

SECOND REGULAR SESSION

# SENATE BILL NO. 871

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time January 7, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5574S.011

## AN ACT

To repeal sections 43.401, 70.210, 190.300, 190.307, 190.308, 190.328, 190.329, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 650.320, 650.325, 650.330, and 650.340, RSMo, and to enact in lieu thereof twenty-one new sections relating to emergency communications service, with penalty provisions.

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

Section A. Sections 43.401, 70.210, 190.300, 190.307, 190.308, 190.328, 190.329, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 650.320, 650.325, 650.330, and 650.340, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 29.225, 43.401, 70.210, 190.300, 190.308, 190.328, 190.329, 190.335, 190.400, 190.420, 190.450, 190.451, 190.455, 190.460, 190.475, 210.1013, 650.320, 650.325, 650.330, 650.335, and 650.340, to read as follows:

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

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

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

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

- 7 (a) The name of the complainant;
- 8 (b) **The name, address, and phone number of the guardian, if any,**
- 9 **of the missing person;**
- 10 (c) The relationship of the complainant to the missing person;
- 11 [(c)] (d) The name, age, address, and all identifying characteristics of the
- 12 missing person;
- 13 [(d)] (e) The length of time the person has been missing;
- 14 [(e)] (f) All other information deemed relevant by either the complainant
- 15 or the law enforcement agency;
- 16 (2) A report of a complaint of a missing person shall be immediately
- 17 entered into the Missouri uniform law enforcement system (MULES) and the
- 18 National Crime Information Center (NCIC) system by the law enforcement agency
- 19 receiving the complaint, and disseminated to other law enforcement agencies who
- 20 may come in contact with or be involved in the investigation or location of a
- 21 missing person;
- 22 (3) A law enforcement agency with which a complaint of a missing child
- 23 has been filed shall prepare, as soon as practicable, a standard missing child
- 24 report. The missing child report shall be maintained as a record by the reporting
- 25 law enforcement agency during the course of an active investigation;
- 26 (4) Upon the location of a missing person, or the determination by the law
- 27 enforcement agency of jurisdiction that the person is no longer missing, the law
- 28 enforcement agency which reported the missing person shall immediately remove
- 29 the record of the missing person from the MULES and NCIC files.
- 30 2. No law enforcement agency shall prevent an immediate active
- 31 investigation on the basis of an agency rule which specifies an automatic time
- 32 limitation for a missing person investigation.

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

- 2 (1) "Governing body", the board, body or persons in which the powers of
- 3 a municipality or political subdivision are vested;
- 4 (2) "Municipality", municipal corporations, political corporations, and
- 5 other public corporations and agencies authorized to exercise governmental
- 6 functions;
- 7 (3) "Political subdivision", counties, townships, cities, towns, villages,
- 8 school, county library, city library, city-county library, road, drainage, sewer,
- 9 levee and fire districts, soil and water conservation districts, watershed
- 10 subdistricts, county hospitals, [and] any board of control of an art museum, **any**

11 **911 or emergency services board authorized in chapter 190 or in section**  
12 **321.243**, and any other public subdivision or public corporation having the power  
13 to tax.

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 **or in any county of the third**  
93 **classification with a township form of government and with more than**  
94 **twenty-eight thousand but fewer than thirty-one thousand inhabitants,**  
95 any emergency telephone service 911 board appointed by the county under section  
96 190.309 which is in existence on the date the voters approve a sales tax under  
97 this section shall continue to exist and shall have the powers set forth under  
98 section 190.339. Such boards which existed prior to August 25, 2010, shall not  
99 be considered a body corporate and a political subdivision of the state for any  
100 purpose, unless and until an order is entered upon an unanimous vote of the  
101 commissioners of the county in which such board is established reclassifying such  
102 board as a corporate body and political subdivision of the state. The order shall  
103 approve the transfer of the assets and liabilities related to the operation of the  
104 emergency **telephone** service 911 system to the new entity created by the



105 reclassification of the board.

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

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

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

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

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

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

121 and

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

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

129           (4) In any county of the first classification with more than fifty thousand  
130 but fewer than seventy thousand inhabitants, each of the entities listed in  
131 subdivision (2) of this subsection shall be represented on the board by at least one  
132 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)] **"Active telephone number", a ten-digit North American**  
7 **Numbering Plan number that has been assigned to a subscriber and is**  
8 **provisioned to generally reach, by dialing, the public switched**

9 **telephone network and not only 911 or the 911 system;**  
10 (2) "Communications service":  
11 (a) Any service that:  
12 a. **Uses telephone numbers or their functional equivalents or**  
13 **successors;**  
14 b. **Provides access to, and a connection or interface with, a 911**  
15 **system through the activation or enabling of a device, transmission**  
16 **medium, or technology that is used by a customer to dial, initialize, or**  
17 **otherwise activate the 911 system, regardless of the particular device,**  
18 **transmission medium, or technology employed;**  
19 c. **Provides and enables real time or interactive communications,**  
20 **other than machine to machine communications; and**  
21 d. **Is available to a prepaid user or a standard user;**  
22 (b) **The term includes, but is not limited to, the following:**  
23 a. **Internet protocol enabled services and applications that are**  
24 **provided through wireline, cable, wireless, or satellite facilities, or any**  
25 **other facility or platform that is capable of connecting and enabling a**  
26 **911 communication to a public safety answering point;**  
27 b. **Commercial mobile radio service; and**  
28 c. **Interconnected voice over internet protocol service and voice**  
29 **over power lines;**  
30 (c) **The term does not include broadband internet access service;**  
31 (d) **For purposes of this section, when a device is permanently**  
32 **installed in a vehicle that is capable of contacting 911, it shall not be**  
33 **subject to this section, unless the owner of such vehicle purchases or**  
34 **otherwise subscribes to a commercial mobile service as defined under**  
35 **47 U.S.C. 332(d) of the Telecommunications Act of 1996;**  
36 (3) **"Provider or communications service provider", a person who**  
37 **provides retail communications services to the public that includes 911**  
38 **communications service including, but not limited to, a local exchange**  
39 **carrier, a wireless provider, and a voice over internet protocol**  
40 **provider, but only if such entity provides access to, and connection and**  
41 **interface with, a 911 communications service or its successor service;**  
42 (4) **"Public safety agency", a functional division of a public agency which**  
43 **provides fire fighting, police, medical or other emergency services. For the**  
44 **purpose of providing wireless service to users of 911 emergency services, as**  
45 **expressly provided in this section, the department of public safety and state**

46 highway patrol shall be considered a public safety agency;

47        [(4)] (5) "Public safety answering point", the location at which 911 calls  
48 are [initially] answered;

49        [(5)] (6) "Subscriber", a person who contracts with and is billed  
50 by a provider for a retail communications service. In the case of  
51 wireless service and for purposes of section 190.450, the term  
52 "subscriber" means a person who contracts with a provider if the  
53 person's primary place of use is within the county or city imposing a  
54 monthly fee under section 190.450, and does not include subscribers to  
55 prepaid wireless service;

56        (7) "Wireless service provider", a provider of commercial mobile service  
57 pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47  
58 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**  
20 **moneys in the trust fund which were collected in each county, city not**  
21 **within a county, or home rule city with more than fifteen thousand but**  
22 **fewer 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  
3 190.325 or the sales tax imposed under section 190.292 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 assessed to the subscriber  
13 of communications service, regardless of technology, based upon the  
14 number of active telephone numbers or their functional equivalents or  
15 successors assigned by the provider and capable of simultaneously  
16 contacting the public safety answering point; provided that, for multi-  
17 line telephone systems and for facilities provisioned with capacity  
18 greater than a voice capable grade channel or its equivalent, regardless  
19 of technology, the charge shall be assessed on the number of voice  
20 capable grade channels as provisioned by the provider that allow  
21 simultaneous contact with the public safety answering point. Only one  
22 fee may be assessed per active telephone number or its functional  
23 equivalent or successor used to provide a communications service. No  
24 fee imposed under this section shall be imposed on more than one  
25 hundred voice grade channels or their equivalent per person per  
26 location. Notwithstanding any provision to the contrary in this section,  
27 the monthly fee shall not be assessed on the provision of broadband  
28 internet access service. The fee shall be imposed solely for the purpose  
29 of funding 911 service in such county or city. The monthly fee  
30 authorized in this section shall be limited to one fee per device. The  
31 fee authorized in this section shall be in addition to all other taxes and  
32 fees imposed by law and may be stated separately from all other  
33 charges and taxes. The fee shall be the liability of the subscriber, not

34 the provider, except that the provider shall be liable to remit all fees  
35 that the provider collects pursuant to this section.

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

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

46 If a majority of the votes cast on the question by the qualified voters  
47 voting thereon are in favor of the question, then the fee shall become  
48 effective on the first day of the second calendar quarter after the  
49 director of revenue receives notification of adoption of the fee. If a  
50 majority of the votes cast on the question by the qualified voters voting  
51 thereon are opposed to the question, then the fee shall not become  
52 effective unless and until the question is resubmitted under this section  
53 to the qualified voters and such question is approved by a majority of  
54 the qualified voters voting on the question.

55 3. Except as modified in this section, all provisions of sections  
56 32.085 and 32.087 and subsection 7 of section 144.190 shall apply to the  
57 fee imposed under this section.

58 4. All revenue collected under this section by the director of the  
59 department of revenue on behalf of the county or city, except for two  
60 percent to be withheld by the provider for the cost of administering the  
61 collection and remittance of the fee and one percent for the cost of  
62 collection which shall be deposited in the state's general revenue fund,  
63 shall be deposited in the Missouri 911 service trust fund created in  
64 section 190.420. The director of the department of revenue shall remit  
65 such funds to the county or city on a monthly basis. The governing  
66 body of any such county or city shall control such funds remitted to the  
67 county or city unless the county or city has established an elected  
68 board for the purpose of administering such funds. In the event that  
69 any county or city has established a board under any other provision  
70 of state law for the purpose of administering funds for 911 service, such

71 existing board may continue to perform such functions after the county  
72 or city has adopted the monthly fee under this section.

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

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

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

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

95         (2) The release of subscriber information to any governmental  
96 entity under this section unless such acts, release of subscriber  
97 information, or omissions constitute gross negligence, recklessness, or  
98 intentional misconduct.

99 Nothing in this section is intended to void or otherwise override any  
100 contractual obligation pertaining to equipment or services sold to a  
101 public service answering point by a communications service provider.  
102 No cause of action shall lie in any court of law against any provider of  
103 communications service, commercial mobile service, or other  
104 communications-related service, or its officers, employees, assignees,  
105 agents, vendors, or anyone acting on behalf of such persons, for  
106 providing call location information concerning the user of any such  
107 service in an emergency situation to a law enforcement official or

108 agency in order to respond to a call for emergency service by a  
109 subscriber, customer, or user of such service or for providing caller  
110 location information or doing a ping locate in an emergency situation  
111 that involves danger of death or serious physical injury to any person  
112 where disclosure of communications relating to the emergency is  
113 required without delay, whether such providing of information is  
114 required by law or voluntary.

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

118       9. No county or city shall submit a proposal to the voters under  
119 this section for a fee of more than one dollar until the county or city  
120 receives approval for the fee amount from the Missouri 911 service  
121 board established under section 650.325. Once a fee of more than one  
122 dollar has been approved by the Missouri 911 service board and the  
123 voters, the county or city shall not subsequently increase the fee until  
124 the increased fee amount has been approved by the Missouri 911  
125 service board and the voters under this section. Any county or city  
126 seeking to impose or increase a fee of more than one dollar shall submit  
127 to the Missouri 911 service board information to justify the fee  
128 amount. The information to be provided shall include, but not be  
129 limited to, the following:

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

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

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

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

137       (5) Current level of 911 service provided and the proposed level  
138 of 911 service to be provided;

139       (6) Any previous efforts regarding the consolidation of 911  
140 services and any currently proposed efforts regarding the consolidation  
141 of 911 services;

142       (7) Expected level of training of personnel and expected number  
143 of telecommunications per shift.

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

145 conjunction with any tax imposed under section 190.292, 190.305,  
146 190.325, or 190.335. No county or city shall simultaneously impose more  
147 than one tax authorized in this section or section 190.292, 190.305,  
148 190.325, or 190.335. No fee imposed under this section shall be imposed  
149 on more than one hundred exchange access facilities or their  
150 equivalent per person per location.

151 11. No county shall submit a proposal to the voters of the county  
152 under this section until either:

153 (1) All providers of emergency telephone service as defined in  
154 section 190.300 and public safety answering point operations within the  
155 county are consolidated into one public agency as defined in section  
156 190.300 that provides emergency telephone service for the county; and

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

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

168 12. Any plan developed under subdivision (2) or (3) of subsection  
169 11 of this section shall be filed with the Missouri 911 service board  
170 under subsection 4 of section 650.330. Any plan that is filed under this  
171 subsection shall provide for the establishment of a joint emergency  
172 communications board as contemplated in section 70.260. The director  
173 of the department of revenue shall not remit any funds as provided  
174 under this section until the department receives notification from the  
175 Missouri 911 service board that the county has filed a plan that is ready  
176 for implementation. If after one year following the enactment of the fee  
177 contemplated in subsection 1 of this section the county has not  
178 substantially complied with the plan that the county submitted under  
179 subdivision (2) or (3) of subsection 11 of this section, then the authority  
180 to impose the fee granted to the county in subsection 1 of this section  
181 shall be null and void.



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

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

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

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

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

202           **16. Nothing in subsections 11, 12, 13, and 14 of this section shall**  
203 **apply to a county with a charter form of government where all public**  
204 **safety answering points within the county utilize a common 911**  
205 **communication service as implemented by the appropriate local and**  
206 **county agencies prior to August 28, 2016.**

**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, 2017, 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, 2017, and ending on January 31,  
66 2017, 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, 2017, 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) The board shall set a rate between twenty-five and seventy-

87 five percent of the prepaid wireless emergency telephone service  
88 charges deposited in the Missouri 911 service trust fund less the  
89 deductions authorized in subdivision (4) of this subsection that shall be  
90 remitted to the counties without a charter form of government in direct  
91 proportion to the amount of charges collected in each county. The  
92 board shall set a rate between sixty-five and seventy-five percent of the  
93 prepaid wireless emergency telephone service charges deposited in the  
94 Missouri 911 service trust fund less the deductions authorized in  
95 subdivision (4) of this subsection that shall be remitted to the counties  
96 with a charter form of government and any city not within a county in  
97 direct proportion to the amount of charges collected in each such  
98 county or city not within a county. The initial percentage rate set by  
99 the board for counties with and without a charter form of government  
100 and any city not within a county may be adjusted after three years and  
101 thereafter the rate may be adjusted every two years; however, at no  
102 point shall the board set rates that fall below twenty-five percent for  
103 counties without a charter form of government and sixty-five percent  
104 for counties with a charter form of government and any city not within  
105 a county.

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

109 4. (1) A seller that is not a provider shall be entitled to the  
110 immunity and liability protections under section 190.450,  
111 notwithstanding any requirement in state law regarding compliance  
112 with Federal Communications Commission Order 05-116.

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

115 (3) In addition to the protection from liability provided in  
116 subdivisions (1) and (2) of this subsection, each provider and seller and  
117 its officers, employees, assigns, agents, vendors, or anyone acting on  
118 behalf of such persons shall be entitled to the further protection from  
119 liability, if any, that is provided to providers and sellers of wireless  
120 telecommunications service that is not prepaid wireless  
121 telecommunications service under section 190.450.

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

124 surcharge, or other charge imposed by this state, any political  
125 subdivision of this state, or any intergovernmental agency for 911  
126 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 may  
20 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, 2016, 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. As an alternative to the procedure provided in  
2 section 190.455, two or more 911 central dispatch centers that are  
3 organized under sections 190.327 to 190.329 or section 190.335 and

4 funded by public taxes may consolidate into one 911 central dispatch  
5 center by following the procedures set forth in this section.

6       2. If the consolidation of existing 911 central dispatch centers is  
7 desired, a number of voters residing in the existing 911 central  
8 dispatch centers' service areas equal to ten percent of the votes cast for  
9 governor in those service areas in the next preceding gubernatorial  
10 election may file a petition requesting consolidation of two or more 911  
11 central dispatch centers with the county clerk in the county in which  
12 the territory or greater part of the proposed consolidated 911 central  
13 dispatch center service area will be situated.

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

15       "We the undersigned voters residing in the service areas for the  
16 following 911 central dispatch centers do hereby petition that the  
17 following existing 911 central dispatch centers be consolidated into one  
18 911 central dispatch center."

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

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

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

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

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

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

40       8. If the question of consolidation of the 911 central dispatch

41 centers receives a majority of the votes cast in each service area, the  
42 county commissions having joint jurisdiction shall each enter an order  
43 declaring the proposition passed.

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

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

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

69 12. On the thirtieth day following the appointment of the initial  
70 board of directors the existing 911 central dispatch centers shall cease  
71 to exist and the consolidated 911 central dispatch center shall assume  
72 all of the powers and duties exercised by the 911 central dispatch  
73 centers. All assets and obligations of the existing 911 central dispatch  
74 centers shall become the assets and obligations of the new consolidated  
75 911 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.

210.1013. 1. There is hereby created a statewide program called  
2 the "Silver Alert System" referred to in this section as the "system" to  
3 aid in the identification and location of a missing endangered person.

4 2. For the purposes of this section, the term "endangered person"  
5 shall mean an individual who:

6 (1) Does not meet the criteria for an Amber alert under section  
7 210.1012; and

8 (2) Is missing under unexplained, involuntary, or suspicious  
9 circumstances; and

10 (3) Is believed to be in danger because of age, guardianship,  
11 health, mental or physical disability, environmental or weather  
12 conditions; or

13 (4) Is in the company of a potentially dangerous person or is  
14 affected by some other factor that may put the individual in peril.

15 "Endangered person" does not include any person who is considered to  
16 be a runaway and to whom subdivisions (2), (3), and (4) of this  
17 subsection do not apply.

18 3. The department of public safety shall develop regions to  
19 provide the system. The department of public safety shall coordinate  
20 local law enforcement agencies and public commercial television and  
21 radio broadcasters to provide an effective system. In the event that a  
22 local law enforcement agency opts not to set up a system and an  
23 abduction or report of a missing endangered person occurs within the  
24 jurisdiction, the agency shall notify the department of public safety  
25 who shall notify local media in the region.

26 4. The silver alert system shall include all state agencies capable  
27 of providing urgent and timely information to the public together with  
28 broadcasters and other private entities that volunteer to participate in  
29 the dissemination of urgent public information. At a minimum, the  
30 silver alert system shall include the department of public safety, state  
31 highway patrol, department of transportation, department of health



32 and senior services, and Missouri lottery.

33           5. Participation in a silver alert system is entirely at the option  
34 of local law enforcement agencies and federally licensed radio and  
35 television broadcasters.

36           6. Any person who knowingly makes a false report that triggers  
37 an alert pursuant to this section is guilty of a class A misdemeanor.

38           7. The department of public safety shall administer and  
39 promulgate rules for the implementation of the silver alert system. Any  
40 rule or portion of a rule, as that term is defined in section 536.010, that  
41 is created under the authority delegated in this section shall become  
42 effective only if it complies with and is subject to all of the provisions  
43 of chapter 536, and, if applicable, section 536.028. This section and  
44 chapter 536 are nonseverable and if any of the powers vested with the  
45 general assembly pursuant to chapter 536, to review, to delay the  
46 effective date, or to disapprove and annul a rule are subsequently held  
47 unconstitutional, then the grant of rulemaking authority and any rule  
48 proposed or adopted after August 28, 2016, shall be invalid and void.

          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, as defined in section 190.400.** The  
8 [committee for 911 service oversight] **board** shall represent all entities and  
9 jurisdictions before appropriate policy-making authorities and the general

10 assembly and shall strive toward the immediate access to emergency services for  
11 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 **or its affiliate shall have more than one officer, employee, assign, agent,**  
52 **or other representative serving as a member of the**  
53 **board. Notwithstanding subsection 1 of this section to the contrary, all**  
54 **members appointed as of August 28, 2016, shall continue to serve the**  
55 **remainder of their terms.**

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

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

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

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

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

69 (4) Provide requested mediation services to political subdivisions involved  
70 in jurisdictional disputes regarding the provision of 911 services, except that

71 [such committee] **the board** shall not supersede decision-making authority of  
72 local political subdivisions in regard to 911 services;

73 (5) Provide assistance to the governor and the general assembly regarding  
74 911 services;

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

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

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

83 (9) [Advise the department of public safety on establishing rules and  
84 regulations necessary to administer the provisions of sections 650.320 to 650.340]

85 **Elect the chair from its membership;**

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

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

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

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

101 (b) **Promote consolidation where appropriate;**

102 (c) **Map and address all county locations;**

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

105 (e) **Implement initial emergency medical dispatch services**  
106 **including prearrival medical instructions in counties where those**

107 services are not offered as of July 1, 2017;

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

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

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

120 (16) Set the percentage rate of the prepaid wireless emergency  
121 telephone service charges to be remitted to a county or city as provided  
122 under subdivision (5) of subsection 3 of section 190.451;

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

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

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

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

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

142 6. The board shall presume that any county with only one public  
143 safety answering point has consolidated its emergency telephone

144 **services.**

145           7. The [department of public safety is authorized to adopt those] **board**  
146 **shall promulgate rules and regulations** that are reasonable and necessary [to  
147 accomplish the limited duties specifically delegated within section] **to**  
148 **implement and administer the provisions of sections 650.320 to**  
149 650.340. Any rule or portion of a rule, as that term is defined in section 536.010,  
150 shall become effective only if it has been promulgated pursuant to the provisions  
151 of chapter 536. This section and chapter 536 are nonseverable and if any of the  
152 powers vested with the general assembly pursuant to chapter 536 to review, to  
153 delay the effective date or to disapprove and annul a rule are subsequently held  
154 unconstitutional, then the grant of rulemaking authority and any rule proposed  
155 or adopted after August 28, [1999] **2016**, 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, when the**  
6 **prepaid wireless emergency telephone service charge is collected in the**  
7 **county or city, may submit an application for loan funds or other**  
8 **financial assistance to the board for the purpose of financing all or a**  
9 **portion of the costs incurred in implementing a 911 communications**  
10 **service project. The application shall be accompanied by a technical**  
11 **assistance report. The application and the technical assistance report**  
12 **shall be in such form and contain such information, financial or**  
13 **otherwise, as prescribed by the board. This section shall not preclude**  
14 **any applicant or borrower from joining in a cooperative project with**  
15 **any other political subdivision or with any state or federal agency or**  
16 **entity in a 911 communications service project; provided that, all other**  
17 **requirements of this section have been met.**

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

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

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

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

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

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

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

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

61           **10. Upon failure of a borrower to remit repayment to the board**  
62 **within sixty days of the date a payment is due, the board may initiate**

63 **collection or other appropriate action through the provisions outlined**  
64 **in subsection 7 of this section when applicable.**

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

69 **12. The board may, at its discretion, audit the expenditure of any**  
70 **loan, grant, or expenditure made or the computation of any payments**  
71 **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  
2 agency, nor any officer, agent or employee of any public  
3 agency, shall be liable for any civil damages as a result of  
4 any act or omission except willful and wanton misconduct or  
5 gross negligence, in connection with developing, adopting,  
6 operating or implementing any plan or system required by  
7 sections 190.300 to 190.340.

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

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

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

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

13 (3) Three representatives and one alternate from the

14 wireless service providers, elected by a majority vote of  
15 wireless service providers licensed to provide service in this  
16 state; and

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

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

36 3. The board shall do the following:

37 (1) Elect from its membership a chair and other such  
38 officers as the board deems necessary for the conduct of its  
39 business;

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

43 (3) Advise the office of administration regarding  
44 implementation of Federal Communications Commission  
45 order 94-102; and

46 (4) Provide any requested mediation service to a  
47 political subdivision which is involved in a jurisdictional  
48 dispute regarding the providing of wireless 911  
49 services. The board shall not supersede decision-making

50 authority of any political subdivision in regard to 911  
51 services.

52 4. The director of the department of public safety  
53 shall provide and coordinate staff and equipment services to  
54 the board to facilitate the board's duties.]

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

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

26 3. The office of administration is authorized to  
27 administer the fund and to distribute the moneys in the  
28 wireless service provider enhanced 911 service fund for  
29 approved expenditures as follows:

30 (1) For the reimbursement of actual expenditures for  
31 implementation of wireless enhanced 911 service by wireless  
service providers in implementing Federal Communications

32 Commission order 94-102; and

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

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

39 (b) The population of the public safety answering  
40 point jurisdiction;

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

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

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

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

66 4. Wireless service providers are entitled to retain  
67 one percent of the surcharge money they collect for

68 administrative costs associated with billing and collection  
69 of the surcharge.

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

75 6. The office of administration shall review the  
76 distribution formula once every year and may adjust the  
77 amount of the fee within the limits of this section, as  
78 determined necessary.

79 7. The provisions of sections 190.307 and 190.308  
80 shall be applicable to programs and services authorized by  
81 sections 190.400 to 190.440.

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

2 [190.440. 1. The office of administration shall not  
3 be authorized to establish a fee pursuant to the authority  
4 granted in section 190.430 unless a ballot measure is  
5 submitted and approved by the voters of this state. The  
ballot measure shall be submitted by the secretary of state

6 for approval or rejection at the general election held and  
7 conducted on the Tuesday immediately following the first  
8 Monday in November, 1998, or at a special election to be  
9 called by the governor on the ballot measure. If the  
10 measure is rejected at such general or special election, the  
11 measure may be resubmitted at each subsequent general  
12 election, or may be resubmitted at any subsequent special  
13 election called by the governor on the ballot measure, until  
14 such measure is approved.

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

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

21  YES  NO

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

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

✓