

SHB 1703 - S COMM AMD

By Committee on State Government & Elections

ADOPTED 02/25/2022

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The ongoing modernization of the
4 statewide 911 emergency communications system is essential to public
5 safety. Implementing new technologies with the modernization to next
6 generation 911 requires clarifying changes to update requirements and
7 definitions currently in statute.

8 **Sec. 2.** RCW 38.52.010 and 2019 c 471 s 2 and 2019 c 207 s 1 are
9 each reenacted and amended to read as follows:

10 As used in this chapter:

11 (1) "911 emergency communications system" means a public 911
12 communications system consisting of a network, database, and on-
13 premises equipment that is accessed by dialing or accessing 911 and
14 that enables reporting police, fire, medical, or other emergency
15 situations to a public safety answering point. The system includes
16 the capability to selectively route incoming 911 voice and data to
17 the appropriate public safety answering point that operates in a
18 defined 911 service area and the capability to automatically display
19 the name, location, and telephone number of incoming 911 voice and
20 data at the appropriate public safety answering point.

21 (2) "Automatic location identification" means information about a
22 caller's location that is part of or associated with an enhanced or
23 next generation 911 emergency communications system as defined in
24 this section and RCW 82.14B.020 and intended for the purpose of
25 display at a public safety answering point with incoming 911 voice or
26 data, or both.

27 (3) "Automatic number identification" means a method for uniquely
28 associating a communication device that has accessed 911 with the
29 incoming 911 voice or data, or both, and intended for the purpose of
30 display at a public safety answering point.

1 (4) "Baseline level of 911 service" means access to 911 dialing
2 from all communication devices with service from a telecommunications
3 provider within a county's jurisdiction so that incoming 911 voice
4 and data communication is answered, received, and displayed on 911
5 equipment at a public safety answering point designated by the
6 county.

7 (5) "Broadcaster" means a person or entity that holds a license
8 issued by the federal communications commission under 47 C.F.R. Part
9 73, 74, 76, or 78.

10 ~~((2))~~ (6)(a) "Catastrophic incident" means any natural or
11 human-caused incident, including terrorism and enemy attack, that
12 results in extraordinary levels of mass casualties, damage, or
13 disruption severely affecting the population, infrastructure,
14 environment, economy, or government functions.

15 (b) "Catastrophic incident" does not include an event resulting
16 from individuals exercising their rights, under the first amendment,
17 of freedom of speech, and of the people to peaceably assemble.

18 ~~((3))~~ (7) "Communication plan," as used in RCW 38.52.070, means
19 a section in a local comprehensive emergency management plan that
20 addresses emergency notification of life safety information.

21 ~~((4))~~ (8) "Continuity of government planning" means the
22 internal effort of all levels and branches of government to provide
23 that the capability exists to continue essential functions and
24 services following a catastrophic incident. These efforts include,
25 but are not limited to, providing for: (a) Orderly succession and
26 appropriate changes of leadership whether appointed or elected; (b)
27 filling vacancies; (c) interoperability communications; and (d)
28 processes and procedures to reconvene government following periods of
29 disruption that may be caused by a catastrophic incident. Continuity
30 of government planning is intended to preserve the constitutional and
31 statutory authority of elected officials at the state and local level
32 and provide for the continued performance of essential functions and
33 services by each level and branch of government.

34 ~~((5))~~ (9) "Continuity of operations planning" means the
35 internal effort of an organization to provide that the capability
36 exists to continue essential functions and services in response to a
37 comprehensive array of potential emergencies or disasters.

38 ~~((6))~~ (10) "Department" means the state military department.

39 ~~((7))~~ (11) "Director" means the adjutant general.

1 (~~(8)~~) (12) "Emergency management" or "comprehensive emergency
2 management" means the preparation for and the carrying out of all
3 emergency functions, other than functions for which the military
4 forces are primarily responsible, to mitigate, prepare for, respond
5 to, and recover from emergencies and disasters, and to aid victims
6 suffering from injury or damage, resulting from disasters caused by
7 all hazards, whether natural, technological, or human caused, and to
8 provide support for search and rescue operations for persons and
9 property in distress. However, "emergency management" or
10 "comprehensive emergency management" does not mean preparation for
11 emergency evacuation or relocation of residents in anticipation of
12 nuclear attack.

13 (~~(9)~~) (13)(a) "Emergency or disaster" as used in all sections
14 of this chapter except RCW 38.52.430 means an event or set of
15 circumstances which: (i) Demands immediate action to preserve public
16 health, protect life, protect public property, or to provide relief
17 to any stricken community overtaken by such occurrences; or (ii)
18 reaches such a dimension or degree of destructiveness as to warrant
19 the governor proclaiming a state of emergency pursuant to RCW
20 43.06.010.

21 (b) "Emergency" as used in RCW 38.52.430 means an incident that
22 requires a normal police, coroner, fire, rescue, emergency medical
23 services, or utility response as a result of a violation of one of
24 the statutes enumerated in RCW 38.52.430.

25 (~~(10)~~) (14) "Emergency response" as used in RCW 38.52.430 means
26 a public agency's use of emergency services during an emergency or
27 disaster as defined in subsection (~~(9)~~) (13)(b) of this section.

28 (~~(11)~~) (15) "Emergency services communication system" means a
29 multicounty or countywide communications network, including an
30 enhanced or next generation 911 emergency communications system,
31 which provides rapid public access for coordinated dispatching of
32 services, personnel, equipment, and facilities for police, fire,
33 medical, or other emergency services.

34 (16) "Emergency services communications system data" includes
35 voice or audio; multimedia, including pictures and video; text
36 messages; telematics or telemetrics; or other information that is
37 received or displayed, or both, at a public safety answering point in
38 association with a 911 access.

39 (17) "Emergency worker" means any person who is registered with a
40 local emergency management organization or the department and holds

1 an identification card issued by the local emergency management
2 director or the department for the purpose of engaging in authorized
3 emergency management activities or is an employee of the state of
4 Washington or any political subdivision thereof who is called upon to
5 perform emergency management activities.

6 ~~((12))~~ (18) "Executive head" and "executive heads" means the
7 county executive in those charter counties with an elective office of
8 county executive, however designated, and, in the case of other
9 counties, the county legislative authority. In the case of cities and
10 towns, it means the mayor in those cities and towns with mayor-
11 council or commission forms of government, where the mayor is
12 directly elected, and it means the city manager in those cities and
13 towns with council manager forms of government. Cities and towns may
14 also designate an executive head for the purposes of this chapter by
15 ordinance.

16 ~~((13))~~ (19) "Expense of an emergency response" as used in RCW
17 38.52.430 means reasonable costs incurred by a public agency in
18 reasonably making an appropriate emergency response to the incident,
19 but shall only include those costs directly arising from the response
20 to the particular incident. Reasonable costs shall include the costs
21 of providing police, coroner, firefighting, rescue, emergency medical
22 services, or utility response at the scene of the incident, as well
23 as the salaries of the personnel responding to the incident.

24 ~~((14))~~ (20) "First informer broadcaster" means an individual
25 who:

26 (a) Is employed by, or acting pursuant to a contract under the
27 direction of, a broadcaster; and

28 (b) (i) Maintains, including repairing or resupplying,
29 transmitters, generators, or other essential equipment at a broadcast
30 station or facility; or (ii) provides technical support services to
31 broadcasters needed during a period of proclaimed emergency.

32 ~~((15))~~ (21) "Incident command system" means: (a) An all-
33 hazards, on-scene functional management system that establishes
34 common standards in organization, terminology, and procedures;
35 provides a means (unified command) for the establishment of a common
36 set of incident objectives and strategies during multiagency/
37 multijurisdiction operations while maintaining individual agency/
38 jurisdiction authority, responsibility, and accountability; and is a
39 component of the national interagency incident management system; or

1 (b) an equivalent and compatible all-hazards, on-scene functional
2 management system.

3 ~~((16))~~ (22) "Injury" as used in this chapter shall mean and
4 include accidental injuries and/or occupational diseases arising out
5 of emergency management activities.

6 ~~((17))~~ (23) "Interconnected voice over internet protocol
7 service provider" means a provider of interconnected voice over
8 internet protocol service as defined by the federal communications
9 commission in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent
10 date determined by the department.

11 (24) "Life safety information" means information provided to
12 people during a response to a life-threatening emergency or disaster
13 informing them of actions they can take to preserve their safety.
14 Such information may include, but is not limited to, information
15 regarding evacuation, sheltering, sheltering-in-place, facility
16 lockdown, and where to obtain food and water.

17 ~~((18))~~ (25) "Local director" means the director of a local
18 organization of emergency management or emergency services.

19 ~~((19))~~ (26) "Local organization for emergency services or
20 management" means an organization created in accordance with the
21 provisions of this chapter by state or local authority to perform
22 local emergency management functions.

23 ~~((20))~~ (27) "Next generation 911" means an internet protocol-
24 based system comprised of managed emergency services internet
25 protocol networks, functional elements (applications), and databases
26 that replicate enhanced 911 features and functions as defined in RCW
27 82.14B.020(4) that provide additional capabilities designed to
28 provide access to emergency services from all connected
29 communications sources and provide multimedia data capabilities for
30 public safety answering points.

31 (28) "Next generation 911 demarcation point" means the location
32 and equipment that separates the next generation 911 network from:

33 (a) A telecommunications provider's network, known as the ingress
34 next generation 911 demarcation point; and

35 (b) A public safety answering point, known as the egress next
36 generation 911 demarcation point.

37 (29) "Next generation 911 emergency communications system" means
38 a public communications system consisting of networks, databases, and
39 public safety answering point 911 hardware, software, and technology
40 that is accessed by the public in the state through 911. The system

1 includes the capability to: Route incoming 911 voice and data to the
2 appropriate public safety answering point that operates in a defined
3 911 service area; answer incoming 911 voice and data; and receive and
4 display incoming 911 voice and data, including automatic location
5 identification and automatic number identification, at a public
6 safety answering point. "Next generation 911 emergency communications
7 system" includes future modernizations to the 911 system.

8 (30) "Next generation 911 emergency services internet protocol
9 network" means a managed internet protocol network used for 911
10 emergency services communications that is managed and maintained,
11 including security and credentialing functions, by the state 911
12 coordination office to provide next generation 911 emergency
13 communications from the ingress next generation 911 demarcation point
14 to the egress next generation 911 demarcation point. It provides the
15 internet protocol transport infrastructure upon which application
16 platforms and core services are necessary for providing next
17 generation 911 services. Next generation 911 emergency services
18 internet protocol networks may be constructed from a mix of dedicated
19 and shared facilities and may be interconnected at local, regional,
20 state, federal, national, and international levels to form an
21 internet protocol-based inter-network (network of networks).

22 (31) "Next generation 911 service" means public access to the
23 next generation 911 emergency communications system and its
24 capabilities by accessing 911 from communication devices to report
25 police, fire, medical, or other emergency situations to a public
26 safety answering point.

27 (32) "Political subdivision" means any county, city or town.

28 ~~((+21))~~ (33) "Public agency" means the state, and a city,
29 county, municipal corporation, district, town, or public authority
30 located, in whole or in part, within this state which provides or may
31 provide firefighting, police, ambulance, medical, or other emergency
32 services.

33 ~~((+22))~~ (34) "Public safety answering point" means the public
34 safety location that receives and answers 911 voice and data
35 originating in a given area as designated by the county. Public
36 safety answering points must be equipped with 911 hardware, software,
37 and technology that is accessed through 911 and is capable of
38 answering incoming 911 calls and receiving and displaying incoming
39 911 data.

1 (a) "Primary public safety answering point" means a public safety
2 answering point, as designated by the county, to which 911 calls and
3 data originating in a given area and entering the next generation 911
4 network are initially routed for answering.

5 (b) "Secondary public safety answering point" means a public
6 safety answering point, as designated by the county, that only
7 receives 911 voice and data that has been transferred by other public
8 safety answering points.

9 (35) "Radio communications service company" ((has the meaning
10 ascribed to it in RCW 82.14B.020)) means every corporation, company,
11 association, joint stock, partnership, and person, their lessees,
12 trustees, or receivers appointed by any court, and every city or town
13 making available facilities to provide commercial mobile radio
14 services, as defined by 47 U.S.C. Sec. 332(d)(1), or cellular
15 communications services for hire, sale, and both facilities-based and
16 nonfacilities-based resellers, and does not include radio paging
17 providers.

18 ~~((+23))~~ (36) "Search and rescue" means the acts of searching
19 for, rescuing, or recovering by means of ground, marine, or air
20 activity any person who becomes lost, injured, or is killed while
21 outdoors or as a result of a natural, technological, or human caused
22 disaster, including instances involving searches for downed aircraft
23 when ground personnel are used. Nothing in this section shall affect
24 appropriate activity by the department of transportation under
25 chapter 47.68 RCW.

26 (37) "Telecommunications provider" means a telecommunications
27 company as defined in RCW 80.04.010, a radio communications service
28 company as defined in RCW 38.52.010, a commercial mobile radio
29 service provider as defined in 47 C.F.R. Sec. 20.3, providers of
30 interconnected voice over internet protocol service as defined in RCW
31 38.52.010, and providers of data services.

32 (38) "Washington state patrol public safety answering points"
33 means those designated as primary or secondary public safety
34 answering points by the counties in which they provide service.

35 **Sec. 3.** RCW 38.52.030 and 2019 c 471 s 3 are each amended to
36 read as follows:

37 (1) The director may employ such personnel and may make such
38 expenditures within the appropriation therefor, or from other funds

1 made available for purposes of emergency management, as may be
2 necessary to carry out the purposes of this chapter.

3 (2) The director, subject to the direction and control of the
4 governor, shall be responsible to the governor for carrying out the
5 program for emergency management of this state. The director shall
6 coordinate the activities of all organizations for emergency
7 management within the state, and shall maintain liaison with and
8 cooperate with emergency management agencies and organizations of
9 other states and of the federal government, and shall have such
10 additional authority, duties, and responsibilities authorized by this
11 chapter, as may be prescribed by the governor.

12 (3) The director shall develop and maintain a comprehensive, all-
13 hazard emergency plan for the state which shall include an analysis
14 of the natural, technological, or human caused hazards which could
15 affect the state of Washington, and shall include the procedures to
16 be used during emergencies for coordinating local resources, as
17 necessary, and the resources of all state agencies, departments,
18 commissions, and boards. The comprehensive emergency management plan
19 shall direct the department in times of state emergency to administer
20 and manage the state's emergency operations center. This will include
21 representation from all appropriate state agencies and be available
22 as a single point of contact for the authorizing of state resources
23 or actions, including emergency permits. The comprehensive emergency
24 management plan must specify the use of the incident command system
25 for multiagency/multijurisdiction operations. The comprehensive, all-
26 hazard emergency plan authorized under this subsection may not
27 include preparation for emergency evacuation or relocation of
28 residents in anticipation of nuclear attack. This plan shall be known
29 as the comprehensive emergency management plan.

30 (4) In accordance with the comprehensive emergency management
31 plans and the programs for the emergency management of this state,
32 the director shall procure supplies and equipment, institute training
33 programs and public information programs, and shall take all other
34 preparatory steps, including the partial or full mobilization of
35 emergency management organizations in advance of actual disaster, to
36 insure the furnishing of adequately trained and equipped forces of
37 emergency management personnel in time of need.

38 (5) The director shall make such studies and surveys of the
39 industries, resources, and facilities in this state as may be
40 necessary to ascertain the capabilities of the state for emergency

1 management, and shall plan for the most efficient emergency use
2 thereof.

3 (6) The emergency management council shall advise the director on
4 all aspects of the communications and warning systems and facilities
5 operated or controlled under the provisions of this chapter.

6 (7) The director, through the state (~~enhanced~~) 911 coordinator,
7 shall coordinate and facilitate implementation and operation of a
8 statewide (~~enhanced~~) 911 emergency communications network.

9 (8) The director shall appoint a state coordinator of search and
10 rescue operations to coordinate those state resources, services and
11 facilities (other than those for which the state director of
12 aeronautics is directly responsible) requested by political
13 subdivisions in support of search and rescue operations, and on
14 request to maintain liaison with and coordinate the resources,
15 services, and facilities of political subdivisions when more than one
16 political subdivision is engaged in joint search and rescue
17 operations.

18 (9) The director, subject to the direction and control of the
19 governor, shall prepare and administer a state program for emergency
20 assistance to individuals within the state who are victims of a
21 natural, technological, or human caused disaster, as defined by RCW
22 38.52.010(~~(+6)~~) (13). Such program may be integrated into and
23 coordinated with disaster assistance plans and programs of the
24 federal government which provide to the state, or through the state
25 to any political subdivision thereof, services, equipment, supplies,
26 materials, or funds by way of gift, grant, or loan for purposes of
27 assistance to individuals affected by a disaster. Further, such
28 program may include, but shall not be limited to, grants, loans, or
29 gifts of services, equipment, supplies, materials, or funds of the
30 state, or any political subdivision thereof, to individuals who, as a
31 result of a disaster, are in need of assistance and who meet
32 standards of eligibility for disaster assistance established by the
33 department of social and health services: PROVIDED, HOWEVER, That
34 nothing herein shall be construed in any manner inconsistent with the
35 provisions of Article VIII, section 5 or section 7 of the Washington
36 state Constitution.

37 (10) The director shall appoint a state coordinator for
38 radioactive and hazardous waste emergency response programs. The
39 coordinator shall consult with the state radiation control officer in
40 matters relating to radioactive materials. The duties of the state

1 coordinator for radioactive and hazardous waste emergency response
2 programs shall include:

3 (a) Assessing the current needs and capabilities of state and
4 local radioactive and hazardous waste emergency response teams on an
5 ongoing basis;

6 (b) Coordinating training programs for state and local officials
7 for the purpose of updating skills relating to emergency mitigation,
8 preparedness, response, and recovery;

9 (c) Utilizing appropriate training programs such as those offered
10 by the federal emergency management agency, the department of
11 transportation and the environmental protection agency; and

12 (d) Undertaking other duties in this area that are deemed
13 appropriate by the director.

14 (11) The director is responsible to the governor to lead the
15 development and management of a program for interagency coordination
16 and prioritization of continuity of operations planning by state
17 agencies. Each state agency is responsible for developing an
18 organizational continuity of operations plan that is updated and
19 exercised annually in compliance with the program for interagency
20 coordination of continuity of operations planning.

21 (12) The director shall maintain a copy of the continuity of
22 operations plan for election operations for each county that has a
23 plan available.

24 (13) Subject to the availability of amounts appropriated for this
25 specific purpose, the director is responsible to the governor to lead
26 the development and management of a program to provide information
27 and education to state and local government officials regarding
28 catastrophic incidents and continuity of government planning to
29 assist with statewide development of continuity of government plans
30 by all levels and branches of state and local government that address
31 how essential government functions and services will continue to be
32 provided following a catastrophic incident.

33 **Sec. 4.** RCW 38.52.440 and 2017 c 295 s 3 are each amended to
34 read as follows:

35 (1) Subject to the availability of amounts appropriated for this
36 specific purpose, the director, through the state (~~enhanced~~) 911
37 coordinator, and in collaboration with the department of health, the
38 department of social and health services, the Washington state
39 patrol, the Washington association of sheriffs and police chiefs, the

1 Washington council of police and sheriffs, the state fire marshal's
2 office, a representative of a first responder organization with
3 experience in addressing the needs of a person with a disability, and
4 other individuals and entities at the discretion of the director,
5 must assess, and report back to the appropriate committees of the
6 legislature by December 1, 2018, regarding:

7 (a) The resources, capabilities, techniques, protocols, and
8 procedures available or required in order to include as part of the
9 enhanced 911 emergency service the ability to allow an immediate
10 display on the screen indicating that a person with a disability may
11 be present at the scene of an emergency, the caller's identification,
12 location, phone number, address, and if made available, additional
13 information on the person with a disability that would assist the
14 first responder in the emergency response;

15 (b) How best to acquire, implement, and safeguard a secure
16 website and the information in the system provided by a person with a
17 disability, or a parent, guardian, or caretaker of a person with a
18 disability in order to make such information directly available to
19 first responders at the scene of an emergency or on the way to the
20 scene of an emergency;

21 (c) What information provided by a person must remain
22 confidential under state or federal law, or otherwise should remain
23 confidential without written permission to release it for purposes of
24 chapter 295, Laws of 2017 or the information is otherwise releasable
25 or available under other provisions of law; and

26 (d) The need to provide various agencies and employees that are
27 first responders and emergency personnel immunity from civil
28 liability for acts or omissions in the performance of their duties,
29 and what standard should apply, such as if the act or omission is the
30 result of simple negligence, gross negligence, or willful misconduct.

31 (2) For purposes of this section:

32 (a) Both "accident" and "emergency" mean an unforeseen
33 combination of circumstances or a resulting situation that results in
34 a need for assistance or relief and calls for immediate action; and

35 (b) "Person with a disability" means an individual who has been
36 diagnosed medically to have a physical, mental, emotional,
37 intellectual, behavioral, developmental, or sensory disability.

38 **Sec. 5.** RCW 38.52.500 and 1991 c 54 s 1 are each amended to read
39 as follows:

1 The legislature finds that a statewide emergency communications
2 network of ~~((enhanced))~~ 911 telephone service, which allows an
3 immediate display of a caller's identification and location, would
4 serve to further the safety, health, and welfare of the state's
5 citizens, and would save lives. The legislature, after reviewing the
6 study outlined in section 1, chapter 260, Laws of 1990, further finds
7 that statewide implementation of ~~((enhanced))~~ 911 telephone service
8 is feasible and should be accomplished as soon as practicable.

9 **Sec. 6.** RCW 38.52.501 and 2002 c 341 s 1 are each amended to
10 read as follows:

11 The legislature finds that statewide ~~((enhanced))~~ 911 emergency
12 communications service has proven to be a lifesaving service and that
13 routing a 911 call to the appropriate public safety answering point
14 with a display of the caller's identification and location should be
15 available for all users of telecommunications services, regardless of
16 the technology used to make and transmit the 911 call. The
17 legislature also finds that it is in the best public interest to
18 ensure that there is adequate ongoing funding to support ~~((enhanced~~
19 ~~911 service))~~ necessary 911 system upgrades as technology evolves to
20 next generation 911 technology and beyond for 911 emergency
21 communications baseline service statewide that supports emerging
22 communications devices.

23 **Sec. 7.** RCW 38.52.505 and 1999 c 24 s 2 are each amended to read
24 as follows:

25 The adjutant general shall establish rules on minimum information
26 requirements of automatic location identification for the purposes of
27 ~~((enhanced))~~ 911 emergency service. Such rules shall permit the chief
28 of a local fire department or a chief fire protection officer or such
29 other person as may be designated by the governing body of a city or
30 county to take into consideration local circumstances when approving
31 the accuracy of location information generated when calls are made to
32 911 from facilities within his or her service area.

33 **Sec. 8.** RCW 38.52.510 and 2010 1st sp.s. c 19 s 14 are each
34 amended to read as follows:

35 (1) Each county, singly or in combination with one or more
36 ~~((adjacent))~~ counties, must ~~((implement))~~ provide or participate in
37 countywide or multicounty-wide ~~((enhanced))~~ 911 emergency

1 communications systems so that ((enhanced)) 911 is available
2 throughout the state. The county must provide funding for the
3 ((enhanced)) 911 communications system in the county in an amount
4 equal to the amount the maximum tax under RCW 82.14B.030(1) would
5 generate in the county less any applicable administrative fee charged
6 by the department of revenue or the amount necessary to provide full
7 funding of the system in the county. The state ((enhanced)) 911
8 coordination office established by RCW 38.52.520 must assist and
9 facilitate ((enhanced)) 911 implementation throughout the state.

10 (2) A county may request a Washington state patrol public safety
11 answering point to become a primary public safety answering point and
12 receive 911 calls from a specific geographical area and may cancel
13 that designation at any time.

14 **Sec. 9.** RCW 38.52.520 and 2010 1st sp.s. c 19 s 15 are each
15 amended to read as follows:

16 A state ((enhanced)) 911 coordination office, headed by the state
17 ((enhanced)) 911 coordinator, is established in the emergency
18 management division of the department. Duties of the office include:

19 ~~(1) ((Coordinating and facilitating the implementation and~~
20 ~~operation of enhanced 911 emergency communications systems throughout~~
21 ~~the state))~~ Administering the 911 account established in RCW
22 38.52.540;

23 (2) Seeking advice and assistance from, and providing staff
24 support for((7)) the enhanced 911 advisory committee;

25 (3) Providing and supporting 911 emergency communications
26 systems, which may include procurement, funding, ownership, and
27 management;

28 (4) Assisting the counties and Washington state patrol public
29 safety answering points by distributing state 911 emergency
30 communications system funding within the priorities identified in RCW
31 38.52.545. When designated as a primary public safety answering point
32 by the county, the state 911 coordination office may provide funding
33 for Washington state patrol public safety answering point 911
34 emergency communications systems;

35 (5) Develop forms, submission dates, and methods as necessary for
36 all public safety answering points to submit reports;

37 (6) Recommending to the utilities and transportation commission
38 by August 31st of each year the level of the state ((enhanced)) 911

1 emergency communications system excise tax established in RCW
2 82.14B.030(5) for the following year;

3 ~~((4) Considering base needs of individual counties for specific~~
4 ~~assistance, specify rules defining the purposes for which available~~
5 ~~state enhanced 911 funding may be expended, with the advice and~~
6 ~~assistance of the enhanced 911 advisory committee; and~~

7 ~~(5) Providing an annual update to the enhanced))~~ (7) Establishing
8 rules that:

9 (a) Determine eligible components of the 911 emergency
10 communications system, its administration, and operation that the
11 state and county 911 excise taxes, under RCW 82.14B.030, may be used
12 to fund;

13 (b) Determine how appropriated funds from the state 911 account
14 shall be distributed, considering the baseline level of 911 emergency
15 communications system service needs of individual counties and
16 county-designated Washington state patrol primary public safety
17 answering points for specific assistance; and

18 (c) Specify statewide 911 emergency communications system and
19 service standards, consistent with applicable state and federal law.
20 The authority given to the state 911 coordinator in this section is
21 limited to setting standards as set forth in this section and does
22 not constitute authority to regulate radio communications service
23 companies or interconnected voice over internet protocol service
24 companies; and

25 (8) Annually providing a complete report to the 911 advisory
26 committee on ((how much money each county has spent on)):

27 (a) Efforts to modernize their existing enhanced 911 emergency
28 communications system; ((and

29 ~~(b) Enhanced 911 operational costs))~~ (b) All public safety
30 answering points expenditures for administrative and operational
31 costs and expenses of the 911 emergency communications system; and

32 (c) Any additional data that may be identified by the 911
33 advisory committee.

34 **Sec. 10.** RCW 38.52.525 and 1995 c 243 s 9 are each amended to
35 read as follows:

36 The state ~~((enhanced))~~ 911 coordination office may develop and
37 ~~((implement))~~ provide public education materials ~~((regarding the~~
38 ~~capability of specific equipment used as part of a private~~
39 ~~telecommunications system or in the provision of private shared~~

1 ~~telecommunications services to forward automatic location~~
2 ~~identification and automatic number identification)) relating to the~~
3 ~~911 emergency communications system.~~

4 NEW SECTION. **Sec. 11.** A new section is added to chapter 38.52
5 RCW to read as follows:

6 The 911 advisory committee is created to advise and assist the
7 state 911 coordinator in coordinating and facilitating the
8 implementation and operation of 911 throughout the state. The
9 director shall appoint:

10 (1) County 911 representatives from diverse urban and rural
11 geographical counties;

12 (2) The statewide 988 coordinator or designee identified by the
13 office of the governor;

14 (3) Those who represent diverse geographical areas of the state
15 and include state residents who are members of the national emergency
16 number association, the association of public communications
17 officials Washington chapter, the Washington state fire chiefs
18 association, the Washington association of sheriffs and police
19 chiefs, the Washington state council of firefighters, the Washington
20 state council of police officers, the Washington ambulance
21 association, the Washington state firefighters association, the
22 Washington state association of fire marshals, the Washington fire
23 commissioners association, the Washington state patrol, the
24 association of Washington cities, and the Washington state
25 association of counties;

26 (4) The utilities and transportation commission or commission
27 staff;

28 (5) A representative of a voice over internet protocol company;

29 (6) An equal number of representatives of large and small local
30 exchange telephone companies and large and small radio communications
31 service companies offering commercial mobile radio service in the
32 state;

33 (7) A representative of the Washington state department of
34 health; and

35 (8) Other members identified and appointed by the director.

36 **Sec. 12.** RCW 38.52.532 and 2010 1st sp.s. c 19 s 17 are each
37 amended to read as follows:

1 (~~On an annual basis~~) (1) Annually, the ((enhanced)) 911
2 advisory committee must provide an update on the status of
3 ((enhanced)) 911 service in the state to the appropriate committees
4 in the legislature. The update must include progress by the state 911
5 coordination office and the counties towards ((creating greater
6 efficiencies in enhanced)) continual growth and maintenance of a 911
7 emergency communications system with greater efficiencies in 911
8 operations including, but not limited to, regionalization of
9 facilities, centralization of equipment, ((and)) statewide
10 purchasing, strategic plan performance, and fiscal health of the 911
11 emergency communications system.

12 (2) To assist with modernization of the 911 emergency
13 communications system, all counties operating public safety answering
14 points in Washington state, with the exception of tribal nations,
15 must assist the 911 advisory committee to update the legislature
16 annually within the requirements of RCW 38.52.520(8) by providing
17 annual public safety answering point expenditure reports and
18 additional information as necessary requested by the state 911
19 coordinator's office.

20 (3) To assist with modernization of the 911 emergency
21 communications system, public safety answering points providing
22 service in multiple counties shall report to the county where they
23 are physically located. Public safety answering points providing
24 services outside of Washington state borders shall limit reporting to
25 those areas within the boundaries of Washington state. Counties
26 receiving services from a public safety answering point outside of
27 Washington state must report the cost of services into their county.

28 **Sec. 13.** RCW 38.52.535 and 1998 c 245 s 32 are each amended to
29 read as follows:

30 The state ((enhanced)) 911 coordination office and the
31 ((enhanced)) 911 advisory committee may participate in efforts to set
32 uniform national standards for ((automatic number identification and
33 automatic location identification data transmission for private
34 telecommunications systems and private shared telecommunications
35 services)) the 911 emergency communications system.

36 **Sec. 14.** RCW 38.52.540 and 2015 3rd sp.s. c 4 s 949 are each
37 amended to read as follows:

1 (1) The ((enhanced)) 911 account is created in the state
2 treasury. All receipts from the state ((enhanced)) 911 excise taxes
3 imposed by RCW 82.14B.030 must be deposited into the account. Moneys
4 in the account must be used ((only)) to support the priorities
5 established in RCW 38.52.545, procure, fund, and manage the statewide
6 911 emergency communications system network, purchase goods and
7 services that support the counties and Washington state patrol public
8 safety answering points in providing 911 baseline level of service
9 statewide, assist the counties and Washington state patrol public
10 safety answering points to provide 911 emergency communications
11 systems and associated administrative and operational costs, acquire
12 911 hardware, software, and technology appropriate to support a 911
13 emergency communications system, 911 emergency communications
14 training and public education, support the statewide coordination and
15 management of the ((enhanced)) 911 emergency communications system,
16 ((for the implementation of wireless enhanced 911 statewide,)) and
17 for ((the)) modernization needs as technology evolves of ((enhanced))
18 the 911 emergency communications systems statewide((, and to help
19 supplement, within available funds, the operational costs of the
20 system, including adequate funding of counties to enable
21 implementation of wireless enhanced 911 service and reimbursement of
22 radio communications service companies for costs incurred in
23 providing wireless enhanced 911 service pursuant to negotiated
24 contracts between the counties or their agents and the radio
25 communications service companies. For the 2013-2015 and the 2015-2017
26 fiscal biennia, the account may be used for a criminal history system
27 upgrade in the Washington state patrol and for activities and
28 programs in the military department. A county must show just cause,
29 including but not limited to a true and accurate accounting of the
30 funds expended, for any inability to provide reimbursement to radio
31 communications service companies of costs incurred in providing
32 enhanced 911 service))).

33 (2) Funds generated by the ((enhanced)) 911 excise tax imposed by
34 RCW 82.14B.030(5), (6), and (8) may not be distributed to any county
35 that has not imposed the maximum county ((enhanced)) 911 excise tax
36 allowed under RCW 82.14B.030(1) through (3). ((Funds generated by the
37 enhanced 911 excise tax imposed by RCW 82.14B.030(6) may not be
38 distributed to any county that has not imposed the maximum county
39 enhanced 911 excise tax allowed under RCW 82.14B.030(2)-.)

1 (3) The state (~~enhanced~~) 911 coordinator, with the advice and
2 assistance of the (~~enhanced~~) 911 advisory committee, is authorized
3 to enter into statewide agreements to improve the efficiency of
4 (~~enhanced~~) the 911 (~~services for all counties~~) emergency
5 communications system and shall specify by rule the additional
6 purposes for which moneys, if available, may be expended from this
7 account.

8 **Sec. 15.** RCW 38.52.545 and 2010 1st sp.s. c 19 s 19 are each
9 amended to read as follows:

10 In specifying rules defining the purposes for which available
11 state (~~enhanced~~) 911 moneys may be expended, the state (~~enhanced~~)
12 911 coordinator, with the advice and assistance of the (~~enhanced~~)
13 911 advisory committee, must consider (~~base~~) needs (~~of individual~~
14 ~~counties for specific assistance~~) necessary to provide a baseline
15 level of 911 service by individual counties and their designated
16 Washington state patrol public safety answering points. Priorities
17 for available (~~enhanced~~) 911 emergency communications system
18 funding are as follows:

19 (1) To procure, fund, and manage the statewide 911 network and
20 supporting services, and assure that 911 dialing is operational
21 statewide;

22 (2) To assist counties and Washington state patrol public safety
23 answering points to provide 911 emergency communications systems and
24 associated administrative and operational costs as necessary to
25 assure that they can achieve a (~~basic service~~) baseline level of
26 service for 911 operations; and

27 (3) To assist counties (~~as practicable to acquire items of a~~
28 ~~capital nature appropriate to modernize 911 systems and increase 911~~
29 ~~effectiveness~~) and their designated Washington state patrol public
30 safety answering points to acquire 911 hardware, software, and
31 technology to support a 911 emergency communications system baseline
32 level of service.

33 **Sec. 16.** RCW 38.52.550 and 2010 1st sp.s. c 19 s 20 are each
34 amended to read as follows:

35 A telecommunications company, radio communications service
36 company, or interconnected voice over internet protocol service
37 company, providing emergency communications systems or services or a
38 business or individual providing database information to (~~enhanced~~)

1 911 emergency communications personnel is not liable for civil
2 damages caused by an act or omission of the company, business, or
3 individual, the state, political subdivisions and any 911 public
4 corporations in the:

5 (1) Good faith release of information not in the public record,
6 including unpublished or unlisted subscriber information to emergency
7 service providers responding to calls placed to an ((enhanced)) 911
8 emergency communications service; or

9 (2) Design, development, installation, maintenance, or provision
10 of consolidated ((enhanced)) 911 emergency communications systems or
11 services other than an act or omission constituting gross negligence
12 or wanton or willful misconduct.

13 **Sec. 17.** RCW 38.52.561 and 2010 1st sp.s. c 19 s 21 are each
14 amended to read as follows:

15 The state ((enhanced)) 911 coordinator, with the advice and
16 assistance of the ((enhanced)) 911 advisory committee, must set
17 nondiscriminatory, uniform technical and operational standards
18 consistent with the rules of the federal communications commission
19 for the transmission of 911 calls from radio communications service
20 companies and interconnected voice over internet protocol service
21 companies to ((enhanced)) 911 emergency communications systems. These
22 standards must be modernized to align with national standards adopted
23 by the state of Washington in rule making and not exceed the
24 requirements set by the federal communications commission. The
25 authority given to the state ((enhanced)) 911 coordinator in this
26 section is limited to setting standards as set forth in this section
27 and does not constitute authority to regulate radio communications
28 service companies or interconnected voice over internet protocol
29 service companies.

30 **Sec. 18.** RCW 38.52.575 and 2015 c 224 s 6 are each amended to
31 read as follows:

32 (1) Information contained in an automatic number identification
33 or automatic location identification database that is part of a
34 county ((enhanced)) 911 emergency communications system as defined in
35 RCW 82.14B.020 and intended for display at a public safety answering
36 point with incoming 911 voice or data is exempt from public
37 inspection and copying under chapter 42.56 RCW.

1 (2) Information voluntarily submitted to be contained in a
2 database that is part of or associated with a county (~~enhanced~~) 911
3 emergency communications system as defined in RCW 82.14B.020 and
4 intended for the purpose of display at a public safety answering
5 point with incoming 911 voice or data is exempt from public
6 inspection and copying under chapter 42.56 RCW.

7 (3) This section shall not be interpreted to prohibit:

8 (a) Display of information at a public safety answering point;

9 (b) Dissemination of information by the public safety answering
10 point to police, fire, or emergency medical responders for display on
11 a device used by police, fire, or emergency medical responders for
12 the purpose of handling or responding to emergency calls or for
13 training;

14 (c) Maintenance of the database by a county;

15 (d) Dissemination of information by a county to local agency
16 personnel for inclusion in an emergency notification system that
17 makes outgoing calls to telephone numbers to provide notification of
18 a community emergency event;

19 (e) Inspection or copying by the subject of the information or an
20 authorized representative; or

21 (f) The public disclosure of information prepared, retained,
22 disseminated, transmitted, or recorded, for the purpose of handling
23 or responding to emergency calls, unless disclosure of any such
24 information is otherwise exempted under chapter 42.56 RCW or other
25 law.

26 **Sec. 19.** RCW 82.14B.010 and 2010 1st sp.s. c 19 s 1 are each
27 amended to read as follows:

28 The legislature finds that the state and counties should be
29 provided with an additional revenue source to fund (~~enhanced~~) 911
30 emergency communications systems throughout the state on a
31 multicounty or countywide basis. The legislature further finds that
32 the most efficient and appropriate method of deriving additional
33 revenue for this purpose is to impose an excise tax on the use of
34 switched access lines, radio access lines, and interconnected voice
35 over internet protocol service lines.

36 **Sec. 20.** RCW 82.14B.020 and 2013 2nd sp.s. c 8 s 102 are each
37 amended to read as follows:

38 As used in this chapter:

1 (1) "911 emergency communications system" means a public 911
2 communications system consisting of a network, database, and on-
3 premises equipment that is accessed by dialing or accessing 911 and
4 that enables reporting police, fire, medical, or other emergency
5 situations to a public safety answering point. The system includes
6 the capability to selectively route incoming 911 voice and data to
7 the appropriate public safety answering point that operates in a
8 defined 911 service area and the capability to automatically display
9 the name, address, and telephone number of incoming 911 voice and
10 data at the appropriate public safety answering point.

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

13 (~~(2)~~) (3) "Emergency services communication system" means a
14 multicounty or countywide communications network, including an
15 enhanced or next generation 911 emergency communications system,
16 which provides rapid public access for coordinated dispatching of
17 services, personnel, equipment, and facilities for police, fire,
18 medical, or other emergency services.

19 (~~(3)~~) (4) "Enhanced 911 emergency communications system" means
20 a public communications system consisting of a network, database, and
21 on-premises equipment that is accessed by dialing or accessing 911
22 and that enables reporting police, fire, medical, or other emergency
23 situations to a public safety answering point. The system includes
24 the capability to selectively route incoming 911 voice or data to the
25 appropriate public safety answering point that operates in a defined
26 911 service area and the capability to automatically display the
27 name, address, and telephone number of incoming 911 voice or data at
28 the appropriate public safety answering point. "Enhanced 911
29 emergency communications system" includes the modernization to next
30 generation 911 systems.

31 (~~(4)~~) (5) "Interconnected voice over internet protocol service"
32 has the same meaning as provided by the federal communications
33 commission in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent
34 date determined by the department.

35 (~~(5)~~) (6) "Interconnected voice over internet protocol service
36 line" means an interconnected voice over internet protocol service
37 that offers an active telephone number or successor dialing protocol
38 assigned by a voice over internet protocol provider to a voice over
39 internet protocol service customer that has inbound and outbound
40 calling capability, which can directly access a public safety

1 answering point when such a voice over internet protocol service
2 customer has a place of primary use in the state.

3 ~~((+6))~~ (7) "Local exchange company" has the meaning ascribed to
4 it in RCW 80.04.010.

5 ~~((+7))~~ (8) "Next generation 911 emergency communications system"
6 means a public communications system consisting of networks,
7 databases, and public safety answering point 911 hardware, software,
8 and technology that is accessed by the public in the state through
9 911. The system includes the capability to: Route incoming 911 voice
10 and data to the appropriate public safety answering point that
11 operates in a defined 911 service area; answer incoming 911 voice and
12 data; and receive and display incoming 911 voice and data, including
13 automatic location identification and automatic number
14 identification, at a public safety answering point. "Next Generation
15 911 emergency communications system" includes future modernizations
16 to the 911 system.

17 (9) "Place of primary use" means the street address
18 representative of where the subscriber's use of the radio access line
19 or interconnected voice over internet protocol service line occurs,
20 which must be:

21 (a) The residential street address or primary business street
22 address of the subscriber; and

23 (b) In the case of radio access lines, within the licensed
24 service area of the home service provider.

25 ~~((+8))~~ (10) "Prepaid wireless telecommunications service" means
26 a telecommunications service that provides the right to use mobile
27 wireless service as well as other nontelecommunications services
28 including the download of digital products delivered electronically,
29 content, and ancillary services, which must be paid for in full in
30 advance and sold in predetermined units or dollars of which the
31 number declines with use in a known amount.

32 ~~((+9))~~ (11) "Private telecommunications system" has the meaning
33 ascribed to it in RCW 80.04.010.

34 ~~((+10))~~ (12) "Radio access line" means the telephone number
35 assigned to or used by a subscriber for two-way local wireless voice
36 service available to the public for hire from a radio communications
37 service company. Radio access lines include, but are not limited to,
38 radio-telephone communications lines used in cellular telephone
39 service, personal communications services, and network radio access
40 lines, or their functional and competitive equivalent. Radio access

1 lines do not include lines that provide access to one-way signaling
2 service, such as paging service, or to communications channels
3 suitable only for data transmission, or to nonlocal radio access line
4 service, such as wireless roaming service, or to a private
5 telecommunications system.

6 ~~((11))~~ (13) "Radio communications service company" ~~((has the~~
7 ~~meaning ascribed to it in RCW 80.04.010, except that it does not~~
8 ~~include radio paging providers. It does include those persons or~~
9 ~~entities that provide commercial mobile radio services, as defined by~~
10 ~~47 U.S.C. Sec. 332(d)(1), and both facilities-based and~~
11 ~~nonfacilities-based resellers)) means every corporation, company,~~
12 association, joint stock, partnership, and person, their lessees,
13 trustees, or receivers appointed by any court, and every city or town
14 making available facilities to provide commercial mobile radio
15 services, as defined by 47 U.S.C. Sec. 332(d)(1), or cellular
16 communications services for hire, sale, and both facilities-based and
17 nonfacilities-based resellers, and does not include radio paging
18 providers.

19 ~~((12))~~ (14) "Retail transaction" means the purchase of prepaid
20 wireless telecommunications service from a seller for any purpose
21 other than resale.

22 ~~((13))~~ (15) "Seller" means a person who sells prepaid wireless
23 telecommunications service to another person.

24 ~~((14))~~ (16) "Subscriber" means the retail purchaser of
25 telecommunications service, a competitive telephone service, or
26 interconnected voice over internet protocol service. "Subscriber"
27 does not include a consumer, as defined in this section.

28 ~~((15))~~ (17) "Switched access line" means the telephone service
29 line which connects a subscriber's main telephone(s) or equivalent
30 main telephone(s) to the local exchange company's switching office.

31 **Sec. 21.** RCW 82.14B.030 and 2013 2nd sp.s. c 8 s 105 are each
32 amended to read as follows:

33 Subject to the enactment into law of the 2013 amendments to RCW
34 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the
35 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of
36 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in
37 section 109, chapter 8, Laws of 2013 2nd sp. sess.:

38 (1) The legislative authority of a county may impose a county
39 ~~((enhanced))~~ 911 excise tax on the use of switched access lines in an

1 amount not exceeding seventy cents per month for each switched access
2 line. The amount of tax must be uniform for each switched access
3 line. Each county must provide notice of the tax to all local
4 exchange companies serving in the county at least sixty days in
5 advance of the date on which the first payment is due. The tax
6 imposed under this subsection must be remitted to the department by
7 local exchange companies on a tax return provided by the department.
8 The tax must be deposited in the county ((enhanced)) 911 excise tax
9 account as provided in RCW 82.14B.063.

10 (2) (a) The legislative authority of a county may also impose a
11 county ((enhanced)) 911 excise tax on the use of radio access lines:

12 (i) By subscribers whose place of primary use is located within
13 the county in an amount not exceeding seventy cents per month for
14 each radio access line. The amount of tax must be uniform for each
15 radio access line under this subsection (2) (a) (i); and

16 (ii) By consumers whose retail transaction occurs within the
17 county in an amount not exceeding seventy cents per retail
18 transaction. The amount of tax must be uniform for each retail
19 transaction under this subsection (2) (a) (ii).

20 (b) The county must provide notice of the tax to all radio
21 communications service companies serving in the county at least sixty
22 days in advance of the date on which the first payment is due. The
23 tax imposed under this section must be remitted to the department by
24 radio communications service companies, including those companies
25 that resell radio access lines, and sellers of prepaid wireless
26 telecommunications services, on a tax return provided by the
27 department. The tax must be deposited in the county ((enhanced)) 911
28 excise tax account as provided in RCW 82.14B.063.

29 (3) (a) The legislative authority of a county may impose a county
30 ((enhanced)) 911 excise tax on the use of interconnected voice over
31 internet protocol service lines in an amount not exceeding seventy
32 cents per month for each interconnected voice over internet protocol
33 service line. The amount of tax must be uniform for each line and
34 must be levied on no more than the number of voice over internet
35 protocol service lines on an account that are capable of simultaneous
36 unrestricted outward calling to the public switched telephone
37 network.

38 (b) The interconnected voice over internet protocol service
39 company must use the place of primary use of the subscriber to

1 determine which county's ((enhanced)) 911 excise tax applies to the
2 service provided to the subscriber.

3 (c) The tax imposed under this section must be remitted to the
4 department by interconnected voice over internet protocol service
5 companies on a tax return provided by the department.

6 (d) The tax must be deposited in the county ((enhanced)) 911
7 excise tax account as provided in RCW 82.14B.063.

8 (e) To the extent that a local exchange carrier and an
9 interconnected voice over internet protocol service company
10 contractually jointly provide a single service line, only one service
11 company is responsible for remitting the ((enhanced)) 911 excise
12 taxes, and nothing in this section precludes service companies who
13 jointly provide service from agreeing by contract which of them must
14 remit the taxes collected.

15 (4) Counties imposing a county ((enhanced)) 911 excise tax must
16 provide an annual update to the ((enhanced)) 911 coordinator
17 detailing the proportion of their county ((enhanced)) 911 excise tax
18 that is being spent on:

19 (a) Efforts to modernize their existing ((enhanced)) 911
20 communications system; and

21 (b) ((Enhanced)) 911 operational costs.

22 (5) A state ((enhanced)) 911 excise tax is imposed on all
23 switched access lines in the state. The amount of tax may not exceed
24 twenty-five cents per month for each switched access line. The tax
25 must be uniform for each switched access line. The tax imposed under
26 this subsection must be remitted to the department by local exchange
27 companies on a tax return provided by the department. Tax proceeds
28 must be deposited by the treasurer in the ((enhanced)) 911 account
29 created in RCW 38.52.540.

30 (6)(a) A state ((enhanced)) 911 excise tax is imposed on the use
31 of all radio access lines:

32 (i) By subscribers whose place of primary use is located within
33 the state in an amount of twenty-five cents per month for each radio
34 access line. The tax must be uniform for each radio access line under
35 this subsection (6)(a)(i); and

36 (ii) By consumers whose retail transaction occurs within the
37 state in an amount of twenty-five cents per retail transaction. The
38 tax must be uniform for each retail transaction under this subsection
39 (6)(a)(ii). Until July 1, 2018, a seller of prepaid wireless
40 telecommunications service may charge an additional five cents per

1 retail transaction as compensation for the cost of collecting and
2 remitting the tax.

3 (b) The tax imposed under this section must be remitted to the
4 department by radio communications service companies, including those
5 companies that resell radio access lines, and sellers of prepaid
6 wireless telecommunications service, on a tax return provided by the
7 department. Tax proceeds must be deposited by the treasurer in the
8 ((enhanced)) 911 account created in RCW 38.52.540. The tax imposed
9 under this section is not subject to the state sales and use tax or
10 any local tax.

11 (7) For purposes of the state and county ((enhanced)) 911 excise
12 taxes imposed by subsections (2) and (6) of this section, the retail
13 transaction is deemed to occur at the location where the transaction
14 is sourced to under RCW 82.32.520(3)(c).

15 (8) A state ((enhanced)) 911 excise tax is imposed on all
16 interconnected voice over internet protocol service lines in the
17 state. The amount of tax may not exceed twenty-five cents per month
18 for each interconnected voice over internet protocol service line
19 whose place of primary use is located in the state. The amount of tax
20 must be uniform for each line and must be levied on no more than the
21 number of voice over internet protocol service lines on an account
22 that are capable of simultaneous unrestricted outward calling to the
23 public switched telephone network. The tax imposed under this
24 subsection must be remitted to the department by interconnected voice
25 over internet protocol service companies on a tax return provided by
26 the department. Tax proceeds must be deposited by the treasurer in
27 the ((enhanced)) 911 account created in RCW 38.52.540.

28 (9) For calendar year 2011, the taxes imposed by subsections (5)
29 and (8) of this section must be set at their maximum rate. By August
30 31, 2011, and by August 31st of each year thereafter, the state
31 ((enhanced)) 911 coordinator must recommend the level for the next
32 year of the state ((enhanced)) 911 excise tax imposed by subsections
33 (5) and (8) of this section, based on a systematic cost and revenue
34 analysis, to the utilities and transportation commission. The
35 commission must by the following October 31st determine the level of
36 the state ((enhanced)) 911 excise taxes imposed by subsections (5)
37 and (8) of this section for the following year.

38 **Sec. 22.** RCW 82.14B.040 and 2013 2nd sp.s. c 8 s 103 are each
39 amended to read as follows:

1 Subject to the enactment into law of the 2013 amendments to RCW
2 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the
3 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of
4 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in
5 section 109, chapter 8, Laws of 2013 2nd sp. sess.:

6 (1) Except as provided otherwise in subsection (2) of this
7 section:

8 (a) The state (~~enhanced~~) 911 excise tax and the county
9 (~~enhanced~~) 911 excise tax on switched access lines must be
10 collected from the subscriber by the local exchange company providing
11 the switched access line.

12 (b) The state (~~enhanced~~) 911 excise tax and the county
13 (~~enhanced~~) 911 excise tax on radio access lines must be collected
14 from the subscriber by the radio communications service company,
15 including those companies that resell radio access lines, providing
16 the radio access line to the subscriber, and the seller of prepaid
17 wireless telecommunications service.

18 (c) The state and county (~~enhanced~~) 911 excise taxes on
19 interconnected voice over internet protocol service lines must be
20 collected from the subscriber by the interconnected voice over
21 internet protocol service company providing the interconnected voice
22 over internet protocol service line to the subscriber.

23 (d) The amount of the tax must be stated separately on the
24 billing statement which is sent to the subscriber.

25 (2)(a) The state and county (~~enhanced~~) 911 excise taxes imposed
26 by this chapter must be collected from the consumer by the seller of
27 a prepaid wireless telecommunications service for each retail
28 transaction occurring in this state.

29 (b) The department must transfer all tax proceeds remitted by a
30 seller under this subsection (2) as provided in RCW 82.14B.030 (2)
31 and (6).

32 (c) The taxes required by this subsection to be collected by the
33 seller must be separately stated in any sales invoice or instrument
34 of sale provided to the consumer.

35 **Sec. 23.** RCW 82.14B.042 and 2013 2nd sp.s. c 8 s 104 are each
36 amended to read as follows:

37 Subject to the enactment into law of the 2013 amendments to RCW
38 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the
39 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of

1 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in
2 section 109, chapter 8, Laws of 2013 2nd sp. sess.:

3 (1) (a) The state and county (~~enhanced~~) 911 excise taxes imposed
4 by this chapter must be paid by:

5 (i) The subscriber to the local exchange company providing the
6 switched access line, the radio communications service company
7 providing the radio access line, or the interconnected voice over
8 internet protocol service company providing the interconnected voice
9 over internet protocol service line; or

10 (ii) The consumer to the seller of prepaid wireless
11 telecommunications service.

12 (b) Each local exchange company, each radio communications
13 service company, and each interconnected voice over internet protocol
14 service company must collect from the subscriber, and each seller of
15 prepaid wireless telecommunications service must collect from the
16 consumer, the full amount of the taxes payable. The state and county
17 (~~enhanced~~) 911 excise taxes required by this chapter to be
18 collected by a company or seller, are deemed to be held in trust by
19 the company or seller until paid to the department. Any local
20 exchange company, radio communications service company, seller of
21 prepaid wireless telecommunications service, or interconnected voice
22 over internet protocol service company that appropriates or converts
23 the tax collected to its own use or to any use other than the payment
24 of the tax to the extent that the money collected is not available
25 for payment on the due date as prescribed in this chapter is guilty
26 of a gross misdemeanor.

27 (2) If any local exchange company, radio communications service
28 company, seller of prepaid wireless telecommunications service, or
29 interconnected voice over internet protocol service company fails to
30 collect the state or county (~~enhanced~~) 911 excise tax or, after
31 collecting the tax, fails to pay it to the department in the manner
32 prescribed by this chapter, whether such failure is the result of its
33 own act or the result of acts or conditions beyond its control, the
34 company or seller is personally liable to the state for the amount of
35 the tax, unless the company or seller has taken from the buyer in
36 good faith documentation, in a form and manner prescribed by the
37 department, stating that the buyer is not a subscriber or consumer or
38 is otherwise not liable for the state or county (~~enhanced~~) 911
39 excise tax.

1 (3) The amount of tax, until paid by the subscriber to the local
2 exchange company, the radio communications service company, the
3 interconnected voice over internet protocol service company, or to
4 the department, or until paid by the consumer to the seller of
5 prepaid wireless telecommunications service, or to the department,
6 constitutes a debt from the subscriber to the company, or from the
7 consumer to the seller. Any company or seller that fails or refuses
8 to collect the tax as required with intent to violate the provisions
9 of this chapter or to gain some advantage or benefit, either direct
10 or indirect, and any subscriber or consumer who refuses to pay any
11 tax due under this chapter is guilty of a misdemeanor. The state and
12 county (~~enhanced~~) 911 excise taxes required by this chapter to be
13 collected by the local exchange company, radio communications service
14 company, or interconnected voice over internet protocol service
15 company must be stated separately on the billing statement that is
16 sent to the subscriber.

17 (4) If a subscriber has failed to pay to the local exchange
18 company, radio communications service company, or interconnected
19 voice over internet protocol service company, or a consumer has
20 failed to pay to the seller of prepaid wireless telecommunications
21 service, the state or county (~~enhanced~~) 911 excise taxes imposed by
22 this chapter and the company or seller has not paid the amount of the
23 tax to the department, the department may, in its discretion, proceed
24 directly against the subscriber or consumer for collection of the
25 tax, in which case a penalty of ten percent may be added to the
26 amount of the tax for failure of the subscriber or consumer to pay
27 the tax to the company or seller, regardless of when the tax is
28 collected by the department. Tax under this chapter is due as
29 provided under RCW 82.14B.061.

30 **Sec. 24.** RCW 82.14B.050 and 1981 c 160 s 5 are each amended to
31 read as follows:

32 The proceeds of any tax collected under this chapter shall be
33 used by the state or county only for the (~~emergency services~~
34 communication system) 911 emergency communications system and its
35 administrative and operational costs.

36 **Sec. 25.** RCW 82.14B.060 and 2010 1st sp.s. c 19 s 8 are each
37 amended to read as follows:

1 A county legislative authority imposing a tax under this chapter
2 must establish by ordinance all necessary and appropriate procedures
3 for the administration of the county ((enhanced)) 911 excise taxes by
4 the department. A county legislative authority imposing a tax under
5 this chapter must provide the department notification of the
6 imposition of the tax or a change in the tax no less than seventy-
7 five days before the effective date of the imposition of the tax or
8 the change in the tax.

9 **Sec. 26.** RCW 82.14B.061 and 2010 1st sp.s. c 19 s 9 are each
10 amended to read as follows:

11 (1) The department must administer and adopt rules as may be
12 necessary to enforce and administer the state and county ((enhanced))
13 911 excise taxes imposed or authorized by this chapter. Chapter 82.32
14 RCW, with the exception of RCW 82.32.045, 82.32.145, and 82.32.380,
15 applies to the administration, collection, and enforcement of the
16 state and county ((enhanced)) 911 excise taxes.

17 (2) The state and county ((enhanced)) 911 excise taxes imposed or
18 authorized by this chapter, along with reports and returns on forms
19 prescribed by the department, are due at the same time the taxpayer
20 reports other taxes under RCW 82.32.045. If no other taxes are
21 reported under RCW 82.32.045, the taxpayer must remit tax on an
22 annual basis in accordance with RCW 82.32.045.

23 (3) The department may relieve any taxpayer or class of taxpayers
24 from the obligation of remitting monthly and may require the return
25 to cover other longer reporting periods, but in no event may returns
26 be filed for a period greater than one year.

27 (4) The state and county ((enhanced)) 911 excise taxes imposed or
28 authorized by this chapter are in addition to any taxes imposed upon
29 the same persons under chapters 82.08, 82.12, and 82.14 RCW.

30 (5) Returns must be filed electronically using the department's
31 online tax filing service or other method of electronic reporting as
32 the department may authorize as provided in RCW 82.32.080.

33 **Sec. 27.** RCW 82.14B.063 and 2010 1st sp.s. c 19 s 4 are each
34 amended to read as follows:

35 (1) Counties imposing the ((enhanced)) 911 excise tax under RCW
36 82.14B.030 must contract with the department for the administration
37 and collection of the tax. The department may deduct a percentage
38 amount, as provided by contract, of no more than two percent of the

1 ((enhanced)) 911 excise taxes collected to cover administration and
2 collection expenses incurred by the department. If a county imposes
3 ((an enhanced)) a 911 excise tax with an effective date of January 1,
4 2011, the county must contract with the department for the
5 administration and collection of the tax by October 15, 2010.

6 (2) The remainder of any portion of the county ((enhanced)) 911
7 excise tax under RCW 82.14B.030 that is collected by the department
8 must be deposited in the county ((enhanced)) 911 excise tax account
9 hereby created in the custody of the state treasurer. Expenditures
10 from the account may be used only for distribution to counties
11 imposing the ((enhanced)) 911 excise tax. Only the director of the
12 department or his or her designee may authorize expenditures from the
13 account. The account is not subject to allotment procedures under
14 chapter 43.88 RCW, and an appropriation is not required for
15 expenditures.

16 **Sec. 28.** RCW 82.14B.065 and 2010 1st sp.s. c 19 s 5 are each
17 amended to read as follows:

18 (1) All moneys that accrue in the county ((enhanced)) 911 excise
19 tax account created in RCW 82.14B.063 must be distributed monthly to
20 the counties in the amount of the taxes collected on behalf of each
21 county, minus the administration and collection fee retained by the
22 department as provided in RCW 82.14B.063.

23 (2) If a county imposes by resolution or ordinance ((an
24 enhanced)) a 911 excise tax that is in excess of the maximum
25 allowable county ((enhanced)) 911 excise tax provided in RCW
26 82.14B.030, the ordinance or resolution may not be considered void in
27 its entirety, but only with respect to that portion of the
28 ((enhanced)) 911 excise tax that is in excess of the maximum
29 allowable tax.

30 **Sec. 29.** RCW 82.14B.150 and 2010 1st sp.s. c 19 s 10 are each
31 amended to read as follows:

32 (1) A local exchange company, radio communications service
33 company, or interconnected voice over internet protocol service
34 company must file tax returns on a cash receipts or accrual basis
35 according to which method of accounting is regularly employed in
36 keeping the books of the company. A company filing returns on a cash
37 receipts basis is not required to pay tax on debt subject to credit
38 or refund under subsection (2) of this section.

1 (2) A local exchange company, radio communications service
2 company, or interconnected voice over internet protocol service
3 company is entitled to a credit or refund for state and county
4 ((enhanced)) 911 excise taxes previously paid on bad debts, as that
5 term is used in 26 U.S.C. Sec. 166, as amended or renumbered as of
6 January 1, 2003.

7 **Sec. 30.** RCW 82.14B.200 and 2013 2nd sp.s. c 8 s 106 are each
8 amended to read as follows:

9 Subject to the enactment into law of the 2013 amendments to RCW
10 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the
11 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of
12 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in
13 section 109, chapter 8, Laws of 2013 2nd sp. sess.:

14 (1) Unless a seller, local exchange company, radio communications
15 service company, or interconnected voice over internet protocol
16 service company has taken from the buyer documentation, in a form and
17 manner prescribed by the department, stating that the buyer is not a
18 subscriber, consumer, or is otherwise not liable for the tax, the
19 burden of proving that a sale of the use of a switched access line,
20 radio access line, or interconnected voice over internet protocol
21 service line was not a sale to a subscriber, consumer, or was not
22 otherwise subject to the tax is upon the person who made the sale.

23 (2) If a seller, local exchange company, radio communications
24 service company, or interconnected voice over internet protocol
25 service company does not receive documentation, in a form and manner
26 prescribed by the department, stating that the buyer is not a
27 subscriber, consumer, or is otherwise not liable for the tax at the
28 time of the sale, have such documentation on file at the time of the
29 sale, or obtain such documentation from the buyer within a reasonable
30 time after the sale, the seller, local exchange company, radio
31 communications service company, or interconnected voice over internet
32 protocol service company remains liable for the tax as provided in
33 RCW 82.14B.042, unless the seller, local exchange company, radio
34 communications service company, or interconnected voice over internet
35 protocol service company can demonstrate facts and circumstances
36 according to rules adopted by the department that show the sale was
37 properly made without payment of the state or county ((enhanced)) 911
38 excise tax.

1 (3) The penalty imposed by RCW 82.32.291 may not be assessed on
2 state or county ((enhanced)) 911 excise taxes due but not paid as a
3 result of the improper use of documentation stating that the buyer is
4 not a subscriber or consumer or is otherwise not liable for the state
5 or county ((enhanced)) 911 excise tax. This subsection does not
6 prohibit or restrict the application of other penalties authorized by
7 law.

8 **Sec. 31.** RCW 82.14B.210 and 1998 c 304 s 11 are each amended to
9 read as follows:

10 (1) Upon termination, dissolution, or abandonment of a corporate
11 or limited liability company business, any officer, member, manager,
12 or other person having control or supervision of state ((enhanced))
13 911 excise tax funds collected and held in trust under RCW
14 82.14B.042, or who is charged with the responsibility for the filing
15 of returns or the payment of state ((enhanced)) 911 excise tax funds
16 collected and held in trust under RCW 82.14B.042, is personally
17 liable for any unpaid taxes and interest and penalties on those
18 taxes, if such officer or other person willfully fails to pay or to
19 cause to be paid any state ((enhanced)) 911 excise taxes due from the
20 corporation under this chapter. For the purposes of this section, any
21 state ((enhanced)) 911 excise taxes that have been paid but not
22 collected are deductible from the state ((enhanced)) 911 excise taxes
23 collected but not paid. For purposes of this subsection "willfully
24 fails to pay or to cause to be paid" means that the failure was the
25 result of an intentional, conscious, and voluntary course of action.

26 (2) The officer, member, manager, or other person is liable only
27 for taxes collected that became due during the period he or she had
28 the control, supervision, responsibility, or duty to act for the
29 corporation described in subsection (1) of this section, plus
30 interest and penalties on those taxes.

31 (3) Persons liable under subsection (1) of this section are
32 exempt from liability if nonpayment of the state ((enhanced)) 911
33 excise tax funds held in trust is due to reasons beyond their control
34 as determined by the department by rule.

35 (4) Any person having been issued a notice of assessment under
36 this section is entitled to the appeal procedures under RCW 82.32.160
37 through 82.32.200.

38 (5) This section applies only if the department has determined
39 that there is no reasonable means of collecting the state

1 ((enhanced)) 911 excise tax funds held in trust directly from the
2 corporation.

3 (6) This section does not relieve the corporation or limited
4 liability company of other tax liabilities or otherwise impair other
5 tax collection remedies afforded by law.

6 (7) Collection authority and procedures prescribed in chapter
7 82.32 RCW apply to collections under this section.

8 NEW SECTION. **Sec. 32.** RCW 38.52.530 (Enhanced 911 advisory
9 committee) and 2010 1st sp.s. c 19 § 16, 2010 1st sp.s. c 7 s 51,
10 2006 c 210 s 1, 2002 c 341 s 3, 2000 c 34 s 1, 1997 c 49 s 7, & 1991
11 c 54 s 5 are each repealed."

SHB 1703 - S COMM AMD

By Committee on State Government & Elections

ADOPTED 02/25/2022

12 On page 1, line 2 of the title, after "system;" strike the
13 remainder of the title and insert "amending RCW 38.52.030, 38.52.440,
14 38.52.500, 38.52.501, 38.52.505, 38.52.510, 38.52.520, 38.52.525,
15 38.52.532, 38.52.535, 38.52.540, 38.52.545, 38.52.550, 38.52.561,
16 38.52.575, 82.14B.010, 82.14B.020, 82.14B.030, 82.14B.040,
17 82.14B.042, 82.14B.050, 82.14B.060, 82.14B.061, 82.14B.063,
18 82.14B.065, 82.14B.150, 82.14B.200, and 82.14B.210; reenacting and
19 amending RCW 38.52.010; adding a new section to chapter 38.52 RCW;
20 creating a new section; and repealing RCW 38.52.530."

EFFECT: (1) Renumbers the subsections pertaining to the duties of
the state 911 coordination office (Office).

(2) Makes the requirement to develop forms, submission dates, and
methods necessary for all public safety answering points to submit
reports a duty of the Office, headed by the 911 coordinator, rather
than the 911 coordinator.

(3) Corrects a statutory cross-reference.

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