

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 20-0287.01 Megan Waples x4348

HOUSE BILL 20-1293

HOUSE SPONSORSHIP

McCluskie and Pelton,

SENATE SPONSORSHIP

Coram and Gonzales,

House Committees

Business Affairs & Labor
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 NONPROFIT ENTITIES, AND FOR-PROFIT BUSINESSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 ~~(H) Repealed.~~

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

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

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

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

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

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

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

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

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

1 COMMISSION OR A GOVERNING BODY UPON REQUEST.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 emergency telephone service and the emergency notification service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 including:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 without the written consent of the department.

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

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

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

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

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

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

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

1 (2) as follows:

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

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

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