

CHAPTER 150

Original House Bill No. 286

EMERGENCY TELEPHONE SERVICES

AN ACT to create W.S. 16-9-101 through 16-9-106 relating to emergency 911 telephone service; establishing a system authorizing the provision of this service; providing definitions; providing for charges and collection and reporting procedures; providing agreements for reporting and use of funds collected; providing for limited waiver of privacy; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 16-9-101 through 16-9-106 are created to read:

CHAPTER 9

EMERGENCY TELEPHONE SERVICE ACT

16-9-101. Short title.

This act is known and may be cited as the "Emergency Telephone Service Act".

16-9-102. Definitions.

(a) As used in this act:

(i) "Governing body" means the board of county commissioners of a county, city council or other governing body of a city, town or county or the board of directors of a special district;

(ii) "Local exchange access company" means a franchised telephone company engaged in providing telecommunications services between points within a local calling area;

(iii) "Local exchange access line" means any telephone line that connects a telephone subscriber to the local switching office and has the capability of reaching local public safety service agencies by voice communication;

(iv) "911 emergency reporting system" or "911 system" means a telephone system consisting of network, database and on-premises equipment, including operating and personnel costs, using the single three-digit number 911 for reporting police, fire, medical or other emergency situations and enabling the users of a public telephone system to reach a public safety answering point to report emergencies by dialing 911. The level of technology for provision of the 911 emergency reporting system is to be determined by the governing body;

(v) "911 emergency surcharge" is a charge set by the governing body and assessed on each local exchange access line which physically terminates within the governing body's designated 911 service area;

(vi) "Public agency" means any city, town, county, special district or other political subdivision of the state located in whole or in part within this state providing or having the authority to provide fire fighting, law enforcement, ambulance, emergency medical or other emergency services;

(vii) "Public safety answering point" means a twenty-four (24) hour local jurisdiction communications facility receiving 911 service calls and directly dispatching emergency response services or relaying calls to the appropriate public or private safety agency;

(viii) "Service supplier" means any utility, person or entity providing or offering to provide 911 system equipment, database installation, maintenance or exchange access services within the 911 service access area;

(ix) "Service user" means any person who is provided local access exchange telephone service in this state;

(x) "This act" means W.S. 16-9-101 through 16-9-106.

16-9-103. Imposition of charge; liability of user for charge; collection; uncollected amounts; discontinuing service prohibited.

(a) In addition to any other powers for the protection of the public health, a governing body may incur any nonrecurring or recurring costs for the installation, maintenance or operation of a 911 system and may pay these costs by imposing a 911 emergency surcharge for this service in those portions of the governing body's jurisdiction for which 911 service is to be provided.

(b) After a public hearing the governing body may, by ordinance in the case of cities and by resolution in the case of counties or special districts, impose a monthly uniform charge in an amount not to exceed fifty cents (\$.50) on each local exchange access line in those portions of the governing body's jurisdiction for which the 911 system is to be provided. Only one (1) governing body may impose a charge for each 911 system. The proceeds of the charge shall be set aside in an enterprise fund or other separate account from which the receipts shall be used to pay for the 911 system pursuant to this chapter, and may be imposed at any time following the execution of an agreement with the provider of the service at the discretion of the governing body.

(c) No charge shall be imposed upon more than one hundred (100) local exchange access lines or their equivalent per customer billing.

(d) Collection of any charge from a service user pursuant to this chapter shall commence at the time specified by the governing body. Charges imposed under this chapter and required to be collected by the local exchange access company shall be added to and stated separately in the billings to the service user.

(e) Every billed service user shall be liable for any charge imposed under this chapter until it has been paid to the local exchange access company or governing body.

(f) An action to collect charges under subsection (d) of this section may be brought by or on behalf of the public agency imposing the charge. The local exchange access company shall annually provide the governing body a list of the amounts uncollected along with the names and addresses of delinquent service users. The local exchange access company is not liable for uncollected amounts.

(g) Any charge imposed under this chapter shall be collected at the time charges for the local exchange access are collected under the regular billing practice of the local exchange access company.

(h) Service shall not be discontinued to any service user by any local exchange access company for the nonpayment of any surcharge under this act.

16-9-104. Remittance of charge to the governing body; administrative fee; establishment of rate of charge.

(a) Any charge imposed under this chapter and the amounts collected are to be remitted quarterly. The amount of the charge collected in one (1) calendar quarter by the local exchange access company shall be remitted to the governing body no later than fifteen (15) days after the close of the calendar quarter. On or before the sixteenth day of each month following the preceding calendar quarter, a return for the preceding quarter shall be filed with the governing body in a form the governing body and local exchange access company agree upon. The local exchange access company required to file the return shall deliver the return together with the remittance of the amount of the charge payable to the governing body. The local exchange access company shall maintain a record of the amount of each charge collected pursuant to this chapter. The record shall be maintained for a period of one (1) year after the time the charge was collected.

(b) The local exchange access company remitting the charges collected under this chapter may deduct and retain one percent (1%) of the charges collected as the cost of administration for collecting the charges.

(c) At least once each calendar year, the governing body shall establish a rate of charge not to exceed the amount authorized. Amounts collected in excess of necessary expenditures within any fiscal year shall be carried forward to subsequent years. The governing body shall fix the rate, publish notice of its new rate and notify by mail every local exchange access company at least ninety (90) days before the new rate becomes effective. The governing body may at its own expense require an annual audit of the local exchange access company's books and records concerning the collection and remittance of the charge authorized by this chapter.

16-9-105. Agreements or contract for 911 emergency reporting systems; use of funds collected.

(a) Any governing body imposing the charge authorized by this chapter may enter into an agreement directly with the service supplier of the 911 system or may contract and cooperate with any public agency or any other state for the administration of a 911 system in accordance with law.

(b) Funds collected from the charge imposed pursuant to this chapter shall be spent solely to pay for the equipment and service costs, installation costs, maintenance costs, monthly recurring charges and other costs directly related to the continued operation of a 911 system.

(c) Funds collected from the charge pursuant to this chapter shall be credited to a cash account separate from the general fund of the public agency, for payments pursuant to subsection (b) of this section. Any monies remaining in the cash account at the end of any fiscal year shall remain in the account for payments during any succeeding year. If any 911 system is discontinued, monies remaining in the account shall, after all payments to the service supplier pursuant to subsection (b) of this section, be transferred to the general fund of the public agency or proportionately to the general fund of each participating public agency.

16-9-106. Private listing subscribers and 911 service.

Private listing subscribers in 911 service areas waive privacy afforded by nonlisted or nonpublished numbers to the extent that the name and address associated with the telephone number may be furnished to the 911 system, for call routing, for automatic retrieval of location information and for associated emergency services.

Section 2. This act is effective June 8, 1989.

Approved March 3, 1989.