

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1456**  
99TH GENERAL ASSEMBLY

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Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, May 3, 2018, with recommendation that the Senate Committee Substitute do pass.

4845S.05C

ADRIANE D. CROUSE, Secretary.

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**AN ACT**

To repeal sections 43.401, 70.210, 190.300, 190.307, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, and 650.330, RSMo, and to enact in lieu thereof nineteen new sections relating to emergency communication services, with penalty provisions.

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

Section A. Sections 43.401, 70.210, 190.300, 190.307, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, and 650.330, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 43.401, 70.210, 190.300, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.420, 190.455, 190.460, 190.465, 190.470, 190.475, 650.330, and 650.335, to read as follows:

43.401. 1. The reporting of missing persons by law enforcement agencies, private citizens, and the responsibilities of the patrol in maintaining accurate records of missing persons are as follows:

(1) A person may file a complaint of a missing person with a law enforcement agency having jurisdiction. The complaint shall include, but need not be limited to, the following information:

(a) The name of the complainant;

(b) **The name, address, and phone number of the guardian, if any, of the missing person;**

(c) The relationship of the complainant to the missing person;

[(c)] (d) The name, age, address, and all identifying characteristics of the missing person;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13            [(d)] (e) The length of time the person has been missing; **and**  
14            [(e)] (f) All other information deemed relevant by either the complainant  
15 or the law enforcement agency;

16            (2) A report of the complaint of a missing person shall be immediately  
17 entered into the Missouri uniform law enforcement system (MULES) and the  
18 National Crime Information Center (NCIC) system by the law enforcement agency  
19 receiving the complaint, and disseminated to other law enforcement agencies who  
20 may come in contact with or be involved in the investigation or location of a  
21 missing person;

22            (3) A law enforcement agency with which a complaint of a missing child  
23 has been filed shall prepare, as soon as practicable, a standard missing child  
24 report. The missing child report shall be maintained as a record by the reporting  
25 law enforcement agency during the course of an active investigation;

26            (4) Upon the location of a missing person, or the determination by the law  
27 enforcement agency of jurisdiction that the person is no longer missing, the law  
28 enforcement agency which reported the missing person shall immediately remove  
29 the record of the missing person from the MULES and NCIC files.

30            2. No law enforcement agency shall prevent an immediate active  
31 investigation on the basis of an agency rule which specifies an automatic time  
32 limitation for a missing person investigation.

70.210. As used in sections 70.210 to 70.320, the following terms mean:

2            (1) "Governing body", the board, body or persons in which the powers of  
3 a municipality or political subdivision are vested;

4            (2) "Municipality", municipal corporations, political corporations, and  
5 other public corporations and agencies authorized to exercise governmental  
6 functions;

7            (3) "Political subdivision", counties, townships, cities, towns, villages,  
8 school, county library, city library, city-county library, road, drainage, sewer,  
9 levee and fire districts, soil and water conservation districts, watershed  
10 subdistricts, county hospitals, any board of control of an art museum, **any 911**  
11 **or emergency services board authorized in chapter 190 or section**  
12 **321.243**, the board created under sections 205.968 to 205.973, and any other  
13 public subdivision or public corporation having the power to tax.

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

3            (1) "Emergency telephone service", a telephone system utilizing a single

4 three digit number "911" for reporting police, fire, medical or other emergency  
5 situations;

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

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

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

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

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

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

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

27 (9) "Tariff rate", the rate or rates billed by a service supplier to a service  
28 user as stated in the service supplier's tariffs, [approved by the Missouri public  
29 service commission] **contracts, service agreements, or similar documents**  
30 **governing the provision of the service**, which represent the service  
31 supplier's recurring charges for exchange access facilities or their equivalent, **or**  
32 **equivalent rates contained in contracts, service agreements, or similar**  
33 **documents**, exclusive of all taxes, fees, licenses, or similar charges whatsoever.

190.308. 1. In any county that has established an emergency telephone  
2 service pursuant to sections 190.300 to [190.320] **190.340**, it shall be unlawful  
3 for any person to misuse the emergency telephone service. For the purposes of  
4 this section, "emergency" means any incident involving danger to life or property  
5 that calls for an emergency response dispatch of police, fire, EMS or other public  
6 safety organization, "misuse the emergency telephone service" includes, but is not

7 limited to, repeatedly calling the "911" for nonemergency situations causing  
8 operators or equipment to be in use when emergency situations may need such  
9 operators or equipment and "repeatedly" means three or more times within a one-  
10 month period.

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

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

190.325. 1. In any county of the first classification without a charter form  
2 of government with a population of at least one hundred fifty thousand  
3 inhabitants but less than two hundred **fifty** thousand inhabitants, the county  
4 commission may use all or a part of the moneys derived from the emergency  
5 telephone tax authorized pursuant to section 190.305 for central dispatching of  
6 fire protection, emergency ambulance service or any other emergency services,  
7 which may include the purchase and maintenance of communications and  
8 emergency equipment. In the event such commission chooses to use the tax  
9 provided in that section for such services, the provisions of sections 190.300 to  
10 190.320 shall apply except as provided in this section.

11 2. The tax shall not exceed a percentage of the base tariff rate and such  
12 percentage shall not exceed an amount equal to a maximum rate of one dollar  
13 thirty cents per line per month, the provisions of section 190.305 to the contrary  
14 notwithstanding. The tax imposed by this section and the amounts required to  
15 be collected are due monthly. The amount of tax collected in one calendar month  
16 by the service supplier shall be remitted to the governing body no later than one  
17 month after the close of a calendar month. On or before the last day of each  
18 calendar month, a return for the preceding month shall be filed with the  
19 governing body in such form as the governing body and service supplier shall  
20 agree. The service supplier shall include the list of any service user refusing to  
21 pay the tax imposed by this section with each return filing. The service supplier  
22 required to file the return shall deliver the return, together with a remittance of  
23 the amount of the tax collected. The records shall be maintained for a period of  
24 one year from the time the tax is collected. From every remittance to the  
25 governing body made on or before the date when the same becomes due, the  
26 service supplier required to remit the same shall be entitled to deduct and retain,  
27 as a collection fee, an amount equal to two percent thereof.

28           3. Nothing in this section shall be construed to require any municipality  
29 or other political subdivision to join the central dispatching system established  
30 pursuant to this section. The governing body of any municipality or other  
31 political subdivision may contract with the board established pursuant to section  
32 190.327 for such services or portion of such services, or for the purchase and  
33 maintenance of communication and emergency equipment.

190.327. 1. Immediately upon the decision by the commission to utilize  
2 a portion of the emergency telephone tax for central dispatching and an  
3 affirmative vote of the telephone tax, the commission shall appoint the initial  
4 members of a board which shall administer the funds and oversee the provision  
5 of central dispatching for emergency services in the county and in municipalities  
6 and other political subdivisions which have contracted for such  
7 service. Beginning with the general election in 1992, all board members shall be  
8 elected according to this section and other applicable laws of this state. At the  
9 time of the appointment of the initial members of the board, the commission shall  
10 relinquish to the board and no longer exercise the duties prescribed in this  
11 chapter with regard to the provision of emergency telephone service and in  
12 chapter 321, with regard to the provision of central dispatching service, and such  
13 duties shall be exercised by the board.

14           2. Elections for board members may be held on general municipal election  
15 day, as defined in subsection 3 of section 115.121, after approval by a simple  
16 majority of the county commission.

17           3. For the purpose of providing the services described in this section, the  
18 board shall have the following powers, authority and privileges:

- 19           (1) To have and use a corporate seal;
- 20           (2) To sue and be sued, and be a party to suits, actions and proceedings;
- 21           (3) To enter into contracts, franchises and agreements with any person,  
22 partnership, association or corporation, public or private, affecting the affairs of  
23 the board;
- 24           (4) To acquire, construct, purchase, maintain, dispose of and encumber  
25 real and personal property, including leases and easements;
- 26           (5) To have the management, control and supervision of all the business  
27 affairs of the board and the construction, installation, operation and maintenance  
28 of any improvements;
- 29           (6) To hire and retain agents and employees and to provide for their  
30 compensation including health and pension benefits;

31 (7) To adopt and amend bylaws and any other rules and regulations;

32 (8) To fix, charge and collect the taxes and fees authorized by law for the  
33 purpose of implementing and operating the services described in this section;

34 (9) To pay all expenses connected with the first election and all  
35 subsequent elections; and

36 (10) To have and exercise all rights and powers necessary or incidental  
37 to or implied from the specific powers granted in this subsection. Such specific  
38 powers shall not be considered as a limitation upon any power necessary or  
39 appropriate to carry out the purposes and intent of sections 190.300 to 190.329.

40 **4. (1) Notwithstanding the provisions of subsections 1 and 2 of**  
41 **this section to the contrary, the county commission may elect to**  
42 **appoint the members of the board to administer the funds and oversee**  
43 **the provision of central dispatching for emergency services in the**  
44 **counties, municipalities, and other political subdivisions which have**  
45 **contracted for such service upon the request of the municipalities and**  
46 **other political subdivisions. Upon appointment of the initial members**  
47 **of the board, the commission shall relinquish all powers and duties to**  
48 **the board and no longer exercise the duties prescribed in this chapter**  
49 **with regard to the provision of central dispatching service and such**  
50 **duties shall be exercised by the board.**

51 **(2) The board shall consist of seven members appointed without**  
52 **regard to political affiliation. The members shall include:**

53 **(a) Five members who shall serve for so long as they remain in**  
54 **their respective county or municipal positions as follows:**

55 **a. The county sheriff, or his or her designee;**

56 **b. The heads of the municipal police department who have**  
57 **contracted for central dispatching service in the two largest**  
58 **municipalities wholly contained within the county, or their designees;**  
59 **or**

60 **c. The heads of the municipal fire departments or fire divisions**  
61 **who have contracted for central dispatching service in the two largest**  
62 **municipalities wholly contained within the county, or their designees;**

63 **(b) Two members who shall serve two-year terms appointed from**  
64 **among the following:**

65 **a. The head of any of the county's fire protection districts who**  
66 **have contracted for central dispatching service, or his or her designee;**

67 **b. The head of any of the county's ambulance districts who have**

68 **contracted for central dispatching service, or his or her designee;**

69 **c. The head of any of the municipal police departments located**  
70 **in the county who have contracted for central dispatching service, or**  
71 **his or her designee, excluding those mentioned in subparagraph b of**  
72 **paragraph (a) of this subdivision; and**

73 **d. The head of any of the municipal fire departments in the**  
74 **county who have contracted for central dispatching service, or his or**  
75 **her designee, excluding those mentioned in subparagraph c of**  
76 **paragraph (a) of this subdivision.**

77 **(3) Upon the appointment of the board under this subsection, the**  
78 **board shall have the powers provided in subsection 3 of this section**  
79 **and the commission shall relinquish all powers and duties relating to**  
80 **the provision of central dispatching service under this chapter to the**  
81 **board.**

190.328. 1. Beginning in 1997, within the area from which voters and the  
2 commission have approved the provision of central dispatching for emergency  
3 services by a public agency for an area containing third or fourth class cities in  
4 counties of the third classification with a population of at least thirty-two  
5 thousand but no greater than forty thousand that border a county of the first  
6 classification but do not border the Mississippi River, the initial board shall  
7 consist of two members from each township within such area and one at-large  
8 member who shall serve as the initial chairperson of such board.

9 2. Within the area from which voters and the commission have approved  
10 the provision of central dispatching for emergency services by a public agency for  
11 an area containing third or fourth class cities in counties of the third  
12 classification with a population of at least thirty-two thousand but no greater  
13 than forty thousand that border a county of the first classification, voters shall  
14 elect a board to administer funds and oversee the provision of central dispatching  
15 for emergency services. Such board shall consist of two members elected from  
16 each of the townships within such area and one member elected at large who  
17 shall serve as the chairperson of the board.

18 3. Of those initially elected to the board as provided in this section, four  
19 from the townships shall be elected to a term of two years, and four from the  
20 townships and the at-large member shall be elected to a term of four years. Upon  
21 the expiration of these initial terms, all members shall thereafter be elected to  
22 terms of four years; **provided that, if a board established in this section**

23 **consolidates with a board established under section 190.327 or 190.335,**  
24 **under the provisions of section 190.470, the term of office for the**  
25 **existing board members shall end on the thirtieth day following the**  
26 **appointment of the initial board of directors for the consolidated**  
27 **district.**

190.329. 1. Except in areas from which voters and the commission have  
2 approved the provision of central dispatching for emergency services by a public  
3 agency for an area containing third or fourth class cities located in counties of the  
4 third classification with a population of at least thirty-two thousand but no  
5 greater than forty thousand that border a county of the first classification but do  
6 not border the Mississippi River, the initial board shall consist of seven members  
7 appointed without regard for political party who shall be selected from and shall  
8 represent the fire protection districts, ambulance districts, sheriff's department,  
9 municipalities, any other emergency services and the general public. This initial  
10 board shall serve until its successor board is duly elected and installed in  
11 office. The commission shall ensure geographic representation of the county by  
12 appointing no more than four members from any one commission district of the  
13 county.

14 2. Beginning in 1992, three members shall be elected from each  
15 commission district and one member shall be elected at large, with such at-large  
16 member to be a voting member and chairman of the board. Of those first elected,  
17 four members from commission districts shall be elected for terms of two years  
18 and two members from commission districts and the member at large shall be  
19 elected for terms of four years. In 1994, and thereafter, all terms of office shall  
20 be for four years, except as **otherwise provided in this subsection or as**  
21 **provided in subsection 3 of this section.** Any vacancy on the board shall be filled  
22 in the same manner as the initial appointment was made. Four members shall  
23 constitute a quorum. **If a board established in section 190.327**  
24 **consolidates with a board established under section 190.327, 190.328, or**  
25 **190.335, under the provisions of section 190.470, the term of office for**  
26 **the existing board members shall end on the thirtieth day following the**  
27 **appointment of the initial board of directors for the consolidated**  
28 **district.**

29 3. Upon approval by the county commission for the election of board  
30 members to be held on general municipal election day, pursuant to subsection 2  
31 of section 190.327, the terms of those board members then holding office shall be



32 reduced by seven months. After a board member's term has been reduced, all  
 33 following terms for that position shall be for four years, **except as otherwise**  
 34 **provided under subsection 2 of this section.**

190.334. The state auditor shall have the authority to conduct  
 2 performance and fiscal audits of any board, dispatch center, joint emergency  
 3 communications entity, or trust fund established under section 190.327, 190.328,  
 4 190.329, 190.335, 190.420, 190.455, 190.460, **190.465, 190.470**, or 650.325.

190.335. 1. In lieu of the tax levy authorized under section 190.305 for  
 2 emergency telephone services, the county commission of any county may impose  
 3 a county sales tax for the provision of central dispatching of fire protection,  
 4 including law enforcement agencies, emergency ambulance service or any other  
 5 emergency services, including emergency telephone services, which shall be  
 6 collectively referred to herein as "emergency services", and which may also  
 7 include the purchase and maintenance of communications and emergency  
 8 equipment, including the operational costs associated therein, in accordance with  
 9 the provisions of this section.

10 2. Such county commission may, by a majority vote of its members, submit  
 11 to the voters of the county, at a public election, a proposal to authorize the county  
 12 commission to impose a tax under the provisions of this section. If the residents  
 13 of the county present a petition signed by a number of residents equal to ten  
 14 percent of those in the county who voted in the most recent gubernatorial  
 15 election, then the commission shall submit such a proposal to the voters of the  
 16 county.

17 3. The ballot of submission shall be in substantially the following form:  
 18 Shall the county of ..... (insert name of county) impose a  
 19 county sales tax of ..... (insert rate of percent) percent for the  
 20 purpose of providing central dispatching of fire protection,  
 21 emergency ambulance service, including emergency telephone  
 22 services, and other emergency services?

23  YES  NO

24 If a majority of the votes cast on the proposal by the qualified voters voting  
 25 thereon are in favor of the proposal, then the ordinance shall be in effect as  
 26 provided herein. If a majority of the votes cast by the qualified voters voting are  
 27 opposed to the proposal, then the county commission shall have no power to  
 28 impose the tax authorized by this section unless and until the county commission  
 29 shall again have submitted another proposal to authorize the county commission

30 to impose the tax under the provisions of this section, and such proposal is  
31 approved by a majority of the qualified voters voting thereon.

32 4. The sales tax may be imposed at a rate not to exceed one percent on the  
33 receipts from the sale at retail of all tangible personal property or taxable  
34 services at retail within any county adopting such tax, if such property and  
35 services are subject to taxation by the state of Missouri under the provisions of  
36 sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six  
37 months before operation of the central dispatching of emergency services.

38 5. Except as modified in this section, all provisions of sections 32.085 and  
39 32.087 shall apply to the tax imposed under this section.

40 6. Any tax imposed pursuant to section 190.305 shall terminate at the end  
41 of the tax year in which the tax imposed pursuant to this section for emergency  
42 services is certified by the board to be fully operational. Any revenues collected  
43 from the tax authorized under section 190.305 shall be credited for the purposes  
44 for which they were intended.

45 7. At least once each calendar year, the board shall establish a tax rate,  
46 not to exceed the amount authorized, that together with any surplus revenues  
47 carried forward will produce sufficient revenues to fund the expenditures  
48 authorized by this act. Amounts collected in excess of that necessary within a  
49 given year shall be carried forward to subsequent years. The board shall make  
50 its determination of such tax rate each year no later than September first and  
51 shall fix the new rate which shall be collected as provided in this  
52 act. Immediately upon making its determination and fixing the rate, the board  
53 shall publish in its minutes the new rate, and it shall notify every retailer by  
54 mail of the new rate.

55 8. Immediately upon the affirmative vote of voters of such a county on the  
56 ballot proposal to establish a county sales tax pursuant to the provisions of this  
57 section, the county commission shall appoint the initial members of a board to  
58 administer the funds and oversee the provision of emergency services in the  
59 county. Beginning with the general election in 1994, all board members shall be  
60 elected according to this section and other applicable laws of this state. At the  
61 time of the appointment of the initial members of the board, the commission shall  
62 relinquish and no longer exercise the duties prescribed in this chapter with  
63 regard to the provision of emergency services and such duties shall be exercised  
64 by the board.

65 9. The initial board shall consist of seven members appointed without

66 regard to political affiliation, who shall be selected from, and who shall represent,  
67 the fire protection districts, ambulance districts, sheriff's department,  
68 municipalities, any other emergency services and the general public. This initial  
69 board shall serve until its successor board is duly elected and installed in  
70 office. The commission shall ensure geographic representation of the county by  
71 appointing no more than four members from each district of the county  
72 commission.

73       10. Beginning in 1994, three members shall be elected from each district  
74 of the county commission and one member shall be elected at large, such member  
75 to be the chairman of the board. Of those first elected, four members from  
76 districts of the county commission shall be elected for terms of two years and two  
77 members from districts of the county commission and the member at large shall  
78 be elected for terms of four years. In 1996, and thereafter, all terms of office  
79 shall be four years; **provided that, if a board established under this**  
80 **section consolidates with a board established under this section,**  
81 **section 190.327, or section 190.328, under the provisions of section**  
82 **190.470, the term of office for the existing board members shall end on**  
83 **the thirtieth day following the appointment of the initial board of**  
84 **directors for the consolidated district.** Notwithstanding any other provision  
85 of law, if there is no candidate for an open position on the board, then no election  
86 shall be held for that position and it shall be considered vacant, to be filled  
87 pursuant to the provisions of section 190.339, and, if there is only one candidate  
88 for each open position, no election shall be held and the candidate or candidates  
89 shall assume office at the same time and in the same manner as if elected.

90       11. Notwithstanding the provisions of subsections 8 to 10 of this section  
91 to the contrary, in any county of the first classification with more than two  
92 hundred forty thousand three hundred but fewer than two hundred forty  
93 thousand four hundred inhabitants or in any county of the third classification  
94 with a township form of government and with more than twenty-eight thousand  
95 but fewer than thirty-one thousand inhabitants, any emergency telephone service  
96 911 board appointed by the county under section 190.309 which is in existence on  
97 the date the voters approve a sales tax under this section shall continue to exist  
98 and shall have the powers set forth under section 190.339. Such boards which  
99 existed prior to August 25, 2010, shall not be considered a body corporate and a  
100 political subdivision of the state for any purpose, unless and until an order is  
101 entered upon an unanimous vote of the commissioners of the county in which

102 such board is established reclassifying such board as a corporate body and  
103 political subdivision of the state. The order shall approve the transfer of the  
104 assets and liabilities related to the operation of the emergency **telephone** service  
105 911 system to the new entity created by the reclassification of the board.

106       12. (1) Notwithstanding the provisions of subsections 8 to 10 of this  
107 section to the contrary, in any county of the second classification with more than  
108 fifty-four thousand two hundred but fewer than fifty-four thousand three hundred  
109 inhabitants or any county of the first classification with more than fifty thousand  
110 but fewer than seventy thousand inhabitants that has approved a sales tax under  
111 this section, the county commission shall appoint the members of the board to  
112 administer the funds and oversee the provision of emergency services in the  
113 county.

114       (2) The board shall consist of seven members appointed without regard  
115 to political affiliation. Except as provided in subdivision (4) of this subsection,  
116 each member shall be one of the following:

- 117       (a) The head of any of the county's fire protection districts, or a designee;
- 118       (b) The head of any of the county's ambulance districts, or a designee;
- 119       (c) The county sheriff, or a designee;
- 120       (d) The head of any of the police departments in the county, or a designee;

121 and

- 122       (e) The head of any of the county's emergency management organizations,  
123 or a designee.

124       (3) Upon the appointment of the board under this subsection, the board  
125 shall have the power provided in section 190.339 and shall exercise all powers  
126 and duties exercised by the county commission under this chapter, and the  
127 commission shall relinquish all powers and duties relating to the provision of  
128 emergency services under this chapter to the board.

129       (4) In any county of the first classification with more than fifty thousand  
130 but fewer than seventy thousand inhabitants, each of the entities listed in  
131 subdivision (2) of this subsection shall be represented on the board by at least one  
132 member.

133       **(5) In any county with more than fifty thousand but fewer than**  
134 **seventy thousand inhabitants and with a county seat with more than**  
135 **two thousand one hundred but fewer than two thousand four hundred**  
136 **inhabitants, the entities listed in subdivision (2) of this subsection shall**  
137 **be represented by one member, and two members shall be residents of**

138 **the county not affiliated with any of the entities listed in subdivision**  
139 **(2) of this subsection and shall be known as public members.**

190.400. As used in sections 190.400 to [190.440] **190.460**, the following  
2 words and terms shall mean:

3 (1) ["911", the primary emergency telephone number within the wireless  
4 system;

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

6 (3)] "Active telephone number", a ten-digit North American  
7 Numbering Plan number that has been assigned to a subscriber and is  
8 provisioned to generally reach, by dialing, the public switched  
9 telephone network and not only 911 or the 911 system;

10 (2) "Communications service":

11 (a) Any service that:

12 a. Uses telephone numbers or their functional equivalents or  
13 successors;

14 b. Provides access to, and a connection or interface with, a 911  
15 system through the activation or enabling of a device, transmission  
16 medium, or technology that is used by a customer to dial, initialize, or  
17 otherwise activate the 911 system, regardless of the particular device,  
18 transmission medium, or technology employed;

19 c. Provides and enables real-time or interactive communications  
20 other than machine-to-machine communications; and

21 d. Is available to a prepaid user or a standard user;

22 (b) The term includes, but is not limited to, the following:

23 a. Internet protocol-enabled services and applications that are  
24 provided through wireline, cable, wireless, or satellite facilities, or any  
25 other facility or platform that is capable of connecting and enabling a  
26 911 communication to a public safety answering point;

27 b. Commercial mobile radio service; and

28 c. Interconnected voice over internet protocol service and voice  
29 over power lines; and

30 (c) The term does not include broadband internet access service;

31 (d) For purposes of this section, if a device that is capable of  
32 contacting 911 is permanently installed in a vehicle, it shall not be  
33 subject to this section unless the owner of such vehicle purchases or  
34 otherwise subscribes to a commercial mobile service as defined under  
35 47 U.S.C. Section 332(d) of the Telecommunications Act of 1996;

36           **(3) "Provider" or "communications service provider", a person**  
37 **who provides retail communications services to the public that include**  
38 **911 communications service including, but not limited to, a local**  
39 **exchange carrier, a wireless provider, and a voice over internet**  
40 **protocol provider, but only if such entity provides access to, and**  
41 **connection and interface with, a 911 communications service or its**  
42 **successor service;**

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

48           **[(4)] (5) "Public safety answering point", the location at which 911 calls**  
49 **are [initially] answered;**

50           **[(5)] (6) "Subscriber", a person who contracts with and is billed**  
51 **by a provider for a retail communications service. In the case of**  
52 **wireless service and for purposes of section 190.455, the term**  
53 **"subscriber" means a person who contracts with a provider if the**  
54 **person's primary place of use is within the county or city imposing a**  
55 **monthly fee under section 190.455, and does not include subscribers to**  
56 **prepaid wireless service;**

57           **(7) "Wireless service provider", a provider of commercial mobile service**  
58 **pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47**  
59 **U.S.C. Section 151 et seq).**

          190.420. 1. There is hereby established a **special trust** fund to be known  
2 as the "[Wireless Service Provider Enhanced] **Missouri 911 Service Trust Fund**".  
3 All fees collected pursuant to sections 190.400 to [190.440 by wireless service  
4 providers] **190.460** shall be remitted to the director of the department of revenue.

5           2. The director of the department of revenue shall deposit such payments  
6 into the [wireless service provider enhanced] **Missouri 911 service trust**  
7 fund. Moneys in the fund shall be used for the purpose of reimbursing  
8 expenditures actually incurred in the implementation and operation of the  
9 [wireless service provider enhanced] **Missouri 911 [system] systems and for**  
10 **the answering and dispatching of emergency calls as determined to be**  
11 **appropriate by the governing body of the county or city imposing the**  
12 **fee.**

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

17           **4. The moneys in the trust fund shall not be deemed to be state**  
18 **funds and shall not be commingled with any funds of the state. The**  
19 **director of revenue shall keep accurate records of the amount of**  
20 **moneys in the trust fund which were collected in each county, city not**  
21 **within a county, or home rule city with more than fifteen thousand but**  
22 **fewer than seventeen thousand inhabitants and partially located in any**  
23 **county of the third classification without a township form of**  
24 **government and with more than thirty-seven thousand but fewer than**  
25 **forty-one thousand inhabitants under sections 190.400 to 190.460, and**  
26 **the records shall be open to the inspection of officers of a participating**  
27 **county or city and the public.**

**190.455. 1. Except as provided under subsections 9 and 10 of this**  
2 **section, in lieu of the tax levy authorized under section 190.305 or**  
3 **190.325, or the sales tax imposed under section 190.292 or 190.335, the**  
4 **governing body of any county, city not within a county, or home rule**  
5 **city with more than fifteen thousand but fewer than seventeen**  
6 **thousand inhabitants and partially located in any county of the third**  
7 **classification without a township form of government and with more**  
8 **than thirty-seven thousand but fewer than forty-one thousand**  
9 **inhabitants may impose, by order or ordinance, a monthly fee on**  
10 **subscribers of any communications service that has been enabled to**  
11 **contact 911. The monthly fee authorized in this section shall not**  
12 **exceed one dollar and fifty cents and shall be assessed to the subscriber**  
13 **of the communications service, regardless of technology, based upon**  
14 **the number of active telephone numbers, or their functional**  
15 **equivalents or successors, assigned by the provider and capable of**  
16 **simultaneously contacting the public safety answering point; provided**  
17 **that, for multiline telephone systems and for facilities provisioned with**  
18 **capacity greater than a voice-capable grade channel or its equivalent,**  
19 **regardless of technology, the charge shall be assessed on the number**  
20 **of voice-capable grade channels as provisioned by the provider that**  
21 **allow simultaneous contact with the public safety answering**  
22 **point. Only one fee may be assessed per active telephone number, or**

23 its functional equivalent or successor, used to provide a  
24 communications service. No fee imposed under this section shall be  
25 imposed on more than one hundred voice-grade channels or their  
26 equivalent per person per location. Notwithstanding any provision of  
27 this section to the contrary, the monthly fee shall not be assessed on  
28 the provision of broadband internet access service. The fee shall be  
29 imposed solely for the purpose of funding 911 service in such county or  
30 city. The monthly fee authorized in this section shall be limited to one  
31 fee per device. The fee authorized in this section shall be in addition  
32 to all other taxes and fees imposed by law and may be stated separately  
33 from all other charges and taxes. The fee shall be the liability of the  
34 subscriber, not the provider, except that the provider shall be liable to  
35 remit all fees that the provider collects under this section.

36       2. No such order or ordinance adopted under this section shall  
37 become effective unless the governing body of the county or city  
38 submits to the voters residing within the county or city at a state  
39 general, primary, or special election a proposal to authorize the  
40 governing body to impose a fee under this section. The question  
41 submitted shall be in substantially the following form:

42       "Shall ..... (insert name of county or city) impose a monthly  
43 fee of ..... (insert amount) on a subscriber of any  
44 communications service that has been enabled to contact  
45 911 for the purpose of funding 911 service in the .....  
46 (county or city)?"

47 If a majority of the votes cast on the question by the qualified voters  
48 voting thereon are in favor of the question, the fee shall become  
49 effective on the first day of the second calendar quarter after the  
50 director of revenue receives notification of adoption of the fee. If a  
51 majority of the votes cast on the question by the qualified voters voting  
52 thereon are opposed to the question, the fee shall not become effective  
53 unless and until the question is resubmitted under this section to the  
54 qualified voters and such question is approved by a majority of the  
55 qualified voters voting on the question.

56       3. Except as modified in this section, all provisions of sections  
57 32.085 and 32.087 and subsection 7 of section 144.190 shall apply to the  
58 fee imposed under this section.

59       4. All revenue collected under this section by the director of the



60 department of revenue on behalf of the county or city, except for two  
61 percent to be withheld by the provider for the cost of administering the  
62 collection and remittance of the fee, and one percent for the cost of  
63 collection which shall be deposited in the state's general revenue fund,  
64 shall be deposited in the Missouri 911 service trust fund created under  
65 section 190.420. The director of the department of revenue shall remit  
66 such funds to the county or city on a monthly basis. The governing  
67 body of any such county or city shall control such funds remitted to the  
68 county or city unless the county or city has established an elected  
69 board for the purpose of administering such funds. In the event that  
70 any county or city has established a board under any other provision  
71 of state law for the purpose of administering funds for 911 service, such  
72 existing board may continue to perform such functions after the county  
73 or city has adopted the monthly fee under this section.

74 5. Nothing in this section imposes any obligation upon a provider  
75 of a communications service to take any legal action to enforce the  
76 collection of the tax imposed in this section. The tax shall be collected  
77 in compliance, as applicable, with the federal Mobile  
78 Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as  
79 amended.

80 6. Notwithstanding any other provision of law to the contrary,  
81 proprietary information submitted under this section shall only be  
82 subject to subpoena or lawful court order. Information collected under  
83 this section shall only be released or published in aggregate amounts  
84 that do not identify or allow identification of numbers of subscribers  
85 or revenues attributable to an individual communications service  
86 provider.

87 7. Notwithstanding any other provision of law to the contrary,  
88 in no event shall any communications service provider, its officers,  
89 employees, assigns, agents, vendors, or anyone acting on behalf of such  
90 persons, be liable for any form of civil damages or criminal liability  
91 that directly or indirectly results from, or is caused by:

92 (1) An act or omission in the development, design, installation,  
93 operation, maintenance, performance, or provision of service to a  
94 public safety answering point or to subscribers that use such service,  
95 whether providing such service is required by law or is voluntary; or

96 (2) The release of subscriber information to any governmental

97 entity under this section unless such act, release of subscriber  
98 information, or omission constitutes gross negligence, recklessness, or  
99 intentional misconduct.

100 Nothing in this section is intended to void or otherwise override any  
101 contractual obligation pertaining to equipment or services sold to a  
102 public safety answering point by a communications service provider.  
103 No cause of action shall lie in any court of law against any provider of  
104 communications service, commercial mobile service, or other  
105 communications-related service, or its officers, employees, assignees,  
106 agents, vendors, or anyone acting on behalf of such persons, for  
107 providing call location information concerning the user of any such  
108 service in an emergency situation to a law enforcement official or  
109 agency in order to respond to a call for emergency service by a  
110 subscriber, customer, or user of such service or for providing caller  
111 location information or doing a ping locate in an emergency situation  
112 that involves danger of death or serious physical injury to any person  
113 where disclosure of communications relating to the emergency is  
114 required without delay, whether such provision of information is  
115 required by law or voluntary.

116 8. The fee imposed under this section shall not be imposed on  
117 customers who pay for service prospectively, including customers of  
118 prepaid wireless telecommunications service.

119 9. No county or city shall submit a proposal to the voters under  
120 this section for a fee of more than one dollar until the county or city  
121 receives approval for the fee amount from the Missouri 911 service  
122 board established under section 650.325. Once a fee of more than one  
123 dollar has been approved by the Missouri 911 service board and the  
124 voters, the county or city shall not subsequently increase the fee until  
125 the increased fee amount has been approved by the Missouri 911  
126 service board and the voters under this section. Any county or city  
127 seeking to impose or increase a fee of more than one dollar shall submit  
128 to the Missouri 911 service board information to justify the fee  
129 amount. The information to be provided shall include, but not be  
130 limited to, the following:

131 (1) Estimated costs of services to be provided;

132 (2) Estimated revenue from all sources intended to financially  
133 support the proposed 911 service;

134           **(3) Prior revenue amounts and sources of financial support for**  
135 **the previously funded 911 or emergency dispatch service;**

136           **(4) Efforts to secure revenue to support the proposed 911 service**  
137 **other than the proposed fee under this section;**

138           **(5) Current level of 911 service provided and the proposed level**  
139 **of 911 service to be provided;**

140           **(6) Any previous efforts regarding the consolidation of 911**  
141 **services and any currently proposed efforts regarding the consolidation**  
142 **of 911 services; and**

143           **(7) Expected level of training of personnel and expected number**  
144 **of telecommunications per shift.**

145           **10. The fee imposed under this section shall not be imposed in**  
146 **conjunction with any tax imposed under section 190.292, 190.305,**  
147 **190.325, or 190.335. No county or city shall simultaneously impose more**  
148 **than one tax authorized in this section or section 190.292, 190.305,**  
149 **190.325, or 190.335. No fee imposed under this section shall be imposed**  
150 **on more than one hundred exchange access facilities or their**  
151 **equivalent per person per location.**

152           **11. No county shall submit a proposal to the voters of the county**  
153 **under this section or section 190.335 until either:**

154           **(1) All providers of emergency telephone service as defined in**  
155 **section 190.300 and public safety answering point operations within the**  
156 **county are consolidated into one public agency as defined in section**  
157 **190.300 that provides emergency telephone service for the county;**

158           **(2) The county develops a plan for consolidation of emergency**  
159 **telephone service, as defined in section 190.300, and public safety**  
160 **answering point operations within the county are consolidated into one**  
161 **public agency, as defined in section 190.300, that provides emergency**  
162 **telephone service for the county; or**

163           **(3) The county develops a plan for consolidation of emergency**  
164 **telephone service, as defined in section 190.300, and public safety**  
165 **answering point operations within the county that includes either**  
166 **consolidation or entering into a shared services agreement for such**  
167 **services, which shall be implemented on approval of the fee by the**  
168 **voters.**

169           **12. Any plan developed under subdivision (2) or (3) of subsection**  
170 **11 of this section shall be filed with the Missouri 911 service board**

171 under subsection 4 of section 650.330. Any plan that is filed under this  
172 subsection shall provide for the establishment of a joint emergency  
173 communications board as described in section 70.260. The director of  
174 the department of revenue shall not remit any funds as provided under  
175 this section until the department receives notification from the  
176 Missouri 911 service board that the county has filed a plan that is ready  
177 for implementation. If, after one year following the enactment of the  
178 fee described in subsection 1 of this section, the county has not  
179 complied with the plan that the county submitted under subdivision (2)  
180 or (3) of subsection 11 of this section, but the county has substantially  
181 complied with the plan, the Missouri 911 service board may grant the  
182 county an extension of up to six months to comply with its plan. Not  
183 more than one extension may be granted to a county. The authority to  
184 impose the fee granted to the county in subsection 1 of this section  
185 shall be null and void if after one year following the enactment of the  
186 fee described in subsection 1 of this section the county has not  
187 complied with the plan and has not been granted an extension by the  
188 Missouri 911 service board, or if the six-month extension expires and  
189 the county has not complied with the plan.

190 13. Each county that does not have a public agency, as defined  
191 in section 190.300, that provides emergency telephone service as  
192 defined in section 190.300 for the county shall either:

193 (1) Enter into a shared services agreement for providing  
194 emergency telephone services with a public agency that provides  
195 emergency telephone service, if such an agreement is feasible; or

196 (2) Form with one or more counties an emergency telephone  
197 services district in conjunction with any county with a public agency  
198 that provides emergency telephone service within the county. If such  
199 a district is formed under this subdivision, the governing body of such  
200 district shall be the county commissioners of each county within the  
201 district, and each county within such district shall submit to the voters  
202 of the county a proposal to impose the fee under this section.

203 14. A county operating joint or shared emergency telephone  
204 service, as defined in section 190.300, may submit to the voters of the  
205 county a proposal to impose the fee to support joint operations and  
206 further consolidation under this section.

207 15. All 911 fees shall be imposed as provided in the Mobile

208 Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as  
209 amended.

210 16. Nothing in subsections 11, 12, 13, and 14 of this section shall  
211 apply to a county with a charter form of government where all public  
212 safety answering points within the county utilize a common 911  
213 communication service as implemented by the appropriate local and  
214 county agencies prior to August 28, 2018.

215 17. No county which contains any portion of a home rule city  
216 with more than four hundred thousand inhabitants and located in more  
217 than one county shall submit a proposal to the voters under this section  
218 until the county and the home rule city with more than four hundred  
219 thousand inhabitants and located in more than one county enter into  
220 an agreement for equitable sharing of revenue under this section and  
221 section 190.460. This subsection shall not apply to a county of the first  
222 classification without a charter form of government with a population  
223 of at least ninety-eight thousand but fewer than one hundred five  
224 thousand inhabitants.

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

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

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

6 (3) "Department", the department of revenue;

7 (4) "Prepaid wireless service provider", a provider that provides  
8 prepaid wireless service to an end user;

9 (5) "Prepaid wireless telecommunications service", a wireless  
10 telecommunications service that allows a caller to dial 911 to access the  
11 911 system and which service shall be paid for in advance and is sold  
12 in predetermined units or dollars of which the number declines with  
13 use in a known amount;

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

19 (7) "Seller", a person who sells prepaid wireless  
20 telecommunications service to another person;

21           **(8) "Wireless telecommunications service", commercial mobile**  
22 **radio service as defined by 47 CFR 20.3, as amended.**

23           **2. (1) Beginning January 1, 2019, there is hereby imposed a**  
24 **prepaid wireless emergency telephone service charge on each retail**  
25 **transaction. The amount of such charge shall be equal to three percent**  
26 **of each retail transaction. However, if a minimal amount of prepaid**  
27 **wireless telecommunications service is sold with a prepaid wireless**  
28 **device for a single nonitemized price, the seller may elect not to apply**  
29 **such service charge to such transaction. For purposes of this**  
30 **subdivision, an amount of service denominated as ten or fewer minutes,**  
31 **or five dollars or less, is minimal.**

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

39           **(3) For purposes of this subsection, a retail transaction that is**  
40 **effected in person by a consumer at a business location of the seller**  
41 **shall be treated as occurring in this state if that business location is in**  
42 **this state, and any other retail transaction shall be treated as occurring**  
43 **in this state if the retail transaction is treated as occurring in this state**  
44 **under state law.**

45           **(4) The prepaid wireless emergency telephone service charge is**  
46 **the liability of the consumer and not of the seller or of any provider;**  
47 **except that, the seller shall be liable to remit all charges that the seller**  
48 **is deemed to collect if the amount of the charge has not been separately**  
49 **stated on an invoice, receipt, or other similar document provided to the**  
50 **consumer by the seller.**

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

58           **3. (1) Prepaid wireless emergency telephone service charges**  
59 **collected by sellers shall be remitted to the department at the times**  
60 **and in the manner provided by state law with respect to sales and use**  
61 **taxes. The department shall establish registration and payment**  
62 **procedures that substantially coincide with the registration and**  
63 **payment procedures that apply under state law.**

64           **(2) Beginning on January 1, 2019, and ending on January 31,**  
65 **2019, when a consumer purchases prepaid wireless telecommunications**  
66 **service in a retail transaction from a seller under this section, the**  
67 **seller shall be allowed to retain one hundred percent of the prepaid**  
68 **wireless emergency telephone service charges that are collected by the**  
69 **seller from the consumer. Beginning on February 1, 2019, a seller shall**  
70 **be permitted to deduct and retain three percent of prepaid wireless**  
71 **emergency telephone service charges that are collected by the seller**  
72 **from consumers.**

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

78           **(4) The department shall deposit all remitted prepaid wireless**  
79 **emergency telephone service charges into the general revenue fund for**  
80 **the department's use until eight hundred thousand one hundred fifty**  
81 **dollars is collected to reimburse its direct costs of administering the**  
82 **collection and remittance of prepaid wireless emergency telephone**  
83 **service charges. From then onward, the department shall deposit all**  
84 **remitted prepaid wireless emergency telephone service charges into the**  
85 **Missouri 911 service trust fund created under section 190.420 within**  
86 **thirty days of receipt for use by the board. After the initial eight**  
87 **hundred thousand one hundred fifty dollars is collected, the**  
88 **department may deduct an amount not to exceed one percent of**  
89 **collected charges to be retained by the department to reimburse its**  
90 **direct costs of administering the collection and remittance of prepaid**  
91 **wireless emergency telephone service charges.**

92           **(5) The board shall set a rate between twenty-five and seventy-**  
93 **five percent of the prepaid wireless emergency telephone service**  
94 **charges deposited in the Missouri 911 service trust fund collected in**

95 counties without a charter form of government, less the deductions  
96 authorized in subdivision (4) of this subsection, that shall be remitted  
97 to such counties in direct proportion to the amount of charges collected  
98 in each county. The board shall set a rate between sixty-five and  
99 seventy-five percent of the prepaid wireless emergency telephone  
100 service charges deposited in the Missouri 911 service trust fund  
101 collected in counties with a charter form of government and any city  
102 not within a county, less the deductions authorized in subdivision (4)  
103 of this subsection, that shall be remitted to each such county or city not  
104 within a county in direct proportion to the amount of charges collected  
105 in each such county or city not within a county. The initial percentage  
106 rate set by the board for counties with and without a charter form of  
107 government and any city not within a county may be adjusted after  
108 three years, and thereafter the rate may be adjusted every two years;  
109 however, at no point shall the board set rates that fall below  
110 twenty-five percent for counties without a charter form of government  
111 and sixty-five percent for counties with a charter form of government  
112 and any city not within a county.

113 (6) Any amounts received by a county or city under subdivision  
114 (5) of this subsection shall be used only for purposes authorized in  
115 sections 190.305 and 190.335.

116 4. (1) A seller that is not a provider shall be entitled to the  
117 immunity and liability protections under section 190.455,  
118 notwithstanding any requirement in state law regarding compliance  
119 with Federal Communications Commission Order 05-116.

120 (2) A provider shall be entitled to the immunity and liability  
121 protections under section 190.455.

122 (3) In addition to the protection from liability provided in  
123 subdivisions (1) and (2) of this subsection, each provider and seller and  
124 its officers, employees, assigns, agents, vendors, or anyone acting on  
125 behalf of such persons shall be entitled to the further protection from  
126 liability, if any, that is provided to providers and sellers of wireless  
127 telecommunications service that is not prepaid wireless  
128 telecommunications service under section 190.455.

129 5. The prepaid wireless emergency telephone service charge  
130 imposed by this section shall be in addition to any other tax, fee,  
131 surcharge, or other charge imposed by this state, any political



132 subdivision of this state, or any intergovernmental agency for 911  
133 funding purposes.

190.465. 1. In order to provide the best possible 911 technology  
2 and service to all areas of the state in the most efficient and economical  
3 manner possible, it is the public policy of this state to encourage the  
4 consolidation of emergency communications operations.

5 2. Any county, city, or 911 or emergency services board  
6 established under chapter 190 or section 321.243 may contract and  
7 cooperate with any other county, city, or 911 or emergency services  
8 board established under chapter 190 or section 321.243 as provided in  
9 sections 70.210 to 70.320. Any contracting counties or boards may seek  
10 assistance and advice from the Missouri 911 service board established  
11 in section 650.325 regarding the terms of the joint contract and the  
12 administration and operation of the contracting counties, cities, and  
13 boards.

14 3. If two or more counties, cities, 911 districts, or existing  
15 emergency communications entities desire to consolidate their  
16 emergency communications operations, a joint emergency  
17 communications entity may be established by the parties through an  
18 agreement identifying the conditions and provisions of the  
19 consolidation and the operation of the joint entity. This agreement may  
20 include the establishment of a joint governing body that may be  
21 comprised of the boards of the entities forming the agreement currently  
22 authorized by statute or an elected or appointed joint board authorized  
23 under section 70.260; provided that, the representation on the joint  
24 board of each of the entities forming the agreement shall be equal. If  
25 the entities entering into an agreement under this subsection decide  
26 that any 911 service center responsible for the answering of 911 calls  
27 and the dispatch of assistance shall be physically located in a county  
28 other than a county with the lowest average county wage from the set  
29 of counties where the entities entering into an agreement under this  
30 subsection are located in whole or part, such entities shall provide a  
31 written reason for this decision to the Missouri 911 service board and  
32 such document shall be considered a public record under chapter  
33 610. The county average wage comparison shall be conducted using the  
34 information from the Missouri department of economic development,  
35 which calculates such county average wages under section 135.950.

36 4. After August 28, 2018, no public safety answering point  
37 operation may be established as a result of its separation from an  
38 existing public safety answering point operation without a study by,  
39 and the approval of, the Missouri 911 service board.

40 5. No provision of this section shall be construed to prohibit or  
41 discourage in any manner the formation of multiagency or  
42 multijurisdictional public safety answering point operations.

190.470. 1. As an alternative to the procedure provided in  
2 section 190.465, two or more 911 central dispatch centers that are  
3 organized under sections 190.327 to 190.329 or section 190.335 and  
4 funded by public taxes may consolidate into one 911 central dispatch  
5 center by following the procedures set forth in this section.

6 2. If the consolidation of existing 911 central dispatch centers is  
7 desired, a number of voters residing in the existing 911 central  
8 dispatch centers' service areas equal to ten percent of the votes cast for  
9 governor in those service areas in the preceding gubernatorial election  
10 may file with the county clerk in which the territory or greater part of  
11 the proposed consolidated 911 central dispatch center service area will  
12 be situated, a petition requesting consolidation of two or more 911  
13 central dispatch centers.

14 3. The petition shall be in the following form:

15 "We, the undersigned voters residing in the service areas  
16 for the following 911 central dispatch centers, do hereby  
17 petition that the following existing 911 central dispatch  
18 centers be consolidated into one 911 central dispatch  
19 center."

20 4. An alternative procedure of consolidation may be followed if  
21 each of the boards of directors of the existing 911 central dispatch  
22 centers passes a resolution in the following form:

23 "The board of directors of the ..... 911 central dispatch  
24 center resolves that the ..... and ..... 911 central  
25 dispatch centers be consolidated into one 911 central  
26 dispatch center."

27 5. Upon the filing of a petition or resolution with the county  
28 clerk from each of the service areas of the 911 central dispatch centers  
29 to be consolidated, the clerk shall present the petition or resolution to  
30 the commissioners of the county commission having jurisdiction, who

31 shall order the submission of the question to voters within the affected  
32 911 central dispatch center service areas. The filing of a petition shall  
33 be no later than twelve months after any original voter's signature  
34 contained therein.

35 6. The notice of election shall contain the names of the existing  
36 911 central dispatch centers to be included in the consolidated 911  
37 central dispatch center.

38 7. The question shall be submitted in substantially the following  
39 form:

40 "Shall the existing ..... 911 central dispatch centers be  
41 consolidated into one 911 central dispatch center?"

42 8. If the question of consolidation of the 911 central dispatch  
43 centers receives a majority of the votes cast in each service area, the  
44 county commissions having joint jurisdiction shall each enter an order  
45 declaring the proposition passed.

46 9. Within thirty days after the 911 central dispatch center has  
47 been declared consolidated, the respective county commissions having  
48 jurisdiction shall jointly meet to appoint a new seven-person board  
49 consisting of the agencies and professions listed in subsection 9 of  
50 section 190.335, and shall ensure geographic representation by  
51 appointing no more than four members from any one county having  
52 jurisdiction within the consolidated area for the newly consolidated 911  
53 central dispatch center.

54 10. Within thirty days after the appointment of the initial board  
55 of directors of the newly consolidated 911 central dispatch center, the  
56 board of directors shall meet at a time and place designated by the  
57 county commissions. At the first meeting, the newly appointed board  
58 of directors shall choose a name for the consolidated 911 central  
59 dispatch center and shall notify the clerks of the county commission of  
60 each county within which the newly consolidated 911 central dispatch  
61 center's service area now subsumes.

62 11. Starting with the April election in the year after the  
63 appointment of the initial board of directors, one member shall be  
64 subject to running at large as chair for a four-year term. Four members  
65 shall be selected by lot to run for two-year terms, and two members  
66 shall be selected by lot to run for four-year terms. Thereafter, all terms  
67 shall be four-year terms.

68           **12. On the thirtieth day following the appointment of the initial**  
69 **board of directors, the existing 911 central dispatch centers shall cease**  
70 **to exist and the consolidated 911 central dispatch center shall assume**  
71 **all of the powers and duties exercised by the 911 central dispatch**  
72 **centers. All assets and obligations of the existing 911 central dispatch**  
73 **centers shall become the assets and obligations of the newly**  
74 **consolidated 911 central dispatch center.**

75           **13. In any county that has a single board established under**  
76 **chapter 190 or under section 321.243, if a consolidation under this**  
77 **section only affects existing 911 central dispatch centers located wholly**  
78 **within such county, the existing board shall vote as to whether the**  
79 **existing board shall continue to exist. Upon a majority vote for**  
80 **approval of the existing board continuing to exist, subsections 9 to 12**  
81 **of this section shall not apply, and the existing board shall continue to**  
82 **exist and have the powers set forth under the applicable section or**  
83 **sections within chapter 190 or under section 321.243. Upon a majority**  
84 **vote in disapproval of the existing board continuing to exist, all**  
85 **applicable subsections of this section shall apply to the consolidation.**  
86 **A tied vote shall be considered a disapproval of the existing board**  
87 **continuing to exist.**

**190.475. The director of the department of revenue shall**  
2 **maintain a centralized database, which shall be made available to the**  
3 **Missouri 911 service board established under section 650.325, specifying**  
4 **the current monthly fee or tax imposed by each county or city under**  
5 **section 190.292, 190.305, 190.325, 190.335, or 190.455. The database shall**  
6 **be updated no less than sixty days prior to the effective date of the**  
7 **establishment or modification of any monthly fee or tax listed in the**  
8 **database.**

          650.330. 1. The board shall consist of fifteen members, one of which shall  
2 be chosen from the department of public safety, and the other members shall be  
3 selected as follows:

4           (1) One member chosen to represent an association domiciled in this state  
5 whose primary interest relates to municipalities;

6           (2) One member chosen to represent the Missouri 911 Directors  
7 Association;

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

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

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

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

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

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

22 (9) One member chosen to represent counties of the second, third, and  
23 fourth classification;

24 (10) One member chosen to represent counties of the first classification,  
25 counties with a charter form of government, and cities not within a county;

26 (11) One member chosen to represent telecommunications service  
27 providers;

28 (12) One member chosen to represent wireless telecommunications service  
29 providers;

30 (13) One member chosen to represent voice over internet protocol service  
31 providers; and

32 (14) One member chosen to represent the governor's council on disability  
33 established under section 37.735.

34 2. Each of the members of the board shall be appointed by the governor  
35 with the advice and consent of the senate for a term of four years. Members of  
36 the committee may serve multiple terms. No corporation or its affiliate shall  
37 have more than one officer, employee, assign, agent, or other representative  
38 serving as a member of the board. Notwithstanding subsection 1 of this section  
39 to the contrary, all members appointed as of August 28, 2017, shall continue to  
40 serve the remainder of their terms.

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

46 4. The board shall:

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

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

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

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

57 (5) Provide assistance to the governor and the general assembly regarding  
58 911 services;

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

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

63 (8) Perform other duties as necessary to promote successful development,  
64 implementation and operation of 911 systems across the state, including  
65 monitoring federal and industry standards being developed for next-generation  
66 911 systems;

67 (9) Designate a state 911 coordinator who shall be responsible for  
68 overseeing statewide 911 operations and ensuring compliance with federal grants  
69 for 911 funding;

70 (10) Elect the chair from its membership;

71 (11) Apply for and receive grants from federal, private, and other sources;

72 (12) Report to the governor and the general assembly at least every three  
73 years on the status of 911 services statewide, as well as specific efforts to improve  
74 efficiency, cost-effectiveness, and levels of service;

75 (13) Conduct and review an annual survey of public safety answering  
76 points in Missouri to evaluate potential for improved services, coordination, and  
77 feasibility of consolidation;

78 (14) Make and execute contracts or any other instruments and agreements  
79 necessary or convenient for the exercise of its powers and functions, **including**  
80 **for the development and implementation of an emergency services**  
81 **internet protocol network that can be shared by all public safety**

82 **agencies; [and]**

83 (15) Develop a plan and timeline of target dates for the testing,  
84 implementation, and operation of a next-generation 911 system throughout  
85 Missouri. The next-generation 911 system shall allow for the processing of  
86 electronic messages including, but not limited to, electronic messages containing  
87 text, images, video, or data;

88 **(16) Administer and authorize grants and loans under section**  
89 **650.335 to those counties and any home rule city with more than fifteen**  
90 **thousand but fewer than seventeen thousand inhabitants and partially**  
91 **located in any county of the third classification without a township**  
92 **form of government and with more than thirty-seven thousand but**  
93 **fewer than forty-one thousand inhabitants that can demonstrate a**  
94 **financial commitment to improving 911 services by providing at least**  
95 **a fifty percent match and demonstrate the ability to operate and**  
96 **maintain ongoing 911 services. The purpose of grants and loans from**  
97 **the 911 service trust fund shall include:**

98 **(a) Implementation of 911 services in counties of the state where**  
99 **services do not exist or to improve existing 911 systems;**

100 **(b) Promotion of consolidation where appropriate;**

101 **(c) Mapping and addressing all county locations;**

102 **(d) Ensuring primary access and texting abilities to 911 services**  
103 **for disabled residents;**

104 **(e) Implementation of initial emergency medical dispatch**  
105 **services, including prearrival medical instructions in counties where**  
106 **those services are not offered as of July 1, 2019; and**

107 **(f) Development and implementation of an emergency services**  
108 **internet protocol network that can be shared by all public safety**  
109 **agencies;**

110 **(17) Develop an application process including reporting and**  
111 **accountability requirements, withholding a portion of the grant until**  
112 **completion of a project, and other measures to ensure funds are used**  
113 **in accordance with the law and purpose of the grant, and conduct**  
114 **audits as deemed necessary;**

115 **(18) Set the percentage rate of the prepaid wireless emergency**  
116 **telephone service charges to be remitted to a county or city as provided**  
117 **under subdivision (5) of subsection 3 of section 190.460;**

118 **(19) Approve a proposal of a county or city to impose a fee of**

119 **more than one dollar under section 190.455;**

120 **(20) Retain in its records proposed county plans developed under**  
121 **subsection 11 of section 190.455 and notify the department of revenue**  
122 **that the county has filed a plan that is ready for implementation;**

123 **(21) Notify any communications service provider, as defined in**  
124 **section 190.400, that has voluntarily submitted its contact information**  
125 **when any update is made to the centralized database established under**  
126 **section 190.475 as a result of a county or city establishing or modifying**  
127 **a tax or monthly fee no less than ninety days prior to the effective date**  
128 **of the establishment or modification of the tax or monthly fee;**

129 **(22) Establish criteria for consolidation prioritization of public**  
130 **safety answering points; and**

131 **(23) By December 31, 2018, designate regional 911 coordination**  
132 **centers which shall coordinate statewide interoperability among public**  
133 **safety answering points within their region through the use of a**  
134 **statewide 911 emergency services network.**

135 5. The department of public safety shall provide staff assistance to the  
136 board as necessary in order for the board to perform its duties pursuant to  
137 sections 650.320 to 650.340. The board shall have the authority to hire  
138 consultants to administer the provisions of sections 650.320 to 650.340.

139 6. The board shall promulgate rules and regulations that are reasonable  
140 and necessary to implement and administer the provisions of sections 650.320 to  
141 650.340. Any rule or portion of a rule, as that term is defined in section 536.010,  
142 shall become effective only if it has been promulgated pursuant to the provisions  
143 of chapter 536. This section and chapter 536 are nonseverable and if any of the  
144 powers vested with the general assembly pursuant to chapter 536 to review, to  
145 delay the effective date or to disapprove and annul a rule are subsequently held  
146 unconstitutional, then the grant of rulemaking authority and any rule proposed  
147 or adopted after August 28, 2017, shall be invalid and void.

**650.335. 1. Any county or any home rule city with more than**  
2 **fifteen thousand but fewer than seventeen thousand inhabitants and**  
3 **partially located in any county of the third classification without a**  
4 **township form of government and with more than thirty-seven**  
5 **thousand but fewer than forty-one thousand inhabitants, when the**  
6 **prepaid wireless emergency telephone service charge is collected in the**  
7 **county or city, may submit an application for loan funds or other**



8 financial assistance to the board for the purpose of financing all or a  
9 portion of the costs incurred in implementing a 911 communications  
10 service project. The application shall be accompanied by a technical  
11 assistance report. The application and the technical assistance report  
12 shall be in such form and contain such information, financial or  
13 otherwise, as prescribed by the board. This section shall not preclude  
14 any applicant or borrower from joining in a cooperative project with  
15 any other political subdivision or with any state or federal agency or  
16 entity in a 911 communications service project, provided that all other  
17 requirements of this section have been met.

18       2. Applications may be approved for loans only in those instances  
19 where the applicant has furnished the board information satisfactory  
20 to assure that the project cost will be recovered during the repayment  
21 period of the loan. In no case shall a loan be made to an applicant  
22 unless the approval of the governing body of the applicant to the loan  
23 agreement is obtained and a written certification of such approval is  
24 provided, where applicable. Repayment periods are to be determined  
25 by the board.

26       3. The board shall approve or disapprove all applications for  
27 loans which are sent by certified or registered mail or hand delivered  
28 and received by the board upon a schedule as determined by the board.

29       4. Each applicant to whom a loan has been made under this  
30 section shall repay such loan, with interest. The rate of interest shall  
31 be the rate required by the board. The number, amounts, and timing  
32 of the payments shall be as determined by the board.

33       5. Any applicant who receives a loan under this section shall  
34 annually budget an amount which is at least sufficient to make the  
35 payments required under this section.

36       6. Repayment of principal and interest on loans shall be credited  
37 to the Missouri 911 service trust fund established under section 190.420.

38       7. If a loan recipient fails to remit a payment to the board in  
39 accordance with this section within sixty days of the due date of such  
40 payment, the board shall notify the director of the department of  
41 revenue to deduct such payment amount from first, the prepaid  
42 wireless emergency telephone service charge remitted to the county or  
43 city under section 190.460; and if insufficient to affect repayment of the  
44 loan, next, the regular apportionment of local sales tax distributions to

45 that county or city. Such amount shall then immediately be deposited  
46 in the Missouri 911 service trust fund and credited to the loan  
47 recipient.

48 8. All applicants having received loans under this section shall  
49 remit the payments required by subsection 4 of this section to the  
50 board or such other entity as may be directed by the board. The board  
51 or such other entity shall immediately deposit such payments in the  
52 Missouri 911 service trust fund.

53 9. Loans made under this section shall be used only for the  
54 purposes specified in an approved application or loan agreement. In  
55 the event the board determines that loan funds have been expended for  
56 purposes other than those specified in an approved application or loan  
57 agreement or any event of default of the loan agreement occurs without  
58 resolution, the board shall take appropriate actions to obtain the  
59 return of the full amount of the loan and all moneys duly owed or other  
60 available remedies.

61 10. Upon failure of a borrower to remit repayment to the board  
62 within sixty days of the date a payment is due, the board may initiate  
63 collection or other appropriate action through the provisions outlined  
64 in subsection 7 of this section, if applicable.

65 11. If the borrower is an entity not covered under the collection  
66 procedures established in this section, the board, with the advice and  
67 consent of the attorney general, may initiate collection procedures or  
68 other appropriate action pursuant to applicable law.

69 12. The board may, at its discretion, audit the expenditure of any  
70 loan, grant, or expenditure made or the computation of any payments  
71 made.

72 13. The board shall not approve any application made under this  
73 section if the applicant has failed to return the board's annual survey  
74 of public safety answering points as required by the board under  
75 section 650.330.

2 [190.307. 1. No public agency or public safety agency, nor  
3 any officer, agent or employee of any public agency, shall be liable  
4 for any civil damages as a result of any act or omission except  
5 willful and wanton misconduct or gross negligence, in connection  
6 with developing, adopting, operating or implementing any plan or  
system required by sections 190.300 to 190.340.

7                   2. No person who gives emergency instructions through a  
8                   system established pursuant to sections 190.300 to 190.340 to  
9                   persons rendering services in an emergency at another location, nor  
10                  any persons following such instructions in rendering such services,  
11                  shall be liable for any civil damages as a result of issuing or  
12                  following the instructions, unless issuing or following the  
13                  instructions constitutes willful and wanton misconduct, or gross  
14                  negligence.]

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

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

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

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

14                  (4) Three representatives from public safety answering  
15                  point organizations, elected by the members of the state chapter of  
16                  the associated public safety communications officials and the state  
17                  chapter of the National Emergency Numbering Association.

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

29 vacancies on the board shall be filled in the manner provided for in  
30 this subsection.

31 3. The board shall do the following:

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

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

38 (3) Advise the office of administration regarding  
39 implementation of Federal Communications Commission order  
40 94-102; and

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

46 4. The director of the department of public safety shall  
47 provide and coordinate staff and equipment services to the board  
48 to facilitate the board's duties.]

[190.430. 1. The commissioner of the office of  
2 administration is authorized to establish a fee, if approved by the  
3 voters pursuant to section 190.440, not to exceed fifty cents per  
4 wireless telephone number per month to be collected by wireless  
5 service providers from wireless service customers.

6 2. The office of administration shall promulgate rules and  
7 regulations to administer the provisions of sections 190.400 to  
8 190.440. Any rule or portion of a rule, as that term is defined in  
9 section 536.010, that is promulgated pursuant to the authority  
10 delegated in sections 190.400 to 190.440 shall become effective only  
11 if it has been promulgated pursuant to the provisions of chapter  
12 536. All rulemaking authority delegated prior to July 2, 1998, is  
13 of no force and effect and repealed; however, nothing in this section  
14 shall be interpreted to repeal or affect the validity of any rule filed  
15 or adopted prior to July 2, 1998, if it fully complied with the  
16 provisions of chapter 536. This section and chapter 536 are

17 nonseverable and if any of the powers vested with the general  
18 assembly pursuant to chapter 536 to review, to delay the effective  
19 date or to disapprove and annul a rule are subsequently held  
20 unconstitutional, then the grant of rulemaking authority and any  
21 rule proposed or adopted after July 2, 1998, shall be invalid and  
22 void.

23 3. The office of administration is authorized to administer  
24 the fund and to distribute the moneys in the wireless service  
25 provider enhanced 911 service fund for approved expenditures as  
26 follows:

27 (1) For the reimbursement of actual expenditures for  
28 implementation of wireless enhanced 911 service by wireless  
29 service providers in implementing Federal Communications  
30 Commission order 94-102; and

31 (2) To subsidize and assist the public safety answering  
32 points based on a formula established by the office of  
33 administration, which may include, but is not limited to the  
34 following:

35 (a) The volume of wireless 911 calls received by each public  
36 safety answering point;

37 (b) The population of the public safety answering point  
38 jurisdiction;

39 (c) The number of wireless telephones in a public safety  
40 answering point jurisdiction by zip code; and

41 (d) Any other criteria found to be valid by the office of  
42 administration provided that of the total amount of the funds used  
43 to subsidize and assist the public safety answering points, at least  
44 ten percent of said funds shall be distributed equally among all  
45 said public safety answering points providing said services under  
46 said section;

47 (3) For the reimbursement of actual expenditures for  
48 equipment for implementation of wireless enhanced 911 service by  
49 public safety answering points to the extent that funds are  
50 available, provided that ten percent of funds distributed to public  
51 safety answering points shall be distributed in equal amounts to  
52 each public safety answering point participating in enhanced 911

53 service;

54 (4) Notwithstanding any other provision of the law, no  
55 proprietary information submitted pursuant to this section shall be  
56 subject to subpoena or otherwise released to any person other than  
57 to the submitting wireless service provider, without the express  
58 permission of said wireless service provider. General information  
59 collected pursuant to this section shall only be released or  
60 published in aggregate amounts which do not identify or allow  
61 identification of numbers of subscribers or revenues attributable to  
62 an individual wireless service provider.

63 4. Wireless service providers are entitled to retain one  
64 percent of the surcharge money they collect for administrative costs  
65 associated with billing and collection of the surcharge.

66 5. No more than five percent of the moneys in the fund,  
67 subject to appropriation by the general assembly, shall be retained  
68 by the office of administration for reimbursement of the costs of  
69 overseeing the fund and for the actual and necessary expenses of  
70 the board.

71 6. The office of administration shall review the distribution  
72 formula once every year and may adjust the amount of the fee  
73 within the limits of this section, as determined necessary.

74 7. The provisions of sections 190.307 and 190.308 shall be  
75 applicable to programs and services authorized by sections 190.400  
76 to 190.440.

77 8. Notwithstanding any other provision of the law, in no  
78 event shall any wireless service provider, its officers, employees,  
79 assigns or agents, be liable for any form of civil damages or  
80 criminal liability which directly or indirectly result from, or is  
81 caused by, an act or omission in the development, design,  
82 installation, operation, maintenance, performance or provision of  
83 911 service or other emergency wireless two- and three-digit  
84 wireless numbers, unless said acts or omissions constitute gross  
85 negligence, recklessness or intentional misconduct. Nor shall any  
86 wireless service provider, its officers, employees, assigns, or agents  
87 be liable for any form of civil damages or criminal liability which  
88 directly or indirectly result from, or is caused by, the release of

89 subscriber information to any governmental entity as required  
90 under the provisions of this act unless the release constitutes gross  
91 negligence, recklessness or intentional misconduct.]

[190.440. 1. The office of administration shall not be  
2 authorized to establish a fee pursuant to the authority granted in  
3 section 190.430 unless a ballot measure is submitted and approved  
4 by the voters of this state. The ballot measure shall be submitted  
5 by the secretary of state for approval or rejection at the general  
6 election held and conducted on the Tuesday immediately following  
7 the first Monday in November, 1998, or at a special election to be  
8 called by the governor on the ballot measure. If the measure is  
9 rejected at such general or special election, the measure may be  
10 resubmitted at each subsequent general election, or may be  
11 resubmitted at any subsequent special election called by the  
12 governor on the ballot measure, until such measure is approved.

13 2. The ballot of the submission shall contain, but is not  
14 limited to, the following language:

15 Shall the Missouri Office of Administration be authorized to  
16 establish a fee of up to fifty cents per month to be charged every  
17 wireless telephone number for the purpose of funding wireless  
18 enhanced 911 service?

19  YES  NO

20 If you are in favor of the question, place an "X" in the box opposite  
21 "Yes". If you are opposed to the question, place an "X" in the box  
22 opposite "No".

23 3. If a majority of the votes cast on the ballot measure by  
24 the qualified voters voting thereon are in favor of such measure,  
25 then the office of administration shall be authorized to establish a  
26 fee pursuant to section 190.430, and the fee shall be effective on  
27 January 1, 1999, or the first day of the month occurring at least  
28 thirty days after the approval of the ballot measure. If a majority  
29 of the votes cast on the ballot measure by the qualified voters  
30 voting thereon are opposed to the measure, then the office of  
31 administration shall have no power to establish the fee unless and  
32 until the measure is approved.]

✓