equal to 1.5% of the charges imposed under this  
284 Subsection (3).

285 (4) (a) Any money received by a public agency for the provision of 911 emergency  
286 telecommunications service shall be deposited in a special emergency telecommunications  
287 service fund.

288 (b) (i) Except as provided in Subsection (5)(b), the money in the emergency  
289 telecommunications service fund shall be expended by the public agency to pay the costs of:

290 (A) establishing, installing, maintaining, and operating a 911 emergency  
291 telecommunications system [or];

292 (B) receiving and processing emergency calls from the 911 system or other calls or  
293 requests for emergency services;

294 (C) integrating a 911 system into an established public safety dispatch center,  
295 including contracting with the providers of local exchange service, radio communications  
296 service, and vendors of appropriate terminal equipment as necessary to implement the 911  
297 emergency telecommunications service; or

298 (D) indirect costs associated with the maintaining and operating of a 911 emergency  
299 telecommunications system.

300 (ii) Revenues derived for the funding of 911 emergency telecommunications service  
301 may [only] be used [for that portion of costs related to the operation of the 911 emergency  
302 telecommunications system] by the public agency for personnel costs associated with  
303 receiving and processing calls and deploying emergency response resources when [such a] the  
304 system is integrated with any public safety dispatch system.

305 (c) Any unexpended money in the emergency telecommunications service fund at the  
306 end of a fiscal year does not lapse, and must be carried forward to be used for the purposes  
307 described in this section.

308 (5) (a) Revenue received by a local entity from an increase in the levy imposed under  
309 Subsection (3) after the 2004 Annual General Session[~~, or from grants from the Utah 911~~

310 ~~Committee pursuant to Section 53-10-605]:~~

311 (i) may be used by the public agency for the purposes under Subsection (4)(b); and  
312 [(i)] (ii) shall be deposited into the special emergency telecommunications service  
313 fund described in Subsection (4)(a)[; and].

314 (b) Revenue received by a local entity from grants from the Utah 911 Committee  
315 under Section 53-10-605:

316 (i) shall be deposited into the special emergency telecommunications service fund  
317 under Subsection (4)(a); and

318 (ii) shall only be used for that portion of the costs related to the development and  
319 operation of wireless and land-based enhanced 911 emergency telecommunications service  
320 and the implementation of wireless E-911 Phase I and Phase II services as provided in  
321 Subsection (5)~~(b)~~(c).

322 ~~(b)~~ (c) The costs allowed under Subsection (5)~~(a)~~(b)(ii) ~~shall~~ include the public  
323 ~~[service]~~ safety answering point's or local entity's costs for:

324 (i) acquisition, upgrade, modification, maintenance, and operation of public service  
325 answering point equipment capable of receiving E-911 information;

326 (ii) database development, operation, and maintenance; and

327 (iii) personnel costs associated with establishing, installing, maintaining, and  
328 operating wireless E-911 Phase I and Phase II services, including training emergency service  
329 personnel regarding receipt and use of E-911 wireless service information and educating  
330 consumers regarding the appropriate and responsible use of E-911 wireless service.

331 (6) A local entity that increases the levy it imposes under Subsection (3)(c) after the  
332 2004 Annual General Session shall increase the levy to the maximum amount permitted by  
333 Subsection (3)(c).