

**Enrolled**  
**House Bill 2426**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon Military Department)

CHAPTER .....

AN ACT

Relating to 9-1-1 emergency communications system; creating new provisions; amending ORS 165.570, 165.572, 181.610, 243.736, 403.100, 403.105, 403.110, 403.115, 403.120, 403.130, 403.135, 403.137, 403.140, 403.145, 403.150, 403.155, 403.160, 403.200, 403.205, 403.215, 403.235, 403.240, 403.245, 403.300, 403.360, 451.010, 451.605, 451.610, 453.322, 811.747, 811.748 and 811.750 and sections 3 and 8, chapter 753, Oregon Laws 2013, section 2, chapter 29, Oregon Laws 2014, and section 13b, chapter 59, Oregon Laws 2014; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 403.100 is amended to read:

403.100. It is the policy of the State of Oregon to:

(1) Encourage and support **the development of public safety networks and an emergency communications system** and the rapid deployment of broadband [*telecommunications*] **or other communications** services in areas of the state in which the services do not exist;

(2) Support redundancy of critical [*telecommunications*] **communications** assets in order to ensure homeland security protections in the state; and

(3) Ensure that a secure conduit is available for **the** emergency communications **system** and public safety networks in all Oregon communities.

**SECTION 2.** ORS 403.105, as amended by section 1, chapter 59, Oregon Laws 2014, is amended to read:

403.105. As used in ORS 305.823 and 403.105 to 403.250, unless the context requires otherwise:

(1) "Account" means the Emergency Communications Account.

(2) "Automatic location identification" means a component or capability of [*enhanced 9-1-1 telephone service*] **the emergency communications system** that provides automatic display in the designated public safety answering point of geographic information about the location of the instrument used to originate an incoming **emergency call** [*9-1-1 call*].

(3) "Automatic number identification" means a component or capability of [*enhanced 9-1-1 telephone service*] **the emergency communications system** that provides automatic display in the designated public safety answering point of a telephone number associated with the access line from which an incoming [*9-1-1 call*] **emergency call** originates.

(4) "Call-back number" means a telephone number, **or other unique number or code assigned to an instrument**, used by a primary public safety answering point to contact the [*location*] **instrument** from which an incoming **emergency call to 9-1-1** [*call*] originates.

(5) "Central office" means a utility that houses the switching and trunking equipment serving telephones in a defined area.

[(6) “Department” means the Department of Revenue.]

[(7)] (6) “Emergency call” means a *[telephone request that results from a situation]* **request for assistance using any device capable of direct communication to the emergency communications system** in which prompt service is essential to preserve human life or property.

(7) “**Emergency communications system**” means the network, database, servers, other equipment and services that provide the means to communicate with a primary public safety answering point to request and provide assistance to preserve human life or property.

(8) “Emergency response location identifier” means a component or capability of *[enhanced 9-1-1 telephone service]* **the emergency communications system** that identifies a specific emergency response location.

(9) “Enhanced 9-1-1 telephone service” means 9-1-1 telephone service consisting of a network, database and on-premises equipment that provides automatic display in the designated public safety answering point of a telephone number and geographic information about the location of the instrument used to originate an incoming 9-1-1 call when the call is received.

(10) “Exchange access services” means:

(a) Telephone exchange access lines or channels that provide *[local]* access by a subscriber in this state to the local telecommunications network to effect the transfer of information; and

(b) Unless a separate tariff rate is charged therefor, any facility or service provided in connection with the services described in paragraph (a) of this subsection.

(11) “Governing body” means the *[board of county commissioners of a county, city council of a city, other governing body of a city or county, board of directors of a special]* **governing body of a city, county, special** district or *[a]* 9-1-1 jurisdiction.

(12) “Key telephone system” means a type of multiline telephone system designed to provide exchange access services through shared exchange access lines or channels that typically appears to offer direct line termination on a particular instrument.

(13) “Local government” has the meaning given that term in ORS 190.710.

(14) “Multiline telephone system” means a communications system, including network, premises-based, PBX, hybrid and key telephone systems, that offers two or more telephone exchange access lines and consists of a common control unit, instruments, control hardware and software and adjunct systems installed at a subscriber’s premises to support the *[9-1-1 emergency reporting]* **emergency communications system**.

(15) “Prepaid wireless telecommunications service” means a telecommunications service that is **sold in predetermined units or dollar amounts, must be paid for in advance and** provides the *[right]* **purchaser with the ability** to use mobile wireless service as well as other nontelecommunications services including content, ancillary services and the download of digital products delivered electronically *[that must be paid for in advance, and that is sold in predetermined units or dollars]*.

(16) “**Primary public safety answering point**” means a **24-hour public safety answering point that receives emergency calls directly from members of the public**.

[(16)] (17) “Provider” means a utility, or other vendor or supplier, *[of telecommunications]* **that offers communications** service or equipment that provides *[telecommunications with access to the 9-1-1 emergency reporting system through local exchange service, cellular service or other wired or wireless means]* **access to the emergency communications system**.

[(17)] (18) “Public or private safety agency” means any unit of state or local government, a special-purpose district or a private firm that provides, or has authority to provide, fire-fighting, police, ambulance or emergency medical services.

[(18)] (19) “Public safety answering point” means a *[24-hour]* communications facility established as an answering location for *[9-1-1]* **emergency** calls originating within a *[given]* **9-1-1** service area. *[A “primary public safety answering point” receives all calls directly from the public. A “secondary public safety answering point” only receives calls from a primary public safety answering point on a transfer or relay basis.]*

(20) **“Secondary public safety answering point” means a public safety answering point that receives emergency calls from a primary public safety answering point on a transfer or relay basis.**

[(19)] (21) **“Subscriber” means a person [who] that has telecommunication access to [the 9-1-1 emergency reporting] make an emergency call to the emergency communications system through local exchange service, cellular service or other wired or wireless means.**

[(20)] (22) **“TTY” means a telephone-typewriter used by an individual with a hearing or speech impairment to communicate with another device or individual.**

[(21)] (23) **“Utility” means a telecommunications utility, as defined in ORS 759.005, a telecommunications carrier, as defined in ORS 133.721, a municipality or any provider of exchange access services.**

[(22)] **“Vendor” means a person providing telephone customer premises equipment or equipment specific to the operation of enhanced 9-1-1 telephone service.]**

[(23)] (24) **“Wireless telecommunications service” means commercial mobile radio service, as defined in 47 C.F.R. 20.3.**

[(24)] (25) **“9-1-1 emergency reporting system” means a telephone service that provides the users of a public telephone system the ability to reach a primary public safety answering point by calling 9-1-1.**

[(25)] (26) **“9-1-1 jurisdiction” means:**

(a) **An entity created under ORS chapter 190 to form a 9-1-1 jurisdiction;**

(b) **A county service district established under ORS chapter 451 to provide emergency communications services within the [an] emergency communications system;**

(c) **[An emergency] A 9-1-1 communications district created under ORS 403.300 to 403.380; [or]**

**(d) A public or private safety agency; or**

[(d)] (e) **A group of public or private safety agencies [who] that have agreed in writing to jointly plan the installation, maintenance, operation or improvement of [a 9-1-1 emergency reporting system] components of the emergency communications system that are within a 9-1-1 service area.**

[(26)] (27) **“9-1-1 service area” means the geographical area [that contains the entire central office serving area from which the primary public safety answering point will have the capability to answer calls placed to 9-1-1] described in an approved 9-1-1 jurisdiction plan within which a 9-1-1 jurisdiction has the responsibility to answer emergency calls.**

**SECTION 3.** ORS 403.105, as amended by sections 1 and 1a, chapter 59, Oregon Laws 2014, is amended to read:

403.105. As used in ORS 305.823 and 403.105 to 403.250, unless the context requires otherwise:

(1) **“Account” means the Emergency Communications Account.**

(2) **“Automatic location identification” means a component or capability of [enhanced 9-1-1 telephone service] the emergency communications system that provides automatic display in the designated public safety answering point of geographic information about the location of the instrument used to originate an incoming emergency call [9-1-1 call].**

(3) **“Automatic number identification” means a component or capability of [enhanced 9-1-1 telephone service] the emergency communications system that provides automatic display in the designated public safety answering point of a telephone number associated with the access line from which an incoming [9-1-1 call] emergency call originates.**

(4) **“Call-back number” means a telephone number, or other unique number or code assigned to an instrument, used by a primary public safety answering point to contact the [location] instrument from which an incoming emergency call [9-1-1 call] originates.**

(5) **“Central office” means a utility that houses the switching and trunking equipment serving telephones in a defined area.**

(6) **“Consumer” means a person that purchases prepaid wireless telecommunications service in a retail transaction.**

[(7)] **“Department” means the Department of Revenue.]**

[(8)] (7) “Emergency call” means a *[telephone request that results from a situation]* **request for assistance using any device capable of direct communication to the emergency communications system** in which prompt service is essential to preserve human life or property.

(8) **“Emergency communications system” means the network, database, servers, other equipment and services that provide the means to communicate with a primary public safety answering point to request and provide assistance to preserve human life or property.**

(9) “Emergency response location identifier” means a component or capability of *[enhanced 9-1-1 telephone service]* **the emergency communications system** that identifies a specific emergency response location.

(10) “Enhanced 9-1-1 telephone service” means 9-1-1 telephone service consisting of a network, database and on-premises equipment that provides automatic display in the designated public safety answering point of a telephone number and geographic information about the location of the instrument used to originate an incoming 9-1-1 call when the call is received.

(11) “Exchange access services” means:

(a) Telephone exchange access lines or channels that provide *[local]* access by a consumer or subscriber in this state to the local telecommunications network to effect the transfer of information; and

(b) Unless a separate tariff rate is charged therefor, any facility or service provided in connection with the services described in paragraph (a) of this subsection.

(12) “Governing body” means the *[board of county commissioners of a county, city council of a city, other governing body of a city or county, board of directors of a special]* **governing body of a city, county, special district or [a] 9-1-1 jurisdiction.**

(13) “Interconnected Voice over Internet Protocol service” has the meaning given that term in 47 C.F.R. 9.3, as amended *[on July 9, 2009]* **and in effect on the effective date of this 2015 Act.** *[The Department of Revenue may by rule adjust this definition to conform to subsequent amendments to 47 C.F.R. 9.3.]*

(14) “Key telephone system” means a type of multiline telephone system designed to provide exchange access services through shared exchange access lines or channels that typically appears to offer direct line termination on a particular instrument.

(15) “Local government” has the meaning given that term in ORS 190.710.

(16) “Multiline telephone system” means a communications system, including network, premises-based, PBX, hybrid and key telephone systems, that offers two or more telephone exchange access lines and consists of a common control unit, instruments, control hardware and software and adjunct systems installed at a subscriber’s premises to support the *[9-1-1 emergency reporting]* **emergency communications system.**

(17) “Prepaid wireless telecommunications service” means a telecommunications service that **is sold in predetermined units or dollar amounts, must be paid for in advance and** provides the *[right]* **purchaser with the ability** to use mobile wireless service as well as other nontelecommunications services including content, ancillary services and the download of digital products delivered electronically *[that must be paid for in advance, and that is sold in predetermined units or dollars].*

(18) **“Primary public safety answering point” means a 24-hour public safety answering point that receives emergency calls directly from members of the public.**

[(18)] (19) “Provider” means a utility, or other vendor or supplier, *[of telecommunications]* **that offers communications service or equipment that provides [telecommunications with access to the 9-1-1 emergency reporting system through local exchange service, cellular service or other wired or wireless means] access to the emergency communications system.**

[(19)] (20) “Public or private safety agency” means any unit of state or local government, a special-purpose district or a private firm that provides, or has authority to provide, fire-fighting, police, ambulance or emergency medical services.

[(20)] (21) “Public safety answering point” means a *[24-hour]* communications facility established as an answering location for *[9-1-1]* **emergency calls** originating within a *[given]* **9-1-1 service area.**

[A “primary public safety answering point” receives all calls directly from the public. A “secondary public safety answering point” only receives calls from a primary public safety answering point on a transfer or relay basis.]

[(21)] **(22)** “Retail transaction” means each individual purchase, associated with an individual access number or capable of being associated with an individual access number, of prepaid wireless telecommunications service from a seller for any purpose other than resale.

**(23) “Secondary public safety answering point” means a public safety answering point that receives emergency calls from a primary public safety answering point on a transfer or relay basis.**

[(22)] **(24)** “Seller” means a person that sells prepaid wireless telecommunications service or access to prepaid wireless telecommunications service to a consumer.

[(23)] **(25)** “Subscriber” means a person, **other than a consumer**, that has telecommunication access to [the 9-1-1 emergency reporting] **the emergency communications** system through local exchange service, cellular service or other wired or wireless means. [“Subscriber” does not include a person that uses prepaid wireless telecommunications service.]

[(24)] **(26)** “TTY” means a telephone-typewriter used by an individual with a hearing or speech impairment to communicate with another device or individual.

[(25)] **(27)** “Utility” means a **telecommunications** utility, as defined in ORS 759.005, a telecommunications carrier, as defined in ORS 133.721, a municipality or any provider of exchange access services.

[(26)] “Vendor” means a person providing telephone customer premises equipment or equipment specific to the operation of enhanced 9-1-1 telephone service.]

[(27)] **(28)** “Wireless telecommunications service” means commercial mobile radio service, as defined in 47 C.F.R. 20.3.

[(28)] **(29)** “9-1-1 emergency reporting system” means a telephone service that provides the users of a public telephone system the ability to reach a primary public safety answering point by calling 9-1-1.

[(29)] **(30)** “9-1-1 jurisdiction” means:

(a) An entity created under ORS chapter 190 **to form a 9-1-1 jurisdiction;**

(b) A county service district established under ORS chapter 451 to provide **emergency communications services within the** [an] emergency communications system;

(c) [An emergency] **A 9-1-1** communications district created under ORS 403.300 to 403.380; [or]

**(d) A public or private safety agency; or**

[(d)] (e) A group of public or private safety agencies [who] **that** have agreed in writing to jointly plan the installation, maintenance, operation or improvement of [a 9-1-1 emergency reporting system] **components of the emergency communications system that are within a 9-1-1 service area.**

[(30)] **(31)** “9-1-1 service area” means the geographical area [that contains the entire central office serving area from which the primary public safety answering point will have the capability to answer calls placed to 9-1-1.] **described in an approved 9-1-1 jurisdiction plan within which a 9-1-1 jurisdiction has the responsibility to answer emergency calls.**

**SECTION 4.** Section 5 of this 2015 Act is added to and made a part of ORS 403.105 to 403.250.

**SECTION 5.** The Department of Revenue may by rule adjust the definition of “interconnected Voice over Internet Protocol service” given in ORS 403.105 to conform to subsequent amendments to 47 C.F.R. 9.3.

**SECTION 6.** ORS 403.110 is amended to read:

403.110. (1) A provider or a 9-1-1 jurisdiction, or the employees or agents of a provider or a 9-1-1 jurisdiction, may be held civilly liable for the installation, performance, provision or maintenance of [a 9-1-1 emergency reporting system or enhanced 9-1-1 telephone service] **the emergency communications system** if the provider or the 9-1-1 jurisdiction or the employees or agents of the provider or the 9-1-1 jurisdiction act with willful or wanton conduct.

(2) This section does not affect any liability a 9-1-1 jurisdiction may have for [operator or operator-supervisor] **employee** negligence in receiving **emergency** calls from the public and dispatching emergency services to the public.

**SECTION 7.** ORS 403.110, as amended by section 2, chapter 59, Oregon Laws 2014, is amended to read:

403.110. (1) A provider or a 9-1-1 jurisdiction or the employees or agents of a provider or a 9-1-1 jurisdiction may be held civilly liable for the installation, performance, provision or maintenance of a 9-1-1 emergency reporting system or enhanced 9-1-1 telephone service if the provider or the 9-1-1 jurisdiction or the employees or agents of the provider or the 9-1-1 jurisdiction act with willful or wanton conduct. [This section does not affect any liability a 9-1-1 jurisdiction may have for operator or operator-supervisor negligence in receiving calls from the public and dispatching emergency services to the public.]

(2) A provider or seller is not liable for damages that result from providing or failing to provide access to the [9-1-1 emergency reporting] **emergency communications** system or from identifying or failing to identify the telephone number, address, location or name associated with any person or device accessing or attempting to access the [9-1-1 emergency reporting] **emergency communications** system.

(3) **This section does not affect any liability a 9-1-1 jurisdiction may have for employee negligence in receiving emergency calls from the public and dispatching emergency services to the public.**

**SECTION 8.** ORS 403.115 is amended to read:

403.115. (1) The primary emergency telephone number within [the] **this** state is 9-1-1, but a public or private safety agency shall maintain both a separate 10-digit secondary emergency number for use by [the telephone company] **a telephone operator or provider** and a separate 10-digit nonemergency number.

(2) Every public and private safety agency in this state shall [establish or] participate in [a 9-1-1 emergency reporting] **the emergency communications** system.

(3) An emergency telephone number other than 9-1-1 may not be published on the top three-quarters of the emergency listing page of a telephone book. However, an alternative nonemergency telephone number for a 9-1-1 jurisdiction may be printed on the top three-quarters of the emergency listing page of a telephone book. The publisher may use the remainder of the page to list the Oregon Poison Center, Federal Bureau of Investigation, a designated mental health crises service and United States Coast Guard, where applicable. If there is more than one mental health crises service in a jurisdiction, the county health department shall decide which mental health crises service the publisher may list by using the criteria of a 24-hour staffed service, nonprofit organization and non-9-1-1 participating agency. The publisher shall refer to the community services section for other numbers.

[4] *The 9-1-1 emergency reporting system must include at a minimum:*

[a] *A primary public safety answering point that is automatically accessible anywhere in the 9-1-1 jurisdiction service area by calling 9-1-1;*

[b] *Central dispatch of public and private safety services in the 9-1-1 service area or relay or transfer of 9-1-1 calls to an appropriate public or private safety agency; and*

[c] *Two 9-1-1 circuits from each central office to each primary public safety answering point.*

[5] *In addition to the requirements set forth in subsection (4) of this section, enhanced 9-1-1 telephone service must provide:*

[a] *Two call-taker stations and staffing for at least one of the stations at all times;*

[b] *Automatic display of the incoming telephone number and address in the designated public safety answering point at the time of receiving an incoming 9-1-1 call;*

[c] *A network developed to transport address and telephone number information to the designated public safety answering point automatically when a call is placed to 9-1-1; and*

*[(d) Emergency telephone service in which one or fewer calls in 100 attempts receive a busy signal on the first attempt during the average busiest hour. A public safety answering point may not have fewer than two 9-1-1 circuits.]*

**(4) The emergency communications system must provide:**

**(a) Interconnectivity between public safety answering points and interconnectivity with providers of the same or similar emergency response services nationally;**

**(b) The capability, within each primary public safety answering point, to receive all emergency calls placed locally within each 9-1-1 service area; and**

**(c) The automatic location identification accurately portraying the location from which each emergency call originates.**

**SECTION 9.** ORS 403.120 is amended to read:

403.120. (1) The Office of Emergency Management shall:

*(a) [Adopt rules in accordance with ORS chapter 183 relating to the planning, administration and funding of 9-1-1 emergency reporting systems established pursuant to ORS 403.115.]* **Except as otherwise provided by law, adopt rules relating to the emergency communications system, as deemed necessary by the office.**

*(b) [Assist, at the request of a 9-1-1 jurisdiction, local government or governing body, in planning 9-1-1 emergency reporting systems or may, at the request of a 9-1-1 jurisdiction, act as an agent of the 9-1-1 jurisdiction for the purposes of purchasing and maintaining equipment and services]* **Plan, implement, administer, operate and maintain the emergency communications system** required to fulfill the requirements of ORS 403.115.

**(c) At the request of a 9-1-1 jurisdiction, act as an agent of the 9-1-1 jurisdiction for the purposes of purchasing and maintaining equipment and services required to conform to applicable laws and rules adopted by the office.**

*[(c)]* **(d) Report biennially to the Legislative Assembly the progress made in implementing ORS 305.823 and 403.105 to 403.250. [including in the report:] The report must include:**

**(A) Financial information concerning the revenues collected, distributed and expended by state agencies and 9-1-1 jurisdictions for the purposes of complying with ORS 403.105 to 403.250; and**

**(B) Account and subaccount balances.**

**(2) The office may enter into and administer contracts for goods and services related to the emergency communications system.**

*[(2)]* **(3) The office may establish advisory committees and study groups to study and advise on:**

**(a) The planning and administration of [9-1-1 emergency reporting systems] public safety answering points; and**

*[(b) Multijurisdictional 9-1-1 emergency reporting systems; and]*

*[(c)]* **(b) Issues impacting [9-1-1 emergency reporting systems throughout the state] the emergency communications system or individual public safety answering points.**

**SECTION 10.** ORS 403.130 is amended to read:

403.130. (1) **A 9-1-1 jurisdiction shall create and maintain a 9-1-1 jurisdiction plan for emergency communications services provided within a 9-1-1 service area pursuant to ORS 403.105 to 403.250 and rules adopted by the Office of Emergency Management. The 9-1-1 jurisdiction shall submit the 9-1-1 jurisdiction plan to:**

**(a) The office;**

**(b) Public and private safety agencies within the 9-1-1 service area; and**

**(c) Any other public or private entity within the 9-1-1 service area that may be affected.**

**(2) The 9-1-1 jurisdiction plan must describe the capital and recurring costs to provide the components of the emergency communications system within the 9-1-1 service area.**

**(3) The office shall review the 9-1-1 jurisdiction plan for compliance with the requirements imposed under ORS 403.105 to 403.250 and rules adopted by the office, and if the plan is:**

**(a) In compliance, the office shall approve the plan.**

**(b) Not in compliance, the office shall reject the plan.**

(4) If the office rejects the 9-1-1 jurisdiction plan under subsection (3) of this section:

(a) The 9-1-1 jurisdiction shall revise and resubmit the plan within 90 days after the date the office rejects the plan; and

(b) The office shall review the revised plan and either approve or reject the revised plan within 90 days after the date the office receives the revised plan.

[(1)] (5) Each 9-1-1 jurisdiction shall submit to the Office of Emergency Management in writing within 30 days any change to [the 9-1-1 emergency telephone system] a public safety answering point that alters the [final plan or system description] approved 9-1-1 jurisdiction plan on file with the office. The changes may include, but are not limited to:

(a) The address of the public safety answering point;

(b) Telephone numbers used to satisfy requirements set forth in ORS 403.115;

(c) Director changes;

(d) Agencies served by the 9-1-1 jurisdiction; and

(e) The method used to direct [the 9-1-1] an emergency call once received by the primary public safety answering point.

[(2)] (6) If an established 9-1-1 jurisdiction proposes to move [its 9-1-1 emergency reporting system from one] a public safety answering point to another location or a governing body proposes to establish a new 9-1-1 jurisdiction with a new primary public safety answering point, and if either of these proposals will result in control of the [9-1-1 emergency reporting system] 9-1-1 service area by an agency or agencies other than [as] the agency or agencies identified in the [final plan approved by the office under ORS 401.750 (1987 Replacement Part), section 7, chapter 743, Oregon Laws 1991, or the system description filed with the office under ORS 401.750 (5) (1987 Replacement Part)] approved 9-1-1 jurisdiction plan filed with the office, the 9-1-1 jurisdiction or governing body shall submit a revised 9-1-1 jurisdiction plan setting forth [these] the changes to:

(a) The Office of Emergency Management;

(b) Public and private safety agencies in the 9-1-1 service area; and

(c) [Utilities which provide telephone service] Any other public or private entity in the 9-1-1 service area that may be affected.

[(3)] (7) In addition to meeting the requirements [of ORS 403.115] imposed under ORS 403.105 to 403.250 and rules adopted pursuant to ORS 403.120, the revised [final] 9-1-1 jurisdiction plan must describe the capital and recurring costs for the proposed [9-1-1 emergency reporting system] components of the emergency communications system within the 9-1-1 service area.

[(4)] (8) The office shall review the revised [final] 9-1-1 jurisdiction plan for compliance with [this section, ORS 403.115] the requirements imposed under ORS 403.105 to 403.250 and rules adopted pursuant to ORS 403.120 and, if the office determines that the plan is in compliance, approve the plan.

[(5)] (9) The office may not approve a revised [final] 9-1-1 jurisdiction plan submitted under subsection (6) of this section unless the revised plan is accompanied by written approval of the governing bodies of all public and private safety agencies affected by or providing service in the 9-1-1 service area.

**SECTION 11.** ORS 403.135, as amended by section 3, chapter 29, Oregon Laws 2014, is amended to read:

403.135. (1) [Each telecommunications utility that provides exchange access service or radio communications service and that provides automatic number identification to public safety answering points may not block the number of the calling party from being forwarded on 9-1-1 calls.] **A provider may not block delivery or forwarding to a public safety answering point of location information, a call-back number or other identifying information related to an emergency call.**

(2) Automatic number identifications received by public safety answering points are confidential and are not subject to public disclosure unless and until an official report is written by the public or private safety agency and that agency does not withhold the telephone number under ORS 192.410 to 192.505 or other state and federal laws. The official report of a public safety answering point may not include nonpublished or nonlisted telephone numbers. The official report of a public



or private safety agency may not include nonpublished or nonlisted telephone numbers. Nonpublished or nonlisted telephone numbers are not otherwise subject to public disclosure without the permission of the subscriber.

(3) A provider is not subject to an action for civil damages for providing in good faith confidential or nonpublic information, including nonpublished and nonlisted subscriber information, to emergency services providers who are:

(a) Responding to [*emergency calls placed to a 9-1-1 emergency reporting system;*] **an emergency call;**

(b) Responding to emergency situations that involve the risk of death or serious physical harm to an individual, as provided in section 2, chapter 29, Oregon Laws 2014; or

(c) Notifying the public of an emergency.

(4) Subsection (3) of this section does not compel a provider to provide nonpublished and non-listed subscriber information directly to emergency services providers or law enforcement agencies prior to placement of an emergency call [*to a 9-1-1 emergency reporting system*] without process of law.

(5) Subscriber information acquired by a 9-1-1 jurisdiction for the purpose of [*enhancing a 9-1-1 emergency reporting system*] **providing emergency communications services under ORS 403.105 to 403.250** is not subject to public disclosure and may not be used by other public agencies except:

(a) To respond to [*a 9-1-1*] **an emergency call;**

(b) To respond to an emergency situation that involves the risk of death or serious physical harm to an individual, as provided in section 2, chapter 29, Oregon Laws 2014; or

(c) To notify the public of an emergency by utilizing an automated [*telephone*] notification system if a provider has provided subscriber information to the 9-1-1 jurisdiction or emergency services provider.

**SECTION 12.** ORS 403.137 is amended to read:

403.137. (1) As used in this section, "workplace":

(a) Includes hallways, lobbies, conference rooms, rest rooms, break rooms, elevators, laboratories, warehouse space and other areas of a building in which employees or volunteers perform work or that are accessible on a regular basis by employees, volunteers or members of the public; and

(b) Does not include wall thickness, shafts, heating or ventilation spaces, mechanical or electrical spaces or other areas not accessible on a regular basis by employees, volunteers or members of the public.

(2) Except as provided in subsection (3) of this section the operator of a multiline telephone system installed at least 12 months after January 1, 2014, shall provide information so that the appropriate primary public safety answering point is able to query the automatic location identification database and obtain an emergency response location identifier that includes at least the street address and building name for the location from which [*a 9-1-1 call*] **an emergency call** originates.

(3) Subsection (2) of this section does not apply to the operator of:

(a) A key telephone system;

(b) Any other multiline telephone system serving a workplace that comprises less than 10,000 square feet on a single level and is located on one tract, as defined in ORS 215.010, of land; and

(c) Wireless telecommunications services.

(4) If a multiline telephone system requires a caller to dial a prefix before dialing an outgoing call, the manager of the multiline telephone system installed at least 12 months after January 1, 2014, shall make a diligent effort to ensure that users of the system are aware of the procedures for making an emergency call to [*a*] 9-1-1 [*emergency reporting system*].

(5) When applicable, the operator of a multiline telephone system installed at least 12 months after January 1, 2014, shall arrange, as soon as practicable after installation of a new system or record completion of actual changes, to update the automatic location identification database with valid address information and a call-back number for the multiline telephone system from the appropriate master street address guide so that the emergency response location identifier specifies the emergency response location of the caller.

(6) An update to the automatic location identification database must match the direct inward dialing number automatic location identification database record indicator, to the extent that the operator of a multiline telephone system assigns the direct inward dialing number of the station or the emergency response location as the automatic location identification database record indicator.

(7) Without regard to the date of installation, the following persons are not liable for civil damages or penalties as a result of an act or omission, except willful or wanton misconduct, in connection with the development, adoption, operation or implementation of a database or the multiline telephone system:

- (a) A provider.
- (b) A manufacturer of the multiline telephone system.
- (c) A manager of the multiline telephone system.
- (d) An operator of the multiline telephone system.
- (e) A 9-1-1 jurisdiction.

**SECTION 13.** ORS 403.140 is amended to read:

403.140. A person that provides telephone service through a coin or credit card operated pay station telephone in an area served by *[a 9-1-1 emergency reporting]* **the emergency communications system** *[established pursuant to ORS 403.115]* shall convert every coin or credit pay station telephone to permit calling 9-1-1 and “O”-operator without depositing a coin or charging the caller.

**SECTION 14.** ORS 403.145 is amended to read:

403.145. All public safety answering points must be capable of receiving *[9-1-1]* emergency calls **through a TTY or other device capable of receiving an emergency call** from individuals with hearing or speech impairments *[through a TTY]*.

**SECTION 15.** ORS 403.150 is amended to read:

403.150. *[Each]* A 9-1-1 jurisdiction must have a disaster recovery plan for *[its 9-1-1 emergency reporting system]* **the components of the emergency communications system within the 9-1-1 service area**. The disaster recovery plan must include at a minimum:

(1) Recovery procedures for service that is interrupted, **preventing transmission of an emergency call to** *[from the serving central office to and including]* the primary public safety answering point and corresponding secondary public safety answering points. This may include, but is not limited to, a hard-wired alternative route or a plan on file with the provider designating alternative routes or answering points.

(2) A plan to switch public safety answering point operations to an alternate site in the event the primary public safety answering point becomes inoperable.

(3) 24-hour emergency numbers for the providers serving the 9-1-1 jurisdiction.

**SECTION 16.** ORS 403.155 is amended to read:

403.155. Public or private safety agencies may enter into agreements requiring that an emergency unit dispatched by a *[9-1-1 emergency reporting system established pursuant to ORS 403.115]* **public safety answering point** must render emergency services without regard to jurisdictional boundaries.

**SECTION 17.** ORS 403.160 is amended to read:

403.160. (1) All disputes between a governing body, 9-1-1 jurisdiction and public or private safety agency regarding *[a 9-1-1]* **the emergency communications system** must be mediated if the dispute cannot be resolved in accordance with a written agreement. When a governing body or 9-1-1 jurisdiction obtains knowledge that a dispute exists and cannot be resolved by the agencies, *[it]* **the governing body or the 9-1-1 jurisdiction** shall notify the Office of Emergency Management of the dispute in writing. Within 30 days *[of]* **after** this notification, the disputing agencies shall mutually select a mediator and notify the office in writing of this selection. If a mediator is not mutually selected by the agencies within this period, the Director of the Office of Emergency Management shall select a mediator from the list of mediators established under subsection (3) of this section. Once selected, the mediator shall establish a schedule for the mediation process. The disputing agencies shall resolve the dispute within 60 days *[from]* **after** the date the mediator is agreed upon or se-

lected unless the agencies mutually agree in writing to an extension of this deadline. A copy of all extensions must be submitted to the office.

(2) When the mediation process in subsection (1) of this section ends, the mediator shall notify the office in writing of the outcome of the mediation. If the agencies are not able to resolve their dispute through mediation, the 9-1-1 jurisdiction or governing body and public or private safety agency or agencies shall submit the dispute to arbitration. The agencies shall select an arbitrator within 30 days *[from]* **after** the end of the mediation. If the disputing agencies are unable to mutually select an arbitrator within this period, the director shall request the presiding judge for the judicial district in which the 9-1-1 *[system]* **service area** is located to select an arbitrator. The arbitrator shall hear and decide the dispute within 30 days *[from]* **after** selection unless the agencies mutually agree in writing to an extension of this deadline. A party to an arbitration under this subsection may seek confirmation, vacation, modification or correction of the arbitrator's decision as provided in ORS 36.700, 36.705 and 36.710. A court may vacate a decision only if there is a basis to vacate the decision as described in ORS 36.705 (1)(a) to (d). The court may modify or correct a decision only for the grounds given in ORS 36.710.

(3) The office shall establish a roster of mediators qualified to mediate disputes under subsection (1) of this section. This list may be used by the disputing agencies when selecting a mediator.

(4) Unless otherwise agreed upon, the costs of the mediation or arbitration, including the mediator's or arbitrator's fees, must be divided equally among the disputing agencies.

**SECTION 18.** ORS 403.200, as amended by section 3, chapter 59, Oregon Laws 2014, is amended to read:

403.200. (1) There is imposed on each paying retail subscriber who has telecommunication services with access to the *[9-1-1 emergency reporting]* **emergency communications** system a tax equal to 75 cents per month. The tax must be applied on a telecommunications circuit designated for a particular subscriber. One subscriber line must be counted for each circuit that is capable of generating usage on the line side of the switched network regardless of the quantity or ownership of customer premises equipment connected to each circuit. For providers of central office based services, the tax must be applied to each line that has unrestricted connection to the switched network. Those central office based service lines that have restricted connection to the switched network must be charged based on software design in the central office that restricts the number of station calls to and from the network. For cellular, wireless or other *[radio]* common carriers, the tax applies on a per instrument basis and only if the subscriber's place of primary use, as defined and determined under 4 U.S.C. 116 to 126, is within this state.

(2) The subscriber is liable for the tax imposed by this section.

(3) The amounts of tax collected by the provider are considered as payment by the subscriber for that amount of tax.

(4) Any return made by the provider collecting the tax must be accepted by the Department of Revenue as evidence of payments by the subscriber of amounts of tax so indicated upon the return.

(5) The tax imposed under subsection (1) of this section does not apply to prepaid wireless telecommunications service provided on or after January 1, 2015.

**SECTION 19.** ORS 403.200, as amended by sections 3 and 3a, chapter 59, Oregon Laws 2014, is amended to read:

403.200. (1) There is imposed on each consumer or paying retail subscriber who has telecommunications service or interconnected Voice over Internet Protocol service, with access to the *[9-1-1 emergency reporting]* **emergency communications** system a tax equal to 75 cents per month or, for prepaid wireless telecommunications service, 75 cents per retail transaction. The tax must be applied on a telecommunications circuit designated for a particular consumer or subscriber. One consumer or subscriber line must be counted for each circuit that is capable of generating usage on the line side of the switched network regardless of the quantity or ownership of customer premises equipment connected to each circuit. For providers of central office based services, the tax must be applied to each line that has unrestricted connection to the switched network. Those central office based service lines that have restricted connection to the switched network must be charged based

on software design in the central office that restricts the number of station calls to and from the network. For cellular, wireless or other [radio] common carriers, the tax applies to a subscriber on a per instrument basis and only if the subscriber's place of primary use, as defined under 4 U.S.C. 124, is within this state.

(2) The consumer or subscriber is liable for the tax imposed by this section.

(3) The amounts of tax collected by the provider or seller are considered as payment by the consumer or subscriber for that amount of tax.

(4) The tax imposed under this section, as it applies to prepaid wireless telecommunications service, shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the tax shall be separately stated on an invoice, receipt or other similar document that the seller provides to the consumer, or shall be otherwise disclosed to the consumer.

(5) For purposes of this section, a retail transaction:

(a) Occurs in this state if it is made in person by a consumer at a business location of the seller;

(b) If not made in person by a consumer at a business location of the seller, occurs in this state if the consumer's shipping address, payment instrument billing address, or other address provided by the consumer for purposes of the transaction, is in this state; or

(c) If insufficient information exists to determine whether paragraph (a) or (b) of this subsection is accurate, occurs in this state if the consumer's prepaid wireless telephone number is associated with an Oregon location.

(6) Any return made by the provider or seller collecting the tax must be accepted by the Department of Revenue as evidence of payments by the consumer or subscriber of amounts of tax so indicated upon the return.

**SECTION 20.** ORS 403.205 is amended to read:

403.205. The tax imposed by ORS 403.200 does not apply to:

(1) Services that the state is prohibited from taxing under the Constitution or laws of the United States or the Constitution or laws of the State of Oregon.

(2) Interconnection between telecommunications utilities and competitive access providers certified pursuant to ORS 759.020, [radio] common carriers and interexchange carriers.

**SECTION 21.** ORS 403.215 is amended to read:

403.215. (1) The provider is responsible for collecting the tax under ORS 403.200 and shall file a return with the Department of Revenue on or before the last day of the month following the end of each calendar quarter, reporting the amount of tax due for access to the [9-1-1 emergency reporting] **emergency communications** system during the quarter. The department shall prescribe the form of the return required by this section and ORS 403.210. The rules of the department must require that returns be made under penalties for false swearing.

(2) When a return of the tax is required under ORS 403.210 or subsection (1) of this section, the provider required to make the return shall remit the tax due to the department at the time fixed for filing the return.

(3) A provider described in subsection (1) of this section may elect to pay the tax based on either of the following:

(a) The amount of tax actually collected during the quarter; or

(b) The net amount of tax billed during the quarter. The net amount billed equals the gross amount of tax billed less adjustments for uncollectible accounts, refunds, incorrect billings and other appropriate adjustments.

(4) Once a provider has made an election under subsection (3) of this section, the provider may not change the method of payment and reporting unless the provider first obtains the permission of the department.

**SECTION 22.** ORS 403.215, as amended by section 5, chapter 59, Oregon Laws 2014, is amended to read:

403.215. (1) The provider or seller is responsible for collecting the tax under ORS 403.200 and shall file a return with the Department of Revenue on or before the last day of the month following

the end of each calendar quarter, reporting the amount of tax due for access to the [9-1-1 emergency reporting] **emergency communications** system during the quarter. The department shall prescribe the form of the return required by this section and ORS 403.210. The rules of the department must require that returns be made under penalties for false swearing.

(2) When a return of the tax is required under ORS 403.210 or subsection (1) of this section, the provider or seller required to make the return shall remit the tax due to the department at the time fixed for filing the return.

(3) A provider or seller described in subsection (1) of this section may elect to pay the tax based on either of the following:

(a) The amount of tax actually collected during the quarter; or

(b) The net amount of tax billed during the quarter. The net amount billed equals the gross amount of tax billed less adjustments for uncollectible accounts, refunds, incorrect billings and other appropriate adjustments.

(4) Once a provider or seller has made an election under subsection (3) of this section, the provider or seller may not change the method of payment and reporting unless the provider or seller first obtains the permission of the department.

**SECTION 23.** ORS 403.235 is amended to read:

403.235. (1) The Emergency Communications Account is established separate and distinct from the General Fund in the State Treasury. All moneys received by the Department of Revenue pursuant to ORS 403.200 to 403.230 and interest thereon must be paid to the State Treasurer to be held in a suspense account established under ORS 293.445. After payment of refunds, the balance of the moneys received must be paid into the State Treasury and credited to the Emergency Communications Account. All moneys in the account are continuously appropriated to the Office of Emergency Management and must be used for the purposes described in ORS 403.240.

(2) The [Enhanced] 9-1-1 Subaccount is established as a subaccount of the Emergency Communications Account. Thirty-five percent of the amount in the Emergency Communications Account on the date of distribution must be credited to the [Enhanced] 9-1-1 Subaccount. All moneys in the account are continuously appropriated to the Office of Emergency Management and must be used for the purposes described in ORS 403.240 (3), (4) and (5).

**SECTION 24.** ORS 403.240, as amended by section 14, chapter 59, Oregon Laws 2014, is amended to read:

403.240. (1) The Office of Emergency Management shall distribute quarterly the entire amount of the moneys in the Emergency Communications Account. The office shall pay the following amounts from the account:

(a) Administrative costs incurred during the preceding calendar quarter by the Department of Revenue in carrying out ORS 403.200 to 403.230 in an amount that does not exceed one percent of the amount in the account on the date of distribution, or actual expenses incurred by the department, whichever is less.

(b) Administrative costs to be incurred during the calendar quarter by the Office of Emergency Management in carrying out its duties under ORS 305.823 and 403.105 to 403.250. The amount to be paid under this paragraph may not exceed four percent of the amount in the account on the date of distribution, and, on or before the next date of distribution, the office shall repay to the account any amount received under this paragraph that exceeds the actual expenses incurred by the office in the quarter.

(2) The office may:

(a) Provide funding for the Oregon Emergency Response System in an amount that does not exceed 15 percent of the legislatively approved budget for the Oregon Emergency Response System subject to availability of funds within the limit for administrative costs in subsection (1)(b) of this section.

(b) Prescribe the manner in which funding is provided to the Oregon Emergency Response System under this subsection.

(3) The office shall use funds in the [Enhanced] 9-1-1 Subaccount to pay for costs incurred during the preceding calendar quarter for [enhanced 9-1-1 telephone service established pursuant to ORS 403.115] **emergency communications services provided by a 9-1-1 jurisdiction under ORS 403.105 to 403.250**. The office may not disburse funds in the [Enhanced] 9-1-1 Subaccount to a 9-1-1 jurisdiction that does not have an approved [final plan as required in section 7, chapter 743, Oregon Laws 1991] **9-1-1 jurisdiction plan under ORS 403.130**. The office shall make payments for **costs of the emergency communications system on behalf of a 9-1-1 jurisdiction, or make reimbursement to the 9-1-1 jurisdiction for such costs**, only after a reimbursement **or payment** request has been submitted to the office in the manner prescribed by the office. Reimbursement **or payment** requests for recurring and nonrecurring charges necessary to enable the 9-1-1 jurisdiction to comply with ORS [403.115] **403.105 to 403.250** must be submitted directly to the office. The costs reimbursable **or payable** under this subsection are only those **costs** incurred for:

(a) Modification of **network routers or servers**, central office switching and trunking equipment **or other transport equipment**;

(b) Network development, **hosting services**, operation and maintenance;

(c) Database development, operation and maintenance;

(d) On-premises equipment procurement, maintenance and replacement;

(e) Conversion of pay station telephones required by ORS 403.140;

(f) Collection of the tax imposed by ORS 403.200 to 403.230; [and]

(g) Addressing if the reimbursement **or payment** request is consistent with rules adopted by the office; **and**

(h) **An employee of a 9-1-1 jurisdiction obtaining certification as a telecommunicator or emergency medical dispatcher from the Department of Public Safety Standards and Training under ORS 181.644.**

(4) Subject to availability of funds, the office shall provide funding to 9-1-1 jurisdictions [that have enhanced 9-1-1 telephone service operational prior to December 31, 1991,] based on cost information provided in their final plan [required in section 7, chapter 743, Oregon Laws 1991] **under ORS 403.130**. The office shall approve [final plans submitted] **9-1-1 jurisdiction plans** that meet the [minimum] requirements set forth in ORS 403.115 (2) and (4). The office shall limit funding for costs incurred prior to the preceding calendar quarter to charges associated with database development, network and on-premises equipment that satisfies the requirements of ORS 403.115 (2) and (4). The office shall prescribe the manner in which funding is provided under this subsection.

(5) 9-1-1 jurisdictions may use funds distributed to the jurisdiction from [any account described] **an account or subaccount established** in ORS 403.235 to repay loans from the Special Public Works Fund if the loans were used for purposes that are allowable under ORS 403.105 to 403.250.

(6) The office shall retain amounts remaining in the [Enhanced] 9-1-1 Subaccount and may distribute the amounts in a subsequent quarter for those purposes set forth in subsections (3), (4) and (5) of this section.

[ (7) The office shall review reimbursement requests for modification of central office switching and trunking equipment, conversion of pay station telephones, and network development, operation and maintenance costs necessary to comply with ORS 403.115 for the appropriateness of the costs claimed. The office shall approve or disapprove the reimbursement requests. ]

**(7) The office shall review reimbursement or payment requests for costs identified in subsection (3) of this section, necessary to comply with ORS 403.105 to 403.250, for the appropriateness of the costs claimed. The office shall approve or reject the reimbursement or payment requests.**

[ (8) The office shall review reimbursement requests for database development, operation and maintenance, and on-premises equipment procurement, maintenance and replacement costs necessary to comply with ORS 403.115 for the appropriateness of the costs claimed. ]

[ (9) ] **(8)** After all amounts under subsections (1) and (2) of this section and ORS 403.235 (2) have been paid, the office shall allocate the balance of the Emergency Communications Account to cities on a per capita basis and to counties on a per capita basis of each county's unincorporated area for

distribution directly to 9-1-1 jurisdictions as directed by the city or county. However, each county must be credited a minimum of one percent of the balance of the account after the amounts under subsections (1) and (2) of this section and ORS 403.235 (2) have been paid.

[(10)] (9) 9-1-1 jurisdictions shall submit an accounting report to the office annually. The report must be provided in the manner prescribed by the office and must include but not be limited to:

(a) Funds received and expended under subsection [(9)] (8) of this section for the purposes of fulfilling the requirements of ORS 403.115;

(b) Local funds received and expended for the purposes of fulfilling the requirements of ORS 403.115; and

(c) Local funds received and expended for the purposes of providing emergency communications services.

**SECTION 25.** ORS 403.245 is amended to read:

403.245. (1) Except as provided in subsection (2) of this section [*and rules adopted under ORS 403.120 (1)(a)*], moneys received under ORS 403.240 [(9)] (8) may be used only to pay for planning, installation, maintenance, operation and improvement of [*a 9-1-1 emergency reporting system*] **the emergency communications system** as it relates to getting [*the*] **an emergency** call from [*the*] **a** member of the public to the primary public safety answering point and in transmitting the information from the primary public safety answering point to the secondary public safety answering point or responding police, fire, medical or other emergency unit by telephone, radio or computerized means.

(2) Moneys not then being used may be invested by a city or county. The income from the investments must be used for the purposes described in subsection (1) of this section.

**SECTION 26.** ORS 403.300 is amended to read:

403.300. As used in ORS 403.300 to 403.380, unless the context requires otherwise:

(1) "District" means a 9-1-1 communications district formed under ORS 403.300 to 403.380.

(2) "District board" or "board" means the governing body of a district.

[(3)] "*9-1-1 emergency reporting system*" means a system established under ORS 403.115.]

[(4)] (3) "9-1-1 jurisdiction" has the meaning given that term [*by*] **in** ORS 403.105.

[(5)] (4) "Public or private safety agency" has the meaning given that term [*by*] **in** ORS 403.105.

**SECTION 27.** ORS 403.360 is amended to read:

403.360. A 9-1-1 communications district has the power:

(1) To have and use a common seal.

(2) To sue and be sued in its name.

(3) To make and accept any and all contracts, deeds, leases, releases and documents of any kind which, in the judgment of the board, are necessary or proper to the exercise of any power of the district, and to direct the payment of all lawful claims or demands.

(4) To assess, levy and collect taxes to pay:

(a) The cost of acquiring sites for and constructing, reconstructing, altering, operating and maintaining [*a 9-1-1 emergency reporting*] **the components of the emergency communications system within the 9-1-1 service area;**

(b) A lawful claim against the district; and

(c) The operating expenses of the district.

(5) To employ all necessary agents and assistants.

(6) To call elections after the formation of the district.

(7) To enlarge the boundaries of the district as provided by ORS 198.705 to 198.955.

(8) To do and perform any and all acts necessary and proper to the complete exercise and effect of any of its powers or the purposes for which it was formed.

**SECTION 28.** Section 2, chapter 29, Oregon Laws 2014, is amended to read:

**Sec. 2.** (1) At the request of a law enforcement agency, a provider of [*radio*] communications service for cellular devices shall provide the call location information, or the best available location information, of a cellular device that is:

(a) Used to place [*a 9-1-1 call*] **an emergency call** requesting emergency assistance from the law enforcement agency; or

(b) Reasonably believed to be in the possession of an individual that the law enforcement agency reasonably believes is in an emergency situation that involves the risk of death or serious physical harm to the individual.

(2) To facilitate requests for call location information, or the best available location information, from a law enforcement agency under this section:

(a) The Office of Emergency Management shall:

(A) Maintain a database containing emergency contact information for providers of [*radio*] communications service for cellular devices that are registered to do business in this state or that submit to the jurisdiction of this state; and

(B) Make the information immediately available upon request to a public safety answering point in this state.

(b) A provider that is registered to do business in this state, or that submits to the jurisdiction of this state, shall submit emergency contact information for the provider to the office.

(3) Emergency contact information submitted by a provider of [*radio*] communications service for cellular devices under this section must be submitted by June 15 of each year or immediately after a change in contact information.

(4) Notwithstanding the limitations of ORS 403.135 (3), a cause of action does not arise against a provider of [*radio*] communications service for cellular devices or the officers, employees or agents of the provider for providing call location information, or the best available location information, in good faith as required by this section.

(5) The office shall coordinate with public safety answering points and law enforcement agencies the collection of information regarding the disclosure of call location information, or the best available location information, under this section and make a written report biennially. The office shall provide the report to the Legislative Assembly as provided in ORS 192.245. The report must contain information regarding:

(a) The number and circumstances of requests received, by public safety answering point and by law enforcement agency, to disclose the call location information, or the best available location information, for a cellular device reasonably believed to be in the possession of an individual that the law enforcement agency reasonably believes is in an emergency situation that involves the risk of death or serious physical harm to the individual.

(b) Analysis of any circumstances in which the receipt of location information described in paragraph (a) of this subsection is not provided at all or not provided in a timely manner.

(6) The office may adopt rules to implement this section.

(7) This section shall be known, and may be cited, as the Kelsey Smith Act.

**SECTION 29.** ORS 165.570 is amended to read:

165.570. (1) A person commits the crime of improper use of [*an*] **the** emergency [*reporting*] **communications** system if the person knowingly:

(a) [*Calls a 9-1-1 emergency reporting system or*] **Makes an emergency call or calls** the School Safety Hotline for a purpose other than to report a situation that the person reasonably believes requires prompt service in order to preserve human life or property; or

(b) Allows another person to use [*telephone*] **communications** equipment owned, rented or leased by or under the control of the person to [*call a 9-1-1 emergency reporting system or*] **make an emergency call or call** the School Safety Hotline for a purpose other than to report a situation that the other person reasonably believes requires prompt service in order to preserve human life or property.

(2) As used in this section:

(a) [*“9-1-1 emergency reporting system”*] **“Emergency call”** has the meaning given that term in ORS 403.105.

(b) **“Emergency communications system”** has the meaning given that term in ORS 403.105.



[(b)] (c) “School Safety Hotline” means the toll-free telephone line established under ORS 180.650.

(3) Improper use of [an] **the** emergency [reporting] **communications** system is a Class A misdemeanor.

**SECTION 30.** ORS 165.572 is amended to read:

165.572. (1) A person commits the crime of interference with making a report if the person, by removing, damaging or interfering with a telephone line, telephone or similar communication equipment, intentionally prevents or hinders another person from making a report to a law enforcement agency, a law enforcement official[,] **or** an agency charged with the duty of taking public safety reports or [a 9-1-1 emergency reporting system] **from making an emergency call as defined in ORS 403.105.**

(2) Interference with making a report is a Class A misdemeanor.

**SECTION 31.** ORS 181.610 is amended to read:

181.610. As used in ORS 181.610 to 181.712, unless the context requires otherwise:

(1) “Abuse” has the meaning given that term in ORS 107.705.

(2) “Board” means the Board on Public Safety Standards and Training appointed pursuant to ORS 181.620.

(3) “Certified reserve officer” means a reserve officer who has been designated by a local law enforcement unit, has received training necessary for certification and has met the minimum standards and training requirements established under ORS 181.640.

(4) “Commissioned” means being authorized to perform various acts or duties of a police officer or certified reserve officer and acting under the supervision and responsibility of a county sheriff or as otherwise provided by law.

(5) “Corrections officer” means an officer or member employed full-time by a law enforcement unit who:

(a) Is charged with and primarily performs the duty of custody, control or supervision of individuals convicted of or arrested for a criminal offense and confined in a place of incarceration or detention other than a place used exclusively for incarceration or detention of juveniles; or

(b) Has been certified as a corrections officer described in paragraph (a) of this subsection and has supervisory or management authority for corrections officers described in paragraph (a) of this subsection.

(6) “Department” means the Department of Public Safety Standards and Training.

(7) “Director” means the Director of the Department of Public Safety Standards and Training.

(8) “Domestic violence” means abuse between family or household members.

(9) “Emergency medical dispatcher” means a person who has responsibility to process requests for medical assistance from the public or to dispatch medical care providers.

(10) “Family or household members” has the meaning given that term in ORS 107.705.

(11) “Fire service professional” means a paid or volunteer firefighter, an officer or a member of a public or private fire protection agency that is engaged primarily in fire investigation, fire prevention, fire safety, fire control or fire suppression or providing emergency medical services, light and heavy rescue services, search and rescue services or hazardous materials incident response. “Fire service professional” does not mean forest fire protection agency personnel.

(12) “Law enforcement unit” means:

(a) A police force or organization of the state, a city, university that has established a police department under ORS 352.383 or 353.125, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644, Oregon Laws 2011, that employs authorized tribal police officers as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Department of Corrections, the Oregon State Lottery Commission, the Security and Emergency Preparedness Office of the Judicial Department or common carrier railroad the primary duty of which, as prescribed by law, ordinance or directive, is one or more of the following:

(A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating to airport security;

(B) The custody, control or supervision of individuals convicted of or arrested for a criminal offense and confined to a place of incarceration or detention other than a place used exclusively for incarceration or detention of juveniles; or

(C) The control, supervision and reformation of adult offenders placed on parole or sentenced to probation and investigation of adult offenders on parole or probation or being considered for parole or probation;

(b) A police force or organization of a private entity with a population of more than 1,000 residents in an unincorporated area the employees of which are commissioned by a county sheriff;

(c) A district attorney's office;

(d) The Oregon Liquor Control Commission with regard to liquor enforcement inspectors; or

(e) A humane investigation agency as defined in ORS 181.433.

(13) "Liquor enforcement inspector" has the meaning given that term in ORS 471.001.

(14) "Parole and probation officer" means:

(a) An officer who is employed full-time by the Department of Corrections, a county or a court and who is charged with and performs the duty of:

(A) Community protection by controlling, investigating, supervising and providing or making referrals to reformatory services for adult parolees or probationers or offenders on post-prison supervision; or

(B) Investigating adult offenders on parole or probation or being considered for parole or probation; or

(b) An officer who:

(A) Is certified and has been employed as a full-time parole and probation officer for more than one year;

(B) Is employed part-time by the Department of Corrections, a county or a court; and

(C) Is charged with and performs the duty of:

(i) Community protection by controlling, investigating, supervising and providing or making referrals to reformatory services for adult parolees or probationers or offenders on post-prison supervision; or

(ii) Investigating adult offenders on parole or probation or being considered for parole or probation.

(15) "Police officer" means:

(a) An officer, member or employee of a law enforcement unit employed full-time as a peace officer who is:

(A) Commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a university that has established a police department under ORS 352.383 or 353.125, the Governor or the Department of State Police; and

(B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to airport security;

(b) An investigator of a district attorney's office if the investigator is or has been certified as a peace officer in this or another state;

(c) A humane special agent commissioned under ORS 181.433;

(d) A judicial marshal appointed under ORS 1.177 who is trained pursuant to ORS 181.647; or

(e) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.

(16) "Public or private safety agency" means a unit of state or local government, a special purpose district or a private firm that provides, or has authority to provide, fire fighting, police, ambulance or emergency medical services.

(17) "Public safety personnel" and "public safety officer" include corrections officers, youth correction officers, emergency medical dispatchers, parole and probation officers, police officers,

certified reserve officers, telecommunicators, liquor enforcement inspectors and fire service professionals.

(18) "Reserve officer" means an officer or member of a law enforcement unit who is:

(a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a university that has established a police department under ORS 352.383 or 353.125, the Governor or the Department of State Police;

(b) Armed with a firearm; and

(c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordinances relating to airport security.

(19) "Telecommunicator" means a person employed as an emergency [*telephone*] **communications** worker as defined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing and transmitting public safety information received through [*a 9-1-1 emergency reporting*] **the emergency communications** system as defined in ORS 403.105.

(20) "Youth correction officer" means an employee of the Oregon Youth Authority who is charged with and primarily performs the duty of custody, control or supervision of youth offenders confined in a youth correction facility.

**SECTION 32.** ORS 181.610, as amended by section 50, chapter 644, Oregon Laws 2011, section 23, chapter 54, Oregon Laws 2012, section 14, chapter 67, Oregon Laws 2012, section 5, chapter 88, Oregon Laws 2012, section 18, chapter 1, Oregon Laws 2013, section 7, chapter 154, Oregon Laws 2013, and section 32, chapter 180, Oregon Laws 2013, is amended to read:

181.610. As used in ORS 181.610 to 181.712, unless the context requires otherwise:

(1) "Abuse" has the meaning given that term in ORS 107.705.

(2) "Board" means the Board on Public Safety Standards and Training appointed pursuant to ORS 181.620.

(3) "Certified reserve officer" means a reserve officer who has been designated by a local law enforcement unit, has received training necessary for certification and has met the minimum standards and training requirements established under ORS 181.640.

(4) "Commissioned" means being authorized to perform various acts or duties of a police officer or certified reserve officer and acting under the supervision and responsibility of a county sheriff or as otherwise provided by law.

(5) "Corrections officer" means an officer or member employed full-time by a law enforcement unit who:

(a) Is charged with and primarily performs the duty of custody, control or supervision of individuals convicted of or arrested for a criminal offense and confined in a place of incarceration or detention other than a place used exclusively for incarceration or detention of juveniles; or

(b) Has been certified as a corrections officer described in paragraph (a) of this subsection and has supervisory or management authority for corrections officers described in paragraph (a) of this subsection.

(6) "Department" means the Department of Public Safety Standards and Training.

(7) "Director" means the Director of the Department of Public Safety Standards and Training.

(8) "Domestic violence" means abuse between family or household members.

(9) "Emergency medical dispatcher" means a person who has responsibility to process requests for medical assistance from the public or to dispatch medical care providers.

(10) "Family or household members" has the meaning given that term in ORS 107.705.

(11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member of a public or private fire protection agency that is engaged primarily in fire investigation, fire prevention, fire safety, fire control or fire suppression or providing emergency medical services, light and heavy rescue services, search and rescue services or hazardous materials incident response. "Fire service professional" does not mean forest fire protection agency personnel.

(12) "Law enforcement unit" means:

(a) A police force or organization of the state, a city, university that has established a police department under ORS 352.383 or 353.125, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government, the Criminal Justice Division of the Department of Justice, the Department of Corrections, the Oregon State Lottery Commission, the Security and Emergency Preparedness Office of the Judicial Department or common carrier railroad the primary duty of which, as prescribed by law, ordinance or directive, is one or more of the following:

(A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating to airport security;

(B) The custody, control or supervision of individuals convicted of or arrested for a criminal offense and confined to a place of incarceration or detention other than a place used exclusively for incarceration or detention of juveniles; or

(C) The control, supervision and reformation of adult offenders placed on parole or sentenced to probation and investigation of adult offenders on parole or probation or being considered for parole or probation;

(b) A police force or organization of a private entity with a population of more than 1,000 residents in an unincorporated area the employees of which are commissioned by a county sheriff;

(c) A district attorney's office;

(d) The Oregon Liquor Control Commission with regard to liquor enforcement inspectors; or

(e) A humane investigation agency as defined in ORS 181.433.

(13) "Liquor enforcement inspector" has the meaning given that term in ORS 471.001.

(14) "Parole and probation officer" means:

(a) An officer who is employed full-time by the Department of Corrections, a county or a court and who is charged with and performs the duty of:

(A) Community protection by controlling, investigating, supervising and providing or making referrals to reformatory services for adult parolees or probationers or offenders on post-prison supervision; or

(B) Investigating adult offenders on parole or probation or being considered for parole or probation; or

(b) An officer who:

(A) Is certified and has been employed as a full-time parole and probation officer for more than one year;

(B) Is employed part-time by the Department of Corrections, a county or a court; and

(C) Is charged with and performs the duty of:

(i) Community protection by controlling, investigating, supervising and providing or making referrals to reformatory services for adult parolees or probationers or offenders on post-prison supervision; or

(ii) Investigating adult offenders on parole or probation or being considered for parole or probation.

(15) "Police officer" means:

(a) An officer, member or employee of a law enforcement unit employed full-time as a peace officer who is:

(A) Commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a university that has established a police department under ORS 352.383 or 353.125, the Governor or the Department of State Police; and

(B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to airport security;

(b) An investigator of a district attorney's office if the investigator is or has been certified as a peace officer in this or another state;

(c) A humane special agent commissioned under ORS 181.433; or

(d) A judicial marshal appointed under ORS 1.177 who is trained pursuant to ORS 181.647.

(16) "Public or private safety agency" means a unit of state or local government, a special purpose district or a private firm that provides, or has authority to provide, fire fighting, police, ambulance or emergency medical services.

(17) "Public safety personnel" and "public safety officer" include corrections officers, youth correction officers, emergency medical dispatchers, parole and probation officers, police officers, certified reserve officers, telecommunicators, liquor enforcement inspectors and fire service professionals.

(18) "Reserve officer" means an officer or member of a law enforcement unit who is:

(a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a university that has established a police department under ORS 352.383 or 353.125, the Governor or the Department of State Police;

(b) Armed with a firearm; and

(c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordinances relating to airport security.

(19) "Telecommunicator" means a person employed as an emergency [*telephone*] **communications** worker as defined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing and transmitting public safety information received through [*a 9-1-1 emergency reporting*] **the emergency communications** system as defined in ORS 403.105.

(20) "Youth correction officer" means an employee of the Oregon Youth Authority who is charged with and primarily performs the duty of custody, control or supervision of youth offenders confined in a youth correction facility.

**SECTION 33.** ORS 243.736 is amended to read:

243.736. (1) It is unlawful for any of the following public employees to strike or recognize a picket line of a labor organization while in the performance of official duties:

(a) Deputy district attorneys;

(b) Emergency [*telephone*] **communications** worker;

(c) Employee of the Oregon Youth Authority who has custody, control or supervision of youth offenders;

(d) Firefighter;

(e) Guard at a correctional institution or mental hospital;

(f) Parole and probation officer who supervises adult offenders; and

(g) Police officer.

(2) As used in this section, "emergency [*telephone*] **communications** worker" means [*a person*] **an individual** whose official focal duties are receiving information through [*a 9-1-1 emergency reporting*] **the emergency communications** system under ORS 403.105 to 403.250, relaying the information to public or private safety agencies or dispatching emergency equipment or personnel in response to the information.

**SECTION 34.** ORS 451.010 is amended to read:

451.010. (1) Master plans and service districts may be established as provided by this chapter regarding:

(a) Sewage works, including all facilities necessary for collecting, pumping, treating and disposing of sanitary or storm sewage.

(b) Drainage works, including all facilities necessary for collecting, pumping and disposing of storm and surface water.

(c) Street lighting works, including all facilities necessary for the lighting of streets and highways.

(d) Public parks and recreation facilities, including land, structures, equipment, supplies and personnel necessary to acquire, develop and maintain such public park and recreation facilities and to administer a program of supervised recreation services.

(e) Diking and flood control works, including all facilities necessary for diking and control of watercourses.

(f) Water supply works and service, including all facilities necessary for tapping natural sources of domestic and industrial water, treating and protecting the quality of the water and transmitting it to the point of sale to any person, city, domestic water supply corporation or other public or private agency for domestic, municipal and industrial water supply service.

(g) Solid waste disposal. This paragraph does not apply in Clackamas, Multnomah and Washington Counties.

(h) Public transportation, including public depots, public parking and the motor vehicles and other equipment necessary for the transportation of persons together with their personal property.

(i) Agricultural educational extension services.

(j) Emergency medical services, including ambulance services.

(k) Library services.

(L) Roads.

(m) **Services related to the** emergency communications [*services, including a 9-1-1 emergency reporting*] system established under ORS [403.115] **403.105 to 403.250.**

(n) Law enforcement services.

(o) Human services.

(p) Cemetery maintenance.

(q) Animal control.

(2) Within the geographical jurisdiction of any local government boundary commission established by or pursuant to ORS 199.410 to 199.519, in addition to the purposes described in subsection (1) of this section, master plans and service districts may be established as provided by this chapter regarding:

(a) Fire prevention and protection.

(b) Hospital and ambulance services.

(c) Vector control.

(d) Weather modification.

(3) Within the boundaries of any subdivision, service districts may be established as provided by this chapter regarding:

(a) Fire prevention and protection.

(b) Security services provided by contract with an association of homeowners whose property is located entirely within the boundaries of the service district, which services may include the enforcement of the rules or regulations of the association dealing with public access to or the use of the property of the association, routine patrolling and inspection of private areas located within the jurisdiction of the association and matters of traffic and safety within such areas.

(c) Law enforcement services.

(d) Hospital and ambulance services.

(e) Vector control.

(f) Activities set forth in subsection (1)(a), (f), (g), (j) and (m) of this section.

(4) As used in subsection (3) of this section, "subdivision" means a subdivision as defined by ORS 92.010 or any contiguous group of such subdivisions that:

(a) Is a planned community within the meaning of ORS 94.550 without regard to whether such subdivision or group of subdivisions is subject to ORS 94.550 to 94.783;

(b) Is located entirely within an unincorporated area and is everywhere separated by a distance of five miles or more from an urban growth boundary described in an acknowledged comprehensive plan of a city or the urban growth boundary adopted by a metropolitan service district under ORS 268.390 (3); and

(c) Prior to the establishment of a service district under subsection (3) of this section, is designated a subdivision for purposes of this subsection by the governing body of the county in which the subdivision or group of subdivisions is located.

(5) Within the boundaries of Washington County, master plans and service districts may be established as provided by this chapter regarding water resource management services that affect the quality and quantity of water within a single watershed, basin or planning area. As used in this subsection, "water resource management services" means:

(a) Planning for and provision of two or more services or facilities such as sewage works, drainage works, surface water management, endangered species recovery management, water quality management, diking and flood control works, river flow management, water supply works, wastewater reuse and irrigation facilities.

(b) Activities ancillary to the services and facilities listed in paragraph (a) of this subsection, including facilities for the production, sale or purchase of energy when such facilities are integrated in a master plan adopted under ORS 451.120.

**SECTION 35.** ORS 451.605 is amended to read:

451.605. (1) When a district is established for the purpose of providing [*a 9-1-1 emergency reporting system*] **services related to the emergency communications system under ORS 403.105 to 403.250**, the district shall consist of [*all the telephone exchange service areas located wholly or partly within a designated 9-1-1 jurisdiction's*] **the 9-1-1** service area that is served by a public safety answering point. A district may include more than one city and county. [*As used in this subsection, "9-1-1 jurisdiction" has the meaning given that term by ORS 403.105.*]

(2) Before a petition for formation of a district to provide [*a 9-1-1 emergency reporting*] **services related to the emergency communications** system is filed with the county board of the principal county under ORS 198.800, the petition shall be approved by indorsement thereon by two-thirds of the governing bodies of all public or private safety agencies representing two-thirds of the population included within the proposed district.

(3) A county governing body shall not adopt an order under ORS 198.835 for formation of a district to provide [*a 9-1-1 emergency reporting*] **services related to the emergency communications** system unless the governing body first obtains written approval for the formation of the district from two-thirds of the governing bodies of all public or private safety agencies representing two-thirds of the population included within the proposed district.

(4) As used in this section, "public or private safety agency" has the meaning given that term by ORS 403.105.

**SECTION 36.** ORS 451.610 is amended to read:

451.610. (1) The governing body of a district established to provide [*a 9-1-1 emergency reporting system*] **services related to the emergency communications system under ORS 403.105 to 403.250** shall appoint an advisory committee to advise and assist the governing body in [*establishing, maintaining and operating the 9-1-1 emergency reporting system of the district*] **providing the services**. An advisory committee shall consist of one representative from each public or private safety agency, as defined in ORS 403.105, included within the district. A member of the advisory committee shall reside within the district.

(2) A member of the advisory committee shall serve for a term of two years. Of the members first appointed, however, one-half of the members shall serve for a term of one year. The respective terms of the members shall be determined by lot at the first meeting of the advisory committee.

(3) The advisory committee shall meet with the governing body of the district at the times and places determined by the committee and governing body jointly.

(4) The advisory committee may adopt rules for the conduct of its proceedings.

(5) The advisory committee may propose changes to any of the district's rules, policies or practices as it considers necessary or desirable. In addition to its other functions and duties, the advisory committee shall review the annual budget of the district and any assessments levied under ORS 451.410 to 451.610. The advisory committee shall meet with the governing body of the district and

may make such recommendations relating to the budget and assessments as it considers necessary or prudent.

**SECTION 37.** ORS 453.322 is amended to read:

453.322. (1) The State Fire Marshal shall retain for at least five years the information provided by the employer under ORS 453.317.

(2) The State Fire Marshal shall provide copies of the information to each local public health authority, fire district and any public or private safety agency [*administering a 9-1-1 emergency reporting*] **participating in the emergency communications** system pursuant to ORS 403.105 to 403.250 and, upon request, provide copies of the information to the following agencies located within the geographic jurisdiction of the fire district:

(a) Fire districts and other emergency service personnel responding to a hazardous substance incident;

(b) Health professionals;

(c) Law enforcement agencies; and

(d) Local emergency management agencies as described in ORS 401.305.

(3) The State Fire Marshal may distribute the information provided by an employer under ORS 453.317 to persons outside the jurisdiction of the fire district if the State Fire Marshal considers the information essential to the safe control of an emergency.

(4) In addition to the requirements of subsections (2) and (3) of this section, the State Fire Marshal shall provide, upon request, access to the information provided by employers under ORS 453.317 to any agency of this state.

**SECTION 38.** ORS 811.747 is amended to read:

811.747. As used in ORS 811.748 and 811.750:

(1) [*“9-1-1 emergency reporting system”*] **“Emergency communications system”** has the meaning given that term in ORS 403.105.

(2) “Law enforcement agency” means any agency that employs members of the Oregon State Police, a sheriff, a deputy sheriff, a city police officer, a police officer commissioned by a university under ORS 352.383 or 353.125 or a law enforcement officer employed by a service district established under ORS 451.410 to 451.610 for the purpose of law enforcement services.

**SECTION 39.** ORS 811.748 is amended to read:

811.748. (1) The driver of a vehicle commits the offense of driver failure to report an accident if the driver is driving any vehicle that is involved in an accident required to be reported under ORS 811.745 and the driver, if physically capable, does not give notice of the accident immediately to a police officer or a law enforcement agency by the quickest means available.

(2) Notwithstanding subsection (1) of this section, a driver does not commit the offense of driver failure to report an accident if:

(a) The accident required to be reported under ORS 811.745 results in a serious injury or death; and

(b) The driver gives notice of the accident immediately to [*a 9-1-1 emergency reporting*] **the emergency communications** system by the quickest means available.

(3) The offense described in this section, driver failure to report an accident, is a Class A traffic violation.

**SECTION 40.** ORS 811.750 is amended to read:

811.750. (1) A person commits the offense of failure of a vehicle occupant to make an accident report if:

(a) The person is an occupant, other than the driver, of a vehicle at a time when the vehicle is involved in an accident required to be reported to a police officer or a law enforcement agency under ORS 811.745;

(b) The driver of the vehicle is physically incapable of giving notice to a police officer or a law enforcement agency as required under ORS 811.748; and

(c) The occupant does not give notice of the accident immediately to a police officer or a law enforcement agency by the quickest means available.



(2) Notwithstanding subsection (1) of this section, a person does not commit the offense of failure of a vehicle occupant to make an accident report if:

(a) The accident required to be reported under ORS 811.745 results in a serious injury or death; and

(b) The person gives notice of the accident immediately to [a 9-1-1 emergency reporting] **the emergency communications** system by the quickest means available.

(3) The offense described in this section, failure of a vehicle occupant to make an accident report, is a Class A traffic violation.

**SECTION 41.** Section 3, chapter 753, Oregon Laws 2013, is amended to read:

**Sec. 3.** (1) Whenever the Governor has proclaimed a public safety fiscal emergency pursuant to section 2, **chapter 753, Oregon Laws 2013** [of this 2013 Act], the Governor may, on behalf of a unit of local government within the area covered by the proclamation and only after obtaining written authorization signed by a majority of the governing body of each local government subject to the proclamation, enter into a written intergovernmental agreement with any other unit of local government, whether inside or outside the area covered by the proclamation, for the performance of functions and activities related to public safety that a unit of local government that is party to the agreement or its officers or agencies have authority to perform. The Governor shall consult with each sheriff affected by the proclamation prior to executing the intergovernmental agreement.

(2) ORS 190.010 applies to the performance of a function or activity pursuant to an intergovernmental agreement entered into under subsection (1) of this section.

(3)(a) The state shall bear 50 percent of the cost of public safety services provided under the intergovernmental agreement entered into under subsection (1) of this section.

(b) The counties that are parties to the intergovernmental agreement entered into under subsection (1) of this section shall bear the remaining 50 percent, which may be funded through:

(A) An income tax as provided in section 7, **chapter 753, Oregon Laws 2013** [of this 2013 Act];

(B) A tax [on telecommunications] **under section 8, chapter 753, Oregon Laws 2013, on communications** services with access to the [9-1-1 emergency reporting] **emergency communications** system [under section 8 of this 2013 Act];

(C) Any assessment the county governing body is lawfully capable of imposing, to the extent the governing body determines that the other assessment is necessary to satisfy the county's funding obligations;

(D) Existing sources of county revenue; or

(E) Any combination of funding described in this paragraph.

(4) For purposes of this section:

(a) The sheriff of a county affected by a public safety fiscal emergency shall be considered a nonvoting ex officio member of the governing body; and

(b) The sheriff must be given notice of any meeting of the governing body if the governing body is meeting for purposes of deliberating or making a decision on:

(A) Whether to enter into an intergovernmental agreement under this section;

(B) The terms and conditions of an intergovernmental agreement entered into under this section;

or

(C) Any extension or modification of an intergovernmental agreement entered into under this section.

**SECTION 42.** Section 8, chapter 753, Oregon Laws 2013, is amended to read:

**Sec. 8.** (1) To carry out the purposes of sections 2 to 6, **chapter 753, Oregon Laws 2013** [of this 2013 Act], counties within the area covered by the proclamation made pursuant to section 2, **chapter 753, Oregon Laws 2013**, [of this 2013 Act] may impose a tax on each paying retail subscriber who has [telecommunication] **communications** services with access to the [9-1-1 emergency reporting] **emergency communications** system, to the extent the governing body determines that the tax is necessary to satisfy the county's funding obligations under section 3 (3)(b), **chapter 753, Oregon Laws 2013** [of this 2013 Act].

(2) A county governing body that elects to impose a tax under this section may do so by adopting an ordinance that establishes the rate and duration of the tax, but in all other respects the tax must be imposed in accordance with ORS 403.200 to 403.230, except that:

(a) For cellular, wireless or other [radio] common carriers, the tax applies on a per instrument basis and only if the subscriber's place of primary use, as defined under 4 U.S.C. 124, is within the county imposing the tax;

(b) For all other subscriber lines, the tax applies to lines designated for a particular subscriber located within the county imposing the tax; and

(c) Net revenues, after the payment of refunds, from the tax imposed under authority of this section shall be transferred from the suspense account described in ORS 403.235 as prescribed in section 8a, **chapter 753, Oregon Laws 2013** [of this 2013 Act].

(3) The Governor may not act on behalf of a county governing body in authorizing a tax under this section.

**SECTION 43.** Section 13b, chapter 59, Oregon Laws 2014, is amended to read:

**Sec. 13b.** On or before February 15, 2017, the Department of Revenue shall report to a committee of the Legislative Assembly related to revenue regarding the collection at retail transactions of the taxes imposed under ORS 403.200 to 403.230. The report shall detail the effectiveness of the provisions of ORS 403.200 to 403.230, as enforced by the department, in collecting the required tax from all consumers and subscribers with access to the [9-1-1 emergency reporting] **emergency communications** system. The department shall include in the report an estimate of the amount of revenue received by the department on or after October 1, 2015, that is attributable to the operation of sections 5a, 12 and 13 [of this 2014 Act], **chapter 59, Oregon Laws 2014**, and the amendments to ORS 403.105, 403.110, 403.200, 403.210, 403.215, 403.220, 403.225, 403.230 and 403.240 and section 4, chapter 5, Oregon Laws 2002 (first special session), by sections 1 to 2, 3a to 5 and 6 to 8, 9 and 14 [of this 2014 Act], **chapter 59, Oregon Laws 2014**.

**SECTION 44.** This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

**Passed by House April 16, 2015**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Tina Kotek, Speaker of House

**Passed by Senate May 26, 2015**

.....  
Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2015

**Approved:**

.....M.,....., 2015

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2015

.....  
Jeanne P. Atkins, Secretary of State