

§63-2801. Short title.

This act shall be known as the Oklahoma Emergency Telephone Act.

Laws 1979, c. 176, § 1, emerg. eff. May 16, 1979.

§63-2802. Definitions.

As used in this act:

1. "Basic system" means a telephone service which automatically connects a person dialing the primary emergency telephone number to an established public safety answering point through normal telephone service facilities;

2. "Department" means the Department of Public Safety;

3. "Direct dispatch method" means a method whereby a call over a basic or sophisticated system is connected to a centralized dispatch center providing for the dispatching of an appropriate emergency service unit upon receipt of a telephone request for such services and a decision as to the proper action to be taken;

4. "Methods", as used in paragraphs 3, 8, 9 and 11 of this section, means the procedures to be followed by the public agency or public safety agency affected by such paragraphs;

5. "Primary emergency telephone number" means the digits nine-one-one (911);

6. "Public agency" means any agency or political subdivision of the state which provides or has authority to provide fire fighting, police, ambulance, medical or other emergency services;

7. "Public safety agency" means a functional division of a public agency which provides fire fighting, police, medical or other emergency services;

8. "Referral method" means a method whereby a call over a basic or sophisticated system results in providing the requesting party with the telephone number of the appropriate public safety agency or other provider of emergency services;

9. "Relay method" means a method whereby a call over a basic or sophisticated system results in pertinent information being noted by the recipient of a telephone request for emergency services and is relayed to appropriate public safety agencies or other providers of emergency services for dispatch of an emergency service unit;

10. "Sophisticated system" means a basic system with the additional capability of automatic identification of the caller's number, holding the incoming call, reconnection on the same telephone line, clearing a telephone line or automatic call routing or combinations of such capabilities; and

11. "Transfer method" means a method whereby a call over a basic or sophisticated system is received and directly transferred to an appropriate public safety agency or other provider of emergency services.

Laws 1979, c. 176, § 2, emerg. eff. May 16, 1979.

§63-2803. Establishment of basic or sophisticated system.

Every public agency or public safety agency within its respective jurisdiction may establish a basic or sophisticated system, if technologically compatible with the existing local telephone network. The establishment of such systems shall be centralized where feasible. Any system established pursuant to this act may include a segment of the territory of a public agency. All systems shall be designed to meet the requirements of each community and public agency served by the system. Every system, whether basic or sophisticated, may be designed to have the capability of utilizing at least three of the four methods specified in paragraphs 3, 8, 9 and 11 of Section 2 of this act, in response to emergency calls. In addition to the number "911", a public agency or public safety agency may maintain a separate secondary backup number, and shall maintain a separate number for nonemergency telephone calls.

Laws 1979, c. 176, § 3, emerg. eff. May 16, 1979.

§63-2804. Services included in system.

Every system may include police, fire fighting and emergency medical and ambulance services, and may include other emergency services, in the discretion of the affected public agency, such as poison control services, suicide prevention services and emergency management services. The system may incorporate a private ambulance service. In those areas in which a public safety agency of the state provides such emergency services, the system may include such public safety agencies.

Added by Laws 1979, c. 176, § 4, emerg. eff. May 16, 1979.

Amended by Laws 2003, c. 329, § 53, emerg. eff. May 29, 2003.

§63-2805. Preparation and implementation of system.

In order to insure that proper preparation and implementation of such systems can be accomplished as provided in Section 2803 of this title, the Department of Public Safety may develop an overall plan prior to development of any system and shall coordinate the implementation of systems to be established pursuant to the provisions of Section 2803 of this title. Any such plan shall contain an estimate of the costs of installing alternate 911 systems and an estimate of the first year's additional operating expenses, if any. The Department may formulate a plan by which it and the public agencies and public safety agencies involved may share proportionately the costs of any system and method from their current funds. The Department may aid such agencies in the formulation of concepts, methods and procedures which will improve the operation of systems and which will increase cooperation between public safety agencies. The Department may consult at regular intervals with the State Fire Marshal, the Oklahoma State Bureau of Investigation, the State Department of Health, the Department of Emergency Management and the public utilities in this state providing telephone service.

Added by Laws 1979, c. 176, § 5, emerg. eff. May 16, 1979.

Amended by Laws 2003, c. 329, § 54, emerg. eff. May 29, 2003; Laws 2008, c. 302, § 9, emerg. eff. June 2, 2008.

§63-2806. Technical and operational standards for basic or sophisticated system.

The Department of Public Safety may establish technical and operational standards for the development of basic and sophisticated systems. Such standards shall be forwarded to the Corporation Commission for consideration of any tariff limitations and conditions which may need revision to accommodate such standards; and the Corporation Commission may issue such revisions after whatever hearings or procedures it deems appropriate.

Laws 1979, c. 176, § 6, emerg. eff. May 16, 1979.

§63-2807. Submission of final plan to public telephone utilities - Alternative reports.

A. All public agencies shall submit final plans for the establishment of any system to the public telephone utilities and may make arrangement with such utilities for the implementation of the planned emergency telephone system. A copy of the plan required by this subsection shall be filed with the Department of Public Safety.

B. If any public agency has implemented or is a part of a system which would be authorized by this act on the effective date of this act such public agency may submit in lieu of the tentative or final plan a report describing the system and stating its operational date.

C. Plans filed pursuant to subsection A of this section shall conform to minimum standards established pursuant to Section 6 of this act.

Laws 1979, c. 176, § 7, emerg. eff. May 16, 1979.

§63-2808. Joint power or written cooperative agreements for implementation of plan - Powers of public safety agency employees - Immunity.

In implementing systems pursuant to this act, all public agencies in a single system may annually enter into a joint powers agreement or any other form of written cooperative agreement which is applicable when need arises on a day-to-day basis. Every employee of every public safety agency which is a participant in a system may respond and take any action to any call whether within or without the authorized territorial jurisdiction of the public safety agency. In response to emergency calls, employees of public safety agencies shall have the same immunity for any acts performed in the line of duty outside their authorized jurisdiction as they enjoy within it. No cause of action shall be created by any incorrect dispatch or response by any system or any public safety agency.

Laws 1979, c. 176, § 8, emerg. eff. May 16, 1979.

§63-2809. Repealed by Laws 1998, c. 364, § 38, emerg. eff. June 8, 1998.

§63-2810. Duties or liabilities of public telephone utility not affected.

Nothing contained in this act shall be deemed to establish or impose upon any public telephone utility providing services needed to implement the provisions hereof any duties or liabilities beyond those specified in applicable tariffs filed with the Oklahoma Corporation Commission.

Laws 1979, c. 176, § 10, emerg. eff. May 16, 1979.

§63-2811. Short title.

This act shall be known and may be cited as the "Nine-One-One Emergency Number Act".

Added by Laws 1986, c. 230, § 1, emerg. eff. June 10, 1986.

§63-2812. Purpose.

It is the purpose of the Nine-One-One Emergency Number Act, Section 2811 et seq. of this title, to establish the telephone number nine-one-one (911) as the primary emergency telephone number for use in this state and to encourage units of local governments and combinations of such units to develop and improve emergency communication procedures and facilities in order to expedite the response of law enforcement, fire, medical, rescue, and other emergency services to any person requiring such assistance. The Legislature finds and declares that:

1. It is in the public interest to shorten the time required for a citizen to request and receive emergency aid;
2. Thousands of different emergency telephone numbers exist throughout the state, and telephone exchange boundaries and central office service areas do not necessarily correspond to political boundaries;
3. Provision of a single, primary three-digit emergency number through which emergency services can be quickly and efficiently obtained would provide a significant contribution to law enforcement and other public safety efforts by making it less difficult to quickly notify public safety personnel.

Added by Laws 1986, c. 230, § 2, emerg. eff. June 10, 1986.  
Amended by Laws 1988, c. 130, § 1, emerg. eff. April 13, 1988.

§63-2813. Definitions.

As used in the Nine-One-One Emergency Number Act, Section 2811 et seq. of this title, 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;
2. "Emergency telephone service" means any telephone system utilizing a three-digit number, nine-one-one (911), for reporting an emergency to the appropriate public agency providing law enforcement, fire, medical or other emergency services, including ancillary communications systems and personnel necessary to pass the reported emergency to the appropriate emergency service and personnel;
3. "Emergency telephone fee" means a fee to finance the operation of emergency telephone service;
4. "Governing body" means the board of county commissioners of a county, the city council or other governing body of a municipality, or a combination of such

boards, councils or other municipal governing bodies, which shall have an administering board as provided in subsection G of Section 2815 of this title. Any such combined administering board shall be formed and shall enter into an agreement between the governing body of each entity in accordance with the Interlocal Cooperation Act. The agreement shall be filed with the office of the county clerk and in the offices of each governmental entity involved;

5. "Local exchange telephone company" means any company providing exchange telephone services to any service user in this state, and shall include any competitive local exchange carrier as defined in Section 139.102 of Title 17 of the Oklahoma Statutes;

6. "Person" means any service user, including but not limited to, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, private corporation, whether organized for profit or not, fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, the United States of America, the state, any political subdivision of the state, or any federal or state agency, department, commission, board or bureau;

7. "Public agency" means any city, town, county, municipal corporation, public district, public trust or public authority located within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical or other emergency services;

8. "Service user" means any person who is provided exchange telephone service in this state; and

9. "Tariff rate" means the rate or rates billed by a local exchange telephone company stated in tariffs applicable for such company, as approved by the Oklahoma Corporation Commission, which represent the recurring charges of such local exchange telephone company for exchange telephone service or its equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever. Added by Laws 1986, c. 230, § 3, emerg. eff. June 10, 1986. Amended by Laws 1988, c. 130, § 2, emerg. eff. April 13, 1988; Laws 1995, c. 350, § 1, eff. July 1, 1995; Laws 2001, c. 30, § 2, eff. July 1, 2001.

§63-2814. Political subdivisions authorized to operate emergency telephone service - Service fee - Election.

A. In addition to other powers for the protection of the public health, a governing body may provide for the operation of an emergency telephone service and may impose an emergency telephone fee, as provided in this section, for emergency telephone service in areas, subject to the jurisdiction of the governing body. The governing body may do such other acts as are necessary for the protection and preservation of the public health if necessary for the operation of the emergency telephone system.

B. The governing body is hereby authorized, by ordinance in the case of municipalities and by resolution in the case of counties or a combined governing body, to provide for the operation of emergency telephone service and to impose an emergency telephone fee in the area to be served by the system. The ordinance or resolution shall submit to the voters in the area to be served the question of the imposition of emergency telephone service and the amount of the emergency telephone fee. The ordinance or resolution shall propose the amount of the emergency telephone fee to begin the second year and for each year thereafter, in an amount not greater than fifteen percent (15%) of the tariff rate, and shall call for an election to be held within one (1) year from the date the ordinance or resolution is adopted.

The ordinance or resolution shall also provide for the collection of an amount not to exceed five percent (5%) of the tariff rate in areas subject to the jurisdiction of the governing body for a period of no longer than one (1) year. The one (1) year, five percent (5%) fee shall be a part of, not an addition to, the fee set by the voters. The collection of the five percent (5%) fee may begin, prior to the election, within thirty (30) days after the resolution or ordinance becomes effective. The one (1) year, five percent (5%) fee shall be used to provide for the cost of conducting the election to set the emergency telephone fee and any initial or start-up cost necessary to implement the emergency telephone service. If the fee is not approved by the electors, any remaining money collected during the first year shall be distributed to the local exchange telephone company and then shall be refunded to each service user charged on a pro rata basis.

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

cast in the next preceding general election of the county or affected area.

Within sixty (60) days of publication of an ordinance adopted by a municipality pursuant to subsection B of this section, there may be filed with the county election board of the county in which the municipality is located a petition signed by not less than three percent (3%) of the total number of votes cast in the next preceding election of the city.

The petitions may request that the question of the installation and operation of emergency telephone service and imposition of the one (1) year, five percent (5%) emergency telephone fee as called for in the resolution or ordinance be disapproved.

Upon determination of the sufficiency of the petition and certification by the county election board or boards, the proposition shall be submitted to the qualified voters of the county, municipality or area to be served not less than sixty (60) days following the certification of the petition.

If a majority of the votes cast in an election held pursuant to subsection B of this section disapprove the operation of emergency telephone service and imposition of an emergency telephone fee or a majority of the votes cast disapprove the one (1) year, five percent (5%) emergency telephone fee, upon certification of the election results by the county election board or boards, the resolution or ordinance shall not take effect and the emergency telephone service and the emergency telephone fee called for in the resolution or ordinance shall not be imposed. If the resolution or ordinance is disapproved by the electors, any remaining money collected during the first year shall be distributed to the local exchange telephone company and then shall be refunded to each service user charged on a pro rata basis.

D. If the governing board does not take action to provide for the operation of emergency telephone service and to impose an emergency telephone fee as provided in subsection B of this section, there may be filed with the county election board or boards of the affected area a petition signed by not less than three percent (3%) of the total numbers of votes cast in the next preceding election of the affected area.

The petition shall request that the question of the installation and operation of emergency telephone service and imposition of a fee in an amount not greater than fifteen percent (15%) of the tariff rate be submitted to



the qualified voters of the county, municipality or area to be served. Upon determination of the sufficiency of the petition and certification by the county election board or boards, the proposition shall be submitted to the qualified voters of the county, municipality or area to be served not less than sixty (60) days following the certification of the petition.

If a majority of the votes cast at an election held pursuant to this subsection approve the installation and operation of emergency telephone service and imposition of an emergency telephone fee the governing body shall provide for the installation and operation of the service, impose the approved fee and provide for the governance of the system. If the affected area is governed by two or more governmental entities the governing bodies of each shall enter into an agreement in accordance with the Interlocal Cooperative Act to provide for the governance of the system.

E. Any fee imposed by a county or combined governing body shall not apply to any portion of the county located within the boundaries of a municipality or other governmental entity also imposing an emergency telephone fee pursuant to the provisions of the Nine-One-One Emergency Number Act. The approved emergency telephone fee shall be effective upon certification of the election results by the county election board or boards. Except as provided for in subsections G and I of this section, an emergency telephone fee imposed prior to the effective date of this act shall continue at the established amount until an election to change the fee is called as provided for in this section.

F. If a majority of the votes cast at an election held pursuant to subsection B of this section approve the installation and operation of emergency telephone service and imposition of an emergency telephone fee, the governing body shall provide for the installation and operation of the service and impose the approved fee. The initial five percent (5%) fee, established by resolution or an ordinance, as provided pursuant to the provisions of subsection B of this section shall remain in effect for the remainder of the first year.

G. The emergency telephone fee approved pursuant to the provisions of this section shall be reviewed at least once each calendar year by the governing body which shall, in accordance with subsection D of Section 2815 of this title, establish the amount of the fee for the next calendar year, not to exceed the amount set by the

electors. The governing body shall have the power and authority to reduce the emergency telephone fee being paid by the service users of the emergency telephone system to the estimated amount needed for the annual operation and maintenance of the system. If the governing body makes a reduction and in a subsequent year determines it is necessary to increase the fee to operate and maintain the system, the governing body may raise the fee up to an amount not to exceed the amount previously set by the electors. Any fee imposed by the electors of a county, municipality or area served shall remain at the amount approved by the electors until a new vote of the electors is conducted in the manner for which an election may be conducted to impose a fee as provided for in this section. The proceeds of the fee shall be utilized to pay for the operation of emergency telephone service as specified in this section. Collection of the fee may begin at any time if an existing service is already operative or at any time subsequent to execution of a contract with the provider of the emergency telephone service at the discretion of the governing body.

H. If the fee approved by the voters is less than fifteen percent (15%) and the governing body determines there exists a need for ancillary communications systems necessary to communicate the reported emergency to the appropriate emergency service and personnel and the governing body also determines that the fee set by the electors is not sufficient to fund the ancillary communications systems, the governing body may by resolution or ordinance call an election to submit the question of raising the voter-approved fee in a sufficient amount, not to exceed fifteen percent (15%), for such additional time as determined by the governing body it is necessary to purchase the ancillary communications equipment. The vote shall be conducted in the manner provided for in subsection B of this section.

I. A governing body with an existing emergency telephone service system in operation prior to the effective date of this act may by ordinance or resolution restore the emergency telephone fee set at three percent (3%) to an amount not to exceed five percent (5%) of the tariff rate for such additional time as is necessary to fund ancillary communications equipment necessary to communicate the reported emergency to the appropriate emergency service and personnel.

Within sixty (60) days of the publication of the resolution adopted pursuant to this subsection, there may

be filed with the county election board of the affected county or counties a petition signed by not less than three percent (3%) of the total number of votes cast in the next preceding general election of the county or affected area.

Within sixty (60) days of publication of an ordinance adopted by a municipality pursuant to this subsection, there may be filed with the county election board of the county in which the municipality is located a petition signed by not less than three percent (3%) of the total number of votes cast in the next preceding election of the city.

The petitions may request that the question of restoring the emergency telephone fee to an amount not to exceed five percent (5%) of the tariff rate to fund ancillary communications equipment be submitted to the qualified voters of the county, municipality or area to be served.

Upon determination of the sufficiency of the petition and certification by the county election board or boards, the proposition shall be submitted to the qualified voters of the county, municipality or area to be served not less than sixty (60) days following the certification of the petition. If a majority of the votes cast at the election are for restoring the emergency telephone fee to an amount not to exceed five percent (5%) of the tariff rate to fund ancillary communications equipment, the resolution or ordinance restoring the fee shall become effective. The increase of the fee may be implemented within thirty (30) days after the resolution or ordinance becomes effective.

J. The tariff rate used for initial calculation of the emergency telephone service fee shall remain static for the purpose of calculating future fees for emergency telephone service. Therefore, future rate changes for emergency telephone service shall be stated as a percentage of the initial tariff rate.

K. The emergency telephone fee shall be imposed only upon the amount received from the tariff for exchange telephone service or its equivalent. No fee shall be imposed upon more than one hundred exchange access lines or their equivalent per person per location.

L. Every billed service user shall be liable for any fee imposed pursuant to this section until it has been paid to the local exchange telephone company.

M. The duty to collect any fee imposed pursuant to the authority of the Nine-One-One Emergency Number Act from a service user shall commence at a time specified by the governing body. Fees imposed pursuant to this section that

are required to be collected by the local exchange telephone company shall be added to and shall be stated separately in the billings to the service user.

N. The local exchange telephone company shall have no obligation to take any legal action to enforce the collection of any fee imposed pursuant to authority of this section, however, should any service user tender a payment insufficient to satisfy all charges, tariffs, fees and taxes for exchange telephone service, the amount tendered shall be credited to the emergency telephone fee in the same manner as other taxes and fees. The local exchange telephone company shall annually provide the governing body with a list of amounts uncollected along with the names and addresses of those service users which carry a balance that can be determined by the local exchange telephone company to be nonpayment of any fee imposed pursuant to the authority of this section.

O. Any fee imposed pursuant to the authority provided by this section shall be collected insofar as practicable at the same time as, and along with, the charges for exchange telephone service in accordance with the regular billing practice of the local exchange telephone service. The tariff rates determined by or stated in the billing of the local exchange telephone company shall be presumed to be correct if such charges were made in accordance with the business practices of the local exchange telephone company. The presumption may be rebutted by evidence which establishes that an incorrect tariff rate was charged. Added by Laws 1986, c. 230, § 4, emerg. eff. June 10, 1986. Amended by Laws 1988, c. 130, § 3, emerg. eff. April 13, 1988; Laws 1990, c. 125, § 1, emerg. eff. April 24, 1990; Laws 1993, c. 67, § 1; Laws 1995, c. 350, § 2, eff. July 1, 1995.

§63-2815. Due date of fee - Penalty for late payment - Filing of return - Determination of fee - Audit - Governing bodies, boards.

A. Any fee imposed pursuant to Section 2814 of this title and the amounts required to be collected are due monthly. The amount of fee collected in one (1) month by the local exchange telephone company shall be remitted to the governing body no later than thirty (30) days after the close of the month in which such fees were collected. In the event the fee collected is not remitted by the local exchange telephone company or by a competitive local exchange company, as both are defined in Section 139.102 of Title 17 of the Oklahoma Statutes, to the governing body

within thirty (30) days after the close of the month in which such fees were collected, then the local exchange telephone company shall remit a penalty to the governing body. The penalty shall be equal to ten percent (10%) of the original unremitted fee, payable on the first day of each month the fee remains delinquent. All fees collected by the local exchange telephone company and remitted to the governing body and any other money collected to fund the emergency telephone system shall be deposited in a special nine-one-one account established by the governing body, and shall be used only to fund the expenditures authorized by the Nine-One-One Emergency Number Act. The governing body shall account for all disbursements from the account and shall not allow the funds to be transferred to another account not specifically established for the operation of the emergency telephone system.

B. On or before the last day of each month, a return for the preceding month shall be filed with the governing body in a form the governing body and the local exchange telephone company agree to. The local exchange telephone company required to file the return shall deliver the return together with a remittance of the amount of the fee payable to the treasurer or other person responsible to the governing body for receipt of payments from the fee. The local exchange telephone company shall maintain records of the amount of any fee collected in accordance with the provisions of the Nine-One-One Emergency Number Act. The records shall be maintained for a period of one (1) year from the time the fee is collected.

C. From every remittance of the collected fee to the governing body made on or before the date when the same becomes due, the local exchange telephone company required to remit the fee shall be entitled to deduct and retain for administrative costs, an amount not to exceed three percent (3%) of the first five percent (5%) of the emergency telephone fee.

D. At least once each calendar year, the governing body shall establish the fee for the subsequent year in an amount not to exceed the amount approved by the voters as provided by the provisions of Section 2814 of this title that, together with any surplus revenues, will produce sufficient revenues to fund the expenditures authorized by the Nine-One-One Emergency Number Act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make the determination of the fee amount no later than September 1 of each year and shall fix the new fee to

take effect commencing with the first billing period of each service user on or following the next January 1. Immediately upon making its determination and fixing the fee, the governing body shall publish in its minutes the new fee, and it shall, at least ninety (90) days before the new fee shall become effective, notify by certified mail every local exchange telephone company providing emergency telephone service to areas within the jurisdiction of the governing body. The governing body may at its own expense require an annual audit of the books and records of the local exchange telephone company concerning the collection and remittance of the fee authorized by the Nine-One-One Emergency Number Act.

E. The governing body shall be required to have conducted separately or as a part of the annual audit required by law of the municipality or county an annual audit of any accounts established or used by the governing body for the operation of an emergency telephone system. The audit may be conducted by the State Auditor and Inspector at the discretion of the governing body. All audits shall be conducted in accordance with generally accepted auditing standards and Government Auditing Standards issued by the Comptroller General of the United States. A copy of the audit shall be filed with the State Auditor and Inspector and action taken in accordance with Section 212A of Title 74 of the Oklahoma Statutes. The audit of the emergency telephone system accounts may be paid for and be considered a part of the operating expenses of the emergency telephone system.

F. The governing body shall meet at least quarterly to oversee the operations of the emergency telephone system, review expenditures, set and approve an operating budget and take such other action as necessary for the operation and management of the system. The records and meetings of the governing body shall be subject to the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

G. A governing body made up of two or more governmental entities shall have a board consisting of not less than three members; provided, the board shall consist of at least one member representing each governmental entity, appointed by the governing body of each participating governmental entities, as set forth in the agreement forming the board. The members shall serve for terms of not more than three (3) years as set forth in the agreement. Members may be appointed to serve more than one term. The names of the members of the governing body board and the appointing authority of each member shall be

maintained in the office of the county clerk in the county or counties in which the system operates, along with copies of the agreement forming the board and any amendments to that agreement.

Added by Laws 1986, c. 230, § 5, emerg. eff. June 10, 1986. Amended by Laws 1988, c. 130, § 4, emerg. eff. April 13, 1988; Laws 1995, c. 350, § 3, eff. July 1, 1995; Laws 2002, c. 192, § 1, eff. Nov. 1, 2002.

§63-2815.1. Outgoing calls - Confidentiality - Liability.

A. Nine-one-one emergency telephone service information may be used by a public law enforcement or public health agency for the purpose of placing outgoing emergency calls that notify the public of an emergency or provide to the public information relative to an emergency.

B. Nine-one-one emergency telephone service information shall be confidential. Any public law enforcement or public health agency that uses nine-one-one emergency telephone service information for the purposes set forth in subsection A of this section shall establish methods and procedures that ensure the confidentiality of the information.

C. For purposes of this section "nine-one-one emergency telephone service information" shall mean the name, address and telephone number of a service user of a local exchange telephone company.

D. No person providing service pursuant to this section shall be liable for using nine-one-one emergency telephone service information, or providing such information to any public law enforcement or public health agency, in accordance with subsection B of this section.

Added by Laws 2003, c. 309, § 1, eff. Jan. 1, 2004.

Amended by Laws 2008, c. 138, § 1, emerg. eff. May 9, 2008.

§63-2816. Bonds.

The governing body may issue and sell bonds to finance:

1. The acquisition by any method of facilities, equipment or supplies necessary to begin providing nine-one-one emergency telephone service or nine-one-one wireless emergency telephone service or any component or system associated therewith; or

2. Any payment necessary for the governing body to associate with an existing nine-one-one emergency telephone service system or nine-one-one wireless emergency telephone service system.

Added by Laws 1986, c. 230, § 6, emerg. eff. June 10, 1986.

Amended by Laws 2000, c. 115, § 5, eff. Nov. 1, 2000.

§63-2817. Liability.

A. No public agency or employee of a public agency shall be liable for the method of providing or failure to provide nine-one-one emergency telephone or communication service or nine-one-one wireless emergency telephone service or for the method of providing or failure to provide emergency response service.

B. No public agency or employee of a public agency shall have any special duty to any service user or other user of the nine-one-one emergency telephone system or nine-one-one wireless emergency telephone system or any other telecommunication or communication system supplying or obligated to supply nine-one-one service.

C. A service provider of telecommunications or other communication services involved in providing nine-one-one emergency telephone service or nine-one-one wireless emergency telephone service shall not be liable for any claim, damage, or loss arising from the provision of nine-one-one emergency telephone service or nine-one-one wireless emergency telephone service unless the act or omission proximately causing the claim, damage, or loss constitutes gross negligence, recklessness, or intentional misconduct.

D. As used in this section:

1. "Employee" shall have the same meaning as defined in Section 152 of Title 51 of the Oklahoma Statutes; and

2. "Communication" means the transmission, conveyance, or routing of real-time, two-way voice communications to a point or between or among points by or through any electronic, radio, satellite, cable, optical, microwave, wireline, wireless, or other medium or method, regardless of the protocol used.

Added by Laws 1986, c. 230, § 7, emerg. eff. June 10, 1986.

Amended by Laws 2000, c. 115, § 6, eff. Nov. 1, 2000; Laws 2008, c. 138, § 2, emerg. eff. May 9, 2008.

§63-2818. Contract for administration of emergency telephone service.

For the administration of nine-one-one emergency telephone service or nine-one-one wireless emergency telephone service, any governing body may contract directly with the provider of the nine-one-one emergency telephone service or nine-one-one wireless emergency telephone service, or may contract and cooperate with:

1. Any public agency;
2. Other states or their political subdivisions;



3. Any association or corporation for their political subdivisions; or

4. Any association or corporation.

Added by Laws 1986, c. 230, § 8, emerg. eff. June 10, 1986. Amended by Laws 1988, c. 130, § 5, emerg. eff. April 13, 1988; Laws 2000, c. 115, § 7, eff. Nov. 1, 2000.

§63-2818.2. Repealed by Laws 1997, c. 46, § 14, emerg. eff. April 7, 1997.

§63-2818.3. Repealed by Laws 1997, c. 46, § 14, emerg. eff. April 7, 1997.

§63-2818.4. Presumption to be considered by committee in developing recommendations.

The Statewide Emergency 911 Advisory Committee shall, in developing its recommendations pursuant to Section 2818.3 of Title 63 of the Oklahoma Statutes, consider the presumption that all providers of dial tone are obligated to participate in the provision of 911 service and its funding.

Added by Laws 1996, c. 198, § 1, emerg. eff. May 20, 1996.

§63-2819. False alarm, complaint or information - Penalty.

No person shall call the number nine-one-one (911) for the purpose of making a knowingly false alarm or complaint or reporting knowingly false information which could result in the dispatch of emergency services from any public agency as defined in Section 2813 of this title or Section 3 of this act. Nor shall any person call nine-one-one for nonemergency or personal use. Any person violating the provisions of this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not to exceed Five Hundred Dollars (\$500.00) and by an assessment for the resulting costs of any dispatching of emergency personnel and equipment for each such offense.

Added by Laws 1986, c. 230, § 9, emerg. eff. June 10, 1986. Amended by Laws 1988, c. 130, § 6, emerg. eff. April 13, 1988; Laws 1990, c. 92, § 1, eff. Sept. 1, 1990; Laws 2000, c. 115, § 8, eff. Nov. 1, 2000.

§63-2820. Use of nine-one-one number for nonemergency purposes.

Any person who owns a telephone or who is charged line or rent charges from the telephone utility, who uses the nine-one-one number for nonemergency calls or who allows minor children to use the nine-one-one number for nonemergency purposes shall be notified by certified mail, restricted delivery, after the third such infraction.

Added by Laws 1988, c. 130, § 7, emerg. eff. April 13, 1988. Amended by Laws 1990, c. 92, § 2, eff. Sept. 1, 1990.

§63-2821. Prospective application of act.

The provisions of this act shall be prospective in nature and not invalidate any ordinance or resolutions previously adopted by a public agency pursuant to a special election in which voters have approved a nine-one-one emergency plan.

Added by Laws 1988, c. 130, § 8, emerg. eff. April 13, 1988.

§63-2841. Short title.

This act shall be known and may be cited as the "Nine-One-One Wireless Emergency Number Act".

Added by Laws 2000, c. 115, § 1, eff. Nov. 1, 2000.

§63-2842. Purpose.

It is the purpose of the Nine-One-One Wireless Emergency Number Act to provide efficient communication between wireless telephone customers and emergency service providers in order to expedite the response of law enforcement, fire, medical, rescue, and other emergency services to any person requiring such assistance. In addition, this enables the state, wireless telephone providers, and local jurisdictions to comply with FCC Docket 94-102 requiring enhanced nine-one-one wireless services when requested by local public safety answering points.

Added by Laws 2000, c. 115, § 2, eff. Nov. 1, 2000.

§63-2843. Definitions.

As used in the Nine-One-One Wireless Emergency Number 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;

2. "Governing body" means the board of county commissioners of a county, the city council or other governing body of a municipality, or a combination of such boards, councils or other municipal governing bodies, which shall have an administering board as provided in subsection G of Section 2815 of this title. Any such combined administering board shall be formed and shall enter into an agreement with the governing body of each entity in

accordance with the Interlocal Cooperation Act. The agreement shall be filed with the office of the county clerk and in the offices of each governmental entity involved;

3. "Nine-one-one wireless emergency telephone service" means any telephone system whereby wireless telephone subscribers may utilize a three-digit number, nine-one-one (911), for reporting an emergency to the appropriate public agency providing law enforcement, fire, medical, or other emergency services, including ancillary communications systems and personnel necessary to pass the reported emergency to the appropriate emergency service and which the wireless service provider is required to provide pursuant to the Federal Communications Commission Order 94-102 (961 Federal Register 40348);

4. "Nine-one-one emergency wireless telephone fee" means a fee to finance the installation and operation of emergency wireless telephone service and related equipment;

5. "Local exchange telephone company" means any company providing exchange telephone service to any service user in this state, and shall include any competitive local exchange carrier as defined in Section 139.102 of Title 17 of the Oklahoma Statutes;

6. "Person" means any service user, including any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, private corporation, whether organized for profit or not, fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, the United States of America, the state, any political subdivision of the state or any federal or state agency, department, commission, board, or bureau;

7. "Place of primary use" means the street address representative of where the use of the mobile telecommunications service of the customer primarily occurs, which shall be the residential street address or the primary business street address of the customer and must be within the licensed service area of the home service provider in accordance with ORS 68-55001 and the federal Mobile Telecommunications Sourcing Act, P.L. No. 106-252, codified at 4 U.S.C. 116-126;

8. "Prepaid wireless telecommunications service", as defined in paragraph 12 of Subsection A of Section 1354.30 of Title 68 of the Oklahoma Statutes, means a telecommunications wireless service that provides the right to utilize mobile wireless service as well as other non-

telecommunications services, including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance that is sold in predetermined units or dollars of which the number declines with use in a known amount;

9. "Proprietary information" shall include subscriber, market share, cost and review information;

10. "Public agency" means any city, town, county, municipal corporation, public district, public trust, substate planning district, or public authority located within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other emergency services;

11. "Substate planning district" means the following organizations:

- a. Association of Central Oklahoma Governments (ACOG),
- b. Association of South Central Oklahoma Governments (ASCOG),
- c. Central Oklahoma Economic Development District (COEDD),
- d. Eastern Oklahoma Economic Development District (EOEDD),
- e. Grand Gateway Economic Development Association (GGEDA),
- f. Indian Nations Council of Governments (INCOG),
- g. Kiamichi Economic Development District (KEDDO),
- h. Northern Oklahoma Development Association (NODA),
- i. Oklahoma Economic Development Association (OEDA),
- j. Southern Oklahoma Development Association (SODA), and
- k. South Western Oklahoma Development Authority (SWODA);

12. "Wireless service provider" means a provider of commercial mobile service under Section 332(d) of the Telecommunications Act of 1996, 47 U.S.C., Section 151 et seq., Federal Communications Commission rules, and the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, and includes a provider of wireless two-way communication service, radio-telephone communications related to cellular telephone service, network radio access lines or the equivalent, and personal communication service. The term does not include a provider of:

- a. a service whose users do not have access to nine-one-one service,
- b. a communication channel used only for data transmission, or
- c. a wireless roaming service or other nonlocal radio access line service; and

13. "Wireless telecommunications connection" means the ten-digit access number assigned to a customer regardless of whether more than one such number is aggregated for the purpose of billing a service user.

Added by Laws 2000, c. 115, § 3, eff. Nov. 1, 2000.

Amended by Laws 2001, c. 56, § 1, eff. July 1, 2001; Laws 2001, c. 414, § 8, eff. July 1, 2001; Laws 2002, c. 456, § 1, eff. Nov. 1, 2002; Laws 2005, c. 303, § 1, emerg. eff. June 6, 2005; Laws 2007, c. 353, § 2, eff. Nov. 1, 2007; Laws 2010, c. 191, § 1, eff. Jan. 1, 2011.

NOTE: Laws 2001, c. 30, § 3 repealed by Laws 2001, c. 414, § 14, eff. July 1, 2001.

§63-2843.1. Emergency wireless telephone fee - Exempting prepaid wireless telecommunications services.

A. To provide for processing nine-one-one emergency wireless calls, the board of county commissioners of a county may by resolution submit to the voters of the county the question of the imposition of a nine-one-one emergency wireless telephone fee for each wireless connection, excluding a connection for prepaid wireless telecommunications services, in the county as determined by the subscriber's place of primary use. The resolution shall include the amount of the fee which shall be fifty cents (\$0.50) per month for each wireless connection, and shall call for an election to be held within one (1) year from the date the resolution is adopted. If a majority of the votes cast in an election held approve the imposition of an emergency telephone fee, the fee shall be imposed. A political subdivision may not impose another fee on a wireless service provider or subscriber for nine-one-one emergency service. The proceeds of the fee shall be utilized to pay for the operation of emergency wireless telephone service as specified in this section. Prepaid wireless telecommunications services shall be subject only to the fees as set forth in Section 3 of this act.

B. A wireless service provider shall collect the emergency wireless telephone fee in an amount equal to the amount approved as provided for in subsection A of this section for each wireless telecommunications connection from each of its subscribers of wireless telephone service

within the boundaries of the county as determined by the subscriber's place of primary use and shall pay the money collected to the substate planning district that represents that county not later than thirty (30) days after the last day of the month during which the fees were collected. The wireless service provider may retain an administrative fee of two percent (2%) of the amount collected when remitted in the time specified, unless otherwise agreed upon. The money remitted to the substate planning district and any other money collected to fund the emergency wireless telephone system shall be deposited in a special wireless nine-one-one account established by the district.

C. Money collected under subsection B of this section shall be used only for services related to nine-one-one emergency wireless telephone services, including automatic number identification and automatic location information services. The substate planning districts shall distribute the money collected for each county which has approved the emergency wireless telephone fee to each public agency within that county which has established emergency wireless telephone service or has sent a written request for installation, maintenance, and operation of an emergency wireless telephone service to a wireless service provider. The money remitted to the public agency and any other money collected to fund the emergency wireless telephone system shall be deposited in a special wireless nine-one-one account established by the substate planning district. From the emergency wireless telephone fee, the substate planning districts shall distribute to other public agencies in the county their proportionate share attributable to emergency wireless telephone services as determined by at least an annual census of wireless users provided by the wireless service provider. All wireless user information provided by a wireless service provider shall be deemed proprietary and is not subject to disclosure to the public or any other party. Remittance of the fee to a public agency may begin at any time if an existing emergency wireless telephone service is already operative or upon written request by the local governing body to the provider for installation, maintenance, and operation of a nine-one-one emergency wireless telephone service and related equipment. Amounts not used within a given year shall be carried forward.

D. Every billed service user shall be liable for any emergency wireless telephone fee imposed pursuant to this section until it has been paid to the wireless service provider.

E. The duty to collect any emergency wireless telephone fee imposed pursuant to the authority of the Nine-One-One Wireless Emergency Number Act from a service user shall commence on the first day of the calendar quarter following the date that a wireless service provider receives notice from a local county which shall be at least sixty (60) days from the date that the voters in a county have approved the fee, the amount of such fee and the address to which the fee should be remitted. Fees imposed pursuant to this section that are required to be collected by the wireless service provider may be added to and shall be stated separately in any billings to the service user.

F. The wireless service provider shall have no obligation to take any legal action to enforce the collection of any emergency wireless telephone fee imposed pursuant to the authority of this section; however, should any service user tender a payment insufficient to satisfy all charges, tariffs, fees, and taxes for wireless telephone service, the amount tendered shall be credited to the nine-one-one emergency wireless telephone fee in the same manner as other taxes and fees. The wireless service provider shall at least annually provide the governing body with a list of amounts uncollected along with the names and addresses of those service users who carry a balance that can be determined by the wireless service provider to be nonpayment of any fee imposed pursuant to the authority of this section.

G. Any emergency wireless telephone fee imposed pursuant to the authority provided by this section shall be collected insofar as practicable at the same time as, and along with, the charges for wireless telephone service in accordance with the regular billing practice of the wireless telephone service. However, if the public agency has not deployed nine-one-one emergency wireless telephone service within twenty-four (24) months or thirty-six (36) months for counties with a population of less than thirty thousand (30,000), from the initial collection of the fee under subsection B of this section, the collection of the fee may be suspended until such service is deployed. A wireless service provider is not liable for failing to suspend collection of a fee.

H. Nothing in the Nine-One-One Wireless Emergency Number Act shall be construed to limit the ability of a wireless service provider from recovering its costs associated with designing, developing, deploying, and maintaining wireless enhanced nine-one-one service directly from the customers of the provider, whether the costs are

itemized on the bill of the wireless customer as a surcharge or by any other lawful means.

Added by Laws 2001, c. 56, § 2, eff. July 1, 2001. Amended by Laws 2002, c. 456, § 2, eff. Nov. 1, 2002; Laws 2005, c. 303, § 2, emerg. eff. June 6, 2005; Laws 2007, c. 353, § 3, eff. Nov. 1, 2007; Laws 2010, c. 191, § 2, eff. Jan. 1, 2011.

§63-2843.2. Emergency prepaid wireless telephone fee.

A. As used in this section, unless the context otherwise requires:

1. "Consumer" means a person who purchases prepaid wireless telecommunications service in a retail transaction;

2. "Prepaid wireless nine-one-one fee" means the fee that is required to be collected by a seller from a consumer in the amount established in this section;

3. "Provider" means a person who provides prepaid wireless telecommunications service pursuant to a license issued by the Federal Communications Commission;

4. "Retail transaction" means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than for resale; and

5. "Seller" means a person who sells prepaid wireless telecommunications service to another person.

B. There is hereby imposed a prepaid wireless nine-one-one fee of fifty cents (\$0.50) per retail transaction or, on and after the effective date of an adjusted amount per retail transaction that is established under subsection G of this section, the adjusted amount.

C. The prepaid wireless nine-one-one fee shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless nine-one-one fee shall either be separately stated on an invoice, receipt or similar document that is provided to the consumer by the seller, or otherwise disclosed to the consumer.

D. For purposes of subsection C of this section, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state. Any other retail transaction shall be sourced as follows:

1. When the retail transaction does not occur at a business location of the seller, the retail transaction is sourced to the location where receipt by the consumer, or the consumer's donee, designated as such by the consumer,



occurs, including the location indicated by instructions for delivery to the consumer or donee, known to the seller;

2. When the provisions of paragraph 1 of this subsection do not apply, the sale is sourced to the location indicated by an address for the consumer that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith;

3. When the provisions of paragraphs 1 and 2 of this subsection do not apply, the sale is sourced to the location indicated by an address for the consumer obtained during the consummation of the sale, including the address of a consumer's payment instrument, if no other address is available, when use of this address does not constitute bad faith; and

4. When none of the previous rules of paragraphs 1, 2, and 3 of this subsection apply, including the circumstance in which the seller is without sufficient information to apply the previous rules, then the location will be determined by the address from which the service was provided, disregarding for these purposes any location that merely provided the digital transfer of the product sold. If the seller knows the mobile telephone number, the location will be that which is associated with the mobile telephone number.

E. The prepaid wireless nine-one-one fee is the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid wireless nine-one-one fees that the seller collects from the consumer as provided for in this section, including all charges that the seller is deemed to collect where the amount of the fee has not been separately stated on an invoice, receipt, or other similar document provided by the consumer to the seller.

F. If the amount of the prepaid wireless nine-one-one fee is separately stated on the invoice, the prepaid wireless nine-one-one fee shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by the state, any political subdivision of this state, or any intergovernmental agency.

G. The prepaid wireless nine-one-one fee shall be proportionately increased or reduced, as applicable, upon any change to the amount of the nine-one-one emergency wireless telephone fee as provided in subsection A of Section 2843.1 of Title 63 of the Oklahoma Statutes. The increase or reduction shall be effective on the effective date of the change to the nine-one-one emergency wireless

telephone fee as provided in subsection A of Section 2843.1 of Title 63 of the Oklahoma Statutes or, if later, the first day of the first calendar month to occur at least sixty (60) days after the enactment of the change. The Oklahoma Tax Commission shall provide not less than thirty (30) days' advance notice of an increase or reduction on its public website.

H. Prepaid wireless nine-one-one fees collected by sellers shall be remitted to the Oklahoma Tax Commission at the times and in a manner provided for under the Oklahoma Sales Tax Code with respect to the sales tax imposed on prepaid wireless telecommunications services. The Oklahoma Tax Commission shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply under the Oklahoma Sales Tax Code.

I. A seller shall be permitted to deduct and retain three percent (3%) of the prepaid wireless nine-one-one fees collected from consumers.

J. The audit and appeal procedures, including limitations period, applicable to the Oklahoma Sales Tax Code shall apply to prepaid wireless nine-one-one fees.

K. The Oklahoma Tax Commission shall establish procedures by which a seller may document that a sale is not a retail transaction. The procedures shall be in substantial conformity with the procedures for document sale for resale transactions under the Oklahoma Sales Tax Code.

L. Within thirty (30) days of receipt, the Oklahoma Tax Commission shall pay all remitted prepaid wireless nine-one-one fees to the governing bodies that the Statewide Nine-One-One Advisory Board has certified as eligible to receive funds. Such certification shall be provided to the Oklahoma Tax Commission annually before July 1. Eligible governing bodies shall be those governing bodies that have imposed, and are collecting, the nine-one-one emergency wireless telephone fee as authorized in subsection A of Section 2843.1 of Title 63 of the Oklahoma Statutes. Such distribution shall be as follows:

1. Ninety-eight percent (98%) of the revenue from the fee is hereby allocated to the governing bodies as defined in Section 2843 of Title 63 of the Oklahoma Statutes and shall be paid to the governing bodies. The share for each governing body shall be determined by dividing the population of the governing body by the total population of governing bodies where the fee authorized under subsection A of Section 2843.1 of Title 63 of the Oklahoma Statutes is

imposed. The Oklahoma Tax Commission shall develop the formula on the basis of population residing within the governing body, as shown by the latest available Federal Census estimates as of July 1, or from the best information then available to the Commission when the information is not available from the latest available Federal Census; and

2. The remaining two percent (2%) of the revenue from the fee shall be retained by the Oklahoma Tax Commission to reimburse its direct cost of administering the collection and remittance of prepaid wireless nine-one-one fees.

Notwithstanding paragraphs 1 and 2 of this subsection, in the fiscal year in which this act takes effect, prior to making the distributions provided in paragraphs 1 and 2 of this subsection, the Oklahoma Tax Commission shall retain an amount not to exceed Three Hundred Thousand Dollars (\$300,000.00) to cover programming and other one-time costs to implement a system to collect the prepaid wireless nine-one-one fees. Distributions to governing bodies that enact the wireless nine-one-one fee authorized under Section 2843.1 of Title 63 of the Oklahoma Statutes after the effective date of this act shall commence in the calendar quarter after which the Oklahoma Tax Commission has received at least one hundred twenty (120) days' written notice from the governing body of the imposition of the fee.

M. Money distributed by the Oklahoma Tax Commission to a governing body pursuant to paragraph 1 of subsection L of this section shall be used only for services related to nine-one-one emergency wireless telephone services, including automatic number identification and automatic location information services.

N. The provisions of subsection C of Section 2817 of Title 63 of the Oklahoma Statutes shall apply to providers and sellers of prepaid wireless telecommunications service.

O. The prepaid wireless nine-one-one fee imposed by this section shall be the only nine-one-one funding obligation imposed with respect to prepaid wireless telecommunications services in this state, and no tax, fee, surcharge, or other charge shall be imposed by this state, any political subdivision of this state, or any intergovernmental agency, for nine-one-one funding purposes, upon any provider, seller, or consumer with respect to the sale, purchase, use, or provision of prepaid wireless telecommunications service.

P. Money collected pursuant to this section shall be used only for services related to nine-one-one emergency wireless telephone services, including automatic number

identification and automatic location information services. The money remitted to the governing body and any other money collected to fund the emergency wireless telephone system shall be deposited in a special wireless nine-one-one account established by the governing body to which the Oklahoma Tax Commission has remitted the prepaid wireless nine-one-one fees and that has established emergency wireless telephone service. The special wireless nine-one-one account may be the same account that is or was established by the governing body under subsection C of Section 2843.1 of Title 63 of the Oklahoma Statutes. Amounts not used within a given year shall be carried forward.

Q. All wireless user information provided by a wireless service provider shall be deemed proprietary and is not subject to disclosure to the public or any other party.

Added by Laws 2010, c. 191, § 3, eff. Jan. 1, 2011.

§63-2844. Collection and records of emergency wireless telephone fees - Audits - Meetings.

A. Any nine-one-one emergency wireless telephone fee imposed pursuant to Section 2843.1 of this title and the amounts required to be collected are due monthly. The amount of fee collected in one (1) month by the wireless service provider shall be remitted to the appropriate substate planning district no later than thirty (30) days after the close of the month in which such fees were collected. All fees collected by the wireless service provider and remitted to a substate planning district and any other money collected to fund the emergency wireless telephone system shall be deposited in a special nine-one-one account established by the district. Each district shall account for all disbursements from the account established for the operation of the emergency wireless telephone system.

B. The wireless service provider shall maintain records of the amount of any nine-one-one emergency wireless telephone fee collected in accordance with the provisions of the Nine-One-One Wireless Emergency Number Act. The records shall be maintained for a period of three (3) years from the time the fee is collected. The State Auditor and Inspector or any substate planning district or public agency may require an annual audit of the books and records of the wireless service provider concerning the collection and remittance of the fee authorized by the Nine-One-One Wireless Emergency Number Act. Auditors shall

have access to all information used by the wireless service provider to calculate and remit the nine-one-one emergency wireless telephone fee. Any audit expenses shall be reimbursable pursuant to Section 2843.1 of this title.

C. A public agency shall be required to have conducted separately or as a part of the annual audit required by law of the municipality or county an annual audit of any accounts established or used by the governing body for the operation of an emergency wireless telephone system. The audit may be conducted by the State Auditor and Inspector at the discretion of the public agency. All audits shall be conducted in accordance with generally accepted auditing standards and Government Auditing Standards issued by the Comptroller General of the United States. A copy of the audit shall be filed with the State Auditor and Inspector and action taken in accordance with Section 212A of Title 74 of the Oklahoma Statutes. The cost of the audit of the emergency wireless telephone system accounts may be paid from and be considered a part of the operating expenses of the emergency wireless telephone system. Proprietary information of the wireless service providers shall be confidential. Audit information pertaining to revenues collected or disbursed may be released only in aggregate form so that no provider-specific information may be extrapolated.

D. The governing body of the public agency shall meet at least quarterly to oversee the operations of the emergency wireless telephone system, review expenditures, set and approve an operating budget, and take such other action as necessary for the operation and management of the system. The records and meetings of the governing body shall be subject to the Oklahoma Open Records Act and the Oklahoma Open Meeting Act. Notwithstanding any other provision to the contrary, all information deemed proprietary under subsection C of Section 2843.1 of this title shall be held confidential.

Added by Laws 2000, c. 115, § 4, eff. Nov. 1, 2000.

Amended by Laws 2001, c. 56, § 3, eff. July 1, 2001; Laws 2002, c. 456, § 3, eff. Nov. 1, 2002; Laws 2005, c. 303, § 3, emerg. eff. June 6, 2005.

§63-2846. Mandatory provision of emergency telephone service - Confidentiality - Liability.

A. All local exchange companies, and wireless and other telephone service companies providing service to users in an area in which nine-one-one emergency telephone service is currently operating shall also provide emergency

telephone service to all subscribing service users in that area. Wireless and other telephone service companies shall provide information necessary for automatic number identification, automatic location identification and selective routing of nine-one-one emergency wireless calls to cities and counties answering emergency telephone calls for maintenance of existing nine-one-one databases. The governing body may reasonably require sufficient information to ensure compliance with this section and to provide data for audit and budgetary calculation purposes.

B. Information that a wireless service provider is required to furnish in providing nine-one-one service is confidential and exempt from disclosure. The wireless service provider is not liable to any person who uses a nine-one-one service created under this act for the release of information furnished by the wireless service provider in providing nine-one-one service. Information that is confidential under this section may be released only for budgetary calculation purposes and only in aggregate form so that no provider-specific information may be extrapolated.

Added by Laws 2000, c. 115, § 9, eff. Nov. 1, 2000.

§63-2847. Statewide Nine-One-One Advisory Board.

A. There is hereby created the Statewide Nine-One-One Advisory Board. The purpose of the Board shall be to oversee development and operation of emergency nine-one-one systems in the state.

B. The Board shall be composed of the following members:

1. The Statewide Nine-One-One Coordinator, appointed as provided for in this section;

2. One member who represents the Oklahoma Chapter of the Association of Public Safety Communication Officials (APSCO) to be appointed by the President Pro Tempore of the Senate;

3. One member who represents the Oklahoma Chapter of the National Emergency Number Association (NENA) to be appointed by the Governor;

4. One member who represents the Oklahoma Municipal League (OML) to be appointed by the Speaker of the House of Representatives;

5. One member who represents the Association of County Commissioners of Oklahoma (ACCO) to be appointed by the Governor;

6. One member who represents the Oklahoma Association of Regional Councils (OARC) to be appointed by the President Pro Tempore of the Senate;

7. One member who represents the Oklahoma State Law Enforcement Communications Association (OSLECA) to be appointed by the President Pro Tempore of the Senate;

8. One member who represents a substate planning district as defined in Section 2843 of Title 63 of the Oklahoma Statutes to be appointed by the Governor;

9. Two members who each represent a municipal government that operates a nine-one-one system and has a population of less than one hundred thousand (100,000), one to be appointed by the Speaker of the House of Representatives and one to be appointed by the Governor;

10. One member who represents a municipal government that operates a nine-one-one system and has a population of more than one hundred thousand (100,000) but less than four hundred fifty thousand (450,000) to be appointed by the Governor;

11. One member who represents a municipal government that operates a nine-one-one system and has a population of more than four hundred fifty thousand (450,000) to be appointed by the Speaker of the House of Representatives;

12. One member who represents an organization created by an interlocal agreement for the purpose of sharing public safety answering-point duties and whose members are municipal governments with a population of less than four hundred fifty thousand (450,000) to be appointed by the Governor;

13. One member who represents an organization created by an interlocal agreement for the purpose of sharing public safety answering-point duties and whose members are municipal governments with a population of more than four hundred fifty thousand (450,000) to be appointed by the President Pro Tempore of the Senate;

14. One member who is a nine-one-one coordinator for a county with a population of less than twenty thousand (20,000), to be appointed by the Speaker of the House of Representatives;

15. One member who is a nine-one-one coordinator for a county with a population of more than twenty thousand (20,000), to be appointed by the President Pro Tempore of the Senate;

16. One member who is a nine-one-one coordinator for a county, to be appointed by the Governor;

17. One member who represents a local exchange telecommunications service provider which serves less than

fifty thousand (50,000) access lines in the state or a telephone cooperative to be appointed by the President Pro Tempore of the Senate;

18. One member who represents a local exchange telecommunications service provider which serves more than fifty thousand (50,000) access lines in the state to be appointed by the Speaker of the House of Representatives;

19. One member who represents a Tier I wireless carrier, as defined by the Federal Communications Commission, to be appointed by the Speaker of the House of Representatives;

20. One member who represents a Tier II wireless carrier, as defined by the Federal Communications Commission, to be appointed by the Speaker of the House of Representatives;

21. One member who represents a Tier III wireless carrier, as defined by the Federal Communications Commission, to be appointed by the President Pro Tempore of the Senate;

22. One member who represents a public or private entity that supports nine-one-one services or public safety providers to be appointed by the Speaker of the House of Representatives; and

23. The Oklahoma Secretary of Safety and Security or a designee.

C. At its first meeting the board shall designate a chair from its members.

D. Meetings shall be held at the call of the chair. The Board shall meet at such time as is established by the chair.

E. Board members shall receive no compensation for serving on the Board but shall receive travel reimbursement by the appointing authority for travel expenses incurred in the performance of Board duties in accordance with the State Travel Reimbursement Act.

F. The Board shall be subject to the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

G. The duties of the Board shall be to:

1. Secure resources for the creation, operation, expansion, and cooperative undertaking of local public safety answering points;

2. Secure and direct the distribution of public funds and grants as needed;

3. Facilitate information-sharing among public safety answering points;

4. Create and maintain best practices databases for public safety answering-point operations;



5. Encourage equipment and technology sharing among small jurisdictions;
  6. Take steps to expand enhanced wire-line nine-one-one service to every telephone user in the state;
  7. Assist public-safety answering points in implementing Phase I and Phase II wireless technology;
  8. Provide a clearinghouse of contact information for all telephone companies operating in the state and contact information and nine-one-one fees charged in each jurisdiction;
  9. Develop training program standards for nine-one-one call takers;
  10. Designate a Statewide Nine-One-One Coordinator;
- and
11. Take any steps necessary to carry out the duties provided for in this subsection.

H. The Oklahoma Department of Commerce shall provide administrative, fiscal, and staff support for the Board.

I. To be eligible to serve as the Statewide Nine-One-One Coordinator, a person shall have a minimum of three (3) years nine-one-one or public safety experience and demonstrate an ability to work with diverse groups. The Coordinator shall not receive direct or indirect income from a business or entity providing nine-one-one or public safety equipment or services in the state.

Added by Laws 2005, c. 305, § 1, emerg. eff. June 6, 2005.

§63-2849. Regional Emergency Nine-One-One Services Act.

A. This act shall be known and may be cited as the "Regional Emergency Nine-One-One Services Act".

B. It is the purpose of the Regional Emergency Nine-One-One Services Act to encourage formation of emergency communication districts in order to provide efficient delivery of emergency nine-one-one (911) service throughout the state.

C. This act shall not apply to any nine-one-one (911) system or public agency participating in a nine-one-one (911) system that was established prior to January 1, 2009, and that had adopted and begun implementation of a process to provide Phase I and Phase II nine-one-one (911) service by that date.

D. For the purposes of this section:

1. "District" means an emergency communication district;

2. "Emergency communication district" means a district formed pursuant to this act to deliver emergency nine-one-one (911) services on a regional basis;

3. "Nine-one-one system" means an entity that processes emergency nine-one-one (911) calls through a public safety answering point;

4. "Participating public agency" means a public agency that is included in a district;

5. "Principal municipality" means the municipality with the largest population in a district; and

6. "Public agency" means a municipality or county that provides or has authority to provide fire-fighting, law enforcement, ambulance, medical or other emergency services; provided, it does not mean any entity excluded from this act by the provisions of subsection C of this section.

E. On or before December 31, 2012, all public agencies in this state shall form regional emergency communication districts for the purpose of creating an area-wide emergency nine-one-one (911) system for their respective jurisdictions. The territory of the district shall be coextensive with the territory of the regional substate planning district. If a public agency is situated in more than one such territory, it shall become part of the district in which it is principally located. If, due to the effect of subsection C of this section, the majority of the participating public agencies located in the territory of a proposed district determine that it would be in the best interests of their citizens, they may request inclusion in an adjacent district.

F. The public agencies to be included in each district may form the district by entering into local cooperative agreements which shall establish a governance structure and provide for the joint implementation, funding, operation, and management of the district.

G. If the public agencies in a region are unable to develop a local cooperative agreement by December 31, 2012, they shall be included in an emergency communication district that is governed by a board of directors consisting of an appointee by each public agency that was authorized by its voters to fund a nine-one-one (911) system prior to the formation of the district, one appointee elected by a majority of the remaining public agencies in the district, and an additional appointee by the principal municipality in the district who shall serve as chair of the board.

H. Unless otherwise provided by agreement, any participating public agency that had been authorized by its voters to fund a nine-one-one (911) system prior to the formation of the district shall retain control of the

property, operation, and funding of its system; provided, however, the district may contract with such participating public agency to include the agency's system in the district's master implementation plan. To the extent practicable, the district shall not duplicate the equipment or answering point services already provided by a participating public agency. A user of one or more communication services subject to the payment of fees or taxes for an emergency nine-one-one (911) system shall not be charged for more than one such fee or tax for each service.

I. An emergency communication district shall have power to make all contracts to carry out the purposes of this act, purchase and convey real property, impose service fees authorized for public agencies for the provision of nine-one-one (911) service, appoint a manager of the district and adopt rules and policies for the operation of the district.

J. Within one (1) year after the effective date of the formation of the district, the board of directors shall prepare its master plan to deliver emergency nine-one-one (911) service throughout its territory. It shall periodically review and update its plan.

K. An emergency communication district shall operate on a fiscal year beginning July 1. It shall adopt an annual budget and cause to be prepared an independent financial audit annually. As soon as practicable after the end of the fiscal year, the district shall deliver to each participating public agency an annual report showing in detail the operations of the district.

Added by Laws 2009, c. 291, § 1, eff. July 1, 2009.

§63-2851. Short title.

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

Added by Laws 2006, c. 82, § 1, eff. Nov. 1, 2006.

§63-2852. Definitions.

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;

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

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

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

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

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

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

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

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

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

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

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

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

Added by Laws 2006, c. 82, § 2, eff. Nov. 1, 2006.

§63-2853. Enhanced 9-1-1 emergency service for Voice over Internet Protocol (VoIP) users - Fee - Submission to voters - Collection.

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

B. The governing body is hereby authorized, by ordinance in the case of municipalities and by resolution in the case of counties or a combined governing body, to provide for the operation of Enhanced 9-1-1 emergency service which includes the provision of Enhanced 9-1-1 calls received from interconnected VoIP service users, and to impose a 9-1-1 emergency service fee in the area to be served by the system. The ordinance or resolution shall provide for the imposition of the Enhanced 9-1-1 emergency service and the amount of the 9-1-1 VoIP emergency service fee. The ordinance or resolution shall provide and include the amount of the 9-1-1 VoIP emergency service fee to begin the first year and for each year thereafter, in the amount of fifty cents (\$0.50) per month for each VoIP service user.

C. Within sixty (60) days of the publication of the resolution adopted pursuant to subsection B of this section, there may be filed with the county election board of the affected county or counties a petition signed by not less than five percent (5%) of the total number of votes cast in the most recent general election of the county or affected area. Within sixty (60) days of publication of an ordinance adopted by a municipality pursuant to subsection B of this section, there may be filed with the county election board of the county in which the municipality is located a petition signed by not less than five percent (5%) of the total number of votes cast in the most recent

general election of the city. The petitions may request that the question of the imposition of the fifty cents (\$0.50) per month for each 9-1-1 VoIP emergency service fee as called for in the resolution or ordinance as a proposition be submitted to the qualified voters of the county, municipality or area to be served. Upon determination of the sufficiency of the petition and certification by the county election board or boards, the proposition shall be submitted to the qualified voters of the county, municipality or area to be served not less than ninety (90) days following the certification of the petition. If a majority of the votes cast in an election held pursuant to this subsection disapprove the imposition of the 9-1-1 VoIP emergency service fee, upon certification of the election results by the county election board or boards, the resolution or ordinance shall not take effect and the 9-1-1 VoIP emergency service fee called for in the resolution or ordinance shall not be imposed. If a majority of the votes cast at an election held pursuant to this subsection approve the imposition of the 9-1-1 VoIP emergency service fee the governing body shall impose the approved fee and provide for the governance of the system. If the affected area is governed by two or more governmental entities, the governing bodies of each shall enter into an agreement in accordance with the Interlocal Cooperative Act to provide for the governance of the system.

D. Any fee imposed by a county or combined governing body shall not apply to any portion of the county located within the boundaries of a municipality or other governmental entity also imposing a 9-1-1 VoIP emergency service fee pursuant to the provisions of the Nine-One-One Voice over Internet Protocol Emergency Service Act. The duty to collect the 9-1-1 VoIP emergency service fee imposed pursuant to the authority of this section from a VoIP service user shall commence within sixty-one (61) days following the date that an interconnected VoIP service provider receives notice from a governing body that the voters in a county or municipality have adopted the fee, the amount of the fee and the address to which the fee should be remitted. Fees imposed pursuant to this section that are required to be collected by the interconnected VoIP service provider shall be added to and may be stated separately in the billings to the VoIP service user.

E. If a majority of the votes cast at an election held pursuant to subsection C of this section approve the

imposition of the 9-1-1 VoIP emergency service fee, the governing body shall impose the approved fee.

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

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

H. The duty to collect any fee imposed pursuant to the authority of this act from a VoIP service user shall commence at a time specified by the governing body. Fees imposed pursuant to this section that are required to be collected by the interconnected VoIP service provider shall be added to and may be stated separately in the billings to the VoIP service user.

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

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

K. An interconnected VoIP service provider shall collect the 9-1-1 VoIP emergency service fee in an amount equal to the amount approved as provided for in subsection B of this section for each VoIP service user within the boundaries of the governing body as determined by the

primary service address of the user and shall pay the money collected to the governing body not later than thirty (30) days after the last day of the month during which the fees were collected. The interconnected VoIP service provider may retain an administrative service fee of up to two percent (2%) of the amount collected when remitted in the time specified, unless otherwise agreed upon. The money remitted to the governing body and any other money collected to fund the Enhanced 9-1-1 emergency service system, shall be deposited in a designated 9-1-1 account established by the governing body.

L. The governing body shall be required to have conducted separately or as a part of the annual audit required by law of the municipality or county an annual audit of any accounts established or used by the governing body for the operation of an Enhanced 9-1-1 emergency system. The audit may be conducted by the State Auditor and Inspector at the discretion of the governing body. All audits shall be conducted in accordance with generally accepted audit standards and Government Auditing Standards issued by the Comptroller General of the United States. A copy of the audit shall be filed with the State Auditor and Inspector and action taken in accordance with Section 212A of Title 74 of the Oklahoma Statutes. The audit of the emergency 9-1-1 system accounts may be paid for and be considered a part of the operating expenses of the emergency 9-1-1 system.

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