

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 20-0287.01 Megan Waples x4348

HOUSE BILL 20-1293

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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, and MAKING AN APPROPRIATION.**

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.

HOUSE
3rd Reading Unamended
June 5, 2020

HOUSE
Amended 2nd Reading
June 4, 2020

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 20-1293, 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 COMMUNICATIONS
11 SERVICE INCLUDING WIRELINE, WIRELESS CELLULAR, INTERCONNECTED
12 VOICE-OVER-INTERNET-PROTOCOL, OR SATELLITE IN WHICH
13 CONNECTIONS ARE ENABLED, CONFIGURED, OR CAPABLE OF MAKING 911
14 CALLS. THE TERM DOES NOT INCLUDE FACILITIES-BASED BROADBAND
15 SERVICES. THE NUMBER OF 911 ACCESS CONNECTIONS IS DETERMINED BY
16 THE CONFIGURED CAPACITY FOR SIMULTANEOUS OUTBOUND CALLING. FOR
17 EXAMPLE, FOR A DIGITAL SIGNAL-1 (DS-1) LEVEL SERVICE OR
18 EQUIVALENT THAT IS CHANNELIZED AND SPLIT INTO SEPARATE CHANNELS
19 FOR VOICE COMMUNICATIONS, THE NUMBER OF 911 ACCESS CONNECTIONS
20 WOULD BE EQUAL TO THE NUMBER OF CHANNELS CAPABLE OF MAKING
21 SIMULTANEOUS CALLS.

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

27 (4) "911 SURCHARGE" OR "SURCHARGE" MEANS THE SURCHARGE

1 ESTABLISHED BY SECTION 29-11-102.3.

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

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

10 (7) "BASIC EMERGENCY SERVICE" MEANS THE AGGREGATION AND
11 TRANSPORTATION OF A 911 CALL DIRECTLY TO A POINT OF
12 INTERCONNECTION WITH A GOVERNING BODY OR PSAP, REGARDLESS OF
13 THE TECHNOLOGY USED TO PROVIDE THE SERVICE. THE AGGREGATION OF
14 CALLS MEANS THE COLLECTION OF 911 CALLS FROM ONE OR MORE
15 ORIGINATING SERVICE PROVIDERS OR INTERMEDIARY AGGREGATION
16 SERVICE PROVIDERS FOR THE PURPOSE OF SELECTIVELY ROUTING AND
17 TRANSPORTING 911 CALLS DIRECTLY TO A POINT OF INTERCONNECTION
18 WITH A GOVERNING BODY OR PSAP. THE OFFERING OR PROVIDING OF ALI
19 SERVICE OR SELECTIVE ROUTING DIRECTLY TO A GOVERNING BODY OR
20 PSAP BY ANY PERSON IS ALSO A BASIC EMERGENCY SERVICE. BASIC
21 EMERGENCY SERVICE DOES NOT INCLUDE:

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

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

26 (c) THE DELIVERY OF A 911 CALL FROM THE ORIGINATING SERVICE
27 PROVIDER OR AN INTERMEDIARY AGGREGATION SERVICE PROVIDER TO A

1 POINT OF INTERCONNECTION WITH THE **BESP**;

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

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

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

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

12 (10) "DEMARCATON POINT" MEANS THE PHYSICAL POINT **WHERE**
13 **THE RESPONSIBILITY OF A PORTION OF A NETWORK CHANGES FROM ONE**
14 **PARTY TO ANOTHER.**

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

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

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

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

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

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

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

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

19 [REDACTED]
20 (18) "MLTS OPERATOR" MEANS THE PERSON THAT OPERATES AN
21 MLTS FROM WHICH AN END-USER MAY PLACE A 911 CALL THROUGH THE
22 PUBLIC SWITCHED NETWORK.

23 (19) "MULTI-LINE TELEPHONE SYSTEM" OR "MLTS" MEANS A
24 SYSTEM COMPOSED OF COMMON CONTROL UNITS, TELEPHONES, AND
25 CONTROL HARDWARE AND SOFTWARE PROVIDING LOCAL TELEPHONE
26 SERVICE TO MULTIPLE [REDACTED] CUSTOMERS IN BUSINESSES, APARTMENTS,
27 TOWNHOUSES, CONDOMINIUMS, SCHOOLS, DORMITORIES, HOTELS, MOTELS,

1 RESORTS, EXTENDED CARE FACILITIES, OR SIMILAR ENTITIES, FACILITIES,
2 OR STRUCTURES. "MULTI-LINE TELEPHONE SYSTEM" INCLUDES:

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

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

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

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

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

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

4 [REDACTED]

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

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

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

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

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

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

23 (30) "WIRELESS CARRIER" MEANS A CELLULAR LICENSEE, A
24 PERSONAL COMMUNICATIONS SERVICE LICENSEE, AND CERTAIN
25 SPECIALIZED MOBILE RADIO SERVICE PROVIDERS DESIGNATED AS COVERED
26 CARRIERS BY THE FEDERAL COMMUNICATIONS COMMISSION IN 47 CFR
27 20.18 AND ANY SUCCESSOR TO SUCH REGULATION.

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

3 **29-11-101.5. Rules.** BASIC EMERGENCY SERVICE IS REGULATED BY
4 THE COMMISSION UNDER ARTICLE 15 OF TITLE 40. THE COMMISSION MAY
5 PROMULGATE RULES TO IMPLEMENT THIS PART 1 AND TO RESOLVE
6 DISPUTES REGARDING THE COLLECTION, PAYMENT, REMITTANCE, AND
7 AUDIT OF THE EMERGENCY TELEPHONE CHARGE, 911 **SURCHARGE**. THE
8 COMMISSION RULES MAY IMPOSE PENALTIES AS PROVIDED BY THIS PART 1
9 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 IS 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 AN EFFECTIVE DATE OF EITHER THE
25 FOLLOWING FEBRUARY 1 OR THE FOLLOWING JUNE 1. IF THE AMOUNT OF
26 THE CHARGE WAS CHANGED FROM THE PRIOR AMOUNT, THE GOVERNING
27 BODY SHALL NOTIFY EVERY SERVICE SUPPLIER AT LEAST SIXTY DAYS

1 BEFORE SUCH NEW AMOUNT BECOMES EFFECTIVE.

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

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

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

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

24 (B) THIS SUBSECTION (2)(f)(I) IS REPEALED, EFFECTIVE JULY 1,
25 2021.

26 (II) EFFECTIVE JANUARY 1, 2021, THE THRESHOLD AMOUNT IS IN
27 AN AMOUNT TO BE ESTABLISHED ANNUALLY BY THE COMMISSION IN

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

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

13 (4) GOVERNING BODIES SHALL COMPLY WITH ANNUAL REPORTING
14 REQUIREMENTS ESTABLISHED BY THE COMMISSION BY RULE IN ORDER TO
15 ASSIST THE COMMISSION IN MEETING FEDERAL REPORTING REQUIREMENTS
16 AND DATA REQUESTS AND TO GATHER INFORMATION FOR INCLUSION IN
17 THE ANNUAL REPORT TO THE LEGISLATURE DESCRIBED IN SECTION
18 40-2-131.

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

23 (6) THE COMMISSION MAY CONSIDER THE DATA COLLECTED
24 PURSUANT TO SUBSECTION (4) OF THIS SECTION AS PART OF ITS
25 EVALUATION OF APPLICATIONS MADE BY A GOVERNING BODY PURSUANT
26 TO SUBSECTION (2)(c) OF THIS SECTION TO INCREASE THE EMERGENCY
27 TELEPHONE CHARGE IMPOSED BY THE GOVERNING BODY BEYOND THE

1 THRESHOLD AMOUNT AUTHORIZED BY THE COMMISSION, INCLUDING
2 CONSIDERATIONS RELATED TO EFFICIENCY OF OPERATIONS.

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

5 **29-11-102.3. 911 surcharge - imposition - 911 surcharge trust**
6 **cash fund - rules - report - definition.** (1) (a) EFFECTIVE JANUARY 1,
7 2021, A 911 SURCHARGE, REFERRED TO IN THIS SECTION AS THE
8 "SURCHARGE", IS HEREBY IMPOSED ON SERVICE USERS IN AN AMOUNT TO
9 BE ESTABLISHED ANNUALLY BY THE COMMISSION BUT NOT TO EXCEED
10 FIFTY CENTS PER MONTH PER 911 ACCESS CONNECTION.

11 (b) ON OR BEFORE OCTOBER 1, 2020, AND ON OR BEFORE OCTOBER
12 1 EACH YEAR THEREAFTER, THE COMMISSION SHALL ESTABLISH THE
13 AMOUNT OF THE SURCHARGE FOR THE NEXT CALENDAR YEAR. THE
14 AMOUNT OF THE SURCHARGE MUST BE REASONABLY CALCULATED TO
15 MEET THE NEEDS OF GOVERNING BODIES TO OPERATE THE 911 SYSTEM.
16 UPON ESTABLISHING THE AMOUNT OF THE SURCHARGE, THE COMMISSION
17 SHALL SEND NOTICE OF THE NEW AMOUNT TO ALL SERVICE SUPPLIERS. THE
18 NEW AMOUNT TAKES EFFECT ON THE FOLLOWING JANUARY 1.

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

22 (2) EACH SERVICE SUPPLIER SHALL COLLECT THE SURCHARGE
23 FROM ITS SERVICE USERS. THE SURCHARGE MUST NOT BE COMBINED WITH
24 THE LOCAL EMERGENCY TELEPHONE CHARGE DESCRIBED IN SECTION
25 29-11-102 IF IT IS LISTED ON THE SERVICE USER'S MONTHLY BILL. THE
26 911 SURCHARGE IS THE LIABILITY OF THE SERVICE USER AND NOT OF THE
27 SERVICE SUPPLIER; EXCEPT THAT THE SERVICE SUPPLIER IS LIABLE TO

1 REMIT ALL 911 SURCHARGES THAT THE SERVICE SUPPLIER COLLECTS FROM
2 SERVICE USERS.

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

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

13 (c) (I) REMITTANCES OF SURCHARGES RECEIVED BY THE
14 COMMISSION ARE COLLECTIONS FOR THE LOCAL GOVERNING BODY, NOT
15 GENERAL REVENUES OF THE STATE, AND SHALL BE HELD IN TRUST IN THE
16 911 SURCHARGE TRUST CASH FUND, WHICH IS HEREBY CREATED. EXCEPT
17 AS PROVIDED IN SUBSECTION (3)(c)(II) OF THIS SECTION, THE COMMISSION
18 SHALL TRANSMIT THE MONEY IN THE FUND TO EACH GOVERNING BODY
19 WITHIN SIXTY DAYS AFTER THE COMMISSION RECEIVES THE MONEY FOR
20 USE BY SUCH GOVERNING BODY FOR THE PURPOSES PERMITTED UNDER
21 SECTION 29-11-104.

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

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

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

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

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

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

19 **29-11-102.5. Imposition of charge on prepaid wireless - rules**
20 **- prepaid wireless trust cash fund - rules - definitions - repeal.** (1) As
21 used in this section:

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

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

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

1 SECTION 29-11-104 (2)(a).

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

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

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

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

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

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

25 (II) EFFECTIVE JANUARY 1, 2021, THE CHARGE IS IN AN AMOUNT
26 TO BE ESTABLISHED ANNUALLY BY THE COMMISSION IN ACCORDANCE
27 WITH SUBSECTION (2)(c) OF THIS SECTION. THE CHARGE MUST BE A FLAT

1 AMOUNT IMPOSED ON EACH RETAIL TRANSACTION IN WHICH PREPAID
2 WIRELESS SERVICE IS PURCHASED IN COLORADO.

3 (c) ON OR BEFORE OCTOBER 1, 2020, AND ON OR BEFORE OCTOBER
4 1 EACH YEAR THEREAFTER, THE COMMISSION SHALL ESTABLISH THE
5 AMOUNT OF THE PREPAID WIRELESS 911 CHARGE FOR THE NEXT CALENDAR
6 YEAR. THE CHARGE AMOUNT IS CALCULATED BY ADDING THE AVERAGE OF
7 THE LOCAL EMERGENCY TELEPHONE CHARGE AMOUNTS IMPOSED IN
8 ACCORDANCE WITH SECTION 29-11-102 (2) AS OF JULY 1 OF THAT YEAR
9 AND THE AMOUNT OF THE 911 SURCHARGE ESTABLISHED FOR THE
10 UPCOMING YEAR IN ACCORDANCE WITH SECTION 29-11-102.3. THE NEW
11 AMOUNT TAKES EFFECT ON THE FOLLOWING JANUARY 1.

12 ~~(b)~~ (d) (I) (A) The seller shall collect the prepaid wireless ~~E911~~
13 911 charge from the consumer on each retail transaction occurring in ~~this~~
14 THE state. The amount of the prepaid wireless ~~E911~~ 911 charge shall be
15 either disclosed to the consumer or separately stated on an invoice,
16 receipt, or other similar document the seller provides to the consumer. A
17 seller shall elect to either disclose or separately state the charge and shall
18 not change the election without the written consent of the department.
19 THE SELLER IS DEEMED TO HAVE COLLECTED THE CHARGE
20 NOTWITHSTANDING THE SELLER'S FAILURE TO SEPARATELY DISCLOSE OR
21 STATE THE CHARGE ON AN INVOICE, RECEIPT, OR OTHER SIMILAR
22 DOCUMENT THE SELLER PROVIDES TO THE CONSUMER. EXCEPT AS
23 PROVIDED IN SUBSECTION (2)(d)(I)(B) OF THIS SECTION, PROVIDERS WHO
24 USE FEDERALLY SUPPORTED SERVICES OR PROGRAMS TO OFFER
25 CUSTOMERS FREE PREPAID WIRELESS TELECOMMUNICATIONS SERVICE ARE
26 DEEMED TO HAVE COLLECTED THE CHARGE. THE PROVIDER SHALL REMIT
27 THE CHARGE FOR EACH RETAIL TRANSACTION THAT OCCURS IN COLORADO.

1 (B) A PROVIDER THAT PAYS 911 FEES ON FEDERALLY SUPPORTED
2 SERVICES OR PROGRAMS PURSUANT TO A COMMISSION ORDER OR
3 AGREEMENT IN CONNECTION WITH SUCH PROVIDER'S ELIGIBLE
4 TELECOMMUNICATIONS CARRIER DESIGNATION THAT IS IN EFFECT AS OF
5 THE EFFECTIVE DATE OF THIS SUBSECTION (2)(d)(I)(B) SHALL CONTINUE
6 TO REMIT FEES IN ACCORDANCE WITH THAT AGREEMENT. THROUGH A
7 FORMAL DOCKET PROCESS, THE COMMISSION MAY CHANGE SUCH
8 AGREEMENTS NO MORE FREQUENTLY THAN ANNUALLY. NO LATER THAN
9 OCTOBER 1, 2021, THE COMMISSION SHALL COMPLETE A DOCKET TO
10 ESTABLISH THE 911 FEE FOR FEDERALLY SUPPORTED SERVICES OR
11 PROGRAMS AT ONE AND SIX-TENTHS PERCENT OF THE VALUE OF THE
12 SERVICE PROVIDED BY THE CARRIER. ON ANY SUBSEQUENT DOCKET, THE
13 911 FEE FOR FEDERALLY SUPPORTED SERVICES OR PROGRAMS MUST NOT
14 EXCEED ONE AND NINE-TENTHS PERCENT OF THE VALUE OF THE SERVICE
15 PROVIDED BY THE CARRIER.

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

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

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

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

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

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

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

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

23 (3) (a) The seller OR PROVIDER WHO USES FEDERALLY SUPPORTED
24 SERVICES OR PROGRAMS shall remit any collected prepaid wireless E911
25 911 charges to the department at the times and in the manner provided in
26 part 1 of article 26 of title 39. ~~C.R.S.~~ The department shall establish, by
27 rule, registration and payment procedures that substantially coincide with

1 the registration and payment procedures that apply under part 1 of article
2 26 of title 39. ~~C.R.S.~~ A seller is subject to the penalties under part 1 of
3 article 26 of title 39, ~~C.R.S.~~, for failure to collect or remit a prepaid
4 wireless ~~E911~~ 911 charge in accordance with this section.

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

9 ~~(H) Repealed.~~

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

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

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

27 (II) The department may expend an amount, not to exceed three

1 percent of the collected charges in the prepaid wireless trust cash fund,
2 necessary to reimburse the department for its direct costs of administering
3 the collection and remittance of prepaid wireless ~~E911~~ 911 charges;
4 except that the department may expend up to an additional ~~four hundred~~
5 ~~fifty~~ NINETEEN thousand dollars ~~from January 1, 2011, through January~~
6 ~~1, 2012, to cover the initial cost of establishing the collection and~~
7 ~~remittance process~~ IN THE 2020-21 FISCAL YEAR TO COVER THE COSTS OF
8 IMPLEMENTING HOUSE BILL 20-1293, ENACTED IN 2020. [REDACTED]

9 (III) The ~~public utilities~~ commission shall establish a formula for
10 distribution of revenues TO GOVERNING BODIES from the prepaid wireless
11 ~~E911~~ 911 charge based upon the governing authority's portion of the total
12 ~~911~~ 911 wireless call volume. The ~~public utilities~~ commission, or its
13 designee, shall ~~collect and transmit the percentage of wireless calls~~
14 ~~processed by each public safety answering point~~ TRANSMIT THE FORMULA
15 FOR DISTRIBUTION to the department by ~~November 15~~ OCTOBER 1 of each
16 year, TO TAKE EFFECT ON THE FOLLOWING JANUARY 1. The ~~public utilities~~
17 commission may promulgate rules to implement this ~~subparagraph (HH)~~
18 SUBSECTION (3)(e)(III).

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

27 [REDACTED]

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

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

6 **29-11-103. Remittance of charges - administrative fees - rules.**

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

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

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

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

1 COMMISSION.

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

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

24 (7) (a) THE SERVICE SUPPLIER SHALL MAINTAIN A RECORD OF THE
25 AMOUNT OF EACH EMERGENCY TELEPHONE CHARGE AND 911 SURCHARGE
26 COLLECTED AND REMITTED BY SERVICE USER ADDRESS FOR A PERIOD OF
27 THREE YEARS AFTER THE TIME THE CHARGE WAS COLLECTED AND

1 REMITTED. THE SERVICE SUPPLIER SHALL COOPERATE WITH GOVERNING
2 BODIES TO PROVIDE A REASONABLE NUMBER OF RANDOMLY SELECTED
3 SERVICE ADDRESSES FOR VERIFICATION OF COLLECTION AND REMITTANCE
4 AT NO CHARGE.

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

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

1 THE GOVERNING BODY OR THE COMMISSION ISSUES A NOTICE OF
2 ASSESSMENT FOR THE AMOUNT WITHIN SUCH PERIOD OR WITHIN AN
3 EXTENDED PERIOD PURSUANT TO SUBSECTION (7)(d) OF THIS SECTION.

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

16 (e) THE COMMISSION OR ONE OR MORE GOVERNING BODIES MAY
17 CONDUCT AN AUDIT OF A SERVICE SUPPLIER'S BOOKS AND RECORDS
18 CONCERNING THE COLLECTION AND REMITTANCE OF THE CHARGES
19 AUTHORIZED BY THIS PART 1. A PUBLIC INSPECTION OF THE AUDIT AND OF
20 DOCUMENTS REVIEWED IN THE AUDIT IS SUBJECT TO SECTION 24-72-204.
21 THE COMMISSION AND EACH GOVERNING BODY CONDUCTING SUCH AN
22 AUDIT ARE SEPARATELY RESPONSIBLE FOR EXPENSES EACH MAY INCUR TO
23 CONDUCT THE AUDIT. THE COMMISSION, EITHER ON ITS OWN MOTION OR
24 IN RESPONSE TO A PETITION FROM A GOVERNING BODY, MAY PAY THE
25 EXPENSES INCURRED BY A GOVERNING BODY AS A COST OF ADMINISTERING
26 THE 911 SURCHARGE IN ACCORDANCE WITH SECTION 29-11-102.3
27 (3)(c)(II). THE COMMISSION SHALL REVIEW SUCH PETITIONS FROM

1 GOVERNING BODIES ON AN EXPEDITED BASIS. IN CONNECTION WITH AUDITS
2 PERFORMED, SERVICE SUPPLIERS SHALL MAKE RELEVANT RECORDS
3 AVAILABLE TO THE AUDITORS AT NO CHARGE.

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

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

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

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

25 (2) (a) (I) ~~Except as otherwise provided in paragraph (b) of this~~
26 ~~subsection (2), funds~~ MONEY collected from the charges THE EMERGENCY
27 TELEPHONE CHARGE imposed pursuant to ~~this article~~ SECTION 29-11-102,

1 THE 911 SURCHARGE IMPOSED PURSUANT TO SECTION 29-11-102.3, AND
2 THE PREPAID WIRELESS 911 CHARGE IMPOSED PURSUANT TO SECTION
3 29-11-102.5 shall be spent BY OR ON BEHALF OF A GOVERNING BODY
4 solely to pay for:

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

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

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

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

26 (D) COSTS ASSOCIATED WITH THE OPERATION OF EMERGENCY
27 TELEPHONE SERVICE AND EMERGENCY NOTIFICATION SERVICE, INCLUDING

1 RECORDKEEPING, ADMINISTRATIVE, AND FACILITIES COSTS, WHETHER THE
2 FACILITIES ARE LEASED OR OWNED;

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

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

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

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

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

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

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

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

25 (3) ~~Funds collected~~ A PUBLIC AGENCY SHALL CREDIT MONEY from
26 the charges imposed pursuant to ~~this article shall be credited~~ SECTIONS
27 29-11-102, 29-11-102.3, AND 29-11-102.5 to a cash fund, apart from the

1 general fund of the public agency, for payments pursuant to subsection
2 (2) of this section. Any ~~moneys~~ MONEY remaining in such cash fund at the
3 end of any fiscal year ~~shall remain therein~~ REMAINS IN THE CASH FUND for
4 payments during any succeeding year; except that, if such emergency
5 telephone service is discontinued, ~~moneys~~ MONEY remaining in the fund
6 after all payments to the service suppliers, basic emergency service
7 providers, and all equipment suppliers pursuant to subsection (2) of this
8 section have been made shall be transferred to the general fund of the
9 public agency or proportionately to the general fund of each participating
10 public agency.

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

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

1 municipalities, or the employee or agent of any of said persons and
2 entities. In addition, no basic emergency service provider or service
3 supplier, or any employee or agent thereof shall be liable for any damages
4 in a civil action for injuries, death, or loss to person or property incurred
5 as a result of any act or omission of such provider, service supplier,
6 employee, or agent in connection with developing, adopting,
7 implementing, maintaining, enhancing, or operating an emergency
8 telephone service unless such damage or injury was intentionally caused
9 by or resulted from gross negligence of the provider, supplier, employee,
10 or agent.

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

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

26 **29-11-107. 911 dialing and calling capabilities of multi-line**
27 **telephone systems - rules.** (1) INSTALLERS, MANAGERS, OR OPERATORS

1 OF MLTS IN COLORADO SHALL MEET THE REQUIREMENTS SET FORTH IN 47
2 U.S.C. SEC. 623 AND ANY OTHER APPLICABLE FEDERAL LAW.

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

7 **SECTION 11.** In Colorado Revised Statutes, 39-21-113, **add** (25)
8 as follows:

9 **39-21-113. Reports and returns - rule.** (25) NOTWITHSTANDING
10 THE PROVISIONS OF THIS SECTION, THE EXECUTIVE DIRECTOR SHALL
11 PROVIDE THE INFORMATION DISCLOSED IN ANY DOCUMENT, REPORT, OR
12 RETURN FILED IN CONNECTION WITH THE PREPAID WIRELESS 911 CHARGE
13 IMPOSED BY SECTION 29-11-102.5 TO THE PUBLIC UTILITIES COMMISSION
14 CREATED IN SECTION 40-2-101 OR A GOVERNING BODY AS DEFINED IN
15 SECTION 29-11-101(16). ANY INFORMATION PROVIDED TO THE PUBLIC
16 UTILITIES COMMISSION OR GOVERNING BODY, PURSUANT TO THIS
17 SUBSECTION (25) SHALL REMAIN CONFIDENTIAL, AND ALL AGENTS,
18 CLERKS, AND EMPLOYEES OF THE COMMISSION OR GOVERNING BODY AND
19 THE DEPARTMENT SHALL BE SUBJECT TO THE LIMITATIONS SET FORTH IN
20 SUBSECTION (4) OF THIS SECTION AND THE PENALTIES CONTAINED IN
21 SUBSECTION (6) OF THIS SECTION.

22

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

25 **24-33.5-2103. Definitions.** As used in this part 21, unless the
26 context otherwise requires:

27 (10) "Public safety 911 answering point" has the same meaning

1 as defined in ~~section 29-11-101 (6.5)~~ SECTION 29-11-101 (23).

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

4 **25-3.5-903. Definitions.** As used in this part 9, unless the context
5 otherwise requires:

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

7 (c) Public safety answering points, as defined in ~~section~~
8 ~~29-11-101 (6.5), C.R.S.~~ SECTION 29-11-101 (23), performing emergency
9 medical dispatch.

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

12 **29-11-102.7. Imposition of telecommunications relay service**
13 **surcharge on prepaid wireless - rules - definitions.** (2) (b) (I) Along
14 with the prepaid wireless ~~E911 charge~~ 911 CHARGE, as defined in section
15 29-11-102.5 (1)(c) and collected under section 29-11-102.5 (2), the seller
16 shall collect the prepaid wireless TRS charge from the consumer on each
17 retail transaction occurring in this state. The amount of the prepaid
18 wireless TRS charge shall be either disclosed to the consumer or
19 separately stated on an invoice, receipt, or other similar document the
20 seller provides to the consumer. The amount of the prepaid wireless TRS
21 charge and the amount of the prepaid wireless ~~E911 charge~~ 911 CHARGE
22 may be stated on an invoice, receipt, or other documentation together as
23 a single line item and as a single charge. A seller shall elect to either
24 disclose or separately state the charge and shall not change the election
25 without the written consent of the department.

26 (II) For purposes of this ~~paragraph (b)~~ SUBSECTION (2)(b), a retail
27 transaction occurs in Colorado if one of the circumstances set forth in

1 ~~section 29-11-102.5 (2)(b)(H)~~ SECTION 29-11-102.5 (2)(d)(II) is met.

2 (3) (a) The seller shall remit any collected prepaid wireless TRS
3 charges to the department at the times and in the manner provided in part
4 1 of article 26 of title 39. ~~C.R.S.~~ The department shall establish, by rule,
5 registration and payment procedures that substantially coincide with the
6 registration and payment procedures that apply under part 1 of article 26
7 of title 39. ~~C.R.S.~~ A seller may remit prepaid wireless TRS charges and
8 prepaid wireless ~~E911 charge~~ 911 CHARGES, as defined in section
9 29-11-102.5 (1)(c), together to the department of revenue as a single
10 remittance. A seller is subject to the penalties under part 1 of article 26 of
11 title 39, ~~C.R.S.~~, for failure to collect or remit a prepaid wireless TRS
12 charge in accordance with this section.

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

15 **39-21-119.5. Mandatory electronic filing of returns -**
16 **mandatory electronic payment - penalty - waiver - definitions.**

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

21 (s) Any prepaid wireless ~~E911 charge~~ 911 CHARGE report required
22 to be filed and payment required to be made pursuant to section
23 29-11-102.5 (3); and

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

26 **40-2-131. State of 911 report.** (2) In developing the report each
27 year, the commission shall consult with public safety answering points as

1 defined in ~~section 29-11-101 (6.5)~~ SECTION 29-11-101 (23), 911
2 governing bodies as defined in ~~section 29-11-101 (4)~~ SECTION 29-11-101
3 (16), and statewide organizations that represent public safety agencies.

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

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

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

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

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

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