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THE STATE SENATE  
Monday, April 10, 2006

ENGROSSED  
House Bill No. 2877  
As Amended

ENGROSSED HOUSE BILL NO. 2877 - By: CASE of the House and HOBSON of the Senate.

[ emergency telephone service - certain circumstances -  
codification - effective date ]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2851 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Nine-One-One Voice over Internet Protocol (VoIP) Emergency Service Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2852 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in the Nine-One-One Voice over Internet Protocol (VoIP) Emergency Service Act, unless the context otherwise requires:

1. "Area served" means the geographic area, which shall be served by the emergency telephone service, provided by the governing body of a county, municipality, part of a county or combination of such governing bodies;

1           2. "Emergency service fee" means a fee to finance the operation  
2 of emergency calling service;

3           3. "Governing body" means the board of county commissioners of  
4 a county, the city council or other governing body of a  
5 municipality, or a combination of such boards, councils or other  
6 municipal governing bodies;

7           4. "Interconnected VoIP service" shall have the same meaning as  
8 set forth in 47 C.F.R., Section 9.3, or any successor regulation  
9 adopted by the Federal Communications Commission, and which defines  
10 the term as a service that:

- 11           a. enables real-time, two-way voice communications,
- 12           b. requires a broadband connection from the user's  
13           location,
- 14           c. requires Internet Protocol-compatible customer premises  
15           equipment (CPE), and
- 16           d. permits users generally to receive calls that originate  
17           on the public switched telephone network (PSTN) and to  
18           terminate calls to the PSTN;

19           5. "Interconnected VoIP service provider" means the company  
20 that provides interconnected VoIP service;

21           6. "Internet Protocol (IP)" means the network layer protocol in  
22 the transmission Control Protocol/Internet Protocol (TCP/IP)  
23 communications protocol suite;

1           7. "Primary service address" means the street address  
2 representative of where the use of interconnected VoIP service by  
3 the customer primarily occurs;

4           8. "Public Safety Answering Point (PSAP)" means a location  
5 where 9-1-1 calls are routed for emergency response;

6           9. "Public switched telephone network (PSTN)" means the  
7 worldwide collection of interconnected, circuit-switched, voice-  
8 oriented public telephone networks, both commercial and government-  
9 owned;

10          10 "Statewide default answering point" means an emergency  
11 answering point designated to receive 9-1-1 calls for either the  
12 entire state or those portions of the state not otherwise served by  
13 a local PSAP;

14          11. "Voice over Internet Protocol (VoIP)" means any Internet  
15 Protocol (IP) enabled services offering real-time, multidirectional  
16 voice functionality including, but not limited to, services that  
17 mimic traditional telephony, or any other definition of VoIP that  
18 may be subsequently adopted by the Federal Communications  
19 Commission; and

20          12. "VoIP service user" means the endpoint Internet Protocol  
21 (IP) device that is used to originate an emergency call.

1 SECTION 3. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 2853 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. In addition to other powers for the protection of the public  
5 health, a governing body may provide for the operation of enhanced  
6 9-1-1 emergency services which includes the provision of 9-1-1 calls  
7 received from interconnected Voice over Internet Protocol (VoIP)  
8 service users, and may impose an emergency service fee, as provided  
9 in this section, for Enhanced 9-1-1 emergency services in areas,  
10 subject to the jurisdiction of the governing body. The governing  
11 body may do such other acts as are necessary for the protection and  
12 preservation of the public health as necessary for the operation of  
13 the Enhanced 9-1-1 emergency system.

14 B. The governing body is hereby authorized, by ordinance in the  
15 case of municipalities and by resolution in the case of counties or  
16 a combined governing body, to provide for the operation of Enhanced  
17 9-1-1 emergency service which includes the provision of Enhanced 9-  
18 1-1 calls received from interconnected VoIP service users, and to  
19 impose a 9-1-1 emergency service fee in the area to be served by the  
20 system. The ordinance or resolution shall provide for the  
21 imposition of the Enhanced 9-1-1 emergency service and the amount of  
22 the 9-1-1 VoIP emergency service fee. The ordinance or resolution  
23 shall provide and include the amount of the 9-1-1 VoIP emergency

1 service fee to begin the first year and for each year thereafter, in  
2 the amount of fifty cents (\$0.50) per month for each VoIP service  
3 user.

4 C. Within sixty (60) days of the publication of the resolution  
5 adopted pursuant to subsection B of this section, there may be filed  
6 with the county election board of the affected county or counties a  
7 petition signed by not less than five percent (5%) of the total  
8 number of votes cast in the most recent general election of the  
9 county or affected area. Within sixty (60) days of publication of  
10 an ordinance adopted by a municipality pursuant to subsection B of  
11 this section, there may be filed with the county election board of  
12 the county in which the municipality is located a petition signed by  
13 not less than five percent (5%) of the total number of votes cast in  
14 the most recent general election of the city. The petitions may  
15 request that the question of the imposition of the fifty cents  
16 (\$0.50) per month for each 9-1-1 VoIP emergency service fee as  
17 called for in the resolution or ordinance as a proposition be  
18 submitted to the qualified voters of the county, municipality or  
19 area to be served. Upon determination of the sufficiency of the  
20 petition and certification by the county election board or boards,  
21 the proposition shall be submitted to the qualified voters of the  
22 county, municipality or area to be served not less than ninety (90)  
23 days following the certification of the petition. If a majority of

1 the votes cast in an election held pursuant to this subsection  
2 disapprove the imposition of the 9-1-1 VoIP emergency service fee,  
3 upon certification of the election results by the county election  
4 board or boards, the resolution or ordinance shall not take effect  
5 and the 9-1-1 VoIP emergency service fee called for in the  
6 resolution or ordinance shall not be imposed. If a majority of the  
7 votes cast at an election held pursuant to this subsection approve  
8 the imposition of the 9-1-1 VoIP emergency service fee the governing  
9 body shall impose the approved fee and provide for the governance of  
10 the system. If the affected area is governed by two or more  
11 governmental entities, the governing bodies of each shall enter into  
12 an agreement in accordance with the Interlocal Cooperative Act to  
13 provide for the governance of the system.

14 D. Any fee imposed by a county or combined governing body shall  
15 not apply to any portion of the county located within the boundaries  
16 of a municipality or other governmental entity also imposing a 9-1-1  
17 VoIP emergency service fee pursuant to the provisions of the Nine-  
18 One-One Voice over Internet Protocol Emergency Service Act. The  
19 duty to collect the 9-1-1 VoIP emergency service fee imposed  
20 pursuant to the authority of this section from a VoIP service user  
21 shall commence within sixty-one (61) days following the date that an  
22 interconnected VoIP service provider receives notice from a  
23 governing body that the voters in a county or municipality have

1 adopted the fee, the amount of the fee and the address to which the  
2 fee should be remitted. Fees imposed pursuant to this section that  
3 are required to be collected by the interconnected VoIP service  
4 provider shall be added to and may be stated separately in the  
5 billings to the VoIP service user.

6 E. If a majority of the votes cast at an election held pursuant  
7 to subsection C of this section approve the imposition of the 9-1-1  
8 VoIP emergency service fee, the governing body shall impose the  
9 approved fee.

10 F. The proceeds of the fee shall be utilized to pay for the  
11 operation of 9-1-1 VoIP emergency service as specified in this  
12 section. Collection of the fee may begin at any time if an existing  
13 service is already operative or at any time subsequent to execution  
14 of a contract with the provider of the Enhanced 9-1-1 emergency  
15 service at the discretion of the governing body.

16 G. Every billed VoIP service user shall be liable for any fee  
17 imposed pursuant to this section until it has been paid to the  
18 interconnected VoIP service provider.

19 H. The duty to collect any fee imposed pursuant to the  
20 authority of this act from a VoIP service user shall commence at a  
21 time specified by the governing body. Fees imposed pursuant to this  
22 section that are required to be collected by the interconnected VoIP

1 service provider shall be added to and may be stated separately in  
2 the billings to the VoIP service user.

3 I. The interconnected VoIP service provider shall have no  
4 obligation to take any legal action to enforce the collection of any  
5 fee imposed pursuant to authority of this section. If a VoIP  
6 service user tenders payment insufficient to satisfy all charges,  
7 end users, fees and taxes for interconnected VoIP service, the  
8 amount tendered shall be credited to the emergency service fee in  
9 the same manner as other taxes and fees. The interconnected VoIP  
10 service provider shall annually provide the governing body with a  
11 list of amounts uncollected along with the names and addresses of  
12 those VoIP service users which carry a balance that can be  
13 determined by the interconnected VoIP service provider to be  
14 nonpayment of any fee imposed pursuant to this section. Nothing  
15 contained in this section shall be construed to create a duty on the  
16 part of the interconnected VoIP service provider to disclose  
17 personal information of the VoIP service user which would conflict  
18 with any other provision of law.

19 J. Any fee imposed pursuant to this section shall be collected  
20 insofar as practicable at the same time as, and along with, the  
21 charges for interconnected VoIP service in accordance with the  
22 regular billing practice of the interconnected VoIP service  
23 provider.

1 K. An interconnected VoIP service provider shall collect the 9-  
2 1-1 VoIP emergency service fee in an amount equal to the amount  
3 approved as provided for in subsection B of this section for each  
4 VoIP service user within the boundaries of the governing body as  
5 determined by the primary service address of the user and shall pay  
6 the money collected to the governing body not later than thirty (30)  
7 days after the last day of the month during which the fees were  
8 collected. The interconnected VoIP service provider may retain an  
9 administrative service fee of up to two percent (2%) of the amount  
10 collected when remitted in the time specified, unless otherwise  
11 agreed upon. The money remitted to the governing body and any other  
12 money collected to fund the Enhanced 9-1-1 emergency service system,  
13 shall be deposited in a designated 9-1-1 account established by the  
14 governing body.

15 L. The governing body shall be required to have conducted  
16 separately or as a part of the annual audit required by law of the  
17 municipality or county an annual audit of any accounts established  
18 or used by the governing body for the operation of an Enhanced 9-1-1  
19 emergency system. The audit may be conducted by the State Auditor  
20 and Inspector at the discretion of the governing body. All audits  
21 shall be conducted in accordance with generally accepted audit  
22 standards and Government Auditing Standards issued by the  
23 Comptroller General of the United States. A copy of the audit shall

1 be filed with the State Auditor and Inspector and action taken in  
2 accordance with Section 212A of Title 74 of the Oklahoma Statutes.  
3 The audit of the emergency 9-1-1 system accounts may be paid for and  
4 be considered a part of the operating expenses of the emergency 9-1-  
5 1 system.

6 M. Notwithstanding any other provision of the Nine-One-One  
7 Voice Over Internet Protocol (VoIP) Emergency Service Act, a VoIP  
8 service user shall not be liable for and an interconnected VoIP  
9 service provider shall not be required to collect the 9-1-1 VoIP  
10 emergency service fee on any interconnected VoIP service upon which  
11 a nine-one-one emergency telephone fee is paid in accordance with  
12 the Nine-One-One Emergency Number Act or the Nine-One-One Wireless  
13 Emergency Number Act. In addition, a VoIP service user shall not be  
14 liable for and a local exchange telephone company or wireless  
15 service provider shall not be required to collect the nine-one-one  
16 emergency telephone fees paid in accordance with the Nine-One-One  
17 Emergency Number Act or the Nine-One-One Wireless Emergency Number  
18 Act for any service upon which the 9-1-1 VoIP emergency service fee  
19 is paid pursuant to this act.

20 SECTION 4. This act shall become effective November 1, 2006.

21 COMMITTEE REPORT BY: COMMITTEE ON AEROSPACE, COMMUNICATIONS &  
22 TECHNOLOGY, dated 4-4-06 - DO PASS, As Amended.