

FIRST REGULAR SESSION

SENATE BILL NO. 552

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Read 1st time February 21, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2292S.011

AN ACT

To amend chapter 386, RSMo, by adding thereto one new section relating to voice over Internet protocol service.

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

Section A. Chapter 386, RSMo, is amended by adding thereto one new
2 section, to be known as section 386.305, to read as follows:

386.305. 1. For purposes of this section, "VOIP service" means
2 **interconnected voice over Internet protocol service as defined by the**
3 **Federal Communications Commission in Section 9.3 of Title 47 of the**
4 **Code of Federal Regulations.**

5 **2. The general assembly finds that the provision of VOIP service**
6 **free of regulation, regardless of the provider, is in the public interest.**

7 **3. The public service commission shall not regulate or otherwise**
8 **exercise jurisdiction over VOIP service regardless of how the service**
9 **is classified by the Federal Communications Commission. Any decision**
10 **of the public service commission inconsistent with this section is**
11 **hereby preempted and rendered invalid. Such service shall nonetheless**
12 **be subject to the state's generally applicable business regulation and**
13 **deceptive trade practices and consumer protection laws, as enforced by**
14 **the appropriate state authority or through actions in the judicial**
15 **system. This subsection does not limit the availability to any party of**
16 **any remedy or defense under state or federal antitrust laws.**

17 **4. No political subdivision shall directly or indirectly regulate**
18 **the terms and conditions, including, but not limited to, the operating**
19 **systems, qualifications, services, service quality, service territory, and**
20 **prices, applicable to or in connection with the provision of VOIP**
21 **service.**

22 5. (1) A provider of VOIP service and its officers, directors,
23 employees, vendors, and agents shall have immunity or other
24 protection from liability of a scope and extent that is not less than the
25 scope and extent of immunity or other protection from liability that
26 any telecommunications company, and its officers, directors, employees,
27 vendors, or agents, have in this state under federal and state law
28 whether through statute, judicial decision, tariffs filed by such local
29 exchange company, or otherwise, including in connection with an act
30 or omission involving the release to a public service answering point,
31 emergency medical service provider or emergency dispatch provider,
32 public safety, fire service or law enforcement official, or hospital
33 emergency or trauma care facility of subscriber information related to
34 emergency calls or emergency services.

35 (2) No political subdivision shall impose any 911-related fees,
36 taxes, or surcharges on a provider of VOIP service that are not also
37 imposed by such political subdivision on telecommunications
38 companies. Such provider may recover such fees from its end users
39 and identify such fee and its amount as a separate line-item on the end
40 user's bill.

41 (3) No 911-related fees, taxes, or surcharges may be imposed on
42 a provider of VOIP service to the extent that such fees, taxes, or
43 surcharges are imposed on telecommunications companies or other
44 entity that furnishes such provider with connectivity to the public
45 switched telephone network or a public safety answering point.

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