

Bill Text For HB2877 - Introduced

1 STATE OF OKLAHOMA

2 2nd Session of the 50th Legislature (2006)

3 By: Case

4
5
6 AS INTRODUCED

7 An Act relating to emergency telephone service;
8 creating the Nine-One-One Voice over Internet
9 Protocol (VoIP) Emergency Service Act; providing
10 definitions; authorizing a governing body to provide
11 for 9-1-1 emergency services for calls from Voice
12 over Internet Protocol (VoIP) providers; authorizing
13 the governing body to impose a VoIP emergency service
14 fee; specifying amount of fee; providing process for
15 filing petition to impose fee; providing for
16 submission of question to the voters; prohibiting
17 imposition of fee if question fails; authorizing
18 imposition of fee if question is approved; limiting
19 application of fee to certain areas; establishing
20 duty to collect the fee; requiring fees to be
21 utilized for certain services; making certain users
22 liable for fee until paid; requiring the fee to be
23 added and state separately on billings; limiting
24 obligation of certain providers to collect fee;
25 requiring the service provider to submit a list of
26 uncollected fees; requiring fee to be collected with
27 regular billing; providing for amount to be
28 collected; allowing a provider to retain an
29 administrative fee; providing for deposit of fees;
30 requiring governing body to conduct an annual audit
31 of accounts; providing standards for audit; requiring
32 audit to be filed with the State Auditor and
Inspector; making audit costs part of operating
expenses; providing for codification; and providing
an effective date.

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

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

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

30 SECTION 2. NEW LAW A new section of law to be codified
31 in the Oklahoma Statutes as Section 2852 of Title 63, unless there

1 A. As used in the Nine-One-One Voice over Internet Protocol
2 (VOIP) Emergency Service Act, unless the context otherwise requires:

3 1. "Automatic Number Identification (ANI)" means the digits in
4 the North American Numbering Plan directory transmitted through a
5 network for identification of the end user or end point device
6

7 2. "Automatic location information (ALI)" means the use of a
8 database to associate a physical location or device with a telephone
9

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

14 4. "Emergency service gateway (ESGW)" receives VoIP 9-1-1 calls
15 from one or more Interconnected VoIP Service providers, converts the
16 call from IP and delivers the 9-1-1 call to the appropriate 9-1-1
17 selective router;

18 5. "Emergency service gateway provider" means a company that
19 provides the ESGW service;

20 6. "Emergency service number (ESN)" means a geographic area
21 served by a single Public Safety Answering Point, may also be known
22 as emergency service zone.

23 7. "Emergency service fee" means a fee to finance the operation
24 of emergency calling service;

25 8. "Governing body" means the board of county commissioners of
26 a county, the city council or other governing body of a
27 municipality, or a combination of such boards, councils or other
28 municipal governing bodies;

29 9. "Interconnected VoIP service" means an interconnected voice
30 over Internet protocol (VoIP) service and is a service that:

31 a. enables real-time, two-way voice communications,
32

1 b. requires a broadband connection from the user's

- 2 location,
- 3 c. requires Internet protocol-compatible customer premises
- 4 equipment (CPE), and
- 5 d. permits users generally to receive calls that originate
- 6 on the public switched telephone network (PSTN);
- 7 10. "Interconnected VoIP service provider" means the company
- 8 that provides interconnected VoIP service as defined in paragraph 9
- 9 of this subsection;
- 10 11. "Internet Protocol (IP)" means the network layer protocol
- 11 in the transmission control protocol/internet protocol (TCP/IP)
- 12 communications protocol suite;
- 13 12. "Pseudo Automatic Number Identification (Pseudo-ANI)" means
- 14 a number consisting of the same number of digits as ANI, that is not
- 15 a duplicate of a North American Numbering Plan telephone directory
- 16 number and may be used in place of an ANI to convey special meaning.
- 17 The special meaning assigned to the pseudo-ANI is determined by
- 18 agreements, as necessary, between the system originating the call,
- 19 intermediate systems handling and routing the call, and the
- 20 destination system;
- 21 13. Public Safety Answering Point (PSAP)" means a location
- 22 where 9-1-1 calls are routed for emergency response;
- 23 14. "Public switched telephone network (PSTN)" means the local,
- 24 long distance and international voice telephone network;
- 25 15. "Registered location" means the most recent information
- 26 obtained by an interconnected VoIP service provider that identifies
- 27 the physical location of an end user;
- 28 16. "Statewide default answering point" means an emergency
- 29 answering point designated to receive 9-1-1 calls for either the
- 30 entire state or those portions of the state not otherwise served by
- 31 a local PSAP;
- 32

- 1 17. "Voice over Internet Protocol (VoIP)" means a telephone
- 2 service that uses the Internet as a global telephone network.

3 Broadband Internet access is required; and

4 18. "VoIP endpoint (VEP)" means the endpoint Internet Protocol
5 (IP) device that is used to originate an emergency call.

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

9 A. In addition to other powers for the protection of the public
10 health, a governing body may provide for the operation of enhanced
11 9-1-1 emergency services which includes the provision of 9-1-1 calls
12 received from interconnect voice over Internet Protocol service
13 providers, and may impose an emergency service fee, as provided in
14 this section, for Enhanced 9-1-1 emergency services in areas,
15 subject to the jurisdiction of the governing body. The governing
16 body may do such other acts as are necessary for the protection and
17 preservation of the public health as necessary for the operation of
18 the Enhanced 9-1-1 emergency system.

19 B. The governing body is hereby authorized, by ordinance in the
20 case of municipalities and by resolution in the case of counties or
21 a combined governing body, to provide for the operation of Enhanced
22 9-1-1 emergency service which includes the provision of Enhanced
23 9-1-1 calls received from interconnect voice over Internet Protocol
24 service providers, and to impose a 9-1-1 emergency service fee in
25 the area to be served by the system. The ordinance or resolution
26 shall provide for the imposition of the Enhanced 9-1-1 emergency
27 service and the amount of the 9-1-1 Voice over Internet Protocol
28 (VoIP) emergency service fee. The ordinance or resolution shall
29 provide and include the amount of the 9-1-1 VoIP emergency service
30 fee to begin the first year and for each year thereafter, in the
31 amount of fifty cents (\$0.50) per month for each Voice over Internet
32 Protocol endpoint device connection.

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1 C. Within sixty (60) days of the publication of the resolution
2 adopted pursuant to subsection B of this section, there may be filed
3 with the county election board of the affected county or counties a
4 petition signed by not less than five percent (5%) of the total

5 number of votes cast in the last preceding general election of the
6 county or affected area. Within sixty (60) days of publication of
7 an ordinance adopted by a municipality pursuant to subsection B of
8 this section, there may be filed with the county election board of
9 the county in which the municipality is located a petition signed by
10 not less than five percent (5%) of the total number of votes cast in
11 the next preceding election of the city. The petitions may request
12 that the question of the imposition of the fifty cents (\$0.50) per
13 month for each 9-1-1 VoIP emergency service fee as called for in the
14 resolution or ordinance as a proposition be submitted to the
15 qualified voters of the county, municipality or area to be served.
16 Upon determination of the sufficiency of the petition and
17 certification by the county election board or boards, the
18 proposition shall be submitted to the qualified voters of the
19 county, municipality or area to be served not less than ninety (90)
20 days following the certification of the petition. If a majority of
21 the votes cast in an election held pursuant to subsection B of this
22 section disapprove the imposition of the 9-1-1 VoIP emergency
23 service fee, upon certification of the election results by the
24 county election board or boards, the resolution or ordinance shall
25 not take effect and the 9-1-1 VoIP emergency service fee called for
26 in the resolution or ordinance shall not be imposed. If a majority
27 of the votes cast at an election held pursuant to this subsection
28 approve the imposition of the 9-1-1 VoIP emergency service fee the
29 governing body shall impose the approved fee and provide for the
30 governance of the system. If the affected area is governed by two
31 or more governmental entities the governing bodies of each shall
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1 enter into an agreement in accordance with the Interlocal
2 Cooperative Act to provide for the governance of the system.
3 D. Any fee imposed by a county or combined governing body shall
4 not apply to any portion of the county located within the boundaries
5 of a municipality or other governmental entity also imposing a 9-1-1

6 VoIP emergency service fee pursuant to the provisions of the
7 Nine-One-One Voice over Internet Protocol Emergency Service Act.
8 The duty to collect the 9-1-1 VoIP emergency service fee imposed
9 pursuant to the authority of this section from a VoIP end point
10 device connection user shall commence within sixty-one (61) days
11 following the date that an interconnected VoIP service provider
12 receives notice from a governing body that a fee approved has been
13 adopted, the amount of the fee and the address to which the fee
14 should be remitted. Fees imposed pursuant to this section that are
15 required to be collected by the interconnected VoIP service provider
16 shall be added to and may be stated separately in the billings to
17 the VoIP end point device connection user.

18 E. If a majority of the votes cast at an election held pursuant
19 to subsection B of this section approve the imposition of the 9-1-1
20 VoIP emergency service fee, the governing body shall impose the
21 approved fee.

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

28 G. Every billed VoIP endpoint device connection user shall be
29 liable for any fee imposed pursuant to this section until it has
30 been paid to the interconnected VoIP service provider.

31 H. The duty to collect any fee imposed pursuant to the
32 authority of this act from a service user shall commence at a time

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1 specified by the governing body. Fees imposed pursuant to this
2 section that are required to be collected by the interconnected VoIP
3 service provider shall be added to and may be stated separately in
4 the billings to the service user.

5 I. The interconnected VoIP service provider shall have no
6 obligation to take any legal action to enforce the collection of any
7 fee imposed pursuant to authority of this section, however, should

8 any service user tender a payment insufficient to satisfy all
9 charges, end users, fees and taxes for interconnected VoIP service,
10 the amount tendered shall be credited to the emergency service fee
11 in the same manner as other taxes and fees. The interconnected VoIP
12 service provider shall annually provide the governing body with a
13 list of amounts uncollected along with the names and addresses of
14 those service users which carry a balance that can be determined by
15 the interconnected VoIP service provider to be nonpayment of any fee
16

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

22 K. An interconnected VoIP service provider shall collect the
23 9-1-1 VoIP emergency service fee in an amount equal to the amount
24 approved as provided for in subsection B of this section for each
25 VoIP end point device connection user within the boundaries of the
26 governing body as determined by the place of primary use of the user
27 and shall pay the money collected to the governing body not later
28 than thirty (30) days after the last day of the month during which
29 the fees were collected. The interconnected VoIP service provider
30 may retain an administrative service fee of up to two percent (2%)
31 of the amount collected when remitted in the time specified, unless
32 otherwise agreed upon. The money remitted to the governing body and

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1 any other money collected to fund the Enhanced 9-1-1 emergency
2 service system, shall be deposited in a designated 9-1-1 account
3 established by the governing body.

4 L. The governing body shall be required to have conducted
5 separately or as a part of the annual audit required by law of the
6 municipality or county an annual audit of any accounts established
7 or used by the governing body for the operation of an Enhanced 9-1-1
8 emergency system. The audit may be conducted by the State Auditor

9 and Inspector at the discretion of the governing body. All audits
10 shall be conducted in accordance with generally accepted audit
11 standards and Government Auditing Standards issued by the
12 Comptroller General of the United States. A copy of the audit shall
13 be filed with the State Auditor and Inspector and action taken in
14 accordance with Section 212A of Title 74 of the Oklahoma Statutes.
15 The audit of the emergency 9-1-1 system accounts may be paid for and
16 be considered a part of the operating expenses of the emergency
17 9-1-1 system.

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

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