

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1349
97TH GENERAL ASSEMBLY

5285H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 392.415, 392.461, and 392.611, RSMo, and to enact in lieu thereof three new sections relating to communications services.

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

Section A. Sections 392.415, 392.461, and 392.611, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 392.415, 392.461, and 392.611, to read as follows:

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

2. No cause of action shall lie in any court of law against any telecommunications carrier or telecommunications service or commercial mobile service provider, or other provider of communications-related service, or its officers, employees, agents, or other specified persons, for:

(1) Providing any information, facilities, or assistance to a law enforcement official or agency in response to requests made under the circumstances of subsection 1 of this section [or for] ;

(2) Providing such information, facilities, or assistance through any plan or system required by sections 190.300 to 190.340; or

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.

18 **(3) Any loss, damage, or other injury, whether to person or property, resulting**
19 **from a disruption or loss of communication services during an emergency situation, except**
20 **in cases of gross negligence, recklessness, or intentional misconduct.**

21 **3.** Notwithstanding any other provision of law, nothing in this section prohibits a
22 telecommunications carrier, commercial mobile service provider, or other provider of
23 communications-related service from establishing protocols by which such carrier or provider
24 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 Notwithstanding any other provision of this section, a telecommunications company shall not
10 be exempt from any commission rule established under authority delegated to the state
11 commission pursuant to federal statute, rule or order, including, but not limited to, universal
12 service funds, number pooling and conservation efforts, or any authority delegated to the state
13 commission to facilitate or enforce any interconnection obligation or other intercarrier issue,
14 including, but not limited to, intercarrier compensation, network configuration or other such
15 matters. Notwithstanding other provisions of this chapter or chapter 386, a telecommunications
16 company may, upon written notice to the commission, elect to be exempt from any requirement
17 to file or maintain with the commission any tariff or schedule of rates, rentals, charges,
18 privileges, facilities, rules, regulations, or forms of contract, whether in whole or in part, for
19 telecommunications services offered or provided to residential or business retail end user
20 customers and instead shall publish generally available retail prices for those services available
21 to the public by posting such prices on a publicly accessible website. A telecommunications
22 company may include in a tariff filed with the commission any, all, or none of the rates, terms,
23 or conditions for any, all, or none of its retail telecommunications services. Nothing in this
24 section shall affect the rights and obligations of any entity, including the commission, established
25 pursuant to federal law, including 47 U.S.C. Sections 251 and 252, any state law, rule,
26 regulation, or order related to wholesale rights and obligations, or any tariff or schedule that is
27 filed with and maintained by the commission.

 392.611. 1. A telecommunications company certified under this chapter or holding a
2 state charter authorizing it to engage in the telephone business shall not be subject to any statute

3 in chapter 386 or this chapter (nor any rule promulgated or order issued under such chapters) that
4 imposes duties, obligations, conditions, or regulations on retail telecommunications services
5 provided to end user customers, except to the extent it elects to remain subject to certain statutes,
6 rules, or orders by notification to the commission. Telecommunications companies shall remain
7 subject to general, nontelecommunications-specific statutory provisions other than those in
8 chapters 386 and this chapter to the extent applicable. Telecommunications companies shall:

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

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

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

19 2. Broadband and other internet protocol-enabled services shall not be subject to
20 regulation under chapter 386 or this chapter, except that interconnected voice over internet
21 protocol service shall continue to be subject to section 392.550. Nothing in this subsection
22 extends, modifies, or restricts the provisions of subsection 3 of this section. As used in this
23 subsection, "other internet protocol-enabled services" means any services, capabilities,
24 functionalities, or applications using existing internet protocol, or any successor internet
25 protocol, that enable an end user to send or receive a communication in existing internet protocol
26 format, or any successor internet protocol format, regardless of whether the communication is
27 voice, data, or video.

28 3. Notwithstanding any other provision of this section, a telecommunications company
29 shall not be exempt from any commission rule established under authority delegated to the state
30 commission under federal statute, rule, or order, including, but not limited to, universal service
31 funds, number pooling, and conservation efforts. Notwithstanding any other provision of this
32 section, nothing in this section extends, modifies, or restricts any authority delegated to the state
33 commission under federal statute, rule, or order to require, facilitate, or enforce any
34 interconnection obligation or other intercarrier issue including, but not limited to, intercarrier
35 compensation, network configuration or other such matters. Notwithstanding any other
36 provision of this section, nothing in this section extends, modifies, or restricts any authority the
37 commission may have arising under state law relating to interconnection obligations or other

38 intercarrier issue including, but not limited to, intercarrier compensation, network configuration,
39 or other such matters.

40 4. After August 28, [2013] **2014**, telecommunications companies seeking to provide
41 telecommunications service may, in lieu of the process and requirements for certification set out
42 in other sections, elect to obtain certification by following the same registration process set out
43 in subsection 3 of section 392.550, substituting telecommunications service for interconnected
44 voice over internet protocol service in the requirements specified in subdivisions (1) to (8) of
45 subsection 3 of section 392.550.

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