

CHAPTER 267

GOVERNMENT - LOCAL

HOUSE BILL 20-1293

BY REPRESENTATIVE(S) McCluskie and Pelton, Bird, Buentello, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Hooton, Kipp, McLachlan, Roberts, Snyder, Soper, Valdez D., Woodrow;
also SENATOR(S) Coram and Gonzales, Bridges, Ginal, Moreno, Pettersen, Story, Todd, Winter.

AN ACT

CONCERNING THE PROVISION OF EMERGENCY TELEPHONE SERVICE, AND, IN CONNECTION THEREWITH, ESTABLISHING THE 911 SURCHARGE, AND AMENDING THE REQUIREMENTS FOR THE EMERGENCY TELEPHONE CHARGE AND THE PREPAID WIRELESS 911 CHARGE, AND MAKING AN APPROPRIATION.

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

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

29-11-100.2. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT DIALING 911 IS THE MOST EFFECTIVE AND FAMILIAR WAY THE PUBLIC HAS OF SEEKING EMERGENCY ASSISTANCE. BASIC EMERGENCY SERVICE AND PUBLIC SAFETY IS FUNDAMENTALLY A GOVERNMENT CONCERN AND THE EXERCISE OF POLICE POWERS FOR THE PROTECTION AND BETTERMENT OF THE HEALTH, SAFETY, SECURITY, AND WELFARE OF THE PUBLIC. THIS PART 1 AS AMENDED BY HOUSE BILL 20-1293, ENACTED IN 2020, IS INTENDED TO PROVIDE FUNDING MECHANISMS FOR THE CONTINUED TECHNOLOGICAL ADVANCEMENT OF EMERGENCY TELEPHONE SERVICE FOR ALL USERS OF THE SYSTEM.

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

OF THE EMERGENCY TELEPHONE SERVICE STATEWIDE.

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

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

(II) TO IMPOSE A TAX. THE PRIMARY PURPOSE OF THE CHARGES AND SURCHARGES AUTHORIZED IN THIS PART 1 IS TO DEFRAY THE REASONABLE DIRECT AND INDIRECT COSTS OF PROVIDING EMERGENCY TELEPHONE SERVICE. THE CHARGES AUTHORIZED IN THIS PART 1 DO NOT RAISE REVENUE FOR THE GENERAL EXPENSES OF GOVERNMENT.

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

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

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

(2) "911 ACCESS CONNECTION" MEANS ANY COMMUNICATIONS SERVICE INCLUDING WIRELINE, WIRELESS CELLULAR, INTERCONNECTED VOICE-OVER-INTERNET-PROTOCOL, OR SATELLITE IN WHICH CONNECTIONS ARE ENABLED, CONFIGURED, OR CAPABLE OF MAKING 911 CALLS. THE TERM DOES NOT INCLUDE FACILITIES-BASED BROADBAND SERVICES. THE NUMBER OF 911 ACCESS CONNECTIONS IS DETERMINED BY THE CONFIGURED CAPACITY FOR SIMULTANEOUS OUTBOUND CALLING. FOR EXAMPLE, FOR A DIGITAL SIGNAL-1 (DS-1) LEVEL SERVICE OR EQUIVALENT THAT IS CHANNELIZED AND SPLIT INTO SEPARATE CHANNELS FOR VOICE COMMUNICATIONS, THE NUMBER OF 911 ACCESS CONNECTIONS WOULD BE EQUAL TO THE NUMBER OF CHANNELS CAPABLE OF MAKING SIMULTANEOUS CALLS.

(3) "911 CALL" MEANS A REQUEST FOR EMERGENCY ASSISTANCE FROM THE PUBLIC BY DIALING 911 OR ADDRESSING THE ESINET REGARDLESS OF THE TECHNOLOGY USED, AND MAY INCLUDE VOICE, TEXT, IMAGES, AND VIDEO, WHETHER ORIGINATED BY WIRELINE, WIRELESS, SATELLITE, OR OTHER MEANS.

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

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

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

(7) "BASIC EMERGENCY SERVICE" MEANS THE AGGREGATION AND

TRANSPORTATION OF A 911 CALL DIRECTLY TO A POINT OF INTERCONNECTION WITH A GOVERNING BODY OR PSAP, REGARDLESS OF THE TECHNOLOGY USED TO PROVIDE THE SERVICE. THE AGGREGATION OF CALLS MEANS THE COLLECTION OF 911 CALLS FROM ONE OR MORE ORIGINATING SERVICE PROVIDERS OR INTERMEDIARY AGGREGATION SERVICE PROVIDERS FOR THE PURPOSE OF SELECTIVELY ROUTING AND TRANSPORTING 911 CALLS DIRECTLY TO A POINT OF INTERCONNECTION WITH A GOVERNING BODY OR PSAP. THE OFFERING OR PROVIDING OF ALI SERVICE OR SELECTIVE ROUTING DIRECTLY TO A GOVERNING BODY OR PSAP BY ANY PERSON IS ALSO A BASIC EMERGENCY SERVICE. BASIC EMERGENCY SERVICE DOES NOT INCLUDE:

(a) THE PORTION OF A 911 CALL PROVIDED BY AN ORIGINATING SERVICE PROVIDER;

(b) THE SERVICES PROVIDED BY AN INTERMEDIARY AGGREGATION SERVICE PROVIDER;

(c) THE DELIVERY OF A 911 CALL FROM THE ORIGINATING SERVICE PROVIDER OR AN INTERMEDIARY AGGREGATION SERVICE PROVIDER TO A POINT OF INTERCONNECTION WITH THE BESP;

(d) THE DELIVERY OF A 911 CALL FROM THE POINT OF INTERCONNECTION BETWEEN THE BESP AND A PSAP TO THE PSAP FACILITY THAT RECEIVES AND PROCESSES THE 911 CALL; OR

(e) THE DELIVERY OF TEXT-TO-911 VIA INTERIM METHODS.

(8) "BASIC EMERGENCY SERVICE PROVIDER" OR "BESP" MEANS ANY PERSON CERTIFIED BY THE COMMISSION TO PROVIDE BASIC EMERGENCY SERVICE.

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

(10) "DEMARCATIION POINT" MEANS THE PHYSICAL POINT WHERE THE RESPONSIBILITY OF A PORTION OF A NETWORK CHANGES FROM ONE PARTY TO ANOTHER.

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

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

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

(14) "EMERGENCY TELEPHONE SERVICE" MEANS THE RECEIPT AND PROCESSING

OF 911 CALLS BY THE PSAP FOR THE PURPOSE OF PROVIDING RESPONSES FROM EMERGENCY SERVICE PROVIDERS.

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

(16) "GOVERNING BODY" MEANS THE ORGANIZATION RESPONSIBLE FOR ESTABLISHING, COLLECTING, AND DISBURSING THE EMERGENCY TELEPHONE CHARGE IN A SPECIFIC GEOGRAPHIC AREA PURSUANT TO SECTIONS 29-11-102, 29-11-103, AND 29-11-104.

(17) "GOVERNING BODY'S JURISDICTION" MEANS, UNLESS MODIFIED BY THE AGREEMENT OF GOVERNING BODIES, THE GEOGRAPHIC AREA WITHIN THE GOVERNING BODY'S MUNICIPAL, COUNTY, OR OTHER BORDER USED FOR DETERMINING THE ADDRESS OF A SERVICE USER FOR PURPOSES OF THE EMERGENCY TELEPHONE CHARGE UNDER THIS PART 1. A GOVERNING BODY'S JURISDICTION MAY DIFFER FROM AN EMERGENCY TELEPHONE SERVICE AREA WHICH MAY BE USED FOR CALL ROUTING AND EMERGENCY RESPONSE.

(18) "MLTS OPERATOR" MEANS THE PERSON THAT OPERATES AN MLTS FROM WHICH AN END-USER MAY PLACE A 911 CALL THROUGH THE PUBLIC SWITCHED NETWORK.

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

(a) NETWORK AND PREMISES-BASED SYSTEMS SUCH AS CENTREX, PBX, AND HYBRID-KEY TELEPHONE SYSTEMS; AND

(b) SYSTEMS OWNED OR LEASED BY GOVERNMENTAL AGENCIES, NONPROFIT ENTITIES, AND FOR-PROFIT BUSINESSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29-11-102. Imposition of emergency telephone charge - requirements for governing bodies - rules. (1) (a) IN ADDITION TO ANY OTHER POWERS FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE, A GOVERNING BODY

MAY INCUR ANY EQUIPMENT, INSTALLATION, AND OTHER DIRECTLY RELATED COSTS FOR THE CONTINUED OPERATION OF AN EMERGENCY TELEPHONE SERVICE AS DESCRIBED IN SECTION 29-11-104, AND MAY PAY SUCH COSTS BY IMPOSING AN EMERGENCY TELEPHONE CHARGE ON SERVICE USERS WITH AN ADDRESS IN THE GOVERNING BODY'S JURISDICTION IN ACCORDANCE WITH THIS SECTION. A GOVERNING BODY MAY DO SUCH OTHER ACTS AS MAY BE EXPEDIENT FOR THE PROTECTION AND PRESERVATION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE, AND AS MAY BE NECESSARY FOR THE ACQUISITION OF EQUIPMENT, FOR THE PROVISION OF INITIAL SERVICES, AND FOR THE OPERATION OF THE EMERGENCY TELEPHONE SERVICE.

(b) TWO OR MORE POLITICAL SUBDIVISIONS MAY ENTER INTO A CONTRACT UNDER PART 2 OF ARTICLE 1 OF THIS TITLE 29 TO ESTABLISH A SEPARATE LEGAL ENTITY THAT SERVES AS A SEPARATE GOVERNING BODY TO PROVIDE EMERGENCY TELEPHONE SERVICE, OR TO ESTABLISH, COLLECT, AND DISPERSE THE EMERGENCY TELEPHONE CHARGE.

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

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

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

(b) AT LEAST ONCE EACH CALENDAR YEAR, A GOVERNING BODY THAT IMPOSES AN EMERGENCY TELEPHONE CHARGE SHALL ESTABLISH THE AMOUNT OF THE CHARGE PER MONTH PER 911 ACCESS CONNECTION. EXCEPT AS PROVIDED IN SUBSECTION (2)(c) OF THIS SECTION, THE AMOUNT OF THE CHARGE MUST NOT EXCEED THE THRESHOLD AMOUNT ESTABLISHED BY THE COMMISSION IN ACCORDANCE WITH SUBSECTION (2)(f) OF THIS SECTION. IMMEDIATELY UPON DETERMINING THE AMOUNT OF THE CHARGE, THE GOVERNING BODY SHALL PUBLISH IN THE MEETING MINUTES THE NEW AMOUNT AND AN EFFECTIVE DATE OF EITHER THE FOLLOWING FEBRUARY 1 OR THE FOLLOWING JUNE 1. IF THE AMOUNT OF THE CHARGE WAS CHANGED FROM THE PRIOR AMOUNT, THE GOVERNING BODY SHALL NOTIFY EVERY SERVICE SUPPLIER AT LEAST SIXTY DAYS BEFORE SUCH NEW AMOUNT BECOMES EFFECTIVE.

(c) IF A GOVERNING BODY DETERMINES THAT AN EMERGENCY TELEPHONE CHARGE IN EXCESS OF THE THRESHOLD AMOUNT ESTABLISHED BY THE COMMISSION PURSUANT TO SUBSECTION (2)(f) OF THIS SECTION IS NECESSARY IN ORDER TO PROVIDE CONTINUED AND ADEQUATE EMERGENCY TELEPHONE SERVICE, THE GOVERNING BODY SHALL OBTAIN THE COMMISSION'S APPROVAL OF SUCH HIGHER CHARGE BEFORE ITS IMPOSITION. IF THE COMMISSION APPROVES THE AMOUNT, THE GOVERNING BODY SHALL NOTIFY EVERY SERVICE SUPPLIER AT LEAST SIXTY DAYS BEFORE THE APPROVED AMOUNT BECOMES EFFECTIVE. THE PRIOR AMOUNT REMAINS

IN EFFECT DURING THE PENDENCY OF THE COMMISSION'S DETERMINATION AND, IF THE COMMISSION REJECTS THE AMOUNT, UNTIL THE GOVERNING BODY ESTABLISHES A NEW CHARGE AMOUNT.

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

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

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

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

(II) EFFECTIVE JANUARY 1, 2021, THE THRESHOLD AMOUNT IS IN AN AMOUNT TO BE ESTABLISHED ANNUALLY BY THE COMMISSION IN ACCORDANCE WITH THIS SUBSECTION (2)(f). ON OR BEFORE OCTOBER 1, 2020, AND ON OR BEFORE OCTOBER 1 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL ESTABLISH THE AUTHORIZED THRESHOLD AMOUNT PER MONTH PER 911 ACCESS CONNECTION OF THE EMERGENCY TELEPHONE CHARGE. THE AMOUNT AUTHORIZED TAKES EFFECT ON THE FOLLOWING JANUARY 1. IN SETTING THE AMOUNT OF THE CHARGE, THE COMMISSION SHALL TAKE INTO ACCOUNT INFLATION AND THE NEEDS OF THE GOVERNING BODIES.

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

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

(5) THE EMERGENCY TELEPHONE CHARGE IS THE LIABILITY OF THE SERVICE USER AND NOT OF THE SERVICE SUPPLIER; EXCEPT THAT THE SERVICE SUPPLIER IS LIABLE TO REMIT ALL EMERGENCY SERVICE CHARGES THAT THE SERVICE SUPPLIER COLLECTS FROM SERVICE USERS.

(6) THE COMMISSION MAY CONSIDER THE DATA COLLECTED PURSUANT TO SUBSECTION (4) OF THIS SECTION AS PART OF ITS EVALUATION OF APPLICATIONS MADE BY A GOVERNING BODY PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION TO INCREASE THE EMERGENCY TELEPHONE CHARGE IMPOSED BY THE GOVERNING BODY BEYOND THE THRESHOLD AMOUNT AUTHORIZED BY THE COMMISSION, INCLUDING CONSIDERATIONS RELATED TO EFFICIENCY OF OPERATIONS.

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

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

(b) ON OR BEFORE OCTOBER 1, 2020, AND ON OR BEFORE OCTOBER 1 EACH YEAR THEREAFTER, THE COMMISSION SHALL ESTABLISH THE AMOUNT OF THE SURCHARGE FOR THE NEXT CALENDAR YEAR. THE AMOUNT OF THE SURCHARGE MUST BE REASONABLY CALCULATED TO MEET THE NEEDS OF GOVERNING BODIES TO OPERATE THE 911 SYSTEM. UPON ESTABLISHING THE AMOUNT OF THE SURCHARGE, THE COMMISSION SHALL SEND NOTICE OF THE NEW AMOUNT TO ALL SERVICE SUPPLIERS. THE NEW AMOUNT TAKES EFFECT ON THE FOLLOWING JANUARY 1.

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

(2) EACH SERVICE SUPPLIER SHALL COLLECT THE SURCHARGE FROM ITS SERVICE USERS. THE SURCHARGE MUST NOT BE COMBINED WITH THE LOCAL EMERGENCY TELEPHONE CHARGE DESCRIBED IN SECTION 29-11-102 IF IT IS LISTED ON THE SERVICE USER'S MONTHLY BILL. THE 911 SURCHARGE IS THE LIABILITY OF THE SERVICE USER AND NOT OF THE SERVICE SUPPLIER; EXCEPT THAT THE SERVICE SUPPLIER IS LIABLE TO REMIT ALL 911 SURCHARGES THAT THE SERVICE SUPPLIER COLLECTS FROM SERVICE USERS.

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

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

(c) (I) REMITTANCES OF SURCHARGES RECEIVED BY THE COMMISSION ARE COLLECTIONS FOR THE LOCAL GOVERNING BODY, NOT GENERAL REVENUES OF THE STATE, AND SHALL BE HELD IN TRUST IN THE 911 SURCHARGE TRUST CASH FUND, WHICH IS HEREBY CREATED. EXCEPT AS PROVIDED IN SUBSECTION (3)(c)(II) OF THIS SECTION, THE COMMISSION SHALL TRANSMIT THE MONEY IN THE FUND TO EACH GOVERNING BODY WITHIN SIXTY DAYS AFTER THE COMMISSION RECEIVES THE MONEY FOR USE BY SUCH GOVERNING BODY FOR THE PURPOSES PERMITTED UNDER SECTION 29-11-104.

(II) THE COMMISSION MAY EXPEND AN AMOUNT, NOT TO EXCEED FOUR PERCENT OF THE COLLECTED SURCHARGES IN THE 911 SURCHARGE TRUST CASH FUND, NECESSARY TO REIMBURSE THE COMMISSION FOR ITS DIRECT AND INDIRECT COSTS OF ADMINISTERING THE COLLECTION AND REMITTANCE OF SURCHARGES FOR THE LOCAL GOVERNING BODIES, INCLUDING COSTS RELATED TO CONDUCTING AUDITS OF

SERVICE SUPPLIERS IN ACCORDANCE WITH SECTION 29-11-103 (7).

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

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

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

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

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

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

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

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

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

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

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

(2) (a) A prepaid wireless ~~E911~~ 911 charge ~~of one and four-tenths percent of the price of the retail transaction~~ is hereby imposed on each retail transaction. THE PRIMARY PURPOSE OF THE PREPAID WIRELESS 911 CHARGE IS TO DEFRAY THE REASONABLE DIRECT AND INDIRECT COSTS OF PROVIDING EMERGENCY TELEPHONE SERVICE. THE PREPAID WIRELESS 911 CHARGE DOES NOT RAISE REVENUE FOR THE GENERAL EXPENSES OF GOVERNMENT.

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

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

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

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

~~(b)~~ (d) (I) (A) The seller shall collect the prepaid wireless ~~E911~~ 911 charge from the consumer on each retail transaction occurring in ~~this~~ THE state. The amount of the prepaid wireless ~~E911~~ 911 charge shall be either disclosed to the consumer or separately stated on an invoice, receipt, or other similar document the seller provides to the consumer. A seller shall elect to either disclose or separately state the charge and shall not change the election without the written consent of the department. THE SELLER IS DEEMED TO HAVE COLLECTED THE CHARGE NOTWITHSTANDING THE SELLER'S FAILURE TO SEPARATELY DISCLOSE OR STATE THE CHARGE ON AN INVOICE, RECEIPT, OR OTHER SIMILAR DOCUMENT THE SELLER PROVIDES TO THE CONSUMER. EXCEPT AS PROVIDED IN SUBSECTION (2)(d)(I)(B) OF THIS SECTION, PROVIDERS WHO USE FEDERALLY SUPPORTED SERVICES OR PROGRAMS TO OFFER CUSTOMERS FREE PREPAID WIRELESS TELECOMMUNICATIONS SERVICE ARE DEEMED TO HAVE COLLECTED THE CHARGE. THE PROVIDER SHALL REMIT THE CHARGE FOR EACH RETAIL TRANSACTION THAT OCCURS IN COLORADO.

(B) A PROVIDER THAT PAYS 911 FEES ON FEDERALLY SUPPORTED SERVICES OR PROGRAMS PURSUANT TO A COMMISSION ORDER OR AGREEMENT IN CONNECTION WITH SUCH PROVIDER'S ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION THAT IS IN EFFECT AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (2)(d)(I)(B) SHALL CONTINUE TO REMIT FEES IN ACCORDANCE WITH THAT AGREEMENT. THROUGH A FORMAL DOCKET PROCESS, THE COMMISSION MAY CHANGE SUCH AGREEMENTS NO MORE FREQUENTLY THAN ANNUALLY. NO LATER THAN OCTOBER 1, 2021, THE COMMISSION SHALL COMPLETE A DOCKET TO ESTABLISH THE 911 FEE FOR FEDERALLY SUPPORTED SERVICES OR PROGRAMS AT ONE AND SIX-TENTHS PERCENT OF THE VALUE OF THE SERVICE PROVIDED BY THE CARRIER. ON ANY SUBSEQUENT DOCKET, THE 911 FEE FOR FEDERALLY SUPPORTED SERVICES OR PROGRAMS MUST NOT EXCEED ONE AND NINE-TENTHS PERCENT OF THE VALUE OF THE SERVICE PROVIDED BY THE CARRIER.

(II) For purposes of this ~~paragraph (b)~~ SECTION, a retail transaction occurs in Colorado if:

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

(B) If ~~sub-subparagraph (A) of this subparagraph (H)~~ SUBSECTION (2)(d)(II)(A) OF THIS SECTION does not apply, the product is delivered to the consumer at a Colorado address provided to the seller;

(C) If ~~sub-subparagraphs (A) and (B) of this subparagraph (H)~~ SUBSECTIONS (2)(d)(II)(A) AND (2)(d)(II)(B) OF THIS SECTION do not apply, the seller's records, maintained in the ordinary course of business, indicate that the consumer's address is in Colorado and the records are not made or kept in bad faith;

(D) If ~~sub-subparagraphs (A) to (C) of this subparagraph (H)~~ SUBSECTIONS (2)(d)(II)(A) TO (2)(d)(II)(C) OF THIS SECTION do not apply, the consumer gives a Colorado address during the consummation of the sale, including the consumer's payment instrument if no other address is available, and THERE IS NO INDICATION THAT the address is ~~not~~ given in bad faith; or

(E) If ~~sub-subparagraphs (A) to (D) of this subparagraph (H)~~ SUBSECTIONS (2)(d)(II)(A) TO (2)(d)(II)(D) OF THIS SECTION do not apply, the mobile telephone number is associated with a Colorado location.

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

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

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

(b) ~~(f)~~ ~~Effective July 1, 2011,~~ A seller OR PROVIDER WHO USES FEDERALLY SUPPORTED SERVICES OR PROGRAMS may deduct and retain three and three-tenths percent of the prepaid wireless ~~E911~~ 911 charges that are collected by the seller from consumers.

~~(H) Repealed.~~

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

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

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

(II) The department may expend an amount, not to exceed three percent of the collected charges in the prepaid wireless trust cash fund, necessary to reimburse the department for its direct costs of administering the collection and remittance of prepaid wireless ~~E911~~ 911 charges; except that the department may expend up to an additional ~~four hundred fifty~~ NINETEEN thousand dollars ~~from January 1, 2011, through January 1, 2012, to cover the initial cost of establishing the collection and remittance process~~ IN THE 2020-21 FISCAL YEAR TO COVER THE COSTS OF IMPLEMENTING HOUSE BILL 20-1293, ENACTED IN 2020.

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

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

(5) THE DEPARTMENT SHALL SUPPLY INFORMATION REGARDING THE ADMINISTRATION OF THE PREPAID WIRELESS TRUST CASH FUND TO THE COMMISSION OR A GOVERNING BODY UPON REQUEST.

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

29-11-103. Remittance of charges - administrative fees - rules. (1) EVERY SERVICE SUPPLIER PROVIDING SERVICE WITHIN A GOVERNING BODY'S JURISDICTION SHALL COLLECT AN EMERGENCY TELEPHONE CHARGE IMPOSED IN ACCORDANCE WITH SECTION 29-11-102 AND THE 911 SURCHARGE IMPOSED IN ACCORDANCE WITH SECTION 29-11-102.3 FROM ITS SERVICE USERS.

(2) THE DUTY TO COLLECT OR REMIT CHARGES COMMENCES AT THE TIME SPECIFIED BY THE GOVERNING BODY IN THE CASE OF AN EMERGENCY TELEPHONE CHARGE OR ON JANUARY 1, 2021, IN THE CASE OF THE 911 SURCHARGE. THE EMERGENCY TELEPHONE CHARGE AND THE 911 SURCHARGE MUST BE STATED SEPARATELY ON A SERVICE USER'S BILL, UNLESS THE SERVICE SUPPLIER DOES NOT SEPARATELY LIST ANY FEES OR SURCHARGES AS LINE ITEMS.

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

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

(5) A SERVICE SUPPLIER SHALL REMIT AN EMERGENCY TELEPHONE CHARGE IMPOSED TO THE GOVERNING BODY THAT IMPOSED THE EMERGENCY TELEPHONE CHARGE MONTHLY, ALONG WITH A REPORT IN SUCH FORM AS REQUIRED BY THE GOVERNING BODY. THE SERVICE SUPPLIER REQUIRED TO FILE THE REPORT SHALL DELIVER THE REPORT, TOGETHER WITH A REMITTANCE OF THE AMOUNT OF THE CHARGE PAYABLE, TO THE OFFICE OF THE GOVERNING BODY. THE AMOUNT OF THE EMERGENCY TELEPHONE CHARGE COLLECTED OR PAID IN ONE MONTH BY THE SERVICE SUPPLIER, LESS THE ADMINISTRATIVE FEE ALLOWED TO THE SERVICE SUPPLIER PURSUANT TO SUBSECTION (6) OF THIS SECTION, SHALL BE REMITTED TO THE GOVERNING BODY BASED ON THE GOVERNING BODY'S JURISDICTION NO LATER THAN THE LAST DAY OF THE MONTH FOLLOWING THE CLOSE OF THE PRECEDING MONTH. THE GOVERNING BODY MAY, BY ORDINANCE OR RESOLUTION AS APPROPRIATE, ESTABLISH PAYMENT PROCEDURES AND SCHEDULES DIFFERENT FROM THOSE IN THIS SECTION, IN WHICH CASE A SERVICE SUPPLIER SHALL REMIT THE EMERGENCY TELEPHONE CHARGE IN ACCORDANCE WITH THE RESOLUTION OR ORDINANCE.

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

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

(b) IF A SERVICE SUPPLIER FAILS TO TIMELY FILE A REPORT AND REMIT AN EMERGENCY TELEPHONE CHARGE OR THE 911 SURCHARGE AS REQUIRED BY THIS SECTION, OR IF A SERVICE SUPPLIER FILES AN INCORRECT REPORT OR FAILS TO REMIT THE CORRECT AMOUNT, THE GOVERNING BODY OR THE COMMISSION SHALL ESTIMATE THE AMOUNT OF THE REMITTANCE DUE FOR THE PERIOD OR PERIODS FOR WHICH THE SERVICE SUPPLIER IS DELINQUENT. THE GOVERNING BODY OR THE COMMISSION SHALL MAKE THE ESTIMATE BASED UPON THE INFORMATION AVAILABLE. THE GOVERNING BODY OR THE COMMISSION SHALL COMPUTE AND ASSESS A PENALTY EQUAL TO FIFTEEN PERCENT OF THE ESTIMATE OF THE DELINQUENT AMOUNT, AND SHALL ASSESS INTEREST ON THE DELINQUENT CHARGES AT THE RATE OF ONE PERCENT EACH MONTH FROM THE DATE WHEN DUE UNTIL THE DATE PAID.

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

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

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

(f) THE AUDIT AND APPEAL PROCEDURES ADOPTED BY ORDINANCE OR RESOLUTION AS APPLICABLE IN EACH GOVERNING BODY FOR EXCISE CHARGES SHALL APPLY TO EMERGENCY TELEPHONE CHARGES. IN THE CASE OF AUDITS CONDUCTED BY OR ON BEHALF OF THE COMMISSION, OR APPEALS PURSUED AGAINST THE COMMISSION, THE COMMISSION SHALL PROMULGATE RULES GOVERNING THE AUDIT AND APPEAL PROCEDURES.

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

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

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

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

(A) ~~Costs of equipment directly related to the receipt and routing of emergency calls and installation thereof~~ ASSOCIATED WITH THE LEASE OR PURCHASE, INSTALLATION, ENGINEERING, PROGRAMMING, MAINTENANCE, MONITORING, SECURITY, PLANNING, AND OVERSIGHT OF EQUIPMENT, FACILITIES, HARDWARE, SOFTWARE, AND DATABASES USED TO RECEIVE AND DISPATCH 911 CALLS;

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

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

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

TRAINING FOR PSAP PERSONNEL; ~~and~~

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

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

(F) Other costs directly related to the continued operation of the emergency telephone service and the emergency notification service.

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

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

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

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

~~(f) Persons employed to take emergency telephone calls and dispatch them appropriately; and~~

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

(3) ~~Funds collected~~ A PUBLIC AGENCY SHALL CREDIT MONEY from the charges imposed pursuant to ~~this article shall be credited~~ SECTIONS 29-11-102, 29-11-102.3, AND 29-11-102.5 to a cash fund, apart from the general fund of the public agency, for payments pursuant to subsection (2) of this section. Any ~~moneys~~ MONEY remaining in such cash fund at the end of any fiscal year ~~shall remain therein~~ REMAINS IN THE CASH FUND for payments during any succeeding year; except that, if such emergency telephone service is discontinued, ~~moneys~~ MONEY remaining in the fund after all payments to the service suppliers, basic emergency service providers, and all equipment suppliers pursuant to subsection (2) of this section have been made shall be transferred to the general fund of the public agency or proportionately to the general fund of each participating public agency.

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

29-11-105. Immunity of providers. (1) No basic emergency service provider or service supplier and no employee or agent ~~thereof~~ OF A BASIC EMERGENCY

SERVICE PROVIDER OR SERVICE SUPPLIER shall be liable to any person or entity for infringement or invasion of the right of privacy of any person caused or claimed to have been caused, directly or indirectly, by any act or omission in connection with the installation, operation, maintenance, removal, presence, condition, occasion, or use of emergency service features, automatic number identification (ANI), or automatic location identification (ALI) service and the equipment associated therewith, including without limitation the identification of the telephone number, address, or name associated with the telephone used by the party or parties accessing 911 service, wireless ANI service, or wireless ALI service, and that arise out of the negligence or other wrongful act of the provider or supplier, the customer SERVICE USER OR CONSUMER, the governing body or any of its users, agencies, or municipalities, or the employee or agent of any of said persons and entities. In addition, no basic emergency service provider or service supplier, or any employee or agent thereof shall be liable for any damages in a civil action for injuries, death, or loss to person or property incurred as a result of any act or omission of such provider, service supplier, employee, or agent in connection with developing, adopting, implementing, maintaining, enhancing, or operating an emergency telephone service unless such damage or injury was intentionally caused by or resulted from gross negligence of the provider, supplier, employee, or agent.

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

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

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

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

SECTION 11. In Colorado Revised Statutes, 39-21-113, **add** (26) as follows:

39-21-113. Reports and returns - rule. (26) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE EXECUTIVE DIRECTOR SHALL PROVIDE THE INFORMATION DISCLOSED IN ANY DOCUMENT, REPORT, OR RETURN FILED IN CONNECTION WITH THE PREPAID WIRELESS 911 CHARGE IMPOSED BY SECTION 29-11-102.5 TO THE PUBLIC UTILITIES COMMISSION CREATED IN SECTION 40-2-101 OR A GOVERNING BODY AS DEFINED IN SECTION 29-11-101 (16). ANY INFORMATION

PROVIDED TO THE PUBLIC UTILITIES COMMISSION OR GOVERNING BODY, PURSUANT TO THIS SUBSECTION (26) SHALL REMAIN CONFIDENTIAL, AND ALL AGENTS, CLERKS, AND EMPLOYEES OF THE COMMISSION OR GOVERNING BODY AND THE DEPARTMENT SHALL BE SUBJECT TO THE LIMITATIONS SET FORTH IN SUBSECTION (4) OF THIS SECTION AND THE PENALTIES CONTAINED IN SUBSECTION (6) OF THIS SECTION.

SECTION 12. In Colorado Revised Statutes, 24-33.5-2103, **amend** (10) as follows:

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

(10) "Public safety ~~911~~ answering point" has the same meaning as defined in ~~section 29-11-101 (6.5)~~ SECTION 29-11-101 (23).

SECTION 13. In Colorado Revised Statutes, 25-3.5-903, **amend** (1)(c) as follows:

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

(1) "Emergency medical services organization" means:

(c) Public safety answering points, as defined in ~~section 29-11-101 (6.5), C.R.S.~~ SECTION 29-11-101 (23), performing emergency medical dispatch.

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

29-11-102.7. Imposition of telecommunications relay service surcharge on prepaid wireless - rules - definitions. (2) (b) (I) Along with the prepaid wireless ~~E911 charge~~ 911 CHARGE, as defined in section 29-11-102.5 (1)(c) and collected under section 29-11-102.5 (2), the seller shall collect the prepaid wireless TRS charge from the consumer on each retail transaction occurring in this state. The amount of the prepaid wireless TRS charge shall be either disclosed to the consumer or separately stated on an invoice, receipt, or other similar document the seller provides to the consumer. The amount of the prepaid wireless TRS charge and the amount of the prepaid wireless ~~E911 charge~~ 911 CHARGE may be stated on an invoice, receipt, or other documentation together as a single line item and as a single charge. A seller shall elect to either disclose or separately state the charge and shall not change the election without the written consent of the department.

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

(3) (a) The seller shall remit any collected prepaid wireless TRS charges to the department at the times and in the manner provided in part 1 of article 26 of title 39. ~~C.R.S.~~ The department shall establish, by rule, registration and payment procedures that substantially coincide with the registration and payment procedures that apply under part 1 of article 26 of title 39. ~~C.R.S.~~ A seller may remit prepaid wireless TRS

charges and prepaid wireless ~~E911 charge~~ 911 CHARGES, as defined in section 29-11-102.5 (1)(c), together to the department of revenue as a single remittance. A seller is subject to the penalties under part 1 of article 26 of title 39, ~~C.R.S.~~, for failure to collect or remit a prepaid wireless TRS charge in accordance with this section.

SECTION 15. In Colorado Revised Statutes, 39-21-119.5, **amend** (2)(s) as follows:

39-21-119.5. Mandatory electronic filing of returns - mandatory electronic payment - penalty - waiver - definitions. (2) Except as provided in subsection (6) of this section, the executive director may, as specified in subsection (3) of this section, require the electronic filing of returns and require the payment of any tax or fee due by electronic funds transfer for the following:

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

SECTION 16. In Colorado Revised Statutes, 40-2-131, **amend** (2) as follows:

40-2-131. State of 911 report. (2) In developing the report each year, the commission shall consult with public safety answering points as defined in ~~section 29-11-101(6.5)~~ SECTION 29-11-101 (23), 911 governing bodies as defined in ~~section 29-11-101(4)~~ SECTION 29-11-101 (16), and statewide organizations that represent public safety agencies.

SECTION 17. In Colorado Revised Statutes, **repeal** 29-11-100.5 and 29-11-106.

SECTION 18. Appropriation. (1) For the 2020-21 state fiscal year, \$83,247 is appropriated to the department of regulatory agencies for use by the public utilities commission. This appropriation is from the 911 surcharge trust cash fund created in section 29-11-102.3(3)(c)(I), C.R.S. To implement this act, the commission may use this appropriation as follows:

(a) \$75,832 for personal services, which amount is based on an assumption that the commission will require an additional 0.9 FTE; and

(b) \$7,415 for operating expenses.

(2) For the 2020-21 state fiscal year, \$18,930 cash funds is appropriated to the department of revenue for use by the taxation business group. This appropriation is from the prepaid wireless trust cash fund created in section 29-11-102.5 (3)(e)(I), C.R.S. To implement this act, the department may use this appropriation for tax administration IT system (Gen Tax) support.

SECTION 19. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: July 10, 2020