

MAR 28 2002

COMMERCE AND REGULATION

HOUSE FILE 2594

BY FORD

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to E911 operations, by providing for the  
 2 distribution of surcharges collected from wireless  
 3 communication providers, and by limiting liability related to  
 4 the provision of E911 services.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2594

1 Section 1. Section 34A.7, subsection 6, Code 2001, is  
2 amended by striking the subsection.

3 Sec. 2. Section 34A.7A, subsection 1, paragraphs a and b,  
4 Code 2001, are amended to read as follows:

5 a. Notwithstanding section 34A.6, the administrator shall  
6 adopt by rule a monthly surcharge of up to fifty-cents one  
7 dollar to be imposed on each wireless communications service  
8 number provided in this state. The surcharge shall be imposed  
9 uniformly on a statewide basis and simultaneously on all  
10 wireless communications service numbers as provided by rule of  
11 the administrator.

12 b. The administrator shall provide no less than one  
13 hundred days' notice of the surcharge to be imposed to each  
14 wireless communications service provider. The administrator,  
15 subject to the fifty-cent one dollar limit in paragraph "a",  
16 may adjust the amount of the surcharge as necessary, but no  
17 more than once in any calendar year.

18 Sec. 3. Section 34A.7A, subsection 2, Code 2001, is  
19 amended by adding the following new paragraph:

20 NEW PARAGRAPH. aa. Twenty percent of the moneys remaining  
21 in the wireless E911 emergency communications fund after the  
22 appropriation in paragraph "a" shall be used for distribution  
23 to the public safety answering points and the department of  
24 public safety based upon the following service area formula:

25 The sum of sixty-five percent of the total dollars  
26 available multiplied by the square mileage of the service area  
27 divided by the total square mileage of the state and thirty-  
28 five percent of the total dollars available multiplied by the  
29 product of the number of wireless E911 calls taken at a public  
30 safety answering point divided by the statewide total number  
31 of wireless E911 calls.

32 Sec. 4. Section 34A.7A, subsection 2, paragraph c,  
33 subparagraph (1), Code 2001, is amended to read as follows:

34 (1) ~~The remainder of the surcharge collected shall be~~  
35 ~~remitted to the administrator for distribution to the joint~~

1 ~~E911-service-boards-and-the-department-of-public-safety~~  
2 ~~pursuant-to-subparagraph-(2)-to-be-used-for-the-implementation~~  
3 ~~of-enhanced-wireless-communications-capabilities~~ The  
4 administrator may retain funds remaining after distribution to  
5 the public safety answering points, the department of public  
6 safety, and the reimbursement of wireless carriers, under  
7 paragraphs "aa" and "b", for the purpose of implementing an  
8 enhanced wireless 911 phase II service. For the purposes of  
9 this paragraph, "enhanced wireless 911 phase II service" means  
10 an emergency wireless telephone system with specific  
11 electronically controlled features such as automatic number  
12 identification (ANI) and automatic location identification  
13 (ALI) systems.

14 Sec. 5. NEW SECTION. 34A.16 LIMITATION OF ACTIONS  
15 RELATED TO PROVISION OF 911 SERVICES.

16 A claim or cause of action does not exist based upon or  
17 arising out of an act or omission in connection with a land-  
18 line or wireless provider's participation in an E911 service  
19 plan or provision of 911 or local exchange access service, any  
20 action of a person employed by a public safety answering point  
21 communications facility, the E911 administrator, or a member  
22 of a joint E911 service board or E911 communications council,  
23 when participating in or administering a 911 service, unless  
24 the act or omission is determined to be willful and wanton  
25 negligence.

26 EXPLANATION

27 This bill relates to E911 operations by providing for the  
28 distribution of surcharges collected from wireless  
29 communications service providers and by limiting liability  
30 related to the provision of E911 services.

31 The bill provides that 20 percent of the moneys remaining  
32 in the wireless E911 emergency communications fund after an  
33 appropriation by the general assembly to the E911  
34 administrator shall be used for distribution to the public  
35 safety answering points and the department of public safety

1 based upon a certain formula. The bill also provides that the  
2 E911 administrator may retain any funds remaining after  
3 distribution to the public safety answering points, the  
4 department of public safety, and the reimbursement of wireless  
5 carriers for implementing an enhanced wireless 911 phase II  
6 service. "Enhanced wireless 911 phase II service" means an  
7 emergency wireless telephone system with specific  
8 electronically controlled features such as automatic number  
9 identification (ANI) and automatic location identification  
10 (ALI) systems.

11 The bill also exempts from liability telephone companies  
12 and wireless providers, employees of a public answering point  
13 communications facility, an E911 administrator, or a member of  
14 a joint 911 service board or 911 communications council, when  
15 participating in or administering a 911 service, unless the  
16 act or omission is determined to be willful or wanton  
17 negligence.

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