

FIRST REGULAR SESSION

[CORRECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 653

97TH GENERAL ASSEMBLY

1650L.06C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 190.100, 190.300, 190.308, 190.400, 190.410, 190.420, 650.320, 650.325, and 650.330, RSMo, and to enact in lieu thereof eleven new sections relating to emergency services, with a penalty provision.

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

Section A. Sections 190.100, 190.300, 190.308, 190.400, 190.410, 190.420, 650.320, 2 650.325, and 650.330, RSMo, are repealed and eleven new sections enacted in lieu thereof, to 3 be known as sections 190.098, 190.100, 190.300, 190.308, 190.400, 190.420, 190.450, 190.451, 4 650.320, 650.325, and 650.330, to read as follows:

190.098. 1. In order for a person to be eligible for certification by the department 2 as a community paramedic, an individual shall:

3 **(1) Be currently certified as a paramedic;**

4 **(2) Successfully complete or have successfully completed a community paramedic 5 certification program from a college, university, or educational institution that has been 6 approved by the department or accredited by a national accreditation organization 7 approved by the department; and**

8 **(3) Complete an application form approved by the department.**

9 **2. A community paramedic shall practice in accordance with protocols and 10 supervisory standards established by the medical director. A community paramedic shall 11 provide services of a health care plan if the plan has been developed by the patient's 12 primary physician or by an advanced practice registered nurse or a physician assistant and 13 there is no duplication of services to the patient from another provider.**

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.

14 **3. Any ambulance service shall enter into a written contract to provide community**
15 **paramedic services in another ambulance service area, as that term is defined in section**
16 **190.100. The contract that is agreed upon may be for an indefinite period of time, as long**
17 **as it includes at least a sixty-day cancellation notice by either ambulance service.**

18 **4. A community paramedic is subject to the provisions of sections 190.001 to**
19 **190.245 and rules promulgated under sections 190.001 to 190.245.**

20 **5. No person shall hold himself or herself out as a community paramedic or provide**
21 **the services of a community paramedic unless such person is licensed by the department.**

22 **6. The medical director shall approve the implementation of the community**
23 **paramedic program.**

24 **7. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
25 **created under the authority delegated in this section shall become effective only if it**
26 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
27 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
28 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
29 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
30 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2013,**
31 **shall be invalid and void.**

190.100. As used in sections 190.001 to 190.245, the following words and terms mean:

2 (1) "Advanced life support (ALS)", an advanced level of care as provided to the adult
3 and pediatric patient such as defined by national curricula, and any modifications to that curricula
4 specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

5 (2) "Ambulance", any privately or publicly owned vehicle or craft that is specially
6 designed, constructed or modified, staffed or equipped for, and is intended or used, maintained
7 or operated for the transportation of persons who are sick, injured, wounded or otherwise
8 incapacitated or helpless, or who require the presence of medical equipment being used on such
9 individuals, but the term does not include any motor vehicle specially designed, constructed or
10 converted for the regular transportation of persons who are disabled, handicapped, normally
11 using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

12 (3) "Ambulance service", a person or entity that provides emergency or nonemergency
13 ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245,
14 and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

15 (4) "Ambulance service area", a specific geographic area in which an ambulance service
16 has been authorized to operate;

- 17 (5) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric
18 patient as defined by national curricula, and any modifications to that curricula specified in rules
19 adopted by the department pursuant to sections 190.001 to 190.245;
- 20 (6) "Council", the state advisory council on emergency medical services;
- 21 (7) "Department", the department of health and senior services, state of Missouri;
- 22 (8) "Director", the director of the department of health and senior services or the
23 director's duly authorized representative;
- 24 (9) "Dispatch agency", any person or organization that receives requests for emergency
25 medical services from the public, by telephone or other means, and is responsible for dispatching
26 emergency medical services;
- 27 (10) "Emergency", the sudden and, at the time, unexpected onset of a health condition
28 that manifests itself by symptoms of sufficient severity that would lead a prudent layperson,
29 possessing an average knowledge of health and medicine, to believe that the absence of
30 immediate medical care could result in:
- 31 (a) Placing the person's health, or with respect to a pregnant woman, the health of the
32 woman or her unborn child, in significant jeopardy;
- 33 (b) Serious impairment to a bodily function;
- 34 (c) Serious dysfunction of any bodily organ or part;
- 35 (d) Inadequately controlled pain;
- 36 (11) "Emergency medical dispatcher", a person who receives emergency calls from the
37 public and has successfully completed an emergency medical dispatcher course, meeting or
38 exceeding the national curriculum of the United States Department of Transportation and any
39 modifications to such curricula specified by the department through rules adopted pursuant to
40 sections 190.001 to 190.245;
- 41 (12) "Emergency medical response agency", any person that regularly provides a level
42 of care that includes first response, basic life support or advanced life support, exclusive of
43 patient transportation;
- 44 (13) "Emergency medical services for children (EMS-C) system", the arrangement of
45 personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency
46 medical services required in prevention and management of incidents which occur as a result of
47 a medical emergency or of an injury event, natural disaster or similar situation;
- 48 (14) "Emergency medical services (EMS) system", the arrangement of personnel,
49 facilities and equipment for the effective and coordinated delivery of emergency medical services
50 required in prevention and management of incidents occurring as a result of an illness, injury,
51 natural disaster or similar situation;

52 (15) "Emergency medical technician", a person licensed in emergency medical care in
53 accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by
54 the department pursuant to sections 190.001 to 190.245;

55 (16) "Emergency medical technician-basic" or "EMT-B", a person who has successfully
56 completed a course of instruction in basic life support as prescribed by the department and is
57 licensed by the department in accordance with standards prescribed by sections 190.001 to
58 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

59 (17) **"Emergency medical technician-community paramedic", "community
60 paramedic", or "EMT-CP", a person who is certified as an emergency medical technician-
61 paramedic and is licensed by the department in accordance with standards prescribed in
62 section 190.098;**

63 (18) "Emergency medical technician-intermediate" or "EMT-I", a person who has
64 successfully completed a course of instruction in certain aspects of advanced life support care
65 as prescribed by the department and is licensed by the department in accordance with sections
66 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections
67 190.001 to 190.245;

68 [(18)] (19) "Emergency medical technician-paramedic" or "EMT-P", a person who has
69 successfully completed a course of instruction in advanced life support care as prescribed by the
70 department and is licensed by the department in accordance with sections 190.001 to 190.245
71 and rules adopted by the department pursuant to sections 190.001 to 190.245;

72 [(19)] (20) "Emergency services", health care items and services furnished or required
73 to screen and stabilize an emergency which may include, but shall not be limited to, health care
74 services that are provided in a licensed hospital's emergency facility by an appropriate provider
75 or by an ambulance service or emergency medical response agency;

76 [(20)] (21) "First responder", a person who has successfully completed an emergency
77 first response course meeting or exceeding the national curriculum of the United States
78 Department of Transportation and any modifications to such curricula specified by the
79 department through rules adopted pursuant to sections 190.001 to 190.245 and who provides
80 emergency medical care through employment by or in association with an emergency medical
81 response agency;

82 [(21)] (22) "Health care facility", a hospital, nursing home, physician's office or other
83 fixed location at which medical and health care services are performed;

84 [(22)] (23) "Hospital", an establishment as defined in the hospital licensing law,
85 subsection 2 of section 197.020, or a hospital operated by the state;

86 [(23)] (24) "Medical control", supervision provided by or under the direction of
87 physicians to providers by written or verbal communications;

88 [(24)] (25) "Medical direction", medical guidance and supervision provided by a
89 physician to an emergency services provider or emergency medical services system;

90 [(25)] (26) "Medical director", a physician licensed pursuant to chapter 334 designated
91 by the ambulance service or emergency medical response agency and who meets criteria
92 specified by the department by rules pursuant to sections 190.001 to 190.245;

93 [(26)] (27) "Memorandum of understanding", an agreement between an emergency
94 medical response agency or dispatch agency and an ambulance service or services within whose
95 territory the agency operates, in order to coordinate emergency medical services;

96 [(27)] (28) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise
97 incapacitated or helpless, or dead, excluding deceased individuals being transported from or
98 between private or public institutions, homes or cemeteries, and individuals declared dead prior
99 to the time an ambulance is called for assistance;

100 [(28)] (29) "Person", as used in these definitions and elsewhere in sections 190.001 to
101 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative
102 organization, corporation, municipal or private, and whether organized for profit or not, state,
103 county, political subdivision, state department, commission, board, bureau or fraternal
104 organization, estate, public trust, business or common law trust, receiver, assignee for the benefit
105 of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

106 [(29)] (30) "Physician", a person licensed as a physician pursuant to chapter 334;

107 [(30)] (31) "Political subdivision", any municipality, city, county, city not within a
108 county, ambulance district or fire protection district located in this state which provides or has
109 authority to provide ambulance service;

110 [(31)] (32) "Professional organization", any organized group or association with an
111 ongoing interest regarding emergency medical services. Such groups and associations could
112 include those representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-
113 P's, physicians, communications specialists and instructors. Organizations could also represent
114 the interests of ground ambulance services, air ambulance services, fire service organizations,
115 law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor
116 unions and poison control services;

117 [(32)] (33) "Proof of financial responsibility", proof of ability to respond to damages for
118 liability, on account of accidents occurring subsequent to the effective date of such proof, arising
119 out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules
120 promulgated by the department, but in no event less than the statutory minimum required for
121 motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

122 [(33)] (34) "Protocol", a predetermined, written medical care guideline, which may
123 include standing orders;

124 [(34)] (35) "Regional EMS advisory committee", a committee formed within an
125 emergency medical services (EMS) region to advise ambulance services, the state advisory
126 council on EMS and the department;

127 [(35)] (36) "Specialty care transportation", the transportation of a patient requiring the
128 services of an emergency medical technician-paramedic who has received additional training
129 beyond the training prescribed by the department. Specialty care transportation services shall
130 be defined in writing in the appropriate local protocols for ground and air ambulance services
131 and approved by the local physician medical director. The protocols shall be maintained by the
132 local ambulance service and shall define the additional training required of the emergency
133 medical technician-paramedic;

134 [(36)] (37) "Stabilize", with respect to an emergency, the provision of such medical
135 treatment as may be necessary to attempt to assure within reasonable medical probability that no
136 material deterioration of an individual's medical condition is likely to result from or occur during
137 ambulance transportation unless the likely benefits of such transportation outweigh the risks;

138 [(37)] (38) "State advisory council on emergency medical services", a committee formed
139 to advise the department on policy affecting emergency medical service throughout the state;

140 [(38)] (39) "State EMS medical directors advisory committee", a subcommittee of the
141 state advisory council on emergency medical services formed to advise the state advisory council
142 on emergency medical services and the department on medical issues;

143 [(39)] (40) "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in
144 which impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation
145 in electrocardiogram analysis, and as further defined in rules promulgated by the department
146 under sections 190.001 to 190.250;

147 [(40)] (41) "STEMI care", includes education and prevention, emergency transport,
148 triage, and acute care and rehabilitative services for STEMI that requires immediate medical or
149 surgical intervention or treatment;

150 [(41)] (42) "STEMI center", a hospital that is currently designated as such by the
151 department to care for patients with ST-segment elevation myocardial infarctions;

152 [(42)] (43) "Stroke", a condition of impaired blood flow to a patient's brain as defined
153 by the department;

154 [(43)] (44) "Stroke care", includes emergency transport, triage, and acute intervention
155 and other acute care services for stroke that potentially require immediate medical or surgical
156 intervention or treatment, and may include education, primary prevention, acute intervention,
157 acute and subacute management, prevention of complications, secondary stroke prevention, and
158 rehabilitative services;

159 [(44)] (45) "Stroke center", a hospital that is currently designated as such by the
160 department;

161 [(45)] (46) "Trauma", an injury to human tissues and organs resulting from the transfer
162 of energy from the environment;

163 [(46)] (47) "Trauma care" includes injury prevention, triage, acute care and rehabilitative
164 services for major single system or multisystem injuries that potentially require immediate
165 medical or surgical intervention or treatment;

166 [(47)] (48) "Trauma center", a hospital that is currently designated as such by the
167 department.

190.300. As used in sections 190.300 to [190.320] **190.340**, the following terms and
2 phrases mean:

3 (1) "Emergency telephone service", a telephone system utilizing a single three digit
4 number "911" for reporting police, fire, medical or other emergency situations;

5 (2) "Emergency telephone tax", a tax to finance the operation of emergency telephone
6 service;

7 (3) "Exchange access facilities", all facilities provided by the service supplier for local
8 telephone exchange access to a service user;

9 (4) "Governing body", the legislative body for a city, county or city not within a county;

10 (5) "Person", any individual, firm, partnership, copartnership, joint venture, association,
11 cooperative organization, corporation, municipal or private, and whether organized for profit or
12 not, state, county, political subdivision, state department, commission, board, bureau or fraternal
13 organization, estate, trust, business or common law trust, receiver, assignee for the benefit of
14 creditors, trustee or trustee in bankruptcy, or any other service user;

15 (6) "Public agency", any city, county, city not within a county, municipal corporation,
16 public district or public authority located in whole or in part within this state which provides or
17 has authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other
18 emergency services;

19 (7) "Service supplier", any person providing exchange telephone services to any service
20 user in this state;

21 (8) "Service user", any person, other than a person providing pay telephone service
22 pursuant to the provisions of section 392.520 not otherwise exempt from taxation, who is
23 provided exchange telephone service in this state;

24 (9) "Tariff rate", the rate or rates billed by a service supplier to a service user as stated
25 in the service supplier's tariffs, approved by the Missouri public service commission which
26 represent the service supplier's recurring charges for exchange access facilities or their
27 equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever.

190.308. 1. In any county that has established an emergency telephone service pursuant to sections 190.300 to [190.320] **190.340**, it shall be unlawful for any person to misuse the emergency telephone service. For the purposes of this section, "emergency" means any incident involving danger to life or property that calls for an emergency response dispatch of police, fire, EMS or other public safety organization, "misuse the emergency telephone service" includes, but is not limited to, repeatedly calling the "911" for nonemergency situations causing operators or equipment to be in use when emergency situations may need such operators or equipment and "repeatedly" means three or more times within a one-month period.

2. Any violation of this section is a class B misdemeanor.

3. No political subdivision shall impose any fine or penalty on the owner of a pay telephone or on the owner of any property upon which a pay telephone is located for calls to the emergency telephone service made from the pay telephone. Any such fine or penalty is hereby void.

190.400. As used in sections 190.400 to 190.440, the following words and terms shall mean:

(1) ["911", the primary emergency telephone number within the wireless system;

(2) "Board", the wireless service provider enhanced 911 advisory board;

(3) "Public safety agency", a functional division of a public agency which provides fire fighting, police, medical or other emergency services. For the purpose of providing wireless service to users of 911 emergency services, as expressly provided in this section, the department of public safety and state highway patrol shall be considered a public safety agency;

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

[5] (3) "Wireless service provider", a provider of commercial mobile service pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq).

190.420. 1. There is hereby established in the state treasury a fund to be known as the "[Wireless Service Provider Enhanced] **Missouri** 911 Service Fund". All fees collected pursuant to sections 190.400 to 190.440 **and sections 190.450 and 190.451** by wireless service providers shall be remitted to the director of the department of revenue. The director shall remit such payments to the state treasurer.

2. The state treasurer shall deposit such payments into the [wireless service provider enhanced] **Missouri** 911 service fund. Moneys in the fund shall be used for the purpose of reimbursing expenditures actually incurred in the implementation and operation of the [wireless service provider enhanced] **Missouri** 911 [system] **systems**.

10 3. Any unexpended balance in the fund shall be exempt from the provisions of section
11 33.080, relating to the transfer of unexpended balances to the general revenue fund, and shall
12 remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the
13 fund.

**190.450. 1. In lieu of the tax levy authorized under section 190.305 or the sales tax
2 imposed under section 190.335, the governing body of any county may impose, by order
3 or ordinance, a monthly fee on any device capable of contacting 911. The fee authorized
4 in this section shall not exceed one dollar and fifty cents per any such device capable of
5 contacting 911, and shall be imposed solely for the purpose of funding 911 service in such
6 county. The fee authorized in this section shall be in addition to all other taxes and fees
7 imposed by law, and shall be stated separately from all other charges and taxes.**

**8 2. No such order or ordinance adopted under this section shall become effective
9 unless the governing body of the county submits to the voters residing within the county
10 at a state general, primary, or special election a proposal to authorize the governing body
11 to impose a fee under this section. The question submitted shall be in substantially the
12 following form:**

**13 "Shall (insert county name) County impose a monthly fee of (insert amount) per any
14 such device capable of contacting 911 on each such device for the purpose of funding 911
15 service in the county?"**

**16
17 If a majority of the votes cast on the question by the qualified voters voting thereon are in
18 favor of the question, then the fee shall become effective on the first day of the second
19 calendar quarter after the director of revenue receives notification of adoption of the fee.
20 If a majority of the votes cast on the question by the qualified voters voting thereon are
21 opposed to the question, then the fee shall not become effective unless and until the
22 question is resubmitted under this section to the qualified voters and such question is
23 approved by a majority of the qualified voters voting on the question.**

**24 3. Except as modified in this section, all provisions of sections 32.085 and 32.087
25 shall apply to the fee imposed under this section.**

**26 4. All revenue collected under this section by the director of the department of
27 revenue on behalf of any county, except for one percent for the cost of collection which
28 shall be deposited in the state's general revenue fund, shall be deposited in the Missouri
29 911 service fund created in section 190.420. The state treasurer shall remit such funds to
30 the county on a monthly basis. The county commission shall control such funds remitted
31 to the county unless the county has established an elected board for the purpose of
32 administering such funds. In the event that any county has established a board under any**

33 other provision of state law for the purpose of administering funds for 911 service, such
34 existing board may continue to perform such functions after the county has adopted the
35 monthly fee under this section.

36 5. Notwithstanding any other provision of law to the contrary, no proprietary
37 information submitted under this section shall be subject to subpoena or otherwise released
38 to any person other than to the submitting 911 communications service provider without
39 the express permission of such 911 communications service provider. General information
40 collected under this section shall only be released or published in aggregate amounts that
41 do not identify or allow identification of numbers of subscribers or revenues attributable
42 to an individual 911 communications service provider.

43 6. Notwithstanding any other provision of law to the contrary, in no event shall any
44 911 communications service provider, its officers, employees, assigns, or agents, be liable
45 for any form of civil damages or criminal liability that directly or indirectly result from,
46 or is caused by, an act or omission in the development, design, installation, operation,
47 maintenance, performance, or provision of a public safety answering point, or that directly
48 or indirectly result from, or is caused by, the release of subscriber information to any
49 governmental entity as required under this section unless such acts, release of subscriber
50 information, or omissions constitute gross negligence, recklessness, or intentional
51 misconduct. No cause of action shall lie in any court of law against any provider of
52 telecommunications service, commercial mobile service, or other communications-related
53 service, or its officers, employees, agents, or other persons acting on behalf of them, for
54 providing call location information concerning the user of any such service, in an
55 emergency situation, to a law enforcement official or agency in order to respond to a call
56 for emergency service by a subscriber, customer, or user of such service or for providing
57 caller location information or doing a ping locate in an emergency situation that involves
58 danger of death or serious physical injury to any person where disclosure of
59 communications relating to the emergency is required without delay, whether such
60 providing of information is required by law or voluntarily.

61 7. The fee imposed under this section shall not be imposed upon customers who pay
62 for service prospectively, known as prepaid wireless telecommunications service customers.
63 Prepaid wireless telecommunications service customers shall be subject to the charge
64 imposed under section 190.451.

65 8. The fee imposed under this section shall not be imposed upon any landline
66 capable of contacting 911 if such landline is already subject to a tax or fee imposed for the
67 purpose of funding 911 service in such county. The fee imposed under this section shall
68 not be imposed in conjunction with any tax imposed under section 190.305 or 190.335.

190.451. 1. As used in this section, the following terms mean:

2 **(1) "Board", the Missouri 911 service board established under section 650.325;**

3 **(2) "Consumer", a person who purchases prepaid wireless telecommunications**
4 **service in a retail transaction;**

5 **(3) "Department", the department of revenue;**

6 **(4) "Prepaid wireless telecommunications service", a wireless telecommunications**
7 **service that allows a caller to dial 911 to access the 911 system, which service shall be paid**
8 **for in advance and is sold in predetermined units or dollars of which the number declines**
9 **with use in a known amount;**

10 **(5) "Provider", a person or business that provides prepaid wireless**
11 **telecommunications service under a license issued by the Federal Communications**
12 **Commission;**

13 **(6) "Retail transaction", the purchase of prepaid wireless telecommunications**
14 **service from a seller for any purpose other than resale. The purchase of more than one**
15 **item that provides prepaid wireless telecommunication service, when such items are sold**
16 **separately, constitutes more than one retail transaction;**

17 **(7) "Seller", a person who sells prepaid wireless telecommunications service to**
18 **another person;**

19 **(8) "Wireless telecommunications service", commercial mobile radio service as**
20 **defined by Section 20.3 of Title 47 of the Code of Federal Regulations, as amended.**

21 **2. (1) Beginning October 1, 2013, except as provided in subsection 6 of this section,**
22 **there is hereby imposed a prepaid wireless emergency telephone service charge on each**
23 **retail transaction. The amount of such charge shall be equal to three percent of each retail**
24 **transaction. However, if a minimal amount of prepaid wireless telecommunications service**
25 **is sold with a prepaid wireless device for a single nonitemized price, then the seller may**
26 **elect not to apply such service charge to such transaction. For purposes of this subdivision,**
27 **an amount of service denominated as ten or fewer minutes, or five dollars or less, is**
28 **minimal.**

29 **(2) The prepaid wireless emergency telephone service charge shall be collected by**
30 **the seller from the consumer with respect to each retail transaction occurring in this state.**
31 **The amount of the prepaid wireless emergency telephone service charge shall be either**
32 **separately stated on an invoice, receipt, or other similar document that is provided to the**
33 **consumer by the seller, or otherwise disclosed to the consumer.**

34 **(3) For purposes of this subsection, a retail transaction that is effected in person by**
35 **a consumer at a business location of the seller shall be treated as occurring in this state if**
36 **that business location is in this state, and any other retail transaction shall be treated as**

37 occurring in this state if the retail transaction is treated as occurring in this state under
38 state law.

39 (4) The prepaid wireless emergency telephone service charge is the liability of the
40 consumer and not of the seller or of any provider, except that the seller shall be liable to
41 remit all charges that the seller is deemed to collect where the amount of the charge has not
42 been separately stated on an invoice, receipt, or other similar document provided to the
43 consumer by the seller.

44 (5) The amount of the prepaid wireless emergency telephone service charge that is
45 collected by a seller from a consumer, if such amount is separately stated on an invoice,
46 receipt, or other similar document provided to the consumer by the seller, shall not be
47 included in the base for measuring any tax, fee, surcharge, or other charge that is imposed
48 by this state, any political subdivision of this state, or any intergovernmental agency.

49 3. (1) Prepaid wireless emergency telephone service charges collected by sellers
50 shall be remitted to the department at the times and in the manner provided by state law
51 with respect to the sales and use taxes. The department shall establish registration and
52 payment procedures that substantially coincide with the registration and payment
53 procedures that apply under state law.

54 (2) For the first thirty days after a consumer purchases prepaid wireless
55 telecommunications service in a retail transaction from a seller under this section, the seller
56 shall be allowed to retain one hundred percent of the prepaid wireless emergency telephone
57 service charges that are collected by the seller from the consumer. After such thirty days
58 have expired, a seller shall be permitted to deduct and retain two percent of prepaid
59 wireless emergency telephone service charges that are collected by the seller from
60 consumers.

61 (3) The department shall establish procedures by which a seller of prepaid wireless
62 telecommunications service may document that a sale is not a retail transaction, which
63 procedures shall substantially coincide with the procedures for documenting sale for resale
64 transactions for sales and use purposes under state law.

65 (4) The department shall deposit all remitted prepaid wireless emergency telephone
66 service charges into the Missouri 911 service fund created in section 190.420 within thirty
67 days of receipt, for use by the board. The department may deduct an amount, not to
68 exceed one percent of collected charges, to be retained by the department to reimburse its
69 direct costs of administering the collection and remittance of prepaid wireless emergency
70 telephone service charges.

71 (5) Ten percent of remitted prepaid wireless emergency telephone service charges
72 deposited in the Missouri 911 service fund created in section 190.420 under subdivision (4)

73 of this subsection shall be dedicated to the Missouri regional poison information center
74 established in section 190.353. The amount allocated under this subdivision shall not
75 exceed one million dollars in any twelve-month period, nor shall the Missouri regional
76 poison information center receive more than one million dollars from the Missouri 911
77 service fund in any one calendar year under this subdivision.

78 4. (1) A seller that is not a provider shall be entitled to the immunity and liability
79 protections under section 190.450, notwithstanding any requirement in state law regarding
80 compliance with Federal Communications Commission Order 05-116.

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

83 (3) In addition to the protection from liability provided in subdivisions (1) and (2)
84 of this subsection, each provider and seller shall be entitled to the further protection from
85 liability, if any, that is provided to providers and sellers of wireless telecommunications
86 service that is not prepaid wireless telecommunications service under section 190.450.

87 5. The prepaid wireless emergency telephone service charge imposed by this section
88 shall be in addition to any other tax, fee, surcharge, or other charge imposed by this state,
89 any political subdivision of this state, or any intergovernmental agency for 911 funding
90 purposes.

91 6. This section shall not apply to any county with a charter form of government.

650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

2 (1) ["Committee"] "**Board**", the [advisory committee for] **Missouri 911 service**
3 [oversight] **board** established in section 650.325;

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

6 (3) "Telecommunicator", any person employed as an emergency telephone worker, call
7 taker or public safety dispatcher whose duties include receiving, processing or transmitting
8 public safety information received through a 911 public safety answering point.

650.325. There is hereby established within the department of public safety the
2 ["Advisory Committee for 911 Service Oversight"] "**Missouri 911 Service Board**" which is
3 charged with assisting and advising the state in ensuring the availability, implementation and
4 enhancement of a statewide emergency telephone number common to all jurisdictions through
5 research, planning, training and education. The [committee for 911 service oversight] **board**
6 shall represent all entities and jurisdictions before appropriate policy-making authorities and the
7 general assembly and shall strive toward the immediate access to emergency services for all
8 citizens of this state.

650.330. 1. The [committee for 911 service oversight] **board** shall consist of [sixteen] **twelve** members, one of which shall be chosen from the department of public safety [who shall serve as chair of the committee and only vote in the instance of a tie vote among the other members], and the other members shall be selected as follows:

(1) One member chosen to represent an association domiciled in this state whose primary interest relates to [counties] **municipalities**;

(2) One member chosen to represent the Missouri [public service commission] **911 directors association**;

(3) One member chosen to represent emergency medical services **and physicians**;

(4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;

(5) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;

(6) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;

(7) One member chosen to represent an association whose primary interest relates to issues pertaining to police chiefs;

(8) [One member chosen to represent a league or association domiciled in this state whose primary interest relates to issues pertaining to municipalities;

(9)] One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;

[(10)] **(9)** One member chosen to represent [911 service providers in counties of the second, third and fourth classification;

(11) One member chosen to represent 911 service providers in] counties [of the first classification, with and] without charter forms of government[, and cities not within a county];

[(12)] **(10)** One member chosen to represent telecommunications service providers [with at least one hundred thousand access lines located within Missouri];

[(13)] **(11)** One member chosen to represent **wireless** telecommunications service providers [with less than one hundred thousand access lines located within Missouri];

(14) One member chosen to represent a professional association of physicians who conduct with emergency care; and

(15) One member chosen to represent the general public of Missouri who represents an association whose primary interest relates to education and training, including that of 911, police and fire dispatchers].

2. Each of the members of the [committee for 911 service oversight] **board** shall be appointed by the governor with the advice and consent of the senate for a term of four years;

37 except that, of those members first appointed, four members shall be appointed to serve for one
38 year, four members shall be appointed to serve for two years, four members shall be appointed
39 to serve for three years and four members shall be appointed to serve for four years. Members
40 of the committee may serve multiple terms.

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

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

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

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

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

53 (4) Provide requested mediation services to political subdivisions involved in
54 jurisdictional disputes regarding the provision of 911 services, except that such committee shall
55 not supersede decision-making authority of local political subdivisions in regard to 911 services;

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

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

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

61 (8) Perform other duties as necessary to promote successful development,
62 implementation and operation of 911 systems across the state; [and]

63 (9) Advise the department of public safety on establishing rules and regulations
64 necessary to administer the provisions of sections 650.320 to 650.340;

65 **(10) Elect the chair from its membership;**

66 **(11) Designate a state 911 coordinator;**

67 **(12) Apply for and receive private and federal grants;**

68 **(13) Prepare and present a report to the governor and general assembly on the state
69 of the state's 911 systems;**

70 **(14) Administer and authorize grants and loans to counties, other than counties
71 with a charter form of government, that demonstrate a commitment to improving 911. The
72 purpose of grants from the 911 service fund shall include:**

- 73 **(a) Implementation of 911 services in every county of the state;**
 74 **(b) Promotion of consolidation where appropriate;**
 75 **(c) Mapping and addressing all county locations;**
 76 **(d) Ensuring primary access and texting abilities to 911 services for disabled**
 77 **residents;**

78 **(15) Report to the governor and the general assembly every five years on the status**
 79 **of 911 services statewide as well as specific efforts to improve efficiency, cost effectiveness,**
 80 **and levels of service;**

81 **(16) Conduct a survey every five years of public safety answering points in**
 82 **Missouri to evaluate potential for improved services, coordination, and feasibility of**
 83 **consolidation;**

84 **(17) Make and execute contracts or any other instruments and agreements**
 85 **necessary or convenient for the exercise of its powers and functions.**

86 5. The department of public safety shall provide staff assistance to the [committee for
 87 911 service oversight] **board** as necessary in order for the [committee] **board** to perform its
 88 duties pursuant to sections 650.320 to 650.340.

89 6. The department of public safety is authorized to adopt those rules that are reasonable
 90 and necessary to accomplish the limited duties specifically delegated within section 650.340.
 91 Any rule or portion of a rule, as that term is defined in section 536.010, shall become effective
 92 only if it has been promulgated pursuant to the provisions of chapter 536. This section and
 93 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant
 94 to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are
 95 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
 96 or adopted after August 28, 1999, shall be invalid and void.

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

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

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

11 (3) Three representatives and one alternate from the wireless service
 12 providers, elected by a majority vote of wireless service providers licensed to
 13 provide service in this state; and

14 (4) Three representatives from public safety answering point
 15 organizations, elected by the members of the state chapter of the associated

16 public safety communications officials and the state chapter of the National
17 Emergency Numbering Association.

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

29 3. The board shall do the following:

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

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

34 (3) Advise the office of administration regarding implementation of
35 Federal Communications Commission order 94-102; and

36 (4) Provide any requested mediation service to a political subdivision
37 which is involved in a jurisdictional dispute regarding the providing of wireless
38 911 services. The board shall not supersede decision-making authority of any
39 political subdivision in regard to 911 services.

40 4. The director of the department of public safety shall provide and
41 coordinate staff and equipment services to the board to facilitate the board's
42 duties.]

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