

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0287.01 Megan Waples x4348

HOUSE BILL 20-1293

---

HOUSE SPONSORSHIP

McCluskie and Pelton,

SENATE SPONSORSHIP

Coram and Gonzales,

---

House Committees

Business Affairs & Labor  
Finance  
Appropriations

Senate Committees

---

A BILL FOR AN ACT

101 CONCERNING THE PROVISION OF EMERGENCY TELEPHONE SERVICE,  
102 AND, IN CONNECTION THEREWITH, ESTABLISHING THE 911  
103 SURCHARGE AND AMENDING THE REQUIREMENTS FOR THE  
104 EMERGENCY TELEPHONE CHARGE AND THE PREPAID WIRELESS  
105 911 CHARGE.

---

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill amends the requirements for the imposition, collection, and uses of the emergency telephone charge imposed by local 911

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

governing bodies. Current law imposes a statutory cap on the amount of the emergency telephone charge that may be imposed by local governing bodies. The bill allows the public utilities commission (commission) to establish the authorized threshold amount for the charge on an annual basis. A local governing body may impose the charge in an amount up to the authorized threshold. If a governing body determines it needs to impose a higher charge to fund 911 operations in its jurisdiction, it must seek the approval of the commission.

The bill amends the procedures for the collection and remittance of the emergency telephone charge by telecommunication service suppliers. It provides procedures for local bodies to assess overdue or unpaid remittances, imposes a time limitation for local governing bodies to do so, and creates a process for the service supplier and local governing body to extend that time period. Local governing bodies may audit the collections of service suppliers, and may impose interest and penalties on late remittances.

A new 911 surcharge (surcharge) is established as a collection for local governing bodies. The amount of the surcharge is established each year by the commission based on the needs of the local governing bodies. Service suppliers must collect the surcharge from service users and remit the money to the commission. The commission is required to transmit the money collected to local governing bodies within 60 days, using a formula based on the number of concurrent sessions maintained in the governing bodies' jurisdictions.

The bill renames the prepaid wireless 911 charge and amends the amount of the charge. Under current law, the amount is set in statute. The bill requires the commission to establish the amount of the charge based on the average amount of the emergency telephone charges imposed by local governing bodies and the amount of the surcharge.

The bill amends the allowed uses of the money collected from the 3 charges and makes other conforming amendments.

Upgrades to wireless 911 service in unserved areas is added as an allowable use of the money allocated from the high cost support mechanism to broadband deployment. The broadband deployment board may award money to projects to allow wireless carriers to upgrade infrastructure, software, and technology to provide wireless 911 service in unserved areas.

---

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 29-11-100.2 as  
3 follows:

4 **29-11-100.2. Legislative declaration.** (1) THE GENERAL

1 ASSEMBLY HEREBY FINDS AND DECLARES THAT DIALING 911 IS THE MOST  
2 EFFECTIVE AND FAMILIAR WAY THE PUBLIC HAS OF SEEKING EMERGENCY  
3 ASSISTANCE. BASIC EMERGENCY SERVICE AND PUBLIC SAFETY IS  
4 FUNDAMENTALLY A GOVERNMENT CONCERN AND THE EXERCISE OF POLICE  
5 POWERS FOR THE PROTECTION AND BETTERMENT OF THE HEALTH, SAFETY,  
6 SECURITY, AND WELFARE OF THE PUBLIC. THIS PART 1 AS AMENDED BY  
7 HOUSE BILL 20-\_\_\_\_, ENACTED IN 2020, IS INTENDED TO PROVIDE  
8 FUNDING MECHANISMS FOR THE CONTINUED TECHNOLOGICAL  
9 ADVANCEMENT OF EMERGENCY TELEPHONE SERVICE FOR ALL USERS OF  
10 THE SYSTEM.

11 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

12 (a) IN ORDER TO PROVIDE FOR THE FUTURE OF 911 TECHNOLOGY  
13 ADVANCEMENT IN COLORADO, LOCAL FUNDING AND LOCAL CONTROL  
14 MUST BE MAINTAINED, WHILE AT THE SAME TIME, ADDITIONAL FUNDING  
15 FOR PROJECTS, PROGRAMS, AND SERVICES MUST ALSO BE PROVIDED. IT IS  
16 THEREFORE THE INTENT OF THE GENERAL ASSEMBLY TO MAINTAIN AND  
17 STRENGTHEN THE EXISTING LOCAL FUNDING STRUCTURE FOR EMERGENCY  
18 TELEPHONE SERVICE IN THE STATE WHILE ALSO CREATING A NEW FUNDING  
19 MECHANISM FOR LOCAL EXPENDITURES THAT WILL IMPROVE THE QUALITY  
20 OF THE EMERGENCY TELEPHONE SERVICE STATEWIDE.

21 (b) NOTHING IN THIS PART 1 SHOULD BE CONSTRUED:

22 (I) TO ALTER THE METHOD OF REGULATION OR DEREGULATION OF  
23 PROVIDERS OF TELECOMMUNICATIONS SERVICE AS SET FORTH IN ARTICLE  
24 15 OF TITLE 40; AND

25 (II) TO IMPOSE A TAX. THE PRIMARY PURPOSE OF THE CHARGES  
26 AND SURCHARGES AUTHORIZED IN THIS PART 1 IS TO DEFRAY THE  
27 REASONABLE DIRECT AND INDIRECT COSTS OF PROVIDING EMERGENCY

1 TELEPHONE SERVICE. THE CHARGES AUTHORIZED IN THIS PART 1 DO NOT  
2 RAISE REVENUE FOR THE GENERAL EXPENSES OF GOVERNMENT.

3 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**  
4 **with amendments,** 29-11-101 as follows:

5 **29-11-101. Definitions.** AS USED IN THIS PART 1, UNLESS THE  
6 CONTEXT OTHERWISE REQUIRES:

7 (1) "911" MEANS A THREE-DIGIT ABBREVIATED DIALING CODE  
8 USED TO REPORT AN EMERGENCY SITUATION REQUIRING A RESPONSE BY  
9 AN EMERGENCY SERVICE PROVIDER.

10 (2) "911 ACCESS CONNECTION" MEANS ANY  
11 TELECOMMUNICATIONS SERVICE, SUCH AS WIRELINE, WIRELESS CELLULAR,  
12 INTERCONNECTED VOICE-OVER-INTERNET-PROTOCOL, OR SATELLITE  
13 SERVICE, IN WHICH CONNECTIONS ARE ENABLED, CONFIGURED, OR  
14 CAPABLE OF MAKING 911 CALLS. THE NUMBER OF 911 ACCESS  
15 CONNECTIONS IS DETERMINED BY THE CONFIGURED CAPACITY FOR  
16 SIMULTANEOUS OUTBOUND CALLING. FOR EXAMPLE, FOR A DIGITAL  
17 SIGNAL-1 (DS-1) LEVEL SERVICE OR EQUIVALENT THAT IS CHANNELIZED  
18 AND SPLIT INTO SEPARATE CHANNELS FOR VOICE COMMUNICATIONS, THE  
19 NUMBER OF 911 ACCESS CONNECTIONS WOULD BE EQUAL TO THE NUMBER  
20 OF CHANNELS.

21 (3) "911 CALL" MEANS A REQUEST FOR EMERGENCY ASSISTANCE  
22 FROM THE PUBLIC USING 911 OR ITS EQUIVALENT REGARDLESS OF THE  
23 TECHNOLOGY USED, AND MAY INCLUDE VOICE, TEXT, IMAGES, VIDEO, AND  
24 DATA COMMUNICATIONS, WHETHER ORIGINATED BY WIRELINE, WIRELESS,  
25 SATELLITE, OR OTHER MEANS.

26 (4) "911 SURCHARGE" OR "SURCHARGE" MEANS THE SURCHARGE  
27 ESTABLISHED BY SECTION 29-11-102.3.

1           (5) "AUTOMATIC LOCATION IDENTIFICATION" OR "ALI" MEANS THE  
2 AUTOMATIC DISPLAY, ON EQUIPMENT AT THE PSAP, OF THE LOCATION OF  
3 THE CALLER'S TELEPHONE NUMBER, THE ADDRESS FOR THE TELEPHONE,  
4 INCLUDING NONLISTED AND NONPUBLISHED NUMBERS AND ADDRESSES,  
5 AND OTHER INFORMATION ABOUT THE CALLER'S PRECISE LOCATION.

6           (6) "AUTOMATIC NUMBER IDENTIFICATION" OR "ANI" MEANS THE  
7 AUTOMATIC DISPLAY, ON EQUIPMENT AT THE PSAP, OF THE CALLER'S  
8 TELEPHONE NUMBER.

9           (7) "BASIC EMERGENCY SERVICE" MEANS THE AGGREGATION,  
10 ROUTING, OR TRANSPORTATION OF A 911 CALL OR ALI INFORMATION  
11 FROM A SELECTIVE ROUTER OR FUNCTIONAL EQUIVALENT TO A  
12 DEMARCATION POINT.

13           (8) "BASIC EMERGENCY SERVICE PROVIDER" OR "BESP" MEANS  
14 ANY PERSON AUTHORIZED BY THE COMMISSION TO PROVIDE BASIC  
15 EMERGENCY SERVICE.

16           (9) "COMMISSION" OR "PUBLIC UTILITIES COMMISSION" MEANS THE  
17 PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO, CREATED IN  
18 SECTION 40-2-101.

19           (10) "DEMARCATION POINT" MEANS THE PHYSICAL POINT OF  
20 INTERCONNECTION WHERE THE RESPONSIBILITY OF A PORTION OF A  
21 NETWORK CHANGES FROM THE BESP TO THE GOVERNING BODY OR PSAP.

22           (11) "EMERGENCY NOTIFICATION SERVICE" MEANS AN  
23 INFORMATIONAL SERVICE THAT, UPON ACTIVATION BY A PUBLIC AGENCY,  
24 RAPIDLY NOTIFIES ALL TELEPHONE CUSTOMERS WITHIN A SPECIFIED  
25 GEOGRAPHIC AREA OF HAZARDOUS CONDITIONS OR EMERGENT EVENTS  
26 THAT THREATEN THEIR LIVES OR PROPERTY, INCLUDING, WITHOUT  
27 LIMITATION, FLOODS, FIRES, AND HAZARDOUS MATERIALS INCIDENTS.

1           (12) "EMERGENCY SERVICE PROVIDER" MEANS A PRIMARY  
2 PROVIDER OF EMERGENCY FIRE FIGHTING, LAW ENFORCEMENT,  
3 AMBULANCE, EMERGENCY MEDICAL, OR OTHER EMERGENCY SERVICES.

4           (13) "EMERGENCY TELEPHONE CHARGE" MEANS A CHARGE  
5 IMPOSED UNDER SECTION 29-11-102 TO PAY FOR THE EXPENSES  
6 AUTHORIZED IN SECTION 29-11-104.

7           (14) "EMERGENCY TELEPHONE SERVICE" MEANS THE RECEIPT AND  
8 PROCESSING OF 911 CALLS FOR THE PURPOSE OF PROVIDING RESPONSES  
9 FROM EMERGENCY SERVICE PROVIDERS.

10          (15) "EQUIPMENT SUPPLIER" MEANS ANY PERSON PROVIDING  
11 TELEPHONE OR OTHER EQUIPMENT NECESSARY FOR AN EMERGENCY  
12 TELEPHONE SERVICE TO ANY PUBLIC AGENCY OR GOVERNING BODY IN THE  
13 STATE, THROUGH LEASE OR SALE.

14          (16) "GOVERNING BODY" MEANS THE BOARD OF COUNTY  
15 COMMISSIONERS OF A COUNTY; THE CITY COUNCIL OR OTHER GOVERNING  
16 BODY OF A CITY, CITY AND COUNTY, OR TOWN; THE BOARD OF DIRECTORS  
17 OF A SPECIAL DISTRICT; OR THE BOARD OF DIRECTORS OF A SEPARATE  
18 LEGAL ENTITY CREATED UNDER PART 2 OF ARTICLE 1 OF THIS TITLE 29  
19 THAT PROVIDES EMERGENCY TELEPHONE SERVICE, OR THAT IS  
20 AUTHORIZED TO ESTABLISH, COLLECT, AND DISPERSE THE EMERGENCY  
21 TELEPHONE CHARGE IN A SPECIFIC GEOGRAPHIC AREA PURSUANT TO THIS  
22 PART 1.

23          (17) "GOVERNING BODY'S JURISDICTION" MEANS, UNLESS  
24 MODIFIED BY THE AGREEMENT OF GOVERNING BODIES, THE GEOGRAPHIC  
25 AREA WITHIN THE GOVERNING BODY'S MUNICIPAL, COUNTY, OR OTHER  
26 BORDER USED FOR DETERMINING THE ADDRESS OF A SERVICE USER FOR  
27 PURPOSES OF THE EMERGENCY TELEPHONE CHARGE UNDER THIS PART 1.

1 A GOVERNING BODY'S JURISDICTION MAY DIFFER FROM AN EMERGENCY  
2 TELEPHONE SERVICE AREA WHICH MAY BE USED FOR CALL ROUTING AND  
3 EMERGENCY RESPONSE.

4 (18) "INTERCONNECTED VOICE-OVER-INTERNET-PROTOCOL  
5 SERVICE" MEANS A SERVICE THAT:

6 (a) ENABLES REAL-TIME, TWO-WAY VOICE COMMUNICATIONS;

7 (b) REQUIRES A BROADBAND CONNECTION FROM THE SERVICE  
8 USER'S LOCATION;

9 (c) REQUIRES INTERNET PROTOCOL-COMPATIBLE CUSTOMER  
10 PREMISES EQUIPMENT; AND

11 (d) PERMITS SERVICE USERS GENERALLY TO RECEIVE CALLS THAT  
12 ORIGINATE ON THE PUBLIC SWITCHED TELEPHONE NETWORK AND TO  
13 TERMINATE CALLS TO THE PUBLIC SWITCHED TELEPHONE NETWORK,  
14 INCLUDING 911 CALLS.

15 (19) "MLTS OPERATOR" MEANS THE PERSON THAT OPERATES AN  
16 MLTS FROM WHICH AN END-USER MAY PLACE A 911 CALL.

17 (20) "MULTI-LINE TELEPHONE SYSTEM" OR "MLTS" MEANS A  
18 SYSTEM COMPOSED OF COMMON CONTROL UNITS, TELEPHONES, AND  
19 CONTROL HARDWARE AND SOFTWARE PROVIDING LOCAL TELEPHONE  
20 SERVICE TO MULTIPLE END-USE CUSTOMERS IN BUSINESSES, APARTMENTS,  
21 TOWNHOUSES, CONDOMINIUMS, SCHOOLS, DORMITORIES, HOTELS, MOTELS,  
22 RESORTS, EXTENDED CARE FACILITIES, OR SIMILAR ENTITIES, FACILITIES,  
23 OR STRUCTURES. "MULTI-LINE TELEPHONE SYSTEM" INCLUDES:

24 (a) NETWORK AND PREMISES-BASED SYSTEMS SUCH AS CENTREX,  
25 INTERCONNECTED VOICE-OVER-INTERNET PROTOCOL SERVICE, PBX,  
26 HYBRID, AND KEY TELEPHONE SYSTEMS; AND

27 (b) SYSTEMS OWNED OR LEASED BY GOVERNMENTAL AGENCIES,

1 NONPROFIT ENTITIES, AND FOR-PROFIT BUSINESSES.

2 (21) "PERSON" MEANS ANY INDIVIDUAL, FIRM, PARTNERSHIP,  
3 COPARTNERSHIP, JOINT VENTURE, ASSOCIATION, COOPERATIVE  
4 ORGANIZATION, CORPORATION (MUNICIPAL OR PRIVATE AND WHETHER  
5 ORGANIZED FOR PROFIT OR NOT), GOVERNMENTAL AGENCY, STATE,  
6 COUNTY, POLITICAL SUBDIVISION, STATE DEPARTMENT, COMMISSION,  
7 BOARD, OR BUREAU, FRATERNAL ORGANIZATION, NONPROFIT  
8 ORGANIZATION, ESTATE, TRUST, BUSINESS OR COMMON LAW TRUST,  
9 RECEIVER, ASSIGNEE FOR THE BENEFIT OF CREDITORS, TRUSTEE, OR  
10 TRUSTEE IN BANKRUPTCY OR ANY OTHER SERVICE USER.

11 (22) "PREPAID WIRELESS TELECOMMUNICATIONS SERVICE" MEANS  
12 WIRELESS TELECOMMUNICATIONS ACCESS THAT ALLOWS THE USER TO  
13 MAKE 911 CALLS, IS PAID FOR IN ADVANCE, AND IS SOLD IN  
14 PREDETERMINED UNITS OR DOLLARS, OF WHICH THE NUMBER OF UNITS OR  
15 DOLLARS AVAILABLE TO THE CALLER DECLINES WITH USE IN A KNOWN  
16 AMOUNT.

17 (23) "PUBLIC AGENCY" MEANS ANY CITY, CITY AND COUNTY,  
18 TOWN, COUNTY, MUNICIPAL CORPORATION, SPECIAL DISTRICT, OR PUBLIC  
19 AUTHORITY LOCATED IN WHOLE OR IN PART WITHIN THE STATE THAT  
20 PROVIDES OR HAS THE AUTHORITY TO PROVIDE FIRE FIGHTING, LAW  
21 ENFORCEMENT, AMBULANCE, EMERGENCY MEDICAL, OR OTHER  
22 EMERGENCY SERVICES.

23 (24) "PUBLIC SAFETY ANSWERING POINT" OR "PSAP" MEANS A  
24 FACILITY EQUIPPED AND STAFFED TO PROVIDE EMERGENCY TELEPHONE  
25 SERVICE.

26 (25) "RATES" MEANS THE RATES BILLED BY A SERVICE SUPPLIER  
27 PURSUANT TO TARIFFS, PRICE LISTS, OR CONTRACTS, WHICH RATES



1 REPRESENT THE SERVICE SUPPLIER'S RECURRING CHARGES FOR 911 ACCESS  
2 CONNECTIONS, EXCLUSIVE OF ALL TAXES, FEES, LICENSES, OR SIMILAR  
3 CHARGES.

4 (26) "SERVICE SUPPLIER" MEANS A PERSON PROVIDING 911 ACCESS  
5 CONNECTIONS TO ANY SERVICE USER IN THE STATE, EITHER DIRECTLY OR  
6 BY RESALE.

7 (27) "SERVICE USER" MEANS A PERSON WHO IS PROVIDED A 911  
8 ACCESS CONNECTION IN THE STATE.

9 (28) "STATE 911 FUND" MEANS A FUND CREATED BY THE PUBLIC  
10 UTILITIES COMMISSION FOR RECEIPT OF THE STATE 911 SURCHARGE AND  
11 OTHER FUNDS AS DESCRIBED IN SECTION 29-11-102.3.

12 (29) "TELECOMMUNICATIONS SERVICE" HAS THE SAME MEANING  
13 AS SET FORTH IN SECTION 40-15-102 (29).

14 (30) "WIRELESS AUTOMATIC LOCATION IDENTIFICATION" OR  
15 "WIRELESS ALI" MEANS THE AUTOMATIC DISPLAY, ON EQUIPMENT AT THE  
16 PSAP, OF THE LOCATION OF A WIRELESS SERVICE USER INITIATING A 911  
17 CALL.

18 (31) "WIRELESS AUTOMATIC NUMBER IDENTIFICATION" OR  
19 "WIRELESS ANI" MEANS THE AUTOMATIC DISPLAY ON EQUIPMENT AT THE  
20 PSAP OF THE MOBILE IDENTIFICATION NUMBER OF A WIRELESS SERVICE  
21 USER INITIATING A 911 CALL.

22 (32) "WIRELESS CARRIER" MEANS A CELLULAR LICENSEE, A  
23 PERSONAL COMMUNICATIONS SERVICE LICENSEE, AND CERTAIN  
24 SPECIALIZED MOBILE RADIO SERVICE PROVIDERS DESIGNATED AS COVERED  
25 CARRIERS BY THE FEDERAL COMMUNICATIONS COMMISSION IN 47 CFR  
26 20.18 AND ANY SUCCESSOR TO SUCH REGULATION.

27 **SECTION 3.** In Colorado Revised Statutes, **add** 29-11-101.5 as

1 follows:

2 **29-11-101.5. Rules.** BASIC EMERGENCY SERVICE IS REGULATED BY  
3 THE COMMISSION UNDER ARTICLE 15 OF TITLE 40. THE COMMISSION MAY  
4 PROMULGATE RULES TO IMPLEMENT THIS PART 1 AND TO RESOLVE  
5 DISPUTES REGARDING THE COLLECTION, PAYMENT, REMITTANCE, AND  
6 AUDIT OF THE EMERGENCY TELEPHONE CHARGE, 911 SURCHARGE, THE  
7 PREPAID WIRELESS 911 CHARGE, AND THE PREPAID WIRELESS TRS  
8 CHARGE. THE COMMISSION RULES MAY IMPOSE PENALTIES AS PROVIDED  
9 BY THIS PART 1 AND BY ARTICLES 1 TO 7 AND 15 OF TITLE 40.

10 **SECTION 4.** In Colorado Revised Statutes, **repeal and reenact,**  
11 **with amendments,** 29-11-102 as follows:

12 **29-11-102. Imposition of emergency telephone charge -**  
13 **requirements for governing bodies - rules.** (1) (a) IN ADDITION TO ANY  
14 OTHER POWERS FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY,  
15 AND WELFARE, A GOVERNING BODY MAY INCUR ANY EQUIPMENT,  
16 INSTALLATION, AND OTHER DIRECTLY RELATED COSTS FOR THE  
17 CONTINUED OPERATION OF AN EMERGENCY TELEPHONE SERVICE AS  
18 DESCRIBED IN SECTION 29-11-104, AND MAY PAY SUCH COSTS BY  
19 IMPOSING AN EMERGENCY TELEPHONE CHARGE ON SERVICE USERS WITH  
20 AN ADDRESS IN THE GOVERNING BODY'S JURISDICTION IN ACCORDANCE  
21 WITH THIS SECTION. A GOVERNING BODY MAY DO SUCH OTHER ACTS AS  
22 MAY BE EXPEDIENT FOR THE PROTECTION AND PRESERVATION OF THE  
23 PUBLIC HEALTH, SAFETY, AND WELFARE, AND AS MAY BE NECESSARY FOR  
24 THE ACQUISITION OF EQUIPMENT, FOR THE PROVISION OF INITIAL SERVICES,  
25 AND FOR THE OPERATION OF THE EMERGENCY TELEPHONE SERVICE.

26 (b) TWO OR MORE POLITICAL SUBDIVISIONS MAY ENTER INTO A  
27 CONTRACT UNDER PART 2 OF ARTICLE 1 OF THIS TITLE 29 TO ESTABLISH A

1 SEPARATE LEGAL ENTITY THAT SERVES AS A SEPARATE GOVERNING BODY  
2 TO PROVIDE EMERGENCY TELEPHONE SERVICE, OR TO ESTABLISH,  
3 COLLECT, AND DISPENSE THE EMERGENCY TELEPHONE CHARGE.

4 (2) (a) A GOVERNING BODY IS HEREBY AUTHORIZED, BY  
5 ORDINANCE OR RESOLUTION AS APPROPRIATE, TO IMPOSE THE CHARGE  
6 AUTHORIZED IN SUBSECTION (1) OF THIS SECTION PER MONTH PER 911  
7 ACCESS CONNECTION IN AN AMOUNT ESTABLISHED IN ACCORDANCE WITH  
8 THIS SUBSECTION (2) UPON EACH SERVICE USER WHOSE ADDRESS IS IN THE  
9 GOVERNING BODY'S JURISDICTION AND TO WHOM EMERGENCY TELEPHONE  
10 SERVICE WILL BE PROVIDED; EXCEPT THAT:

11 (I) THE CHARGE SHALL NOT BE IMPOSED ON A SERVICE USER THAT  
12 IS A STATE OR LOCAL GOVERNMENTAL ENTITY; AND

13 (II) THE AMOUNT OF THE CHARGE MUST BE UNIFORM THROUGHOUT  
14 THE GOVERNING BODY'S JURISDICTION, REGARDLESS OF THE TECHNOLOGY  
15 USED TO PROVIDE THE 911 ACCESS CONNECTION.

16 (b) AT LEAST ONCE EACH CALENDAR YEAR, A GOVERNING BODY  
17 THAT IMPOSES AN EMERGENCY TELEPHONE CHARGE SHALL ESTABLISH THE  
18 AMOUNT OF THE CHARGE PER MONTH PER 911 ACCESS CONNECTION.  
19 EXCEPT AS PROVIDED IN SUBSECTION (2)(c) OF THIS SECTION, THE  
20 AMOUNT OF THE CHARGE MUST NOT EXCEED THE THRESHOLD AMOUNT  
21 ESTABLISHED BY THE COMMISSION IN ACCORDANCE WITH SUBSECTION  
22 (2)(f) OF THIS SECTION. IMMEDIATELY UPON DETERMINING THE AMOUNT  
23 OF THE CHARGE, THE GOVERNING BODY SHALL PUBLISH IN THE MEETING  
24 MINUTES THE NEW AMOUNT AND THE DATE IT BECOMES EFFECTIVE. IF THE  
25 AMOUNT OF THE CHARGE WAS CHANGED FROM THE PRIOR AMOUNT, THE  
26 GOVERNING BODY SHALL NOTIFY EVERY SERVICE SUPPLIER AT LEAST  
27 SIXTY DAYS BEFORE SUCH NEW AMOUNT BECOMES EFFECTIVE.

1 (c) IF A GOVERNING BODY DETERMINES THAT AN EMERGENCY  
2 TELEPHONE CHARGE IN EXCESS OF THE THRESHOLD AMOUNT ESTABLISHED  
3 BY THE COMMISSION PURSUANT TO SUBSECTION (2)(f) OF THIS SECTION IS  
4 NECESSARY IN ORDER TO PROVIDE CONTINUED AND ADEQUATE  
5 EMERGENCY TELEPHONE SERVICE, THE GOVERNING BODY SHALL OBTAIN  
6 THE COMMISSION'S APPROVAL OF SUCH HIGHER CHARGE BEFORE ITS  
7 IMPOSITION. IF THE COMMISSION APPROVES THE AMOUNT, THE GOVERNING  
8 BODY SHALL NOTIFY EVERY SERVICE SUPPLIER AT LEAST SIXTY DAYS  
9 BEFORE THE APPROVED AMOUNT BECOMES EFFECTIVE. THE PRIOR AMOUNT  
10 REMAINS IN EFFECT DURING THE PENDENCY OF THE COMMISSION'S  
11 DETERMINATION AND, IF THE COMMISSION REJECTS THE AMOUNT, UNTIL  
12 THE GOVERNING BODY ESTABLISHES A NEW CHARGE AMOUNT.

13 (d) THE PROCEEDS OF THE CHARGE SHALL BE USED TO PAY FOR  
14 EMERGENCY TELEPHONE SERVICE AS SET FORTH IN SECTION 29-11-104(2).  
15 AMOUNTS COLLECTED IN EXCESS OF SUCH NECESSARY EXPENDITURES  
16 WITHIN A GIVEN YEAR SHALL BE CARRIED FORWARD TO SUBSEQUENT  
17 YEARS AND SHALL BE USED IN ACCORDANCE WITH SECTION 29-11-104(2).

18 (e) THIS SUBSECTION (2) DOES NOT APPLY TO PREPAID WIRELESS  
19 TELECOMMUNICATIONS SERVICES.

20 (f) (I) (A) ON AND BEFORE DECEMBER 31, 2020, THE AUTHORIZED  
21 THRESHOLD AMOUNT IS SEVENTY CENTS PER MONTH PER 911 ACCESS  
22 CONNECTION.

23 (B) THIS SUBSECTION (2)(f)(I) IS REPEALED, EFFECTIVE JULY 1,  
24 2021.

25 (II) EFFECTIVE JANUARY 1, 2021, THE THRESHOLD AMOUNT IS IN  
26 AN AMOUNT TO BE ESTABLISHED ANNUALLY BY THE COMMISSION IN  
27 ACCORDANCE WITH THIS SUBSECTION (2)(f). ON OR BEFORE OCTOBER 1,

1 2020, AND ON OR BEFORE OCTOBER 1 OF EACH YEAR THEREAFTER, THE  
2 COMMISSION SHALL ESTABLISH THE AUTHORIZED THRESHOLD AMOUNT PER  
3 MONTH PER 911 ACCESS CONNECTION OF THE EMERGENCY TELEPHONE  
4 CHARGE. THE AMOUNT AUTHORIZED TAKES EFFECT ON THE FOLLOWING  
5 JANUARY 1. IN SETTING THE AMOUNT OF THE CHARGE, THE COMMISSION  
6 SHALL TAKE INTO ACCOUNT INFLATION AND THE NEEDS OF THE  
7 GOVERNING BODIES.

8 (3) EACH GOVERNING BODY SHALL KEEP ON FILE WITH THE  
9 COMMISSION AN ACCURATE AND CURRENT DESCRIPTION OR GIS DATA SET  
10 REPRESENTING THE BOUNDARIES OF ITS GOVERNING BODY JURISDICTION,  
11 OR OTHER GIS LAYERS AS REQUESTED.

12 (4) GOVERNING BODIES SHALL COMPLY WITH ANNUAL REPORTING  
13 REQUIREMENTS ESTABLISHED BY THE COMMISSION BY RULE IN ORDER TO  
14 ASSIST THE COMMISSION IN MEETING FEDERAL REPORTING REQUIREMENTS  
15 AND DATA REQUESTS AND TO GATHER INFORMATION FOR INCLUSION IN  
16 THE ANNUAL REPORT TO THE LEGISLATURE DESCRIBED IN SECTION  
17 40-2-131.

18 **SECTION 5.** In Colorado Revised Statutes, **add** 29-11-102.3 as  
19 follows:

20 **29-11-102.3. 911 surcharge - imposition - 911 surcharge trust**  
21 **cash fund - rules - report - definition.** (1) (a) EFFECTIVE JANUARY 1,  
22 2021, A 911 SURCHARGE, REFERRED TO IN THIS SECTION AS THE  
23 "SURCHARGE", IS HEREBY IMPOSED ON SERVICE USERS IN AN AMOUNT TO  
24 BE ESTABLISHED ANNUALLY BY THE COMMISSION BUT NOT TO EXCEED  
25 FIFTY CENTS PER MONTH PER 911 ACCESS CONNECTION.

26 (b) ON OR BEFORE OCTOBER 1, 2020, AND ON OR BEFORE OCTOBER  
27 1 EACH YEAR THEREAFTER, THE COMMISSION SHALL ESTABLISH THE

1 AMOUNT OF THE SURCHARGE FOR THE NEXT CALENDAR YEAR. THE  
2 AMOUNT OF THE SURCHARGE MUST BE REASONABLY CALCULATED TO  
3 MEET THE NEEDS OF GOVERNING BODIES TO OPERATE THE 911 SYSTEM.  
4 UPON ESTABLISHING THE AMOUNT OF THE SURCHARGE, THE COMMISSION  
5 SHALL SEND NOTICE OF THE NEW AMOUNT TO ALL SERVICE SUPPLIERS. THE  
6 NEW AMOUNT TAKES EFFECT ON THE FOLLOWING JANUARY 1.

7 (c) THE AMOUNT OF THE SURCHARGE IMPOSED PER 911 ACCESS  
8 CONNECTION MUST BE UNIFORM, REGARDLESS OF THE TECHNOLOGY USED  
9 TO PROVIDE THE 911 ACCESS CONNECTION.

10 (2) EACH SERVICE SUPPLIER SHALL COLLECT THE SURCHARGE  
11 FROM ITS SERVICE USERS. THE SURCHARGE MUST NOT BE COMBINED WITH  
12 THE LOCAL EMERGENCY TELEPHONE CHARGE DESCRIBED IN SECTION  
13 29-11-102 IF IT IS LISTED ON THE SERVICE USER'S MONTHLY BILL. A  
14 SERVICE SUPPLIER IS LIABLE FOR A SURCHARGE COLLECTED UNDER THIS  
15 SECTION UNTIL IT IS REMITTED TO THE COMMISSION.

16 (3) (a) THE SERVICE SUPPLIER SHALL REMIT THE COLLECTED  
17 SURCHARGES TO THE COMMISSION ON A MONTHLY BASIS IN A MANNER  
18 ESTABLISHED BY THE COMMISSION. THE COMMISSION SHALL ESTABLISH  
19 REMITTANCE PROCEDURES BY RULE. A SERVICE SUPPLIER IS SUBJECT TO  
20 THE PENALTIES AND PROCEDURES IN SECTION 29-11-103 FOR THE FAILURE  
21 TO COLLECT OR CORRECTLY REMIT A SURCHARGE IN ACCORDANCE WITH  
22 THIS SECTION.

23 (b) A SERVICE SUPPLIER MAY DEDUCT AND RETAIN ONE PERCENT  
24 OF THE SURCHARGES THAT ARE COLLECTED BY THE SERVICE SUPPLIER  
25 FROM ITS SERVICE USERS.

26 (c) (I) REMITTANCES OF SURCHARGES RECEIVED BY THE  
27 COMMISSION ARE COLLECTIONS FOR THE LOCAL GOVERNING BODY, NOT

1 GENERAL REVENUES OF THE STATE, AND SHALL BE HELD IN TRUST IN THE  
2 911 SURCHARGE TRUST CASH FUND, WHICH IS HEREBY CREATED. EXCEPT  
3 AS PROVIDED IN SUBSECTION (3)(c)(II) OF THIS SECTION, THE COMMISSION  
4 SHALL TRANSMIT THE MONEY IN THE FUND TO EACH GOVERNING BODY  
5 WITHIN SIXTY DAYS AFTER THE COMMISSION RECEIVES THE MONEY FOR  
6 USE BY SUCH GOVERNING BODY FOR THE PURPOSES PERMITTED UNDER  
7 SECTION 29-11-104.

8 (II) THE COMMISSION MAY EXPEND AN AMOUNT, NOT TO EXCEED  
9 FOUR PERCENT OF THE COLLECTED SURCHARGES IN THE 911 SURCHARGE  
10 TRUST CASH FUND, NECESSARY TO REIMBURSE THE COMMISSION FOR ITS  
11 DIRECT AND INDIRECT COSTS OF ADMINISTERING THE COLLECTION AND  
12 REMITTANCE OF SURCHARGES FOR THE LOCAL GOVERNING BODIES,  
13 INCLUDING COSTS RELATED TO CONDUCTING AUDITS OF SERVICE  
14 SUPPLIERS IN ACCORDANCE WITH SECTION 29-11-103 (7).

15 (III) THE COMMISSION SHALL ESTABLISH A FORMULA FOR  
16 DISTRIBUTION OF MONEY FROM THE SURCHARGE TO THE GOVERNING  
17 BODIES BASED UPON THE NUMBER OF CONCURRENT SESSIONS MAINTAINED  
18 BY THE PSAPs OF EACH GOVERNING BODY. THE COMMISSION SHALL  
19 ESTABLISH THE FORMULA BY OCTOBER 1 OF EACH YEAR. THE COMMISSION  
20 SHALL PROMULGATE RULES CONCERNING CHANGES TO THE NUMBER OF  
21 CONCURRENT SESSIONS FOR WHICH A GOVERNING BODY IS REIMBURSED  
22 UNDER THIS SECTION. FOR THE PURPOSES OF THIS SECTION, "CONCURRENT  
23 SESSION" MEANS A CHANNEL FOR AN INBOUND SIMULTANEOUS 911  
24 REQUEST FOR ASSISTANCE.

25 (4) AS PART OF THE REPORT REQUIRED BY SECTION 40-2-131, THE  
26 COMMISSION SHALL REPORT ON THE 911 SURCHARGE, INCLUDING  
27 AMOUNTS REMITTED AND TRANSMITTED TO LOCAL GOVERNING BODIES.

1           (5) THIS SECTION DOES NOT APPLY TO PREPAID WIRELESS  
2 TELECOMMUNICATIONS SERVICES.

3           **SECTION 6.** In Colorado Revised Statutes, **amend** 29-11-102.5  
4 as follows:

5           **29-11-102.5. Imposition of charge on prepaid wireless - rules**  
6 **- prepaid wireless trust cash fund - rules - definitions - repeal.** (1) As  
7 used in this section:

8           (a) "Consumer" means a person who purchases prepaid wireless  
9 telecommunications service in a retail transaction.

10           (b) "Department" means the department of revenue.

11           (c) "Prepaid wireless ~~E911~~ 911 charge" means the charge ~~that is~~  
12 ~~required to be collected by a seller from a consumer~~ IMPOSED under  
13 subsection (2) of this section TO PAY FOR THE EXPENSES AUTHORIZED IN  
14 SECTION 29-11-104 (2)(a).

15           (d) "Provider" means a person that provides prepaid wireless  
16 telecommunications service.

17           (e) "Retail transaction" means the purchase of prepaid wireless  
18 telecommunications service from a seller for any purpose other than  
19 resale. FOR THE PURPOSES OF THIS SECTION, "PURCHASE" INCLUDES  
20 EXCHANGES OF MONEY AND EXCHANGES OF NONMONETARY  
21 CONSIDERATION, SUCH AS CONSUMER INFORMATION REQUIRED FOR  
22 REIMBURSEMENT CLAIMS UNDER FEDERALLY SUPPORTED SERVICES OR  
23 PROGRAMS.

24           (f) "Seller" means a person who sells prepaid wireless  
25 telecommunications service to another person.

26           (2) (a) A prepaid wireless ~~E911~~ 911 charge ~~of one and four-tenths~~  
27 ~~percent of the price of the retail transaction~~ is hereby imposed on each



1 retail transaction. THE PRIMARY PURPOSE OF THE PREPAID WIRELESS 911  
2 CHARGE IS TO DEFRAID THE REASONABLE DIRECT AND INDIRECT COSTS OF  
3 PROVIDING EMERGENCY TELEPHONE SERVICE. THE PREPAID WIRELESS 911  
4 CHARGE DOES NOT RAISE REVENUE FOR THE GENERAL EXPENSES OF  
5 GOVERNMENT.

6 (b) (I) (A) ON AND BEFORE DECEMBER 31, 2020, THE CHARGE IS  
7 ONE AND FOUR-TENTHS PERCENT OF THE PRICE OF THE RETAIL  
8 TRANSACTION.

9 (B) THIS SUBSECTION (2)(b)(I) IS REPEALED, EFFECTIVE JULY 1,  
10 2021.

11 (II) EFFECTIVE JANUARY 1, 2021, THE CHARGE IS IN AN AMOUNT  
12 TO BE ESTABLISHED ANNUALLY BY THE COMMISSION IN ACCORDANCE  
13 WITH SUBSECTION (2)(c) OF THIS SECTION. THE CHARGE MUST BE A FLAT  
14 AMOUNT IMPOSED ON EACH RETAIL TRANSACTION IN WHICH PREPAID  
15 WIRELESS SERVICE IS PURCHASED IN COLORADO.

16 (c) ON OR BEFORE OCTOBER 1, 2020, AND ON OR BEFORE OCTOBER  
17 1 EACH YEAR THEREAFTER, THE COMMISSION SHALL ESTABLISH THE  
18 AMOUNT OF THE PREPAID WIRELESS 911 CHARGE FOR THE NEXT CALENDAR  
19 YEAR. THE CHARGE AMOUNT IS CALCULATED BY ADDING THE AVERAGE OF  
20 THE LOCAL EMERGENCY TELEPHONE CHARGE AMOUNTS IMPOSED IN  
21 ACCORDANCE WITH SECTION 29-11-102 (2) AS OF JULY 1 OF THAT YEAR  
22 AND THE AMOUNT OF THE 911 SURCHARGE ESTABLISHED FOR THE  
23 UPCOMING YEAR IN ACCORDANCE WITH SECTION 29-11-102.3. THE NEW  
24 AMOUNT TAKES EFFECT ON THE FOLLOWING JANUARY 1.

25 ~~(b)~~ (d) (I) The seller shall collect the prepaid wireless ~~E911~~ 911  
26 charge from the consumer on each retail transaction occurring in ~~this~~ THE  
27 state. The amount of the prepaid wireless ~~E911~~ 911 charge shall be either

1 disclosed to the consumer or separately stated on an invoice, receipt, or  
2 other similar document the seller provides to the consumer. A seller shall  
3 elect to either disclose or separately state the charge and shall not change  
4 the election without the written consent of the department. THE SELLER IS  
5 DEEMED TO HAVE COLLECTED THE CHARGE NOTWITHSTANDING THE  
6 SELLER'S FAILURE TO SEPARATELY DISCLOSE OR STATE THE CHARGE ON AN  
7 INVOICE, RECEIPT, OR OTHER SIMILAR DOCUMENT THE SELLER PROVIDES  
8 TO THE CONSUMER. PROVIDERS WHO USE FEDERALLY SUPPORTED  
9 SERVICES OR PROGRAMS TO OFFER CUSTOMERS FREE PREPAID WIRELESS  
10 TELECOMMUNICATIONS SERVICE ARE DEEMED TO HAVE COLLECTED THE  
11 CHARGE. THE PROVIDER SHALL REMIT THE CHARGE FOR EACH RETAIL  
12 TRANSACTION THAT OCCURS IN COLORADO.

13 (II) For purposes of this ~~paragraph (b)~~ SECTION, a retail  
14 transaction occurs in Colorado if ANY OF THE FOLLOWING APPLY:

15 (A) The consumer effects the retail transaction in person at a  
16 business location in Colorado;

17 ~~(B) If sub-subparagraph (A) of this subparagraph (II) does not~~  
18 ~~apply,~~ The product is delivered to the consumer at a Colorado address  
19 provided to the seller;

20 ~~(C) If sub-subparagraphs (A) and (B) of this subparagraph (II) do~~  
21 ~~not apply,~~ The seller's records, maintained in the ordinary course of  
22 business, indicate that the consumer's address is in Colorado and the  
23 records are not made or kept in bad faith;

24 ~~(D) If sub-subparagraphs (A) to (C) of this subparagraph (II) do~~  
25 ~~not apply,~~ The consumer gives a Colorado address during the  
26 consummation of the sale, including the consumer's payment instrument  
27 if no other address is available, and THERE IS NO INDICATION THAT THE

1 address is ~~not~~ given in bad faith; or

2 (E) ~~If sub-subparagraphs (A) to (D) of this subparagraph (H) do~~  
3 ~~not apply,~~ The mobile telephone number is associated with a Colorado  
4 location.

5 (e) (e) The prepaid wireless ~~E911~~ 911 charge is the liability of the  
6 consumer and not of the seller or of any provider; except that the seller  
7 ~~shall be~~ IS liable to remit all prepaid wireless ~~E911~~ 911 charges that the  
8 seller collects from consumers as provided in subsection (3) of this  
9 section. ~~The seller shall be deemed to have collected the charge~~  
10 ~~notwithstanding that the amount of the charge has neither been separately~~  
11 ~~disclosed nor stated on an invoice, receipt, or other similar document the~~  
12 ~~seller provides to the consumer.~~

13 (f) (f) The amount of the prepaid wireless ~~E911~~ 911 charge that  
14 is collected by a seller from a consumer shall not be included in the base  
15 for measuring any tax, fee, surcharge, or other charge that is imposed by  
16 ~~this~~ THE state, any political subdivision of ~~this~~ THE state, or any  
17 intergovernmental agency.

18 (3) (a) The seller OR PROVIDER WHO USES FEDERALLY SUPPORTED  
19 SERVICES OR PROGRAMS shall remit any collected prepaid wireless ~~E911~~  
20 911 charges to the department at the times and in the manner provided in  
21 part 1 of article 26 of title 39. ~~C.R.S.~~ The department shall establish, by  
22 rule, registration and payment procedures that substantially coincide with  
23 the registration and payment procedures that apply under part 1 of article  
24 26 of title 39. ~~C.R.S.~~ A seller is subject to the penalties under part 1 of  
25 article 26 of title 39, ~~C.R.S.~~, for failure to collect or remit a prepaid  
26 wireless ~~E911~~ 911 charge in accordance with this section.

27 (b) (f) ~~Effective July 1, 2011,~~ A seller OR PROVIDER WHO USES

1       FEDERALLY SUPPORTED SERVICES OR PROGRAMS may deduct and retain  
2       three and three-tenths percent of the prepaid wireless ~~E911~~ 911 charges  
3       that are collected by the seller from consumers.

4       ~~(H) Repealed.~~

5       (c) The audit and appeal procedures applicable to the state sales  
6       tax under part 1 of article 26 of title 39 ~~C.R.S.~~, shall apply to prepaid  
7       wireless ~~E911~~ 911 charges.

8       (d) The department shall, BY RULE, establish procedures by which  
9       a seller may document that a transaction is not a retail transaction, which  
10       procedures shall MUST substantially coincide with the procedures for  
11       documenting that a sale was wholesale for purposes of the sales tax under  
12       part 1 of article 26 of title 39. ~~C.R.S.~~

13       (e) (I) Remittances of prepaid wireless ~~E911~~ 911 charges received  
14       by the department are collections for the local governing body, not  
15       general revenues of the state, and shall be held in trust in the prepaid  
16       wireless trust cash fund, which is hereby created. Except as provided in  
17       ~~subparagraph (H) of this paragraph (e)~~ SUBSECTION (3)(e)(II) OF THIS  
18       SECTION, the department shall transmit the ~~moneys~~ MONEY in the fund to  
19       each governing body within sixty days after the department receives the  
20       money in accordance with section 29-2-106 for use by such governing  
21       body for the purposes permitted under section 29-11-104.

22       (II) The department may expend an amount, not to exceed three  
23       percent of the collected charges in the prepaid wireless trust cash fund,  
24       necessary to reimburse the department for its direct costs of administering  
25       the collection and remittance of prepaid wireless ~~E911~~ 911 charges.  
26       ~~except that the department may expend up to an additional four hundred~~  
27       ~~fifty thousand dollars from January 1, 2011, through January 1, 2012, to~~

1 ~~cover the initial cost of establishing the collection and remittance process.~~

2 (III) The ~~public utilities~~ commission shall establish a formula for  
3 distribution of revenues TO GOVERNING BODIES from the prepaid wireless  
4 ~~E911~~ 911 charge based upon the governing authority's portion of the total  
5 ~~911~~ 911 wireless call volume. The ~~public utilities~~ commission, or its  
6 designee, shall ~~collect and transmit the percentage of wireless calls~~  
7 ~~processed by each public safety answering point~~ TRANSMIT THE FORMULA  
8 FOR DISTRIBUTION to the department by ~~November 15~~ OCTOBER 1 of each  
9 year, TO TAKE EFFECT ON THE FOLLOWING JANUARY 1. The ~~public utilities~~  
10 commission may promulgate rules to implement this ~~subparagraph (HH)~~  
11 SUBSECTION (3)(e)(III).

12 (4) The prepaid wireless ~~E911~~ 911 charge imposed by this section  
13 shall be the only direct ~~E911~~ 911 funding obligation imposed with respect  
14 to prepaid wireless telecommunications service in ~~this~~ THE state. No tax,  
15 fee, surcharge, or other charge to fund ~~E911~~ 911 shall be imposed by ~~this~~  
16 THE state, any political subdivision of ~~this~~ THE state, or any  
17 intergovernmental agency upon a provider, seller, or consumer with  
18 respect to the sale, purchase, use, or provision of prepaid wireless  
19 telecommunications service.

20 (5) (a) THE DEPARTMENT SHALL SUPPLY INFORMATION DISCLOSED  
21 IN ANY DOCUMENT, REPORT, OR RETURN FILED IN CONNECTION WITH THE  
22 PREPAID WIRELESS 911 CHARGE TO THE COMMISSION OR A GOVERNING  
23 BODY UPON REQUEST. NOTHING IN SECTION 39-21-102 OR 39-21-113 OR  
24 IN ANY OTHER STATUTE RELATED TO TAXPAYERS SHALL BE CONSTRUED TO  
25 PROHIBIT THE DEPARTMENT FROM SUPPLYING SUCH INFORMATION.

26 (b) THE DEPARTMENT SHALL SUPPLY INFORMATION REGARDING  
27 THE ADMINISTRATION OF THE PREPAID WIRELESS TRUST CASH FUND TO THE

1 COMMISSION OR A GOVERNING BODY UPON REQUEST.

2 **SECTION 7.** In Colorado Revised Statutes, **repeal and reenact,**  
3 **with amendments,** 29-11-103 as follows:

4 **29-11-103. Remittance of charges - administrative fees - rules.**

5 (1) EVERY SERVICE SUPPLIER PROVIDING SERVICE WITHIN A GOVERNING  
6 BODY'S JURISDICTION SHALL COLLECT AN EMERGENCY TELEPHONE  
7 CHARGE IMPOSED IN ACCORDANCE WITH SECTION 29-11-102 AND THE 911  
8 SURCHARGE IMPOSED IN ACCORDANCE WITH SECTION 29-11-102.3 FROM  
9 ITS SERVICE USERS.

10 (2) THE DUTY TO COLLECT OR REMIT CHARGES COMMENCES AT  
11 THE TIME SPECIFIED BY THE GOVERNING BODY IN THE CASE OF AN  
12 EMERGENCY TELEPHONE CHARGE OR ON JANUARY 1, 2021, IN THE CASE OF  
13 THE 911 SURCHARGE. THE EMERGENCY TELEPHONE CHARGE AND THE 911  
14 SURCHARGE MUST BE STATED SEPARATELY ON A SERVICE USER'S BILL.

15 (3) A SERVICE SUPPLIER IS LIABLE FOR AN EMERGENCY TELEPHONE  
16 CHARGE COLLECTED UNDER THIS PART 1 UNTIL IT IS REMITTED TO THE  
17 GOVERNING BODY AND FOR THE 911 SURCHARGE UNTIL IT IS REMITTED TO  
18 THE COMMISSION. THE AMOUNT REMITTED BY THE SERVICE SUPPLIER  
19 MUST REFLECT THE ACTUAL COLLECTIONS BASED ON THE ACTUAL 911  
20 ACCESS CONNECTIONS BILLED IN THE GOVERNING BODY'S JURISDICTION.

21 (4) A SERVICE SUPPLIER SHALL REMIT THE 911 SURCHARGE IN  
22 ACCORDANCE WITH SECTION 29-11-102.3 AND RULES ADOPTED BY THE  
23 COMMISSION.

24 (5) A SERVICE SUPPLIER SHALL REMIT AN EMERGENCY TELEPHONE  
25 CHARGE IMPOSED TO THE GOVERNING BODY THAT IMPOSED THE  
26 EMERGENCY TELEPHONE CHARGE MONTHLY, ALONG WITH A REPORT IN  
27 SUCH FORM AS REQUIRED BY THE GOVERNING BODY. THE SERVICE

1 SUPPLIER REQUIRED TO FILE THE REPORT SHALL DELIVER THE REPORT,  
2 TOGETHER WITH A REMITTANCE OF THE AMOUNT OF THE CHARGE  
3 PAYABLE, TO THE OFFICE OF THE GOVERNING BODY. THE AMOUNT OF THE  
4 EMERGENCY TELEPHONE CHARGE COLLECTED OR PAID IN ONE MONTH BY  
5 THE SERVICE SUPPLIER, LESS THE ADMINISTRATIVE FEE ALLOWED TO THE  
6 SERVICE SUPPLIER PURSUANT TO SUBSECTION (6) OF THIS SECTION, SHALL  
7 BE REMITTED TO THE GOVERNING BODY BASED ON THE GOVERNING BODY'S  
8 JURISDICTION NO LATER THAN THE LAST DAY OF THE MONTH FOLLOWING  
9 THE CLOSE OF THE PRECEDING MONTH. THE GOVERNING BODY MAY, BY  
10 ORDINANCE OR RESOLUTION AS APPROPRIATE, ESTABLISH PAYMENT  
11 PROCEDURES AND SCHEDULES DIFFERENT FROM THOSE IN THIS SECTION,  
12 IN WHICH CASE A SERVICE SUPPLIER SHALL REMIT THE EMERGENCY  
13 TELEPHONE CHARGE IN ACCORDANCE WITH THE RESOLUTION OR  
14 ORDINANCE.

15 (6) FROM EVERY TIMELY REMITTANCE OF AN EMERGENCY  
16 TELEPHONE CHARGE TO THE GOVERNING BODY, THE SERVICE SUPPLIER  
17 REQUIRED TO REMIT IS ENTITLED TO DEDUCT AND RETAIN TWO PERCENT  
18 OF SAID REMITTANCE.

19 (7) (a) THE SERVICE SUPPLIER SHALL MAINTAIN A RECORD OF THE  
20 AMOUNT OF EACH EMERGENCY TELEPHONE CHARGE AND 911 SURCHARGE  
21 COLLECTED AND REMITTED BY SERVICE USER ADDRESS FOR A PERIOD OF  
22 THREE YEARS AFTER THE TIME THE CHARGE WAS COLLECTED AND  
23 REMITTED. THE SERVICE SUPPLIER SHALL COOPERATE WITH GOVERNING  
24 BODIES TO PROVIDE A REASONABLE NUMBER OF RANDOMLY SELECTED  
25 SERVICE ADDRESSES FOR VERIFICATION OF COLLECTION AND REMITTANCE  
26 AT NO CHARGE.

27 (b) IF A SERVICE SUPPLIER FAILS TO TIMELY FILE A REPORT AND

1 REMIT AN EMERGENCY TELEPHONE CHARGE OR THE 911 SURCHARGE AS  
2 REQUIRED BY THIS SECTION, OR IF A SERVICE SUPPLIER FILES AN  
3 INCORRECT REPORT OR FAILS TO REMIT THE CORRECT AMOUNT, THE  
4 GOVERNING BODY OR THE COMMISSION SHALL ESTIMATE THE AMOUNT OF  
5 THE REMITTANCE DUE FOR THE PERIOD OR PERIODS FOR WHICH THE  
6 SERVICE SUPPLIER IS DELINQUENT. THE GOVERNING BODY OR THE  
7 COMMISSION SHALL MAKE THE ESTIMATE BASED UPON THE INFORMATION  
8 AVAILABLE. THE GOVERNING BODY OR THE COMMISSION SHALL COMPUTE  
9 AND ASSESS A PENALTY EQUAL TO FIFTEEN PERCENT OF THE ESTIMATE OF  
10 THE DELINQUENT AMOUNT, AND SHALL ASSESS INTEREST ON THE  
11 DELINQUENT CHARGES AT THE RATE OF ONE PERCENT EACH MONTH FROM  
12 THE DATE WHEN DUE UNTIL THE DATE PAID.

13 (c) EXCEPT AS PROVIDED IN THIS SECTION AND UNLESS SUCH TIME  
14 IS EXTENDED BY AGREEMENT PURSUANT TO SUBSECTION (7)(d) OF THIS  
15 SECTION, THE AMOUNT OF A DELINQUENT REMITTANCE AND THE PENALTY  
16 AND INTEREST OWED UNDER SUBSECTION (7)(b) OF THIS SECTION, OTHER  
17 THAN INTEREST ACCRUING THEREAFTER, MUST BE ASSESSED WITHIN THREE  
18 YEARS AFTER THE DATE THE INCORRECT REPORT WAS FILED OR THE  
19 DELINQUENT REPORT WAS TO BE FILED. A GOVERNING BODY OR THE  
20 COMMISSION SHALL NOT FILE A NOTICE OF LIEN, ISSUE A DISTRAINT  
21 WARRANT, INSTITUTE A SUIT FOR COLLECTION, OR TAKE OTHER ACTION TO  
22 COLLECT THE AMOUNT AFTER THE EXPIRATION OF SUCH PERIOD UNLESS  
23 THE GOVERNING BODY OR THE COMMISSION ISSUES A NOTICE OF  
24 ASSESSMENT FOR THE AMOUNT WITHIN SUCH PERIOD OR WITHIN AN  
25 EXTENDED PERIOD PURSUANT TO SUBSECTION (7)(d) OF THIS SECTION.

26 (d) IF, BEFORE THE EXPIRATION OF THE TIME PRESCRIBED FOR THE  
27 ASSESSMENT OF DELINQUENT AMOUNTS IN SUBSECTION (7)(c) OF THIS



1 SECTION, THE GOVERNING BODY OR COMMISSION AND THE SERVICE  
2 SUPPLIER CONSENT IN WRITING TO AN ASSESSMENT AFTER SUCH TIME, THE  
3 AMOUNT CALCULATED IN ACCORDANCE WITH SUBSECTION (7)(b) OF THIS  
4 SECTION MAY BE ASSESSED AT ANY TIME PRIOR TO THE EXPIRATION OF THE  
5 PERIOD AGREED UPON. THE PERIOD AGREED UPON MAY BE EXTENDED BY  
6 SUBSEQUENT AGREEMENTS IN WRITING MADE BEFORE THE EXPIRATION OF  
7 THE PERIOD PREVIOUSLY AGREED UPON. THE GOVERNING BODY OR THE  
8 COMMISSION MAY FILE A LIEN AGAINST THE PROPERTY OF THE SERVICE  
9 SUPPLIER FOR UP TO ONE YEAR AFTER THE EXPIRATION OF ANY SUCH  
10 PERIOD, UNLESS OTHERWISE SPECIFICALLY PROVIDED IN THIS PART 1.

11 (e) THE COMMISSION OR ONE OR MORE GOVERNING BODIES MAY  
12 CONDUCT AN AUDIT OF A SERVICE SUPPLIER'S BOOKS AND RECORDS  
13 CONCERNING THE COLLECTION AND REMITTANCE OF THE CHARGES  
14 AUTHORIZED BY THIS PART 1. A PUBLIC INSPECTION OF THE AUDIT AND OF  
15 DOCUMENTS REVIEWED IN THE AUDIT IS SUBJECT TO SECTION 24-72-204.  
16 THE COMMISSION AND EACH GOVERNING BODY CONDUCTING SUCH AN  
17 AUDIT ARE SEPARATELY RESPONSIBLE FOR EXPENSES EACH MAY INCUR TO  
18 CONDUCT THE AUDIT. THE COMMISSION, EITHER ON ITS OWN MOTION OR  
19 IN RESPONSE TO A PETITION FROM A GOVERNING BODY, MAY PAY THE  
20 EXPENSES INCURRED BY A GOVERNING BODY AS A COST OF ADMINISTERING  
21 THE 911 SURCHARGE IN ACCORDANCE WITH SECTION 29-11-102.3  
22 (3)(c)(II). THE COMMISSION SHALL REVIEW SUCH PETITIONS FROM  
23 GOVERNING BODIES ON AN EXPEDITED BASIS. IN CONNECTION WITH AUDITS  
24 PERFORMED, SERVICE SUPPLIERS SHALL MAKE RELEVANT RECORDS  
25 AVAILABLE TO THE AUDITORS AT NO CHARGE.

26 (f) THE AUDIT AND APPEAL PROCEDURES ADOPTED BY ORDINANCE  
27 OR RESOLUTION AS APPLICABLE IN EACH GOVERNING BODY FOR EXCISE

1 CHARGES SHALL APPLY TO EMERGENCY TELEPHONE CHARGES. IN THE CASE  
2 OF AUDITS CONDUCTED BY OR ON BEHALF OF THE COMMISSION, OR  
3 APPEALS PURSUED AGAINST THE COMMISSION, THE COMMISSION SHALL  
4 PROMULGATE RULES GOVERNING THE AUDIT AND APPEAL PROCEDURES.

5 (g) PENALTIES AND INTEREST COLLECTED BY THE COMMISSION  
6 RELATED TO REMITTANCES OF THE 911 SURCHARGE ARE COLLECTED ON  
7 BEHALF OF THE GOVERNING BODIES. THE COMMISSION SHALL DEPOSIT ANY  
8 PENALTIES OR INTEREST IN THE 911 SURCHARGE TRUST CASH FUND  
9 CREATED IN SECTION 29-11-102.3 (3)(c)(II) AND SHALL DISTRIBUTE THE  
10 MONEY IN ACCORDANCE WITH SECTION 29-11-102.3 (3)(c).

11 **SECTION 8.** In Colorado Revised Statutes, 29-11-104, **amend**  
12 (2)(a) and (3); and **repeal** (1) and (2)(b) as follows:

13 **29-11-104. Use of funds collected.** (1) ~~Any governing body~~  
14 ~~imposing the charge authorized by this article may enter into an~~  
15 ~~agreement directly with the supplier of the emergency telephone service~~  
16 ~~or may contract and cooperate with any public agency or with other states~~  
17 ~~or their political subdivisions or with any association or corporation for~~  
18 ~~their political subdivisions or with any association or corporation for the~~  
19 ~~administration of emergency telephone service as provided by law.~~

20 (2) (a) (I) ~~Except as otherwise provided in paragraph (b) of this~~  
21 ~~subsection (2), funds~~ MONEY collected from the ~~charges~~ THE EMERGENCY  
22 TELEPHONE CHARGE imposed pursuant to ~~this article~~ SECTION 29-11-102,  
23 THE 911 SURCHARGE IMPOSED PURSUANT TO SECTION 29-11-102.3, AND  
24 THE PREPAID WIRELESS 911 CHARGE IMPOSED PURSUANT TO SECTION  
25 29-11-102.5 shall be spent BY OR ON BEHALF OF A GOVERNING BODY  
26 solely to pay for:

27 (A) ~~Costs of equipment directly related to the receipt and routing~~

1 of emergency calls and installation thereof ASSOCIATED WITH THE LEASE  
2 OR PURCHASE, INSTALLATION, ENGINEERING, PROGRAMMING,  
3 MAINTENANCE, MONITORING, SECURITY, PLANNING, AND OVERSIGHT OF  
4 EQUIPMENT, FACILITIES, HARDWARE, SOFTWARE, AND DATABASES USED TO  
5 RECEIVE AND DISPATCH 911 CALLS;

6 (B) ~~Monthly recurring charges~~ CHARGES of service suppliers and  
7 basic emergency service providers (BESPs) for the emergency telephone  
8 PROVISION OF BASIC EMERGENCY service; ~~which charges shall be billed by~~  
9 ~~the BESP to the governing body of each jurisdiction in which it provides~~  
10 ~~service;~~

11 ~~(C) Reimbursement of the costs of wireless carriers and BESPs~~  
12 ~~for equipment changes necessary for the provision or transmission of~~  
13 ~~wireless ANI or wireless ALI to a public safety answering point;~~

14 ~~(D)~~ (C) Costs related to the provision of the emergency  
15 notification service and the emergency telephone service, including costs  
16 associated with total implementation of both services by emergency  
17 service providers, including costs for programming, ~~radios, and~~  
18 ~~emergency training programs~~ EMERGENCY MEDICAL SERVICES PROVIDED  
19 BY TELEPHONE, RADIO EQUIPMENT WITHIN THE PSAP, AND TRAINING FOR  
20 PSAP PERSONNEL; ~~and~~

21 (D) COSTS ASSOCIATED WITH THE OPERATION OF EMERGENCY  
22 TELEPHONE SERVICE AND EMERGENCY NOTIFICATION SERVICE, INCLUDING  
23 RECORDKEEPING, ADMINISTRATIVE, AND FACILITIES COSTS, WHETHER THE  
24 FACILITIES ARE LEASED OR OWNED;

25 (E) MEMBERSHIP FEES FOR STATE OR NATIONAL INDUSTRY  
26 ORGANIZATIONS SUPPORTING 911; AND

27 (F) Other costs directly related to the continued operation of the

1 emergency telephone service and the emergency notification service.

2 (II) If ~~moneys are~~ MONEY IS available after the costs and charges  
3 enumerated in ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION (2)(a)(I)  
4 OF THIS SECTION are fully paid ~~such funds~~ IN A GIVEN YEAR, THE MONEY  
5 may be expended for: ~~emergency medical services provided by telephone~~  
6 ~~or the necessary equipment to redirect calls for nonemergency telephone~~  
7 ~~services.~~

8 (A) PUBLIC SAFETY RADIO EQUIPMENT OUTSIDE THE PSAP; OR

9 (B) PERSONNEL EXPENSES NECESSARILY INCURRED FOR A PSAP  
10 OR THE GOVERNING BODY IN THE PROVISION OF EMERGENCY TELEPHONE  
11 SERVICE.

12 (b) ~~Funds collected from the charges imposed pursuant to this~~  
13 ~~article may also be spent for personnel expenses necessarily incurred for~~  
14 ~~a public safety answering point. As used in this paragraph (b), "personnel~~  
15 ~~expenses necessarily incurred" includes only expenses incurred for:~~

16 (I) ~~Persons employed to take emergency telephone calls and~~  
17 ~~dispatch them appropriately; and~~

18 (II) ~~Persons employed to maintain the computer data base of the~~  
19 ~~public safety answering point.~~

20 (3) ~~Funds collected~~ A PUBLIC AGENCY SHALL CREDIT MONEY from  
21 the charges imposed pursuant to ~~this article shall be credited~~ SECTIONS  
22 29-11-102, 29-11-102.3, AND 29-11-102.5 to a cash fund, apart from the  
23 general fund of the public agency, for payments pursuant to subsection  
24 (2) of this section. Any ~~moneys~~ MONEY remaining in such cash fund at the  
25 end of any fiscal year ~~shall remain therein~~ REMAINS IN THE CASH FUND for  
26 payments during any succeeding year; except that, if such emergency  
27 telephone service is discontinued, ~~moneys~~ MONEY remaining in the fund

1 after all payments to the service suppliers, basic emergency service  
2 providers, and all equipment suppliers pursuant to subsection (2) of this  
3 section have been made shall be transferred to the general fund of the  
4 public agency or proportionately to the general fund of each participating  
5 public agency.

6 **SECTION 9.** In Colorado Revised Statutes, **amend** 29-11-105 as  
7 follows:

8 **29-11-105. Immunity of providers.** (1) No basic emergency  
9 service provider or service supplier and no employee or agent ~~thereof~~ OF  
10 A BASIC EMERGENCY SERVICE PROVIDER OR SERVICE SUPPLIER shall be  
11 liable to any person ~~or entity~~ for infringement or invasion of the right of  
12 privacy of any person caused or claimed to have been caused, directly or  
13 indirectly, by any act or omission in connection with the installation,  
14 operation, maintenance, removal, presence, condition, occasion, or use of  
15 emergency service features, automatic number identification (ANI), or  
16 automatic location identification (ALI) service and the equipment  
17 associated therewith, including without limitation the identification of the  
18 telephone number, address, or name associated with the telephone used  
19 by the party or parties accessing 911 service, wireless ANI service, or  
20 wireless ALI service, and that arise out of the negligence or other  
21 wrongful act of the provider or supplier, the ~~customer~~ SERVICE USER OR  
22 CONSUMER, the governing body or any of its users, agencies, or  
23 municipalities, or the employee or agent of any of said persons and  
24 entities. In addition, no basic emergency service provider or service  
25 supplier, or any employee or agent thereof shall be liable for any damages  
26 in a civil action for injuries, death, or loss to person or property incurred  
27 as a result of any act or omission of such provider, service supplier,

1 employee, or agent in connection with developing, adopting,  
2 implementing, maintaining, enhancing, or operating an emergency  
3 telephone service unless such damage or injury was intentionally caused  
4 by or resulted from gross negligence of the provider, supplier, employee,  
5 or agent.

6 (2) NO PROVIDER OF PSAP EQUIPMENT, SYSTEMS, OR SOFTWARE,  
7 OR SUPPLIER OF NETWORKING, HOSTED PSAP SERVICES, IT OR OTHER  
8 SERVICES INCLUDING SUPPORT OF PSAP EQUIPMENT, SYSTEMS OR  
9 SOFTWARE AND CYBERSECURITY SERVICES, NOR ANY OF THEIR EMPLOYEES  
10 OR AGENTS SHALL BE LIABLE FOR ANY DAMAGES IN A CIVIL ACTION FOR  
11 INJURIES, DEATH, OR LOSS TO PERSON OR PROPERTY INCURRED AS A  
12 RESULT OF ANY ACT OR OMISSION OF SUCH PROVIDER, SERVICE SUPPLIER,  
13 EMPLOYEE, OR AGENT IN CONNECTION WITH INSTALLATION, UPGRADING,  
14 PATCHING, INTEGRATION, MAINTENANCE, SUPPORT OR PROVISION OF SUCH  
15 EQUIPMENT, SYSTEMS, SOFTWARE, OR SERVICES USED BY A PSAP UNLESS  
16 SUCH DAMAGE OR INJURY WAS INTENTIONALLY CAUSED BY OR RESULTED  
17 FROM GROSS NEGLIGENCE OF THE PROVIDER, SUPPLIER, EMPLOYEE, OR  
18 AGENT.

19 **SECTION 10.** In Colorado Revised Statutes, **add** 29-11-107 as  
20 follows:

21 **29-11-107. 911 dialing and calling capabilities of multi-line**  
22 **telephone systems - rules.** (1) INSTALLERS, MANAGERS, OR OPERATORS  
23 OF MLTS IN COLORADO SHALL MEET THE REQUIREMENTS SET FORTH IN 47  
24 U.S.C. SEC. 623 AND ANY OTHER APPLICABLE FEDERAL LAW.

25 (2) THE COMMISSION, BY RULE, SHALL CREATE A MECHANISM FOR  
26 PUBLIC REPORTING OF VIOLATIONS OF THIS SECTION AND SHALL FORWARD  
27 REPORTS IT RECEIVES TO THE APPROPRIATE FEDERAL AUTHORITIES.

1           **SECTION 11.** In Colorado Revised Statutes, 40-15-208, **amend**  
2 (2)(a)(I)(B) as follows:

3           **40-15-208. High cost support mechanism - Colorado high cost**  
4 **administration fund - creation - purpose - operation - rules - report**  
5 **- repeal.** (2) (a) (I) The commission is hereby authorized to establish a  
6 mechanism for the support of universal service, also referred to in this  
7 section as the "high cost support mechanism", which must operate in  
8 accordance with rules adopted by the commission. The primary purpose  
9 of the high cost support mechanism is to provide financial assistance as  
10 a support mechanism to:

11           (B) Provide access to broadband service AND UPGRADES TO  
12 WIRELESS 911 SERVICE in unserved areas pursuant to this section and  
13 section 40-15-509.5 only.

14           **SECTION 12.** In Colorado Revised Statutes, 40-15-509.5,  
15 **amend** (3), (7), (8) introductory portion, and (8.5)(a); and **add** (8.1) as  
16 follows:

17           **40-15-509.5. Broadband service - report - broadband**  
18 **deployment board - broadband administrative fund - creation -**  
19 **definitions - repeal.** (3) The commission may allocate the Colorado high  
20 cost support mechanism, established under section 40-15-208 and  
21 referred to in this section as the "HCSM", for the deployment of  
22 broadband service AND UPGRADES TO WIRELESS 911 SERVICE in unserved  
23 areas of the state pursuant to this section and section 40-15-208 only. The  
24 commission may fund the deployment of broadband service AND  
25 UPGRADES TO WIRELESS 911 SERVICE in unserved areas of the state  
26 through use of the HCSM surcharge and surcharge rate in effect on  
27 January 1, 2018. Pursuant to subsection (4) of this section and consistent

1 with sections 40-15-207 and 40-15-208, the commission shall determine  
2 funds available for broadband deployment, UPGRADES TO WIRELESS 911  
3 SERVICE, and the administration of the board as prescribed in section  
4 40-15-208 or from the HCSM money that it determines is no longer  
5 required by the HCSM to support universal basic service through an  
6 effective competition determination. The money available for broadband  
7 deployment AND UPGRADES TO WIRELESS 911 SERVICE shall be maintained  
8 by the HCSM third-party contractor and held in a separate account from  
9 money used for basic voice service. Money held for broadband  
10 deployment shall not be disbursed for basic voice service, and money held  
11 for basic voice service shall not be disbursed for broadband deployment.  
12 The commission shall only disburse money for broadband deployment  
13 AND WIRELESS 911 grants from the HCSM as directed by the board.  
14 Nothing in this section increases any surcharge rate charged to help fund  
15 the HCSM.

16 (7) The board shall provide notice to and requests for proposals  
17 from incumbent providers, incumbent broadband providers, and local  
18 entities about the board's purpose to deploy broadband service AND  
19 UPGRADE WIRELESS 911 SERVICE in unserved areas. The board shall  
20 ensure that both the manner and amount of notice provided under this  
21 subsection (7) are adequate and equitable for all potentially eligible  
22 applicants.

23 (8) The board shall direct the commission to transfer money, in a  
24 manner consistent with this section, from the account for broadband  
25 deployment established in the HCSM to approved grant applicants. FOR  
26 GRANT APPLICATIONS FOR BROADBAND DEPLOYMENT, the board shall  
27 develop criteria for awarding money for new projects into unserved areas,



1 including:

2 (8.1) FOR GRANT APPLICATIONS FOR UPGRADES TO WIRELESS 911  
3 SERVICE, THE BOARD SHALL DEVELOP CRITERIA FOR AWARDING MONEY  
4 FOR PROJECTS IN UNSERVED AREAS TO ALLOW WIRELESS CARRIERS TO  
5 UPGRADE INFRASTRUCTURE, SOFTWARE, AND TECHNOLOGY AS NECESSARY  
6 FOR THE PROVISION OF WIRELESS 911 SERVICE, INCLUDING SPECIFIC  
7 CALLER LOCATION INFORMATION. THE CRITERIA MUST INCLUDE:

8 (a) AN APPLICATION PROCESS THAT PLACES THE BURDEN ON THE  
9 APPLICANT TO PROVE THAT THE PROPOSED PROJECT MEETS ELIGIBILITY  
10 REQUIREMENTS ESTABLISHED BY THE BOARD;

11 (b) A METHOD TO EVALUATE THE NEED FOR FINANCIAL  
12 ASSISTANCE IN ORDER TO ENSURE ADEQUATE WIRELESS 911 SERVICE IN AN  
13 AREA;

14 (c) A GRANT AWARD PROCESS THAT CONSIDERS THE EQUITABLE  
15 GEOGRAPHIC DISTRIBUTION OF AWARDS AND PROVIDES FOR AN APPEALS  
16 PROCESS FOR ANY PARTY AGGRIEVED BY AN AWARD OR DENIAL OF GRANT  
17 MONEY; AND

18 (d) REPORTING AND ACCOUNTABILITY REQUIREMENTS FOR A  
19 PROJECT RECEIVING FINANCIAL SUPPORT FROM THE FUND.

20 (8.5) (a) The board shall deny an application FOR BROADBAND  
21 DEPLOYMENT that contains an area that does not meet the definition of  
22 unserved area and shall grant an appeal to an incumbent broadband  
23 provider that demonstrates, by a preponderance of the evidence, that an  
24 area covered by an application does not meet the definition of unserved  
25 area.

26 **SECTION 13.** In Colorado Revised Statutes, 24-33.5-2103,  
27 **amend** (10) as follows:

1           **24-33.5-2103. Definitions.** As used in this part 21, unless the  
2 context otherwise requires:

3           (10) "Public safety ~~911~~ answering point" has the same meaning  
4 as defined in ~~section 29-11-101 (6.5)~~ SECTION 29-11-101 (24).

5           **SECTION 14.** In Colorado Revised Statutes, 25-3.5-903, **amend**  
6 (1)(c) as follows:

7           **25-3.5-903. Definitions.** As used in this part 9, unless the context  
8 otherwise requires:

9           (1) "Emergency medical services organization" means:

10           (c) Public safety answering points, as defined in ~~section~~  
11 ~~29-11-101 (6.5), C.R.S.~~ SECTION 29-11-101 (24), performing emergency  
12 medical dispatch.

13           **SECTION 15.** In Colorado Revised Statutes, 29-11-102.7,  
14 **amend** (2)(b) and (3)(a) as follows:

15           **29-11-102.7. Imposition of telecommunications relay service**  
16 **surcharge on prepaid wireless - rules - definitions.** (2) (b) (I) Along  
17 with the prepaid wireless ~~E911 charge~~ 911 CHARGE, as defined in section  
18 29-11-102.5 (1)(c) and collected under section 29-11-102.5 (2), the seller  
19 shall collect the prepaid wireless TRS charge from the consumer on each  
20 retail transaction occurring in this state. The amount of the prepaid  
21 wireless TRS charge shall be either disclosed to the consumer or  
22 separately stated on an invoice, receipt, or other similar document the  
23 seller provides to the consumer. The amount of the prepaid wireless TRS  
24 charge and the amount of the prepaid wireless ~~E911 charge~~ 911 CHARGE  
25 may be stated on an invoice, receipt, or other documentation together as  
26 a single line item and as a single charge. A seller shall elect to either  
27 disclose or separately state the charge and shall not change the election

1 without the written consent of the department.

2 (II) For purposes of this ~~paragraph (b)~~ SUBSECTION (2)(b), a retail  
3 transaction occurs in Colorado if one of the circumstances set forth in  
4 ~~section 29-11-102.5 (2)(b)(H)~~ SECTION 29-11-102.5 (2)(d)(II) is met.

5 (3) (a) The seller shall remit any collected prepaid wireless TRS  
6 charges to the department at the times and in the manner provided in part  
7 1 of article 26 of title 39. ~~C.R.S.~~ The department shall establish, by rule,  
8 registration and payment procedures that substantially coincide with the  
9 registration and payment procedures that apply under part 1 of article 26  
10 of title 39. ~~C.R.S.~~ A seller may remit prepaid wireless TRS charges and  
11 prepaid wireless ~~E911 charge~~ 911 CHARGES, as defined in section  
12 29-11-102.5 (1)(c), together to the department of revenue as a single  
13 remittance. A seller is subject to the penalties under part 1 of article 26 of  
14 title 39, ~~C.R.S.~~, for failure to collect or remit a prepaid wireless TRS  
15 charge in accordance with this section.

16 **SECTION 16.** In Colorado Revised Statutes, 39-21-119.5,  
17 **amend** (2)(s) as follows:

18 **39-21-119.5. Mandatory electronic filing of returns -**  
19 **mandatory electronic payment - penalty - waiver - definitions.**

20 (2) Except as provided in subsection (6) of this section, the executive  
21 director may, as specified in subsection (3) of this section, require the  
22 electronic filing of returns and require the payment of any tax or fee due  
23 by electronic funds transfer for the following:

24 (s) Any prepaid wireless ~~E911 charge~~ 911 CHARGE report required  
25 to be filed and payment required to be made pursuant to section  
26 29-11-102.5 (3); and

27 **SECTION 17.** In Colorado Revised Statutes, 40-2-131, **amend**

1 (2) as follows:

2 **40-2-131. State of 911 report.** (2) In developing the report each  
3 year, the commission shall consult with public safety answering points as  
4 defined in ~~section 29-11-101 (6.5)~~ SECTION 29-11-101 (24), 911  
5 governing bodies as defined in ~~section 29-11-101 (4)~~ SECTION 29-11-101  
6 (16), and statewide organizations that represent public safety agencies.

7 **SECTION 18.** In Colorado Revised Statutes, **repeal** 29-11-100.5  
8 and 29-11-106.

9 **SECTION 19. Act subject to petition - effective date.** This act  
10 takes effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly (August  
12 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
13 referendum petition is filed pursuant to section 1 (3) of article V of the  
14 state constitution against this act or an item, section, or part of this act  
15 within such period, then the act, item, section, or part will not take effect  
16 unless approved by the people at the general election to be held in  
17 November 2020 and, in such case, will take effect on the date of the  
18 official declaration of the vote thereon by the governor.