

FIRST REGULAR SESSION

HOUSE BILL NO. 601

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RICHARDSON (Sponsor),
CIERPIOT AND JONES (50) (Co-sponsors).

1340L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 392.415 and 392.461, RSMo, and to enact in lieu thereof three new sections relating to broadband and communications deployment.

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

Section A. Sections 392.415 and 392.461, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 392.415, 392.461, and 392.611, to read as
3 follows:

392.415. 1. Upon request, a telecommunications carrier or commercial mobile service
2 provider as identified in 47 U.S.C. Section 332(d)(1) and 47 CFR Parts 22 or 24 shall provide
3 call location information concerning the user of a telecommunications service or a wireless
4 communications service, in an emergency situation, to a law enforcement official or agency in
5 order to respond to a call for emergency service by a subscriber, customer, or user of such
6 service, or to provide caller location information (or do a ping locate) in an emergency situation
7 that involves danger of death or serious physical injury to any person where disclosure of
8 communications relating to the emergency is required without delay.

9 2. No cause of action shall lie in any court of law against any telecommunications carrier
10 or telecommunications service or commercial mobile service provider, or against any
11 telecommunications service or wireless communications service, or its officers, employees,
12 agents, or other specified persons, for providing any information, facilities, or assistance to a law
13 enforcement official or agency in accordance with the terms of this section, **or for providing**
14 **such information, facilities, or assistance through any plan or system required by sections**
15 **190.300 to 190.340.** Notwithstanding any other provision of law, nothing in this section

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 prohibits a telecommunications carrier or commercial mobile service provider from establishing
17 protocols by which such carrier or provider could voluntarily disclose call location information.

392.461. A telecommunications company may, upon written notice to the commission,
2 elect to be exempt from certain retail rules relating to:

3 (1) The provision of telecommunications service to retail customers and established by
4 the commission which include provisions already mandated by the Federal Communications
5 Commission, including but not limited to federal rules regarding customer proprietary network
6 information, verification of orders for changing telecommunications service providers
7 (slamming), submission or inclusion of charges on customer bills (cramming); or

8 (2) The installation, provisioning, or termination of retail service.
9

10 Notwithstanding any other provision of this section, a telecommunications company shall not
11 be exempt from any commission rule established under authority delegated to the state
12 commission pursuant to federal statute, rule or order, including but not limited to universal
13 service funds, number pooling and conservation efforts, or any authority delegated to the state
14 commission to facilitate or enforce any interconnection obligation or other intercarrier issue,
15 including but not limited to, intercarrier compensation, network configuration or other such
16 matters. Notwithstanding other provisions of this chapter or chapter 386, a telecommunications
17 company may, upon written notice to the commission, elect to be exempt from any requirement
18 to file or maintain with the commission any tariff or schedule of rates, rentals, charges,
19 privileges, facilities, rules, regulations, or forms of contract, **whether in whole or in part**, for
20 telecommunications services offered or provided to residential or business retail end user
21 customers and instead shall publish generally available retail prices for those services available
22 to the public by posting such prices on a publicly accessible website. Nothing in this section
23 shall affect the rights and obligations of any entity, including the commission, established
24 pursuant to federal law, including 47 U.S.C. Sections 251 and 252, any state law, rule,
25 regulation, or order related to wholesale rights and obligations, or any tariff or schedule that is
26 filed with and maintained by the commission.

**392.611. 1. A telecommunications company certified under this chapter or holding
2 a state charter authorizing it to engage in the telephone business shall not be subject to any
3 statute in chapter 386 or this chapter (nor any rule promulgated or order issued under
4 such chapters) that imposes duties, obligations, conditions, or regulations on retail
5 telecommunications services, except to the extent it elects to remain subject to certain
6 statutes, rules, or orders by notification to the commission. Telecommunications
7 companies shall remain subject to general, nontelecommunications specific, statutory**

8 provisions, other than those in chapters 386 and this chapter, to the extent applicable.
9 Telecommunications companies shall:

10 (1) Collect from its end users the universal service fund surcharge in the same
11 competitively-neutral manner as other telecommunications companies and interconnected
12 voice over protocol service providers, remit such collected surcharge to the universal
13 service fund administrator, and receive, as appropriate, funds disbursed from the universal
14 service fund, which may be used to support the provision of local voice service;

15 (2) Report to the commission such intrastate telecommunications service revenues
16 as are necessary to calculate the commission assessment, universal service fund surcharge,
17 and telecommunications programs under section 209.255; and

18 (3) Continue to comply with the provisions of section 392.415 pertaining to the
19 provisions of location information in emergency situations.

20 2. Broadband and other internet protocol-enabled services shall not be regarded
21 as telecommunications services and shall not be regulated under any provision of chapter
22 386 or this chapter, except that interconnected voice over internet protocol service shall
23 continue to be subject to section 392.550. As used in this subsection, "other internet
24 protocol-enabled services" means any service, capability, functionality, or application
25 using existing internet protocol, or any successor internet protocol, that enables an end
26 user to send or receive a communication in existing internet protocol format, or any
27 successor internet protocol format, regardless of whether the communication is voice, data,
28 or video.

29 3. Notwithstanding any other provision of this section, a telecommunications
30 company shall not be exempt from any commission rule established under authority
31 delegated to the state commission under federal statute, rule, or order, including but not
32 limited to universal service funds, number pooling, and conservation efforts. Nothing in
33 this section is intended to extend, modify, or restrict any authority delegated to the state
34 commission under federal statute, rule, or order to facilitate or enforce any interconnection
35 obligation, or other intercarrier issue, including but not limited to, intercarrier
36 compensation, network configuration or other such matters, or any existing
37 interconnection rights or obligations arising under state law consistent with federal statute,
38 rule, or order.

39 4. After August 28, 2013, telecommunications companies seeking to provide
40 telecommunications service may, in lieu of the process and requirements for certification
41 set out in other sections, elect to obtain certification by following the same registration
42 process set out in subsection 3 of section 392.550, substituting telecommunications service

43 **for interconnected voice over internet protocol service in the requirement specified in**
44 **subdivisions (1) to (8) of subsection 3 of section 392.550.**

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