

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1703

Chapter 203, Laws of 2022

67th Legislature
2022 Regular Session

911 EMERGENCY COMMUNICATIONS SYSTEM—VARIOUS PROVISIONS

EFFECTIVE DATE: June 9, 2022

Passed by the House March 7, 2022
Yeas 97 Nays 1

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate February 25,
2022
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Approved March 30, 2022 2:21 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1703** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 31, 2022

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1703

AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

State of Washington 67th Legislature 2022 Regular Session

By House Appropriations (originally sponsored by Representatives Orwall, Boehnke, Ryu, Paul, Dolan, Graham, Goodman, Griffey, Leavitt, Harris-Talley, and Frame; by request of Military Department)

READ FIRST TIME 02/01/22.

1 AN ACT Relating to the modernization of the statewide 911
2 emergency communications system; amending RCW 38.52.030, 38.52.440,
3 38.52.500, 38.52.501, 38.52.505, 38.52.510, 38.52.520, 38.52.525,
4 38.52.532, 38.52.535, 38.52.540, 38.52.545, 38.52.550, 38.52.561,
5 38.52.575, 82.14B.010, 82.14B.020, 82.14B.030, 82.14B.040,
6 82.14B.042, 82.14B.050, 82.14B.060, 82.14B.061, 82.14B.063,
7 82.14B.065, 82.14B.150, 82.14B.200, and 82.14B.210; reenacting and
8 amending RCW 38.52.010; adding a new section to chapter 38.52 RCW;
9 creating a new section; and repealing RCW 38.52.530.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 NEW SECTION. **Sec. 1.** The ongoing modernization of the statewide
12 911 emergency communications system is essential to public safety.
13 Implementing new technologies with the modernization to next
14 generation 911 requires clarifying changes to update requirements and
15 definitions currently in statute.

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

18 As used in this chapter:

19 (1) "911 emergency communications system" means a public 911
20 communications system consisting of a network, database, and on-

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

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

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

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

25 (5) "Broadcaster" means a person or entity that holds a license
26 issued by the federal communications commission under 47 C.F.R. Part
27 73, 74, 76, or 78.

28 ~~((+2))~~ (6)(a) "Catastrophic incident" means any natural or
29 human-caused incident, including terrorism and enemy attack, that
30 results in extraordinary levels of mass casualties, damage, or
31 disruption severely affecting the population, infrastructure,
32 environment, economy, or government functions.

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

36 ~~((+3))~~ (7) "Communication plan," as used in RCW 38.52.070, means
37 a section in a local comprehensive emergency management plan that
38 addresses emergency notification of life safety information.

39 ~~((+4))~~ (8) "Continuity of government planning" means the
40 internal effort of all levels and branches of government to provide

1 that the capability exists to continue essential functions and
2 services following a catastrophic incident. These efforts include,
3 but are not limited to, providing for: (a) Orderly succession and
4 appropriate changes of leadership whether appointed or elected; (b)
5 filling vacancies; (c) interoperability communications; and (d)
6 processes and procedures to reconvene government following periods of
7 disruption that may be caused by a catastrophic incident. Continuity
8 of government planning is intended to preserve the constitutional and
9 statutory authority of elected officials at the state and local level
10 and provide for the continued performance of essential functions and
11 services by each level and branch of government.

12 ~~((+5))~~ (9) "Continuity of operations planning" means the
13 internal effort of an organization to provide that the capability
14 exists to continue essential functions and services in response to a
15 comprehensive array of potential emergencies or disasters.

16 ~~((+6))~~ (10) "Department" means the state military department.

17 ~~((+7))~~ (11) "Director" means the adjutant general.

18 ~~((+8))~~ (12) "Emergency management" or "comprehensive emergency
19 management" means the preparation for and the carrying out of all
20 emergency functions, other than functions for which the military
21 forces are primarily responsible, to mitigate, prepare for, respond
22 to, and recover from emergencies and disasters, and to aid victims
23 suffering from injury or damage, resulting from disasters caused by
24 all hazards, whether natural, technological, or human caused, and to
25 provide support for search and rescue operations for persons and
26 property in distress. However, "emergency management" or
27 "comprehensive emergency management" does not mean preparation for
28 emergency evacuation or relocation of residents in anticipation of
29 nuclear attack.

30 ~~((+9))~~ (13)(a) "Emergency or disaster" as used in all sections
31 of this chapter except RCW 38.52.430 means an event or set of
32 circumstances which: (i) Demands immediate action to preserve public
33 health, protect life, protect public property, or to provide relief
34 to any stricken community overtaken by such occurrences; or (ii)
35 reaches such a dimension or degree of destructiveness as to warrant
36 the governor proclaiming a state of emergency pursuant to RCW
37 43.06.010.

38 (b) "Emergency" as used in RCW 38.52.430 means an incident that
39 requires a normal police, coroner, fire, rescue, emergency medical

1 services, or utility response as a result of a violation of one of
2 the statutes enumerated in RCW 38.52.430.

3 ~~((10))~~ (14) "Emergency response" as used in RCW 38.52.430 means
4 a public agency's use of emergency services during an emergency or
5 disaster as defined in subsection ~~((9))~~ (13)(b) of this section.

6 ~~((11))~~ (15) "Emergency services communication system" means a
7 multicounty or countywide communications network, including an
8 enhanced or next generation 911 emergency communications system,
9 which provides rapid public access for coordinated dispatching of
10 services, personnel, equipment, and facilities for police, fire,
11 medical, or other emergency services.

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

17 (17) "Emergency worker" means any person who is registered with a
18 local emergency management organization or the department and holds
19 an identification card issued by the local emergency management
20 director or the department for the purpose of engaging in authorized
21 emergency management activities or is an employee of the state of
22 Washington or any political subdivision thereof who is called upon to
23 perform emergency management activities.

24 ~~((12))~~ (18) "Executive head" and "executive heads" means the
25 county executive in those charter counties with an elective office of
26 county executive, however designated, and, in the case of other
27 counties, the county legislative authority. In the case of cities and
28 towns, it means the mayor in those cities and towns with mayor-
29 council or commission forms of government, where the mayor is
30 directly elected, and it means the city manager in those cities and
31 towns with council manager forms of government. Cities and towns may
32 also designate an executive head for the purposes of this chapter by
33 ordinance.

34 ~~((13))~~ (19) "Expense of an emergency response" as used in RCW
35 38.52.430 means reasonable costs incurred by a public agency in
36 reasonably making an appropriate emergency response to the incident,
37 but shall only include those costs directly arising from the response
38 to the particular incident. Reasonable costs shall include the costs
39 of providing police, coroner, firefighting, rescue, emergency medical

1 services, or utility response at the scene of the incident, as well
2 as the salaries of the personnel responding to the incident.

3 ~~((14))~~ (20) "First informer broadcaster" means an individual
4 who:

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

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

11 ~~((15))~~ (21) "Incident command system" means: (a) An all-
12 hazards, on-scene functional management system that establishes
13 common standards in organization, terminology, and procedures;
14 provides a means (unified command) for the establishment of a common
15 set of incident objectives and strategies during multiagency/
16 multijurisdiction operations while maintaining individual agency/
17 jurisdiction authority, responsibility, and accountability; and is a
18 component of the national interagency incident management system; or
19 (b) an equivalent and compatible all-hazards, on-scene functional
20 management system.

21 ~~((16))~~ (22) "Injury" as used in this chapter shall mean and
22 include accidental injuries and/or occupational diseases arising out
23 of emergency management activities.

24 ~~((17))~~ (23) "Interconnected voice over internet protocol
25 service provider" means a provider of interconnected voice over
26 internet protocol service as defined by the federal communications
27 commission in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent
28 date determined by the department.

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

35 ~~((18))~~ (25) "Local director" means the director of a local
36 organization of emergency management or emergency services.

37 ~~((19))~~ (26) "Local organization for emergency services or
38 management" means an organization created in accordance with the
39 provisions of this chapter by state or local authority to perform
40 local emergency management functions.

1 ~~((20))~~ (27) "Next generation 911" means an internet protocol-
2 based system comprised of managed emergency services internet
3 protocol networks, functional elements (applications), and databases
4 that replicate enhanced 911 features and functions as defined in RCW
5 82.14B.020(4) that provide additional capabilities designed to
6 provide access to emergency services from all connected
7 communications sources and provide multimedia data capabilities for
8 public safety answering points.

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

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

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

15 (29) "Next generation 911 emergency communications system" means
16 a public communications system consisting of networks, databases, and
17 public safety answering point 911 hardware, software, and technology
18 that is accessed by the public in the state through 911. The system
19 includes the capability to: Route incoming 911 voice and data to the
20 appropriate public safety answering point that operates in a defined
21 911 service area; answer incoming 911 voice and data; and receive and
22 display incoming 911 voice and data, including automatic location
23 identification and automatic number identification, at a public
24 safety answering point. "Next generation 911 emergency communications
25 system" includes future modernizations to the 911 system.

26 (30) "Next generation 911 emergency services internet protocol
27 network" means a managed internet protocol network used for 911
28 emergency services communications that is managed and maintained,
29 including security and credentialing functions, by the state 911
30 coordination office to provide next generation 911 emergency
31 communications from the ingress next generation 911 demarcation point
32 to the egress next generation 911 demarcation point. It provides the
33 internet protocol transport infrastructure upon which application
34 platforms and core services are necessary for providing next
35 generation 911 services. Next generation 911 emergency services
36 internet protocol networks may be constructed from a mix of dedicated
37 and shared facilities and may be interconnected at local, regional,
38 state, federal, national, and international levels to form an
39 internet protocol-based inter-network (network of networks).

1 (31) "Next generation 911 service" means public access to the
2 next generation 911 emergency communications system and its
3 capabilities by accessing 911 from communication devices to report
4 police, fire, medical, or other emergency situations to a public
5 safety answering point.

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

7 ~~((21))~~ (33) "Public agency" means the state, and a city,
8 county, municipal corporation, district, town, or public authority
9 located, in whole or in part, within this state which provides or may
10 provide firefighting, police, ambulance, medical, or other emergency
11 services.

12 ~~((22))~~ (34) "Public safety answering point" means the public
13 safety location that receives and answers 911 voice and data
14 originating in a given area as designated by the county. Public
15 safety answering points must be equipped with 911 hardware, software,
16 and technology that is accessed through 911 and is capable of
17 answering incoming 911 calls and receiving and displaying incoming
18 911 data.

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

23 (b) "Secondary public safety answering point" means a public
24 safety answering point, as designated by the county, that only
25 receives 911 voice and data that has been transferred by other public
26 safety answering points.

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

36 ~~((23))~~ (36) "Search and rescue" means the acts of searching
37 for, rescuing, or recovering by means of ground, marine, or air
38 activity any person who becomes lost, injured, or is killed while
39 outdoors or as a result of a natural, technological, or human caused
40 disaster, including instances involving searches for downed aircraft

1 when ground personnel are used. Nothing in this section shall affect
2 appropriate activity by the department of transportation under
3 chapter 47.68 RCW.

4 (37) "Telecommunications provider" means a telecommunications
5 company as defined in RCW 80.04.010, a radio communications service
6 company as defined in RCW 38.52.010, a commercial mobile radio
7 service provider as defined in 47 C.F.R. Sec. 20.3, providers of
8 interconnected voice over internet protocol service as defined in RCW
9 38.52.010, and providers of data services.

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

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

15 (1) The director may employ such personnel and may make such
16 expenditures within the appropriation therefor, or from other funds
17 made available for purposes of emergency management, as may be
18 necessary to carry out the purposes of this chapter.

19 (2) The director, subject to the direction and control of the
20 governor, shall be responsible to the governor for carrying out the
21 program for emergency management of this state. The director shall
22 coordinate the activities of all organizations for emergency
23 management within the state, and shall maintain liaison with and
24 cooperate with emergency management agencies and organizations of
25 other states and of the federal government, and shall have such
26 additional authority, duties, and responsibilities authorized by this
27 chapter, as may be prescribed by the governor.

28 (3) The director shall develop and maintain a comprehensive, all-
29 hazard emergency plan for the state which shall include an analysis
30 of the natural, technological, or human caused hazards which could
31 affect the state of Washington, and shall include the procedures to
32 be used during emergencies for coordinating local resources, as
33 necessary, and the resources of all state agencies, departments,
34 commissions, and boards. The comprehensive emergency management plan
35 shall direct the department in times of state emergency to administer
36 and manage the state's emergency operations center. This will include
37 representation from all appropriate state agencies and be available
38 as a single point of contact for the authorizing of state resources
39 or actions, including emergency permits. The comprehensive emergency

1 management plan must specify the use of the incident command system
2 for multiagency/multijurisdiction operations. The comprehensive, all-
3 hazard emergency plan authorized under this subsection may not
4 include preparation for emergency evacuation or relocation of
5 residents in anticipation of nuclear attack. This plan shall be known
6 as the comprehensive emergency management plan.

7 (4) In accordance with the comprehensive emergency management
8 plans and the programs for the emergency management of this state,
9 the director shall procure supplies and equipment, institute training
10 programs and public information programs, and shall take all other
11 preparatory steps, including the partial or full mobilization of
12 emergency management organizations in advance of actual disaster, to
13 insure the furnishing of adequately trained and equipped forces of
14 emergency management personnel in time of need.

15 (5) The director shall make such studies and surveys of the
16 industries, resources, and facilities in this state as may be
17 necessary to ascertain the capabilities of the state for emergency
18 management, and shall plan for the most efficient emergency use
19 thereof.

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

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

26 (8) The director shall appoint a state coordinator of search and
27 rescue operations to coordinate those state resources, services and
28 facilities (other than those for which the state director of
29 aeronautics is directly responsible) requested by political
30 subdivisions in support of search and rescue operations, and on
31 request to maintain liaison with and coordinate the resources,
32 services, and facilities of political subdivisions when more than one
33 political subdivision is engaged in joint search and rescue
34 operations.

35 (9) The director, subject to the direction and control of the
36 governor, shall prepare and administer a state program for emergency
37 assistance to individuals within the state who are victims of a
38 natural, technological, or human caused disaster, as defined by RCW
39 38.52.010(~~(+6)~~) (13). Such program may be integrated into and
40 coordinated with disaster assistance plans and programs of the

1 federal government which provide to the state, or through the state
2 to any political subdivision thereof, services, equipment, supplies,
3 materials, or funds by way of gift, grant, or loan for purposes of
4 assistance to individuals affected by a disaster. Further, such
5 program may include, but shall not be limited to, grants, loans, or
6 gifts of services, equipment, supplies, materials, or funds of the
7 state, or any political subdivision thereof, to individuals who, as a
8 result of a disaster, are in need of assistance and who meet
9 standards of eligibility for disaster assistance established by the
10 department of social and health services: PROVIDED, HOWEVER, That
11 nothing herein shall be construed in any manner inconsistent with the
12 provisions of Article VIII, section 5 or section 7 of the Washington
13 state Constitution.

14 (10) The director shall appoint a state coordinator for
15 radioactive and hazardous waste emergency response programs. The
16 coordinator shall consult with the state radiation control officer in
17 matters relating to radioactive materials. The duties of the state
18 coordinator for radioactive and hazardous waste emergency response
19 programs shall include:

20 (a) Assessing the current needs and capabilities of state and
21 local radioactive and hazardous waste emergency response teams on an
22 ongoing basis;

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

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

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

31 (11) The director is responsible to the governor to lead the
32 development and management of a program for interagency coordination
33 and prioritization of continuity of operations planning by state
34 agencies. Each state agency is responsible for developing an
35 organizational continuity of operations plan that is updated and
36 exercised annually in compliance with the program for interagency
37 coordination of continuity of operations planning.

38 (12) The director shall maintain a copy of the continuity of
39 operations plan for election operations for each county that has a
40 plan available.

1 (13) Subject to the availability of amounts appropriated for this
2 specific purpose, the director is responsible to the governor to lead
3 the development and management of a program to provide information
4 and education to state and local government officials regarding
5 catastrophic incidents and continuity of government planning to
6 assist with statewide development of continuity of government plans
7 by all levels and branches of state and local government that address
8 how essential government functions and services will continue to be
9 provided following a catastrophic incident.

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

12 (1) Subject to the availability of amounts appropriated for this
13 specific purpose, the director, through the state ((enhanced)) 911
14 coordinator, and in collaboration with the department of health, the
15 department of social and health services, the Washington state
16 patrol, the Washington association of sheriffs and police chiefs, the
17 Washington council of police and sheriffs, the state fire marshal's
18 office, a representative of a first responder organization with
19 experience in addressing the needs of a person with a disability, and
20 other individuals and entities at the discretion of the director,
21 must assess, and report back to the appropriate committees of the
22 legislature by December 1, 2018, regarding:

23 (a) The resources, capabilities, techniques, protocols, and
24 procedures available or required in order to include as part of the
25 enhanced 911 emergency service the ability to allow an immediate
26 display on the screen indicating that a person with a disability may
27 be present at the scene of an emergency, the caller's identification,
28 location, phone number, address, and if made available, additional
29 information on the person with a disability that would assist the
30 first responder in the emergency response;

31 (b) How best to acquire, implement, and safeguard a secure
32 website and the information in the system provided by a person with a
33 disability, or a parent, guardian, or caretaker of a person with a
34 disability in order to make such information directly available to
35 first responders at the scene of an emergency or on the way to the
36 scene of an emergency;

37 (c) What information provided by a person must remain
38 confidential under state or federal law, or otherwise should remain
39 confidential without written permission to release it for purposes of

1 chapter 295, Laws of 2017 or the information is otherwise releasable
2 or available under other provisions of law; and

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

8 (2) For purposes of this section:

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

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

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

17 The legislature finds that a statewide emergency communications
18 network of ((enhanced)) 911 telephone service, which allows an
19 immediate display of a caller's identification and location, would
20 serve to further the safety, health, and welfare of the state's
21 citizens, and would save lives. The legislature, after reviewing the
22 study outlined in section 1, chapter 260, Laws of 1990, further finds
23 that statewide implementation of ((enhanced)) 911 telephone service
24 is feasible and should be accomplished as soon as practicable.

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

27 The legislature finds that statewide ((enhanced)) 911 emergency
28 communications service has proven to be a lifesaving service and that
29 routing a 911 call to the appropriate public safety answering point
30 with a display of the caller's identification and location should be
31 available for all users of telecommunications services, regardless of
32 the technology used to make and transmit the 911 call. The
33 legislature also finds that it is in the best public interest to
34 ensure that there is adequate ongoing funding to support ((enhanced
35 911 service)) necessary 911 system upgrades as technology evolves to
36 next generation 911 technology and beyond for 911 emergency
37 communications baseline service statewide that supports emerging
38 communications devices.

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

3 The adjutant general shall establish rules on minimum information
4 requirements of automatic location identification for the purposes of
5 ~~((enhanced))~~ 911 emergency service. Such rules shall permit the chief
6 of a local fire department or a chief fire protection officer or such
7 other person as may be designated by the governing body of a city or
8 county to take into consideration local circumstances when approving
9 the accuracy of location information generated when calls are made to
10 911 from facilities within his or her service area.

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

13 (1) Each county, singly or in combination with one or more
14 (~~adjacent~~) counties, must (~~implement~~) provide or participate in
15 countywide or multicounty-wide (~~enhanced~~) 911 emergency
16 communications systems so that (~~enhanced~~) 911 is available
17 throughout the state. The county must provide funding for the
18 (~~enhanced~~) 911 communications system in the county in an amount
19 equal to the amount the maximum tax under RCW 82.14B.030(1) would
20 generate in the county less any applicable administrative fee charged
21 by the department of revenue or the amount necessary to provide full
22 funding of the system in the county. The state (~~enhanced~~) 911
23 coordination office established by RCW 38.52.520 must assist and
24 facilitate (~~enhanced~~) 911 implementation throughout the state.

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

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

31 A state ~~((enhanced))~~ 911 coordination office, headed by the state
32 ~~((enhanced))~~ 911 coordinator, is established in the emergency
33 management division of the department. Duties of the office include:

34 (1) ~~((Coordinating and facilitating the implementation and~~
35 ~~operation of enhanced 911 emergency communications systems throughout~~
36 ~~the state)) Administering the 911 account established in RCW~~
37 38.52.540;

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

3 (3) Providing and supporting 911 emergency communications
4 systems, which may include procurement, funding, ownership, and
5 management;

6 (4) Assisting the counties and Washington state patrol public
7 safety answering points by distributing state 911 emergency
8 communications system funding within the priorities identified in RCW
9 38.52.545. When designated as a primary public safety answering point
10 by the county, the state 911 coordination office may provide funding
11 for Washington state patrol public safety answering point 911
12 emergency communications systems;

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

15 (6) Recommending to the utilities and transportation commission
16 by August 31st of each year the level of the state ((enhanced)) 911
17 emergency communications system excise tax established in RCW
18 82.14B.030(5) for the following year;

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

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

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

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

34 (c) Specify statewide 911 emergency communications system and
35 service standards, consistent with applicable state and federal law.
36 The authority given to the state 911 coordinator in this section is
37 limited to setting standards as set forth in this section and does
38 not constitute authority to regulate radio communications service
39 companies or interconnected voice over internet protocol service
40 companies; and

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

3 (a) Efforts to modernize their existing enhanced 911 emergency
4 communications system; ~~((and~~

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

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

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

12 The state ~~((enhanced))~~ 911 coordination office may develop and
13 ~~((implement))~~ provide public education materials ~~((regarding the~~
14 ~~capability of specific equipment used as part of a private~~
15 ~~telecommunications system or in the provision of private shared~~
16 ~~telecommunications services to forward automatic location~~
17 ~~identification and automatic number identification))~~ relating to the
18 911 emergency communications system.

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

21 The 911 advisory committee is created to advise and assist the
22 state 911 coordinator in coordinating and facilitating the
23 implementation and operation of 911 throughout the state. The
24 director shall appoint:

25 (1) County 911 representatives from diverse urban and rural
26 geographical counties;

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

29 (3) Those who represent diverse geographical areas of the state
30 and include state residents who are members of the national emergency
31 number association, the association of public communications
32 officials Washington chapter, the Washington state fire chiefs
33 association, the Washington association of sheriffs and police
34 chiefs, the Washington state council of firefighters, the Washington
35 state council of police officers, the Washington ambulance
36 association, the Washington state firefighters association, the
37 Washington state association of fire marshals, the Washington fire
38 commissioners association, the Washington state patrol, the

1 association of Washington cities, and the Washington state
2 association of counties;

3 (4) The utilities and transportation commission or commission
4 staff;

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

6 (6) An equal number of representatives of large and small local
7 exchange telephone companies and large and small radio communications
8 service companies offering commercial mobile radio service in the
9 state;

10 (7) A representative of the Washington state department of
11 health; and

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

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

15 (~~On an annual basis~~) (1) Annually, the ((enhanced)) 911
16 advisory committee must provide an update on the status of
17 ((enhanced)) 911 service in the state to the appropriate committees
18 in the legislature. The update must include progress by the state 911
19 coordination office and the counties towards ((creating greater
20 efficiencies in enhanced)) continual growth and maintenance of a 911
21 emergency communications system with greater efficiencies in 911
22 operations including, but not limited to, regionalization of
23 facilities, centralization of equipment, ((and)) statewide
24 purchasing, strategic plan performance, and fiscal health of the 911
25 emergency communications system.

26 (2) To assist with modernization of the 911 emergency
27 communications system, all counties operating public safety answering
28 points in Washington state, with the exception of tribal nations,
29 must assist the 911 advisory committee to update the legislature
30 annually within the requirements of RCW 38.52.520(8) by providing
31 annual public safety answering point expenditure reports and
32 additional information as necessary requested by the state 911
33 coordinator's office.

34 (3) To assist with modernization of the 911 emergency
35 communications system, public safety answering points providing
36 service in multiple counties shall report to the county where they
37 are physically located. Public safety answering points providing
38 services outside of Washington state borders shall limit reporting to
39 those areas within the boundaries of Washington state. Counties

1 receiving services from a public safety answering point outside of
2 Washington state must report the cost of services into their county.

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

5 The state ((enhanced)) 911 coordination office and the
6 ((enhanced)) 911 advisory committee may participate in efforts to set
7 uniform national standards for ((automatic number identification and
8 automatic location identification data transmission for private
9 telecommunications systems and private shared telecommunications
10 services)) the 911 emergency communications system.

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

13 (1) The ((enhanced)) 911 account is created in the state
14 treasury. All receipts from the state ((enhanced)) 911 excise taxes
15 imposed by RCW 82.14B.030 must be deposited into the account. Moneys
16 in the account must be used ((only)) to support the priorities
17 established in RCW 38.52.545, procure, fund, and manage the statewide
18 911 emergency communications system network, purchase goods and
19 services that support the counties and Washington state patrol public
20 safety answering points in providing 911 baseline level of service
21 statewide, assist the counties and Washington state patrol public
22 safety answering points to provide 911 emergency communications
23 systems and associated administrative and operational costs, acquire
24 911 hardware, software, and technology appropriate to support a 911
25 emergency communications system, 911 emergency communications
26 training and public education, support the statewide coordination and
27 management of the ((enhanced)) 911 emergency communications system,
28 ((for the implementation of wireless enhanced 911 statewide,)) and
29 for ((the)) modernization needs as technology evolves of ((enhanced))
30 the 911 emergency communications systems statewide((, and to help
31 supplement, within available funds, the operational costs of the
32 system, including adequate funding of counties to enable
33 implementation of wireless enhanced 911 service and reimbursement of
34 radio communications service companies for costs incurred in
35 providing wireless enhanced 911 service pursuant to negotiated
36 contracts between the counties or their agents and the radio
37 communications service companies. For the 2013-2015 and the 2015-2017
38 fiscal biennia, the account may be used for a criminal history system

1 upgrade in the Washington state patrol and for activities and
2 programs in the military department. A county must show just cause,
3 including but not limited to a true and accurate accounting of the
4 funds expended, for any inability to provide reimbursement to radio
5 communications service companies of costs incurred in providing
6 enhanced 911 service)).

7 (2) Funds generated by the ((enhanced)) 911 excise tax imposed by
8 RCW 82.14B.030(5), (6), and (8) may not be distributed to any county
9 that has not imposed the maximum county ((enhanced)) 911 excise tax
10 allowed under RCW 82.14B.030(1) through (3). ((Funds generated by the
11 enhanced 911 excise tax imposed by RCW 82.14B.030(6) may not be
12 distributed to any county that has not imposed the maximum county
13 enhanced 911 excise tax allowed under RCW 82.14B.030(2)-.))

14 (3) The state ((enhanced)) 911 coordinator, with the advice and
15 assistance of the ((enhanced)) 911 advisory committee, is authorized
16 to enter into statewide agreements to improve the efficiency of
17 ((enhanced)) the 911 ((services for all counties)) emergency
18 communications system and shall specify by rule the additional
19 purposes for which moneys, if available, may be expended from this
20 account.

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

23 In specifying rules defining the purposes for which available
24 state ((enhanced)) 911 moneys may be expended, the state ((enhanced))
25 911 coordinator, with the advice and assistance of the ((enhanced))
26 911 advisory committee, must consider ((base)) needs ((of individual
27 counties for specific assistance)) necessary to provide a baseline
28 level of 911 service by individual counties and their designated
29 Washington state patrol public safety answering points. Priorities
30 for available ((enhanced)) 911 emergency communications system
31 funding are as follows:

32 (1) To procure, fund, and manage the statewide 911 network and
33 supporting services, and assure that 911 dialing is operational
34 statewide;

35 (2) To assist counties and Washington state patrol public safety
36 answering points to provide 911 emergency communications systems and
37 associated administrative and operational costs as necessary to
38 assure that they can achieve a ((basic service)) baseline level of
39 service for 911 operations; and

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

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

9 A telecommunications company, radio communications service
10 company, or interconnected voice over internet protocol service
11 company, providing emergency communications systems or services or a
12 business or individual providing database information to ((enhanced))
13 911 emergency communications personnel is not liable for civil
14 damages caused by an act or omission of the company, business, or
15 individual, the state, political subdivisions and any 911 public
16 corporations in the:

17 (1) Good faith release of information not in the public record,
18 including unpublished or unlisted subscriber information to emergency
19 service providers responding to calls placed to an ((enhanced)) 911
20 emergency communications service; or

21 (2) Design, development, installation, maintenance, or provision
22 of consolidated ((enhanced)) 911 emergency communications systems or
23 services other than an act or omission constituting gross negligence
24 or wanton or willful misconduct.

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

27 The state ((enhanced)) 911 coordinator, with the advice and
28 assistance of the ((enhanced)) 911 advisory committee, must set
29 nondiscriminatory, uniform technical and operational standards
30 consistent with the rules of the federal communications commission
31 for the transmission of 911 calls from radio communications service
32 companies and interconnected voice over internet protocol service
33 companies to ((enhanced)) 911 emergency communications systems. These
34 standards must be modernized to align with national standards adopted
35 by the state of Washington in rule making and not exceed the
36 requirements set by the federal communications commission. The
37 authority given to the state ((enhanced)) 911 coordinator in this
38 section is limited to setting standards as set forth in this section

1 and does not constitute authority to regulate radio communications
2 service companies or interconnected voice over internet protocol
3 service companies.

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

6 (1) Information contained in an automatic number identification
7 or automatic location identification database that is part of a
8 county (~~enhanced~~) 911 emergency communications system as defined in
9 RCW 82.14B.020 and intended for display at a public safety answering
10 point with incoming 911 voice or data is exempt from public
11 inspection and copying under chapter 42.56 RCW.

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

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

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

20 (b) Dissemination of information by the public safety answering
21 point to police, fire, or emergency medical responders for display on
22 a device used by police, fire, or emergency medical responders for
23 the purpose of handling or responding to emergency calls or for
24 training;

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

26 (d) Dissemination of information by a county to local agency
27 personnel for inclusion in an emergency notification system that
28 makes outgoing calls to telephone numbers to provide notification of
29 a community emergency event;

30 (e) Inspection or copying by the subject of the information or an
31 authorized representative; or

32 (f) The public disclosure of information prepared, retained,
33 disseminated, transmitted, or recorded, for the purpose of handling
34 or responding to emergency calls, unless disclosure of any such
35 information is otherwise exempted under chapter 42.56 RCW or other
36 law.

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

1 The legislature finds that the state and counties should be
2 provided with an additional revenue source to fund (~~enhanced~~) 911
3 emergency communications systems throughout the state on a
4 multicounty or countywide basis. The legislature further finds that
5 the most efficient and appropriate method of deriving additional
6 revenue for this purpose is to impose an excise tax on the use of
7 switched access lines, radio access lines, and interconnected voice
8 over internet protocol service lines.

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

11 As used in this chapter:

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

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

24 (~~(2)~~) (3) "Emergency services communication system" means a
25 multicounty or countywide communications network, including an
26 enhanced or next generation 911 emergency communications system,
27 which provides rapid public access for coordinated dispatching of
28 services, personnel, equipment, and facilities for police, fire,
29 medical, or other emergency services.

30 (~~(3)~~) (4) "Enhanced 911 emergency communications system" means
31 a public communications system consisting of a network, database, and
32 on-premises equipment that is accessed by dialing or accessing 911
33 and that enables reporting police, fire, medical, or other emergency
34 situations to a public safety answering point. The system includes
35 the capability to selectively route incoming 911 voice or data to the
36 appropriate public safety answering point that operates in a defined
37 911 service area and the capability to automatically display the
38 name, address, and telephone number of incoming 911 voice or data at
39 the appropriate public safety answering point. "Enhanced 911

1 emergency communications system" includes the modernization to next
2 generation 911 systems.

3 ~~((4))~~ (5) "Interconnected voice over internet protocol service"
4 has the same meaning as provided by the federal communications
5 commission in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent
6 date determined by the department.

7 ~~((5))~~ (6) "Interconnected voice over internet protocol service
8 line" means an interconnected voice over internet protocol service
9 that offers an active telephone number or successor dialing protocol
10 assigned by a voice over internet protocol provider to a voice over
11 internet protocol service customer that has inbound and outbound
12 calling capability, which can directly access a public safety
13 answering point when such a voice over internet protocol service
14 customer has a place of primary use in the state.

15 ~~((6))~~ (7) "Local exchange company" has the meaning ascribed to
16 it in RCW 80.04.010.

17 ~~((7))~~ (8) "Next generation 911 emergency communications system"
18 means a public communications system consisting of networks,
19 databases, and public safety answering point 911 hardware, software,
20 and technology that is accessed by the public in the state through
21 911. The system includes the capability to: Route incoming 911 voice
22 and data to the appropriate public safety answering point that
23 operates in a defined 911 service area; answer incoming 911 voice and
24 data; and receive and display incoming 911 voice and data, including
25 automatic location identification and automatic number
26 identification, at a public safety answering point. "Next Generation
27 911 emergency communications system" includes future modernizations
28 to the 911 system.

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

33 (a) The residential street address or primary business street
34 address of the subscriber; and

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

37 ~~((8))~~ (10) "Prepaid wireless telecommunications service" means
38 a telecommunications service that provides the right to use mobile
39 wireless service as well as other nontelecommunications services
40 including the download of digital products delivered electronically,

1 content, and ancillary services, which must be paid for in full in
2 advance and sold in predetermined units or dollars of which the
3 number declines with use in a known amount.

4 ~~((9))~~ (11) "Private telecommunications system" has the meaning
5 ascribed to it in RCW 80.04.010.

6 ~~((10))~~ (12) "Radio access line" means the telephone number
7 assigned to or used by a subscriber for two-way local wireless voice
8 service available to the public for hire from a radio communications
9 service company. Radio access lines include, but are not limited to,
10 radio-telephone communications lines used in cellular telephone
11 service, personal communications services, and network radio access
12 lines, or their functional and competitive equivalent. Radio access
13 lines do not include lines that provide access to one-way signaling
14 service, such as paging service, or to communications channels
15 suitable only for data transmission, or to nonlocal radio access line
16 service, such as wireless roaming service, or to a private
17 telecommunications system.

18 ~~((11))~~ (13) "Radio communications service company" ~~((has the~~
19 ~~meaning ascribed to it in RCW 80.04.010, except that it does not~~
20 ~~include radio paging providers. It does include those persons or~~
21 ~~entities that provide commercial mobile radio services, as defined by~~
22 ~~47 U.S.C. Sec. 332(d)(1), and both facilities-based and~~
23 ~~nonfacilities-based resellers)) means every corporation, company,~~
24 association, joint stock, partnership, and person, their lessees,
25 trustees, or receivers appointed by any court, and every city or town
26 making available facilities to provide commercial mobile radio
27 services, as defined by 47 U.S.C. Sec. 332(d)(1), or cellular
28 communications services for hire, sale, and both facilities-based and
29 nonfacilities-based resellers, and does not include radio paging
30 providers.

31 ~~((12))~~ (14) "Retail transaction" means the purchase of prepaid
32 wireless telecommunications service from a seller for any purpose
33 other than resale.

34 ~~((13))~~ (15) "Seller" means a person who sells prepaid wireless
35 telecommunications service to another person.

36 ~~((14))~~ (16) "Subscriber" means the retail purchaser of
37 telecommunications service, a competitive telephone service, or
38 interconnected voice over internet protocol service. "Subscriber"
39 does not include a consumer, as defined in this section.

1 (~~(15)~~) (17) "Switched access line" means the telephone service
2 line which connects a subscriber's main telephone(s) or equivalent
3 main telephone(s) to the local exchange company's switching office.

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

6 Subject to the enactment into law of the 2013 amendments to RCW
7 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the
8 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of
9 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in
10 section 109, chapter 8, Laws of 2013 2nd sp. sess.:

11 (1) The legislative authority of a county may impose a county
12 (~~enhanced~~) 911 excise tax on the use of switched access lines in an
13 amount not exceeding seventy cents per month for each switched access
14 line. The amount of tax must be uniform for each switched access
15 line. Each county must provide notice of the tax to all local
16 exchange companies serving in the county at least sixty days in
17 advance of the date on which the first payment is due. The tax
18 imposed under this subsection must be remitted to the department by
19 local exchange companies on a tax return provided by the department.
20 The tax must be deposited in the county (~~enhanced~~) 911 excise tax
21 account as provided in RCW 82.14B.063.

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

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

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

32 (b) The county must provide notice of the tax to all radio
33 communications service companies serving in the county at least sixty
34 days in advance of the date on which the first payment is due. The
35 tax imposed under this section must be remitted to the department by
36 radio communications service companies, including those companies
37 that resell radio access lines, and sellers of prepaid wireless
38 telecommunications services, on a tax return provided by the

1 department. The tax must be deposited in the county ((enhanced)) 911
2 excise tax account as provided in RCW 82.14B.063.

3 (3) (a) The legislative authority of a county may impose a county
4 ((enhanced)) 911 excise tax on the use of interconnected voice over
5 internet protocol service lines in an amount not exceeding seventy
6 cents per month for each interconnected voice over internet protocol
7 service line. The amount of tax must be uniform for each line and
8 must be levied on no more than the number of voice over internet
9 protocol service lines on an account that are capable of simultaneous
10 unrestricted outward calling to the public switched telephone
11 network.

12 (b) The interconnected voice over internet protocol service
13 company must use the place of primary use of the subscriber to
14 determine which county's ((enhanced)) 911 excise tax applies to the
15 service provided to the subscriber.

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

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

21 (e) To the extent that a local exchange carrier and an
22 interconnected voice over internet protocol service company
23 contractually jointly provide a single service line, only one service
24 company is responsible for remitting the ((enhanced)) 911 excise
25 taxes, and nothing in this section precludes service companies who
26 jointly provide service from agreeing by contract which of them must
27 remit the taxes collected.

28 (4) Counties imposing a county ((enhanced)) 911 excise tax must
29 provide an annual update to the ((enhanced)) 911 coordinator
30 detailing the proportion of their county ((enhanced)) 911 excise tax
31 that is being spent on:

32 (a) Efforts to modernize their existing ((enhanced)) 911
33 communications system; and

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

35 (5) A state ((enhanced)) 911 excise tax is imposed on all
36 switched access lines in the state. The amount of tax may not exceed
37 twenty-five cents per month for each switched access line. The tax
38 must be uniform for each switched access line. The tax imposed under
39 this subsection must be remitted to the department by local exchange
40 companies on a tax return provided by the department. Tax proceeds

1 must be deposited by the treasurer in the ((enhanced)) 911 account
2 created in RCW 38.52.540.

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

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

9 (ii) By consumers whose retail transaction occurs within the
10 state in an amount of twenty-five cents per retail transaction. The
11 tax must be uniform for each retail transaction under this subsection
12 (6) (a) (ii). Until July 1, 2018, a seller of prepaid wireless
13 telecommunications service may charge an additional five cents per
14 retail transaction as compensation for the cost of collecting and
15 remitting the tax.

16 (b) The tax imposed under this section must be remitted to the
17 department by radio communications service companies, including those
18 companies that resell radio access lines, and sellers of prepaid
19 wireless telecommunications service, on a tax return provided by the
20 department. Tax proceeds must be deposited by the treasurer in the
21 ((enhanced)) 911 account created in RCW 38.52.540. The tax imposed
22 under this section is not subject to the state sales and use tax or
23 any local tax.

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

28 (8) A state ((enhanced)) 911 excise tax is imposed on all
29 interconnected voice over internet protocol service lines in the
30 state. The amount of tax may not exceed twenty-five cents per month
31 for each interconnected voice over internet protocol service line
32 whose place of primary use is located in the state. The amount of tax
33 must be uniform for each line and must be levied on no more than the
34 number of voice over internet protocol service lines on an account
35 that are capable of simultaneous unrestricted outward calling to the
36 public switched telephone network. The tax imposed under this
37 subsection must be remitted to the department by interconnected voice
38 over internet protocol service companies on a tax return provided by
39 the department. Tax proceeds must be deposited by the treasurer in
40 the ((enhanced)) 911 account created in RCW 38.52.540.

1 (9) For calendar year 2011, the taxes imposed by subsections (5)
2 and (8) of this section must be set at their maximum rate. By August
3 31, 2011, and by August 31st of each year thereafter, the state
4 ((enhanced)) 911 coordinator must recommend the level for the next
5 year of the state ((enhanced)) 911 excise tax imposed by subsections
6 (5) and (8) of this section, based on a systematic cost and revenue
7 analysis, to the utilities and transportation commission. The
8 commission must by the following October 31st determine the level of
9 the state ((enhanced)) 911 excise taxes imposed by subsections (5)
10 and (8) of this section for the following year.

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

13 Subject to the enactment into law of the 2013 amendments to RCW
14 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the
15 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of
16 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in
17 section 109, chapter 8, Laws of 2013 2nd sp. sess.:

18 (1) Except as provided otherwise in subsection (2) of this
19 section:

20 (a) The state ((enhanced)) 911 excise tax and the county
21 ((enhanced)) 911 excise tax on switched access lines must be
22 collected from the subscriber by the local exchange company providing
23 the switched access line.

24 (b) The state ((enhanced)) 911 excise tax and the county
25 ((enhanced)) 911 excise tax on radio access lines must be collected
26 from the subscriber by the radio communications service company,
27 including those companies that resell radio access lines, providing
28 the radio access line to the subscriber, and the seller of prepaid
29 wireless telecommunications service.

30 (c) The state and county ((enhanced)) 911 excise taxes on
31 interconnected voice over internet protocol service lines must be
32 collected from the subscriber by the interconnected voice over
33 internet protocol service company providing the interconnected voice
34 over internet protocol service line to the subscriber.

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

37 (2)(a) The state and county ((enhanced)) 911 excise taxes imposed
38 by this chapter must be collected from the consumer by the seller of

1 a prepaid wireless telecommunications service for each retail
2 transaction occurring in this state.

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

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

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

11 Subject to the enactment into law of the 2013 amendments to RCW
12 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the
13 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of
14 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in
15 section 109, chapter 8, Laws of 2013 2nd sp. sess.:

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

18 (i) The subscriber to the local exchange company providing the
19 switched access line, the radio communications service company
20 providing the radio access line, or the interconnected voice over
21 internet protocol service company providing the interconnected voice
22 over internet protocol service line; or

23 (ii) The consumer to the seller of prepaid wireless
24 telecommunications service.

25 (b) Each local exchange company, each radio communications
26 service company, and each interconnected voice over internet protocol
27 service company must collect from the subscriber, and each seller of
28 prepaid wireless telecommunications service must collect from the
29 consumer, the full amount of the taxes payable. The state and county
30 (~~enhanced~~) 911 excise taxes required by this chapter to be
31 collected by a company or seller, are deemed to be held in trust by
32 the company or seller until paid to the department. Any local
33 exchange company, radio communications service company, seller of
34 prepaid wireless telecommunications service, or interconnected voice
35 over internet protocol service company that appropriates or converts
36 the tax collected to its own use or to any use other than the payment
37 of the tax to the extent that the money collected is not available
38 for payment on the due date as prescribed in this chapter is guilty
39 of a gross misdemeanor.

1 (2) If any local exchange company, radio communications service
2 company, seller of prepaid wireless telecommunications service, or
3 interconnected voice over internet protocol service company fails to
4 collect the state or county ((enhanced)) 911 excise tax or, after
5 collecting the tax, fails to pay it to the department in the manner
6 prescribed by this chapter, whether such failure is the result of its
7 own act or the result of acts or conditions beyond its control, the
8 company or seller is personally liable to the state for the amount of
9 the tax, unless the company or seller has taken from the buyer in
10 good faith documentation, in a form and manner prescribed by the
11 department, stating that the buyer is not a subscriber or consumer or
12 is otherwise not liable for the state or county ((enhanced)) 911
13 excise tax.

14 (3) The amount of tax, until paid by the subscriber to the local
15 exchange company, the radio communications service company, the
16 interconnected voice over internet protocol service company, or to
17 the department, or until paid by the consumer to the seller of
18 prepaid wireless telecommunications service, or to the department,
19 constitutes a debt from the subscriber to the company, or from the
20 consumer to the seller. Any company or seller that fails or refuses
21 to collect the tax as required with intent to violate the provisions
22 of this chapter or to gain some advantage or benefit, either direct
23 or indirect, and any subscriber or consumer who refuses to pay any
24 tax due under this chapter is guilty of a misdemeanor. The state and
25 county ((enhanced)) 911 excise taxes required by this chapter to be
26 collected by the local exchange company, radio communications service
27 company, or interconnected voice over internet protocol service
28 company must be stated separately on the billing statement that is
29 sent to the subscriber.

30 (4) If a subscriber has failed to pay to the local exchange
31 company, radio communications service company, or interconnected
32 voice over internet protocol service company, or a consumer has
33 failed to pay to the seller of prepaid wireless telecommunications
34 service, the state or county ((enhanced)) 911 excise taxes imposed by
35 this chapter and the company or seller has not paid the amount of the
36 tax to the department, the department may, in its discretion, proceed
37 directly against the subscriber or consumer for collection of the
38 tax, in which case a penalty of ten percent may be added to the
39 amount of the tax for failure of the subscriber or consumer to pay
40 the tax to the company or seller, regardless of when the tax is

1 collected by the department. Tax under this chapter is due as
2 provided under RCW 82.14B.061.

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

5 The proceeds of any tax collected under this chapter shall be
6 used by the state or county only for the ((emergency services
7 communication system)) 911 emergency communications system and its
8 administrative and operational costs.

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

11 A county legislative authority imposing a tax under this chapter
12 must establish by ordinance all necessary and appropriate procedures
13 for the administration of the county ((enhanced)) 911 excise taxes by
14 the department. A county legislative authority imposing a tax under
15 this chapter must provide the department notification of the
16 imposition of the tax or a change in the tax no less than seventy-
17 five days before the effective date of the imposition of the tax or
18 the change in the tax.

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

21 (1) The department must administer and adopt rules as may be
22 necessary to enforce and administer the state and county ((enhanced))
23 911 excise taxes imposed or authorized by this chapter. Chapter 82.32
24 RCW, with the exception of RCW 82.32.045, 82.32.145, and 82.32.380,
25 applies to the administration, collection, and enforcement of the
26 state and county ((enhanced)) 911 excise taxes.

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

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

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

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

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

9 (1) Counties imposing the (~~enhanced~~) 911 excise tax under RCW
10 82.14B.030 must contract with the department for the administration
11 and collection of the tax. The department may deduct a percentage
12 amount, as provided by contract, of no more than two percent of the
13 (~~enhanced~~) 911 excise taxes collected to cover administration and
14 collection expenses incurred by the department. If a county imposes
15 (~~an enhanced~~) a 911 excise tax with an effective date of January 1,
16 2011, the county must contract with the department for the
17 administration and collection of the tax by October 15, 2010.

18 (2) The remainder of any portion of the county (~~enhanced~~) 911
19 excise tax under RCW 82.14B.030 that is collected by the department
20 must be deposited in the county (~~enhanced~~) 911 excise tax account
21 hereby created in the custody of the state treasurer. Expenditures
22 from the account may be used only for distribution to counties
23 imposing the (~~enhanced~~) 911 excise tax. Only the director of the
24 department or his or her designee may authorize expenditures from the
25 account. The account is not subject to allotment procedures under
26 chapter 43.88 RCW, and an appropriation is not required for
27 expenditures.

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

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

35 (2) If a county imposes by resolution or ordinance (~~an~~
36 ~~enhanced~~) a 911 excise tax that is in excess of the maximum
37 allowable county (~~enhanced~~) 911 excise tax provided in RCW
38 82.14B.030, the ordinance or resolution may not be considered void in

1 its entirety, but only with respect to that portion of the
2 (~~enhanced~~) 911 excise tax that is in excess of the maximum
3 allowable tax.

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

6 (1) A local exchange company, radio communications service
7 company, or interconnected voice over internet protocol service
8 company must file tax returns on a cash receipts or accrual basis
9 according to which method of accounting is regularly employed in
10 keeping the books of the company. A company filing returns on a cash
11 receipts basis is not required to pay tax on debt subject to credit
12 or refund under subsection (2) of this section.

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

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

21 Subject to the enactment into law of the 2013 amendments to RCW
22 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the
23 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of
24 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in
25 section 109, chapter 8, Laws of 2013 2nd sp. sess.:

26 (1) Unless a seller, local exchange company, radio communications
27 service company, or interconnected voice over internet protocol
28 service company has taken from the buyer documentation, in a form and
29 manner prescribed by the department, stating that the buyer is not a
30 subscriber, consumer, or is otherwise not liable for the tax, the
31 burden of proving that a sale of the use of a switched access line,
32 radio access line, or interconnected voice over internet protocol
33 service line was not a sale to a subscriber, consumer, or was not
34 otherwise subject to the tax is upon the person who made the sale.

35 (2) If a seller, local exchange company, radio communications
36 service company, or interconnected voice over internet protocol
37 service company does not receive documentation, in a form and manner
38 prescribed by the department, stating that the buyer is not a

1 subscriber, consumer, or is otherwise not liable for the tax at the
2 time of the sale, have such documentation on file at the time of the
3 sale, or obtain such documentation from the buyer within a reasonable
4 time after the sale, the seller, local exchange company, radio
5 communications service company, or interconnected voice over internet
6 protocol service company remains liable for the tax as provided in
7 RCW 82.14B.042, unless the seller, local exchange company, radio
8 communications service company, or interconnected voice over internet
9 protocol service company can demonstrate facts and circumstances
10 according to rules adopted by the department that show the sale was
11 properly made without payment of the state or county ((enhanced)) 911
12 excise tax.

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

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

22 (1) Upon termination, dissolution, or abandonment of a corporate
23 or limited liability company business, any officer, member, manager,
24 or other person having control or supervision of state ((enhanced))
25 911 excise tax funds collected and held in trust under RCW
26 82.14B.042, or who is charged with the responsibility for the filing
27 of returns or the payment of state ((enhanced)) 911 excise tax funds
28 collected and held in trust under RCW 82.14B.042, is personally
29 liable for any unpaid taxes and interest and penalties on those
30 taxes, if such officer or other person willfully fails to pay or to
31 cause to be paid any state ((enhanced)) 911 excise taxes due from the
32 corporation under this chapter. For the purposes of this section, any
33 state ((enhanced)) 911 excise taxes that have been paid but not
34 collected are deductible from the state ((enhanced)) 911 excise taxes
35 collected but not paid. For purposes of this subsection "willfully
36 fails to pay or to cause to be paid" means that the failure was the
37 result of an intentional, conscious, and voluntary course of action.

38 (2) The officer, member, manager, or other person is liable only
39 for taxes collected that became due during the period he or she had

1 the control, supervision, responsibility, or duty to act for the
2 corporation described in subsection (1) of this section, plus
3 interest and penalties on those taxes.

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

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

11 (5) This section applies only if the department has determined
12 that there is no reasonable means of collecting the state
13 (~~enhanced~~) 911 excise tax funds held in trust directly from the
14 corporation.

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

18 (7) Collection authority and procedures prescribed in chapter
19 82.32 RCW apply to collections under this section.

20 NEW SECTION. **Sec. 32.** RCW 38.52.530 (Enhanced 911 advisory
21 committee) and 2010 1st sp.s. c 19 § 16, 2010 1st sp.s. c 7 s 51,
22 2006 c 210 s 1, 2002 c 341 s 3, 2000 c 34 s 1, 1997 c 49 s 7, & 1991
23 c 54 s 5 are each repealed.

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