
HOUSE BILL No. 1263

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-26-1-5; IC 6-3.5; IC 34-30-2; IC 35-51-36-1; IC 36-7-4-405; IC 36-8.

Synopsis: Public safety answering points. Specifies maximum landline, wireless, and prepaid wireless 911 fees. Provides that the existing fees expire January 1, 2013. Requires the fees to be imposed by county ordinance in equal amounts that may not exceed \$2. Specifies uses of 911 fees. Renames the wireless enhanced 911 advisory board the IN911 board (board) and expands its membership. Requires the counties to remit \$0.05 of each 911 fee to the board. Consolidates landline and prepaid wireless provisions into the existing wireless statute. Provides that the consolidated statute expires January 1, 2019. Repeals a moratorium on increasing the landline 911 fee for units subject to the consolidation of public service answering points. Repeals obsolete provisions concerning the recovery of costs related to the implementation of wireless enhanced 911 by CMRS service providers.

Effective: July 1, 2012; January 1, 2013.

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January 9, 2012, read first time and referred to Committee on Ways and Means.

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Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1263



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-26-1-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this article, "system"
3 refers to the Indiana statewide wireless public safety voice and data
4 communications system. The term does not include the enhanced
5 emergency telephone system, ~~under IC 36-8-16-2~~; **as defined in**
6 **IC 36-8-16.5-6.6.**

7 SECTION 2. IC 6-3.5-1.1-25, AS AMENDED BY P.L.172-2011,
8 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2012]: Sec. 25. (a) As used in this section, "public safety"
10 refers to the following:

- 11 (1) A police and law enforcement system to preserve public peace
12 and order.
- 13 (2) A firefighting and fire prevention system.
- 14 (3) Emergency ambulance services (as defined in
15 IC 16-18-2-107).
- 16 (4) Emergency medical services (as defined in IC 16-18-2-110).
- 17 (5) Emergency action (as defined in IC 13-11-2-65).



- 1 (6) A probation department of a court.
 2 (7) Confinement, supervision, services under a community
 3 corrections program (as defined in IC 35-38-2.6-2), or other
 4 correctional services for a person who has been:
 5 (A) diverted before a final hearing or trial under an agreement
 6 that is between the county prosecuting attorney and the person
 7 or the person's custodian, guardian, or parent and that provides
 8 for confinement, supervision, community corrections services,
 9 or other correctional services instead of a final action
 10 described in clause (B) or (C);
 11 (B) convicted of a crime; or
 12 (C) adjudicated as a delinquent child or a child in need of
 13 services.
 14 (8) A juvenile detention facility under IC 31-31-8.
 15 (9) A juvenile detention center under IC 31-31-9.
 16 (10) A county jail.
 17 (11) A communications system (as defined in IC 36-8-15-3) or an
 18 enhanced emergency telephone system (as defined in
 19 ~~IC 36-8-16-2~~; **IC 36-8-16.5-6.6**).
 20 (12) Medical and health expenses for jail inmates and other
 21 confined persons.
 22 (13) Pension payments for any of the following:
 23 (A) A member of the fire department (as defined in
 24 IC 36-8-1-8) or any other employee of a fire department.
 25 (B) A member of the police department (as defined in
 26 IC 36-8-1-9), a police chief hired under a waiver under
 27 IC 36-8-4-6.5, or any other employee hired by a police
 28 department.
 29 (C) A county sheriff or any other member of the office of the
 30 county sheriff.
 31 (D) Other personnel employed to provide a service described
 32 in this section.
 33 (b) If a county council has imposed a tax rate of at least twenty-five
 34 hundredths of one percent (0.25%) under section 24 of this chapter, a
 35 tax rate of at least twenty-five hundredths of one percent (0.25%) under
 36 section 26 of this chapter, or a total combined tax rate of at least
 37 twenty-five hundredths of one percent (0.25%) under sections 24 and
 38 26 of this chapter, the county council may also adopt an ordinance to
 39 impose an additional tax rate under this section to provide funding for
 40 public safety.
 41 (c) A tax rate under this section may not exceed twenty-five
 42 hundredths of one percent (0.25%).

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1 (d) If a county council adopts an ordinance to impose a tax rate
 2 under this section, the county auditor shall send a certified copy of the
 3 ordinance to the department and the department of local government
 4 finance by certified mail.

5 (e) A tax rate under this section is in addition to any other tax rates
 6 imposed under this chapter and does not affect the purposes for which
 7 other tax revenue under this chapter may be used.

8 (f) Except as provided in subsection (k) or (l), the county auditor
 9 shall distribute the portion of the certified distribution that is
 10 attributable to a tax rate under this section to the county and to each
 11 municipality in the county that is carrying out or providing at least one
 12 (1) of the public safety purposes described in subsection (a). The
 13 amount that shall be distributed to the county or municipality is equal
 14 to the result of:

15 (1) the portion of the certified distribution that is attributable to a
 16 tax rate under this section; multiplied by

17 (2) a fraction equal to:

18 (A) the attributed allocation amount (as defined in
 19 IC 6-3.5-1.1-15) of the county or municipality for the calendar
 20 year; divided by

21 (B) the sum of the attributed allocation amounts of the county
 22 and each municipality in the county that is entitled to a
 23 distribution under this section for the calendar year.

24 The county auditor shall make the distributions required by this
 25 subsection not more than thirty (30) days after receiving the portion of
 26 the certified distribution that is attributable to a tax rate under this
 27 section. Tax revenue distributed to a county or municipality under this
 28 subsection must be deposited into a separate account or fund and may
 29 be appropriated by the county or municipality only for public safety
 30 purposes.

31 (g) The department of local government finance may not require a
 32 county or municipality receiving tax revenue under this section to
 33 reduce the county's or municipality's property tax levy for a particular
 34 year on account of the county's or municipality's receipt of the tax
 35 revenue.

36 (h) The tax rate under this section and the tax revenue attributable
 37 to the tax rate under this section shall not be considered for purposes
 38 of computing:

39 (1) the maximum income tax rate that may be imposed in a county
 40 under section 2 of this chapter or any other provision of this
 41 chapter;

42 (2) the maximum permissible property tax levy under

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- 1 IC 6-1.1-18.5-3; or
 2 (3) the credit under IC 6-1.1-20.6.
- 3 (i) The tax rate under this section may be imposed or rescinded at
 4 the same time and in the same manner that the county may impose or
 5 increase a tax rate under section 24 of this chapter.
- 6 (j) The department of local government finance and the department
 7 of state revenue may take any actions necessary to carry out the
 8 purposes of this section.
- 9 (k) Two (2) or more political subdivisions that are entitled to receive
 10 a distribution under this section may adopt resolutions providing that
 11 some part or all of those distributions shall instead be paid to one (1)
 12 political subdivision in the county to carry out specific public safety
 13 purposes specified in the resolutions.
- 14 (l) A fire department, volunteer fire department, or emergency
 15 medical services provider that:
 16 (1) provides fire protection or emergency medical services within
 17 the county; and
 18 (2) is operated by or serves a political subdivision that is not
 19 otherwise entitled to receive a distribution of tax revenue under
 20 this section;
 21 may before July 1 of a year apply to the county council for a
 22 distribution of tax revenue under this section during the following
 23 calendar year. The county council shall review an application
 24 submitted under this subsection and may before September 1 of a year
 25 adopt a resolution requiring that one (1) or more of the applicants shall
 26 receive a specified amount of the tax revenue to be distributed under
 27 this section during the following calendar year. A resolution approved
 28 under this subsection providing for a distribution to one (1) or more fire
 29 departments, volunteer fire departments, or emergency medical
 30 services providers applies only to distributions in the following
 31 calendar year. Any amount of tax revenue distributed under this
 32 subsection to a fire department, volunteer fire department, or
 33 emergency medical services provider shall be distributed before the
 34 remainder of the tax revenue is distributed under subsection (f).
- 35 SECTION 3. IC 6-3.5-6-31, AS AMENDED BY P.L.172-2011,
 36 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2012]: Sec. 31. (a) As used in this section, "public safety"
 38 refers to the following:
 39 (1) A police and law enforcement system to preserve public peace
 40 and order.
 41 (2) A firefighting and fire prevention system.
 42 (3) Emergency ambulance services (as defined in

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- 1 IC 16-18-2-107).
- 2 (4) Emergency medical services (as defined in IC 16-18-2-110).
- 3 (5) Emergency action (as defined in IC 13-11-2-65).
- 4 (6) A probation department of a court.
- 5 (7) Confinement, supervision, services under a community
- 6 corrections program (as defined in IC 35-38-2.6-2), or other
- 7 correctional services for a person who has been:
 - 8 (A) diverted before a final hearing or trial under an agreement
 - 9 that is between the county prosecuting attorney and the person
 - 10 or the person's custodian, guardian, or parent and that provides
 - 11 for confinement, supervision, community corrections services,
 - 12 or other correctional services instead of a final action
 - 13 described in clause (B) or (C);
 - 14 (B) convicted of a crime; or
 - 15 (C) adjudicated as a delinquent child or a child in need of
 - 16 services.
- 17 (8) A juvenile detention facility under IC 31-31-8.
- 18 (9) A juvenile detention center under IC 31-31-9.
- 19 (10) A county jail.
- 20 (11) A communications system (as defined in IC 36-8-15-3) or an
- 21 enhanced emergency telephone system (as defined in
- 22 ~~IC 36-8-16-2~~; **IC 36-8-16.5-6.6**).
- 23 (12) Medical and health expenses for jail inmates and other
- 24 confined persons.
- 25 (13) Pension payments for any of the following:
 - 26 (A) A member of the fire department (as defined in
 - 27 IC 36-8-1-8) or any other employee of a fire department.
 - 28 (B) A member of the police department (as defined in
 - 29 IC 36-8-1-9), a police chief hired under a waiver under
 - 30 IC 36-8-4-6.5, or any other employee hired by a police
 - 31 department.
 - 32 (C) A county sheriff or any other member of the office of the
 - 33 county sheriff.
 - 34 (D) Other personnel employed to provide a service described
 - 35 in this section.
- 36 (b) The county income tax council may adopt an ordinance to
- 37 impose an additional tax rate under this section to provide funding for
- 38 public safety if:
 - 39 (1) the county income tax council has imposed a tax rate under
 - 40 section 30 of this chapter, in the case of a county containing a
 - 41 consolidated city; or
 - 42 (2) the county income tax council has imposed a tax rate of at

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1 least twenty-five hundredths of one percent (0.25%) under section
 2 30 of this chapter, a tax rate of at least twenty-five hundredths of
 3 one percent (0.25%) under section 32 of this chapter, or a total
 4 combined tax rate of at least twenty-five hundredths of one
 5 percent (0.25%) under sections 30 and 32 of this chapter, in the
 6 case of a county other than a county containing a consolidated
 7 city.

8 (c) A tax rate under this section may not exceed the following:

9 (1) Five-tenths of one percent (0.5%), in the case of a county
 10 containing a consolidated city.

11 (2) Twenty-five hundredths of one percent (0.25%), in the case of
 12 a county other than a county containing a consolidated city.

13 (d) If a county income tax council adopts an ordinance to impose a
 14 tax rate under this section, the county auditor shall send a certified
 15 copy of the ordinance to the department and the department of local
 16 government finance by certified mail.

17 (e) A tax rate under this section is in addition to any other tax rates
 18 imposed under this chapter and does not affect the purposes for which
 19 other tax revenue under this chapter may be used.

20 (f) Except as provided in subsections (l) and (m), the county auditor
 21 shall distribute the portion of the certified distribution that is
 22 attributable to a tax rate under this section to the county and to each
 23 municipality in the county that is carrying out or providing at least one
 24 (1) of the public safety purposes described in subsection (a). The
 25 amount that shall be distributed to the county or municipality is equal
 26 to the result of:

27 (1) the portion of the certified distribution that is attributable to a
 28 tax rate under this section; multiplied by

29 (2) a fraction equal to:

30 (A) the total property taxes being collected in the county by
 31 the county or municipality for the calendar year; divided by

32 (B) the sum of the total property taxes being collected in the
 33 county by the county and each municipality in the county that
 34 is entitled to a distribution under this section for the calendar
 35 year.

36 The county auditor shall make the distributions required by this
 37 subsection not more than thirty (30) days after receiving the portion of
 38 the certified distribution that is attributable to a tax rate under this
 39 section. Tax revenue distributed to a county or municipality under this
 40 subsection must be deposited into a separate account or fund and may
 41 be appropriated by the county or municipality only for public safety
 42 purposes.

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1 (g) The department of local government finance may not require a
 2 county or municipality receiving tax revenue under this section to
 3 reduce the county's or municipality's property tax levy for a particular
 4 year on account of the county's or municipality's receipt of the tax
 5 revenue.

6 (h) The tax rate under this section and the tax revenue attributable
 7 to the tax rate under this section shall not be considered for purposes
 8 of computing:

9 (1) the maximum income tax rate that may be imposed in a county
 10 under section 8 or 9 of this chapter or any other provision of this
 11 chapter;

12 (2) the maximum permissible property tax levy under
 13 IC 6-1.1-18.5-3; or

14 (3) the credit under IC 6-1.1-20.6.

15 (i) The tax rate under this section may be imposed or rescinded at
 16 the same time and in the same manner that the county may impose or
 17 increase a tax rate under section 30 of this chapter.

18 (j) The department of local government finance and the department
 19 of state revenue may take any actions necessary to carry out the
 20 purposes of this section.

21 (k) Notwithstanding any other provision, in Lake County the county
 22 council (and not the county income tax council) is the entity authorized
 23 to take actions concerning the additional tax rate under this section.

24 (l) Two (2) or more political subdivisions that are entitled to receive
 25 a distribution under this section may adopt resolutions providing that
 26 some part or all of those distributions shall instead be paid to one (1)
 27 political subdivision in the county to carry out specific public safety
 28 purposes specified in the resolutions.

29 (m) A fire department, volunteer fire department, or emergency
 30 medical services provider that:

31 (1) provides fire protection or emergency medical services within
 32 the county; and

33 (2) is operated by or serves a political subdivision that is not
 34 otherwise entitled to receive a distribution of tax revenue under
 35 this section;

36 may before July 1 of a year apply to the county income tax council for
 37 a distribution of tax revenue under this section during the following
 38 calendar year. The county income tax council shall review an
 39 application submitted under this subsection and may before September
 40 1 of a year adopt a resolution requiring that one (1) or more of the
 41 applicants shall receive a specified amount of the tax revenue to be
 42 distributed under this section during the following calendar year. A

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1 resolution approved under this subsection providing for a distribution
 2 to one (1) or more fire departments, volunteer fire departments, or
 3 emergency services providers applies only to distributions in the
 4 following calendar year. Any amount of tax revenue distributed under
 5 this subsection to a fire department, volunteer fire department, or
 6 emergency medical services provider shall be distributed before the
 7 remainder of the tax revenue is distributed under subsection (f).

8 SECTION 4. IC 34-30-2-156 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 156. ~~IC 36-8-16-18~~
 10 **IC 36-8-16.5-54** (Concerning service suppliers or telephone companies
 11 for loss, death, or injury related to an enhanced emergency telephone
 12 system).

13 SECTION 5. IC 34-30-2-156.2, AS ADDED BY P.L.113-2010,
 14 SECTION 106, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2012]: Sec. 156.2. ~~IC 36-8-16.6-19~~
 16 **IC 36-8-16.5-64** (Concerning sellers of prepaid wireless
 17 telecommunications service for provision of 911 or wireless 911
 18 service and lawful assistance to law enforcement officers).

19 SECTION 6. IC 35-51-36-1, AS ADDED BY P.L.70-2011,
 20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 36:

22 IC 36-2-2-13 (Concerning county government).

23 IC 36-2-6-8 (Concerning county government).

24 IC 36-2-6-12 (Concerning county government).

25 IC 36-2-7-18 (Concerning county government).

26 IC 36-2-8-6 (Concerning county government).

27 IC 36-2-9-13 (Concerning county government).

28 IC 36-2-9-14 (Concerning county government).

29 IC 36-2-9.5-7 (Concerning county government).

30 IC 36-2-9.5-9 (Concerning county government).

31 IC 36-2-13-5 (Concerning county government).

32 IC 36-2-14-10 (Concerning county government).

33 IC 36-2-14-17 (Concerning county government).

34 IC 36-2-14-21 (Concerning county government).

35 IC 36-4-8-13 (Concerning government of cities and towns).

36 IC 36-7-12-27.5 (Concerning planning and development).

37 IC 36-7-14-40 (Concerning planning and development).

38 IC 36-7-15.1-27 (Concerning planning and development).

39 IC 36-7-30-28 (Concerning planning and development).

40 IC 36-7-30.5-36 (Concerning planning and development).

41 IC 36-8-3.5-23 (Concerning public safety).

42 IC 36-8-10-9 (Concerning public safety).

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- 1 ~~IC 36-8-16-16 (Concerning public safety);~~
- 2 IC 36-8-16.5-47 (Concerning public safety).
- 3 IC 36-8-16.5-48 (Concerning public safety).
- 4 IC 36-8-16.5-49 (Concerning public safety).
- 5 **IC 36-8-16.5-53 (Concerning public safety).**
- 6 IC 36-9-14-7 (Concerning transportation and public works).
- 7 IC 36-10-3-39 (Concerning recreation, culture, and community
- 8 facilities).
- 9 IC 36-10-4-5 (Concerning recreation, culture, and community
- 10 facilities).
- 11 IC 36-10-4-40 (Concerning recreation, culture, and community
- 12 facilities).

13 SECTION 7. IC 36-7-4-405 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 405. (a) ADVISORY
 15 – AREA. Each plan commission shall:

16 (1) make recommendations to the legislative body or bodies
 17 concerning:

- 18 (A) the adoption of the comprehensive plan and amendments
- 19 to the comprehensive plan;
- 20 (B) the adoption or text amendment of:
 - 21 (i) an initial zoning ordinance;
 - 22 (ii) a replacement zoning ordinance; and
 - 23 (iii) a subdivision control ordinance;
- 24 (C) the adoption or amendment of a PUD district ordinance (as
- 25 defined in section 1503 of this chapter); and
- 26 (D) zone map changes; and

27 (2) render decisions concerning and approve plats, replats, and
 28 amendments to plats of subdivisions under the 700 series of this
 29 chapter.

30 (b) Each plan commission:

- 31 (1) shall assign street numbers to lots and structures;
- 32 (2) shall renumber lots and structures; and
- 33 (3) if the plan commission does not have the power under an
- 34 ordinance adopted under subsection (c) to name or rename streets,
- 35 may recommend the naming and renaming of streets to the
- 36 executive.

37 (c) The executive shall name or rename streets. However, a unit may
 38 provide by ordinance that the plan commission rather than the
 39 executive shall name or rename streets. Streets shall be named or
 40 renamed so that their names are easy to understand and to avoid
 41 duplication or conflict with other names. The plan commission may, by
 42 rule, prescribe a numbering system for lots and structures.

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1 (d) This subsection applies to a plan commission having jurisdiction
2 in a county with a population of at least four hundred thousand
3 (400,000). The plan commission shall number structures on highways
4 within the plan commission's jurisdiction to conform with the numbers
5 of structures on streets within cities in the county.

6 (e) This subsection applies to unincorporated areas subject to the
7 jurisdiction of no plan commission under this article. The county
8 executive:

9 (1) must approve the assignment of street numbers to lots and
10 structures; and

11 (2) may number or renumber lots and structures and name or
12 rename streets.

13 (f) This subsection applies to areas located within a municipality
14 that are subject to the jurisdiction of no plan commission under this
15 article. The executive of the municipality:

16 (1) must approve the assignment of street numbers to lots and
17 structures; and

18 (2) may number or renumber lots and structures and name or
19 rename streets.

20 (g) An executive acting under subsection (e) or (f) shall name or
21 rename streets:

22 (1) so that their names are easy to understand; and

23 (2) to avoid duplication or conflict with other names.

24 (h) If streets are named or renamed or lots and structures are
25 numbered or renumbered under this section, the commission or
26 executive that makes the naming or numbering decision shall notify:

27 (1) the circuit court clerk or board of registration;

28 (2) the administrator of the enhanced emergency telephone
29 system established under IC 36-8-16 (**before its expiration**) or
30 **IC 36-8-16.5**, if any;

31 (3) the United States Postal Service; and

32 (4) any person or body that the commission or executive considers
33 appropriate to receive notice;

34 of its action no later than the last day of the month following the month
35 in which the action is taken.

36 (i) Each plan commission shall make decisions concerning
37 development plans and amendments to development plans under the
38 1400 series of this chapter, unless the responsibility to render decisions
39 concerning development plans has been delegated under section
40 1402(c) of this chapter.

41 SECTION 8. IC 36-8-16-7, AS AMENDED BY P.L.137-2008,
42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2012]: Sec. 7. **Except as provided in Subject to section 7.5 20**
 2 of this chapter, the fiscal body of a unit may adopt an ordinance to
 3 change the amount of the enhanced emergency telephone system fee
 4 that it imposed under section 5 of this chapter. However, the new fee
 5 must comply with the limitations provided in section 6 of this chapter.
 6 In addition, the fiscal body of a unit may not adopt more than one (1)
 7 ordinance in any calendar year to change the unit's fee.

8 SECTION 9. IC 36-8-16-7.5 IS REPEALED [EFFECTIVE JULY
 9 1, 2012]. **Sec. 7.5:** (a) This section applies to a unit that imposes an
 10 enhanced emergency telephone system fee under section 5 of this
 11 chapter on March 15, 2008.

12 (b) During the period beginning March 15, 2008, and ending on the
 13 date on which:

14 (1) the unit, if the unit is a county; or

15 (2) the county in which the unit is located; if the unit is a
 16 municipality;

17 complies with IC 36-8-16.5-51(c), the unit may not adopt an ordinance
 18 under section 7 of this chapter to increase the amount of the enhanced
 19 emergency telephone system fee imposed by the unit under section 5
 20 of this chapter. Upon compliance with IC 36-8-16.5-51(c), the unit that,
 21 under the terms of the interlocal agreement required by
 22 IC 36-8-16.5-51(c), has the authority to impose a fee under this chapter
 23 may adopt an ordinance under section 7 of this chapter to increase the
 24 amount of the enhanced emergency telephone system fee as necessary
 25 to sufficiently fund any PSAP authorized under IC 36-8-16.5-51(c);
 26 subject to the limits set forth in section 6 of this chapter.

27 SECTION 10. IC 36-8-16-20 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2012]: **Sec. 20. (a) A unit may adopt an**
 30 **ordinance under this chapter until January 1, 2013. After**
 31 **December 31, 2012, any action concerning an emergency telephone**
 32 **system operated within a particular county must be taken by the**
 33 **fiscal body of that county under the appropriate provisions of**
 34 **IC 36-8-16.5.**

35 (b) **An emergency telephone system fee imposed by a unit under**
 36 **this chapter remains in effect until rescinded by the unit or until**
 37 **January 1, 2013, whichever occurs first.**

38 SECTION 11. IC 36-8-16-21 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2012]: **Sec. 21. This chapter expires July 1,**
 41 **2013.**

42 SECTION 12. IC 36-8-16.5-4 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. As used in this
2 chapter, "board" refers to:

- 3 (1) the wireless enhanced 911 advisory board established by
4 section 18 of this chapter **(before its expiration); and**
5 **(2) beginning July 1, 2012, the IN911 board established by**
6 **section 18.5 of this chapter.**

7 SECTION 13. IC 36-8-16.5-6.1 IS ADDED TO THE INDIANA
8 CODE AS A NEW SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2012]: **Sec. 6.1. As used in this chapter,**
10 **"consumer" means a person that purchases prepaid wireless**
11 **telecommunications service from a seller. The term includes a**
12 **prepaid user.**

13 SECTION 14. IC 36-8-16.5-6.5 IS ADDED TO THE INDIANA
14 CODE AS A NEW SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2012]: **Sec. 6.5. As used in this chapter,**
16 **"department" refers to the department of state revenue.**

17 SECTION 15. IC 36-8-16.5-6.6 IS ADDED TO THE INDIANA
18 CODE AS A NEW SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2012]: **Sec. 6.6. As used in this chapter,**
20 **"enhanced emergency telephone system" means a telephone system**
21 **that utilizes the three digit number 911 to send automatic number**
22 **identification and automatic location identification for reporting**
23 **police, fire, medical, or other emergency situations. The term also**
24 **includes a telephone system that provides service users in the unit**
25 **with a telephone warning of an emergency situation through a**
26 **computerized warning system that uses 911 database information**
27 **and technology, if sufficient revenue is available under this chapter**
28 **to pay all the expenses of the 911 telephone system.**

29 SECTION 16. IC 36-8-16.5-6.7 IS ADDED TO THE INDIANA
30 CODE AS A NEW SECTION TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2012]: **Sec. 6.7. As used in this chapter,**
32 **"enhanced prepaid wireless charge" means the charge that a seller**
33 **is required to collect from a consumer under section 60 of this**
34 **chapter.**

35 SECTION 17. IC 36-8-16.5-6.8 IS ADDED TO THE INDIANA
36 CODE AS A NEW SECTION TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2012]: **Sec. 6.8. (a) As used in this chapter,**
38 **"exchange access facility" means the access from a particular**
39 **service user's premises to a telephone system.**

40 (b) The term includes:

- 41 (1) an access line;
42 (2) a private branch exchange (PBX) trunk; and

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1 **(3) a centrex line trunk equivalent;**
 2 **that is provided by the service supplier. The term also includes a**
 3 **mobile telephone system access trunk, whether the trunk is**
 4 **provided by a telephone company or a radio common carrier. In**
 5 **the case of a service user receiving interconnected VoIP service, the**
 6 **term refers to the Internet protocol compatible customer premises**
 7 **equipment that enables the service user to access the**
 8 **interconnected VoIP service.**

9 **(c) The term does not include:**
 10 **(1) a service supplier owned and operated telephone pay**
 11 **station line;**
 12 **(2) a wide area telecommunications service (WATS) line;**
 13 **(3) a foreign exchange (FX) line; or**
 14 **(4) an incoming only line.**

15 SECTION 18. IC 36-8-16.5-8 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. As used in this
 17 chapter, **and unless the context clearly denotes otherwise, "fund"**
 18 **refers to the state wireless emergency telephone system fund**
 19 **established under section 21(a) of this chapter.**

20 SECTION 19. IC 36-8-16.5-8.5 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2012]: **Sec. 8.5. As used in this chapter,**
 23 **"interconnected VoIP service" has the meaning set forth in 47 CFR**
 24 **9.3.**

25 SECTION 20. IC 36-8-16.5-11.5 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2012]: **Sec. 11.5. As used in this chapter,**
 28 **"prepaid wireless telecommunications service" means a prepaid**
 29 **wireless calling service (as defined in IC 6-2.5-1-22.4) that allows**
 30 **a user of the service to reach emergency services by dialing the**
 31 **digits nine (9) one (1) one (1).**

32 SECTION 21. IC 36-8-16.5-12.5 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2012]: **Sec. 12.5. As used in this chapter,**
 35 **"provider" means a person or entity that offers prepaid wireless**
 36 **telecommunications service.**

37 SECTION 22. IC 36-8-16.5-14.5, AS AMENDED BY
 38 P.L.113-2010, SECTION 139, IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14.5. As used in this
 40 chapter, **"prepaid user" has the meaning set forth in IC 36-8-16.6-6.**
 41 **refers to a user of prepaid wireless telecommunications service**
 42 **who:**

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- 1 **(1) is issued an Indiana telephone number or an Indiana**
- 2 **identification number for the service; or**
- 3 **(2) purchases prepaid wireless telecommunications service in**
- 4 **a retail transaction that is sourced to Indiana (as determined**
- 5 **under IC 6-2.5-12-16).**

6 SECTION 23. IC 36-8-16.5-14.6 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2012]: **Sec. 14.6. As used in this chapter,**
 9 **"retail transaction" means the purchase of prepaid wireless**
 10 **telecommunications service from a seller for any purpose other**
 11 **than resale.**

12 SECTION 24. IC 36-8-16.5-15.5 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2012]: **Sec. 15.5. As used in this chapter,**
 15 **"seller" means a person that sells prepaid wireless**
 16 **telecommunications service to another person.**

17 SECTION 25. IC 36-8-16.5-15.6 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2012]: **Sec. 15.6. (a) As used in this chapter,**
 20 **"service supplier" means a person that provides telephone**
 21 **exchange service to a service user in Indiana. The term includes a**
 22 **person that offers interconnected VoIP service to a service user**
 23 **whose registered location (as defined in 47 CFR 9.3) is in Indiana.**

24 **(b) As used in this chapter, "service user" means a person to**
 25 **whom telephone exchange service is provided.**

26 SECTION 26. IC 36-8-16.5-18 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18. (a) The wireless**
 28 **enhanced 911 advisory board is established. The board is a body**
 29 **corporate and politic, and though it is separate from the state, the**
 30 **exercise by the board of its powers constitutes an essential**
 31 **governmental function.**

32 **(b) The following recommendations must be made to the governor**
 33 **concerning the membership of the board:**

34 **(1) The executive committees of NENA and APCO shall jointly**
 35 **recommend three (3) individuals.**

36 **(2) The CMRS providers authorized to provide CMRS in Indiana**
 37 **shall jointly recommend three (3) individuals.**

38 **(c) The board consists of the following seven (7) members:**

39 **(1) The treasurer of state or the treasurer's designee. The treasurer**
 40 **of state or the treasurer's designee is chairperson of the board for**
 41 **a term concurrent with the treasurer of state's term of office.**
 42 **However, the treasurer of state's designee serves at the pleasure**

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1 of the treasurer of state.

2 (2) Three (3) members for a term of three (3) years who are
3 appointed by the governor after the governor considers the
4 recommendations of the executive committees of NENA and
5 APCO that are submitted under subsection (b)(1).

6 (3) Three (3) members for a term of three (3) years who are
7 appointed by the governor after considering the recommendations
8 of the CMRS providers that are submitted under subsection
9 (b)(2).

10 (d) A member's position may be filled by the member's designee
11 who serves at the pleasure of the member.

12 (e) A vacancy on the board is filled for the vacating member's
13 unexpired term in the same manner as the original appointment.

14 (f) Each member appointed under subsection (c)(2) or (c)(3) shall
15 submit the name of a designee to the board. The board shall maintain
16 a list of approved designees. A member appointed under subsection
17 (c)(2) or (c)(3) may appoint a listed designee to fill the member's
18 position under subsection (d) or to act on behalf of the member at a
19 meeting of the board. The designee serves at the pleasure of the
20 appointing member.

21 (g) A member may vote by proxy through another member.

22 **(h) This section expires July 1, 2012.**

23 SECTION 27. IC 36-8-16.5-18.5 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2012]: **Sec. 18.5. (a) The IN911 board is**
26 **established to advise local governments on the administration of**
27 **the 911 system throughout Indiana. The board is a body corporate**
28 **and politic, and though the board is separate from the state, the**
29 **exercise by the board of its powers constitutes an essential**
30 **governmental function.**

31 **(b) The following recommendations must be made to the**
32 **governor concerning the membership of the board:**

33 **(1) The executive committees of:**

34 **(A) the Indiana chapter of the National Emergency**
35 **Number Association (NENA); and**

36 **(B) the Indiana chapter of the Association of Public Safety**
37 **Communication Officials International (APCO);**

38 **shall jointly recommend one (1) individual.**

39 **(2) The CMRS providers authorized to provide CMRS in**
40 **Indiana shall jointly recommend two (2) individuals.**

41 **(3) The Indiana Association of County Commissioners shall**
42 **recommend one (1) individual.**

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- 1 **(4) The Indiana Sheriffs' Association shall recommend one (1)**
 2 **individual.**
- 3 **(5) The Association of Indiana Counties shall recommend one**
 4 **(1) individual who is a member of a county council.**
- 5 **(6) The Indiana Association of Cities and Towns shall**
 6 **recommend one (1) individual who represents a municipality**
 7 **that operates a PSAP.**
- 8 **(7) The Indiana Telephone Association shall recommend two**
 9 **(2) individuals as follows:**
- 10 **(A) One (1) individual representing a local exchange**
 11 **carrier that serves less than fifty thousand (50,000) local**
 12 **exchange access lines in Indiana.**
- 13 **(B) One (1) individual representing a local exchange**
 14 **carrier that serves at least fifty thousand (50,000) local**
 15 **exchange access lines in Indiana.**
- 16 **(8) The Indiana Cable Telecommunications Association shall**
 17 **recommend one (1) individual.**
- 18 **(c) The board consists of the following twelve (12) members:**
- 19 **(1) The treasurer of state is the nonvoting chairperson of the**
 20 **board for a term concurrent with the treasurer's term of**
 21 **office.**
- 22 **(2) One (1) member appointed by the governor after**
 23 **considering the recommendations of the executive committees**
 24 **of NENA and APCO submitted under subsection (b)(1).**
- 25 **(3) Two (2) CMRS members who are appointed by the**
 26 **governor after considering the recommendations of the**
 27 **CMRS providers submitted under subsection (b)(2). A**
 28 **member appointed under this subdivision may not be**
 29 **affiliated with the same business entity as a member**
 30 **appointed under subdivision (8), (9), or (10).**
- 31 **(4) One (1) county commissioner member appointed by the**
 32 **governor after considering the recommendation of the**
 33 **Indiana Association of County Commissioners submitted**
 34 **under subsection (b)(3).**
- 35 **(5) One (1) county sheriff member appointed by the governor**
 36 **after considering the recommendation of the Indiana Sheriffs'**
 37 **Association submitted under subsection (b)(4).**
- 38 **(6) One (1) county council member appointed by the governor**
 39 **after considering the recommendation of the Association of**
 40 **Indiana Counties submitted under subsection (b)(5).**
- 41 **(7) One (1) municipal member appointed by the governor**
 42 **after considering the recommendation of the Indiana**

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1 Association of Cities and Towns submitted under subsection
 2 (b)(6).
 3 (8) One (1) local exchange carrier member that serves less
 4 than fifty thousand (50,000) local exchange access lines in
 5 Indiana appointed by the governor after considering the
 6 recommendation of the Indiana Telephone Association under
 7 subsection (b)(7)(A). A member appointed under this
 8 subdivision may not be affiliated with the same business entity
 9 as a member appointed under subdivision (3), (9), or (10).
 10 (9) One (1) local exchange carrier member that serves at least
 11 fifty thousand (50,000) local exchange access lines in Indiana
 12 appointed by the governor after considering the
 13 recommendation of the Indiana Telephone Association under
 14 subsection (b)(7)(B). A member appointed under this
 15 subdivision may not be affiliated with the same business entity
 16 as a member appointed under subdivision (3), (8), or (10).
 17 (10) One (1) VoIP provider who is appointed by the governor
 18 after considering the recommendation of the Indiana Cable
 19 Telecommunications Association under subsection (b)(8). A
 20 member appointed under this subdivision may not be
 21 affiliated with the same business entity as a member
 22 appointed under subdivision (3), (8), or (9).
 23 (11) The superintendent of the state police department or the
 24 superintendent's designee.
 25 (d) This subsection applies to a member appointed by the
 26 governor under subsection (c)(2) through (c)(10). The governor
 27 shall ensure that the terms of the initial members appointed by the
 28 governor are staggered so that the terms of not more than four (4)
 29 members expire in a single calendar year. After the initial
 30 appointments, subsequent appointments are for four (4) year
 31 terms. A vacancy on the board shall be filled for the vacating
 32 member's unexpired term in the same manner as the original
 33 appointment, and a member of the board is eligible for
 34 reappointment. In making an appointment under subsection (c)(2)
 35 through (c)(10), the governor shall take into account the various
 36 geographical areas of the state, including rural and urban areas. A
 37 member appointed by the governor serves at the pleasure of the
 38 governor.
 39 (e) A member of the board must be an Indiana resident.
 40 SECTION 28. IC 36-8-16.5-19 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) The board
 42 shall meet at least four (4) times per year at the call of the

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chairperson.

(b) A majority of the members of the board constitutes a quorum for purposes of taking action. ~~Except as provided in section 39(b) of this chapter,~~ The board may take action approved by a majority of the members of the board present at a meeting of the board.

SECTION 29. IC 36-8-16.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. (a) The **state** wireless emergency telephone system fund is established for the purpose of creating and maintaining an enhanced wireless 911 system.

(b) The expenses of administering the fund must be paid from money in the fund.

SECTION 30. IC 36-8-16.5-22, AS AMENDED BY P.L.113-2010, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 22. (a) The fund consists of the following:

- (1) **With respect to CMRS provided before January 1, 2013,** service charges assessed on CMRS users in the state under section ~~25.5~~ **25.5(b)(1)** of this chapter.
- (2) Appropriations made by the general assembly.
- (3) Grants and gifts intended for deposit in the fund.
- (4) Interest, premiums, gains, or other earnings on the fund.
- (5) **With respect to retail transactions occurring before January 1, 2013,** enhanced prepaid wireless charges collected and remitted under IC 36-8-16.6-12 **(before its expiration).**
- (6) **Money paid to the board under sections 36, 42.6, and 60 of this chapter.**

(b) **The balance of the fund may not exceed two million five hundred thousand dollars (\$2,500,000) at the end of any state fiscal year. The board shall distribute the amount of any excess to the counties containing PSAPs in the manner that money is distributed under section 39 of this chapter (before its expiration). Money received under this subsection must be deposited in the fund established by the county under section 43 of this chapter and used for the purposes permitted by section 43.5 of this chapter.**

SECTION 31. IC 36-8-16.5-25.5, AS AMENDED BY P.L.113-2010, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25.5. (a) As used in this section, "customer" and "place of primary use" have the meanings set forth in IC 6-8.1-15.

(b) Except as provided in section 34 of this chapter:

- (1) the board shall assess a monthly wireless emergency enhanced 911 fee on each standard user that is a customer having a place of

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1 primary use in Indiana for a calendar year ending before
2 **January 1, 2013; and**

3 **(2) a county fiscal body may by ordinance assess a monthly**
4 **wireless emergency enhanced 911 fee on each standard user**
5 **that is a customer having a place of primary use in the county**
6 **for a calendar year beginning after December 31, 2012.**

7 A customer's place of primary use shall be determined in the manner
8 provided by IC 6-8.1-15.

9 (c) The fee assessed under subsection (b) does not apply to a
10 prepaid user in a retail transaction under IC 36-8-16.6 **(before its**
11 **expiration) or section 56 of this chapter.**

12 **(d) A wireless emergency enhanced 911 fee imposed by**
13 **ordinance must be:**

14 **(1) uniform; and**

15 **(2) in an amount equal to the fee imposed by the county under**
16 **section 42.1 of this chapter.**

17 **(e) An ordinance imposing a fee under this section may not**
18 **impose a monthly fee that exceeds two dollars (\$2).**

19 SECTION 32. IC 36-8-16.5-25.6 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2012]: **Sec. 25.6. (a) The fiscal body of a**
22 **county may adopt an ordinance to change the amount of the**
23 **wireless emergency enhanced 911 fee that it imposed under section**
24 **25.5(b)(2) of this chapter. However, the new fee must comply with**
25 **the limitations provided in section 25.5(d) of this chapter. In**
26 **addition, the fiscal body of a county may not adopt more than one**
27 **(1) ordinance in any calendar year to change the fee imposed by**
28 **the county.**

29 **(b) The fiscal body of a county may adopt an ordinance to**
30 **rescind the wireless emergency enhanced 911 fee that it imposed**
31 **under section 25.5(b)(2) of this chapter.**

32 SECTION 33. IC 36-8-16.5-25.7 IS ADDED TO THE INDIANA
33 CODE AS A NEW SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2012]: **Sec. 25.7. An ordinance adopted**
35 **under section 25.5(b)(2) or 25.6 of this chapter takes effect on the**
36 **first day of the second month after the month during which the**
37 **ordinance is adopted. However an ordinance adopted under section**
38 **25.5(b)(2) of this chapter to initially impose a wireless emergency**
39 **enhanced 911 fee may not take effect before January 1, 2013.**

40 SECTION 34. IC 36-8-16.5-26, AS AMENDED BY P.L.146-2005,
41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2012]: **Sec. 26. (a) Except as provided in subsection (d), the**

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1 board may adjust the wireless emergency enhanced 911 fee that is
 2 assessed under section ~~25.5~~ **25.5(b)(1)** of this chapter. The board shall
 3 assess the fee at rates that ensure full recovery over a reasonable period
 4 of time of:

- 5 (1) costs incurred by CMRS providers before July 1, 2005; and
 6 (2) the amount needed for the board to make distributions to
 7 PSAPs consistent with this chapter;

8 to develop and maintain an enhanced wireless 911 system.

9 (b) The fee assessed under section ~~25.5~~ **25.5(b)(1)** of this chapter
 10 may not:

- 11 (1) be raised or lowered more than one (1) time in a calendar year;
 12 (2) be raised more than seven cents (\$0.07) by an adjustment; or
 13 (3) exceed one dollar (\$1) per month for each telephone number.

14 (c) If:

- 15 (1) all CMRS providers have been reimbursed for their costs as
 16 provided in section 39(c) of this chapter (**before July 1, 2012**);
 17 and
 18 (2) the fee assessed under section ~~25.5~~ **25.5(b)(1)** of this chapter
 19 is greater than fifty cents (\$0.50);

20 the board shall reduce the fee so that the fee is not more than fifty cents
 21 (\$0.50). A reduction of the fee under this subsection is not to be
 22 considered an adjustment under subsection (a).

23 **(d) After June 30, 2012, the board may not adjust the fee**
 24 **imposed by the board under section 25.5(b)(1) of this chapter.**

25 **(e) A wireless emergency enhanced 911 fee imposed by the**
 26 **board under section 25.5(b)(1) of this chapter remains in effect**
 27 **until January 1, 2013.**

28 **(f) The board may not take any action concerning the imposition**
 29 **of a wireless enhanced 911 fee by county ordinance under section**
 30 **25.5(b)(2) of this chapter.**

31 SECTION 35. IC 36-8-16.5-29, AS AMENDED BY P.L.113-2010,
 32 SECTION 143, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2012]: Sec. 29. An additional fee relating to the
 34 provision of wireless 911 service may not be levied by a state agency
 35 or local unit of government. An enhanced prepaid wireless charge (~~as~~
 36 ~~defined in IC 36-8-16.6-4~~) is not considered an additional fee relating
 37 to the provision of wireless 911 service for purposes of this section.

38 SECTION 36. IC 36-8-16.5-30.5, AS AMENDED BY
 39 P.L.113-2010, SECTION 144, IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 30.5. (a) As used in this
 41 section, "customer" and "place of primary use" have the meanings set
 42 forth in IC 6-8.1-15.

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1 (b) Except as provided in section 34 of this chapter, a CMRS
 2 provider shall, as part of its normal monthly billing process, collect the
 3 wireless emergency enhanced 911 fee assessed under section 25.5 of
 4 this chapter from each standard user that is a customer having a place
 5 of primary use in Indiana and may list the fee as a separate line item on
 6 each bill. A customer's place of primary use shall be determined in the
 7 manner provided by IC 6-8.1-15. If a CMRS provider receives a partial
 8 payment for a monthly bill from a CMRS standard user, the CMRS
 9 provider shall apply the payment against the amount the CMRS
 10 standard user owes to the CMRS provider before applying the payment
 11 against the fee.

12 ~~(c) This subsection applies only if IC 36-8-16.6 expires and sunsets~~
 13 ~~under the conditions set forth in IC 36-8-16.6-22. A CMRS provider~~
 14 ~~shall collect and remit to the board under section 36 of this chapter fees~~
 15 ~~from its prepaid users in a total amount equal to the fee amount~~
 16 ~~multiplied by the number of active prepaid user accounts on the last~~
 17 ~~day of each calendar month.~~

18 **(c) If the amount of a fee collected for a particular county by a**
 19 **CMRS provider under this section exceeds the amount of a fee**
 20 **imposed by the board under section 25.5(b)(1) of this chapter, the**
 21 **CMRS provider may indicate on its billing statement that the**
 22 **amount of the increase is the result of legislative action authorizing**
 23 **the locally imposed increase.**

24 SECTION 37. IC 36-8-16.5-32, AS AMENDED BY P.L.113-2010,
 25 SECTION 146, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2012]: Sec. 32. A CMRS provider is not
 27 required to take legal action to enforce the collection of the wireless
 28 emergency enhanced 911 fee for which a user is billed. However, a
 29 collection action may be initiated by the board **or county, whichever**
 30 **is appropriate.** A court finding for the board **or county** in the action
 31 may award reasonable costs and attorney's fees associated with the
 32 collection action.

33 SECTION 38. IC 36-8-16.5-35 IS REPEALED [EFFECTIVE
 34 JANUARY 1, 2013]. Sec. 35: A CMRS provider may keep seven
 35 tenths of a cent (\$0.007) of the wireless emergency enhanced 911 fee
 36 collected each month from each user for the purpose of defraying the
 37 administrative costs of collecting the fee.

38 SECTION 39. IC 36-8-16.5-36 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 36. **(a) Before January**
 40 **1, 2013,** a fee collected by a CMRS provider under this chapter, less
 41 the administrative fee described in section 35 of this chapter **(before**
 42 **its repeal),** must be remitted to the board for deposit into the fund not

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1 more than sixty (60) days after the end of the calendar month in which
2 the fee is collected.

3 **(b) After December 31, 2012, a fee collected by a CMRS**
4 **provider under this chapter, less the administrative fee described**
5 **in section 36.5 of this chapter, must be remitted to the county**
6 **treasurer of the county in which the customer's place of primary**
7 **use is located. In a county having a consolidated city, the service**
8 **supplier shall remit the remainder of the fees the service supplier**
9 **collects during a calendar quarter to the fiscal officer of the**
10 **consolidated city. Fees collected by a CMRS provider must be**
11 **remitted to the appropriate county treasurer or fiscal officer not**
12 **more than sixty (60) days after the end of the calendar month in**
13 **which the fee is collected. At the same time the collected fees are**
14 **remitted, the CMRS provider shall provide a fee collection report**
15 **to the auditor of the county. In a county having a consolidated city,**
16 **the CMRS provider shall provide a fee collection report to the**
17 **fiscal officer of the consolidated city at the same time the collected**
18 **fees are remitted. The CMRS provider shall prepare the report on**
19 **a form provided by the auditor or fiscal officer.**

20 **(c) Except as provided in subsection (d), the county treasurer or**
21 **fiscal officer of a consolidated city shall deposit revenue received**
22 **under subsection (b) in the fund established under section 43 of this**
23 **chapter.**

24 **(d) The county treasurer shall transfer five cents (\$0.05) of**
25 **every fee received under this section to the board for deposit in the**
26 **state wireless emergency telephone system fund.**

27 SECTION 40. IC 36-8-16.5-36.5 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2012]: **Sec. 36.5. (a) This section applies to**
30 **CMRS provided after December 31, 2012.**

31 **(b) Each CMRS provider that collects a wireless emergency**
32 **enhanced 911 fee that is assessed by ordinance under section**
33 **25.5(b)(2) of this chapter on behalf of a county is entitled to a one**
34 **percent (1%) administrative fee as compensation for collecting the**
35 **fees.**

36 SECTION 41. IC 36-8-16.5-37 IS REPEALED [EFFECTIVE JULY
37 1, 2012]. ~~Sec. 37. Except as provided in section 35 of this chapter, a~~
38 ~~CMRS provider may recover from the fund all of its costs incurred~~
39 ~~before July 1, 2005, to implement enhanced wireless 911 service. To~~
40 ~~be recovered from the fund, the costs must be invoiced to the board as~~
41 ~~required by section 42 of this chapter.~~

42 SECTION 42. IC 36-8-16.5-38 IS REPEALED [EFFECTIVE JULY

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1 1, 2012]. Sec. 38: To recover costs under section 37 of this chapter, a
 2 CMRS provider must submit a full, sworn, true, complete, and detailed
 3 cost recovery plan. The board must approve the plan before the CMRS
 4 provider may recover costs from the fund under section 37 of this
 5 chapter.

6 SECTION 43. IC 36-8-16.5-39, AS AMENDED BY P.L.113-2010,
 7 SECTION 149, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2012]: Sec. 39. (a) Except as provided by
 9 section 26 of this chapter and subsections (b) and (c), the fund must be
 10 managed in the following manner:

11 (1) Three cents (\$0.03) of the wireless emergency 911 fee
 12 collected from each user must be deposited in an escrow account
 13 to be used to reimburse:

14 (A) CMRS providers, PSAPs, and the board for costs
 15 associated with implementation of phase two (2) of the FCC
 16 order; and

17 (B) the board for costs associated with other wireless enhanced
 18 911 services mandated by the FCC and specified in the FCC
 19 order but not incurred by CMRS providers or PSAPs.

20 A CMRS provider or a PSAP may recover costs under this
 21 chapter if the costs are incurred before July 1, 2005, and invoiced
 22 to the board not later than December 31, 2005. The board may
 23 invest money in the account in the manner prescribed by section
 24 23 of this chapter and may use the proceeds of the investments to
 25 reimburse CMRS providers and PSAPs under this subdivision.

26 (2) At least twenty-five cents (\$0.25) of the wireless emergency
 27 911 fee collected from each user must be deposited in an escrow
 28 account and used to reimburse CMRS providers for the actual
 29 costs incurred by the CMRS providers before July 1, 2005, in
 30 complying with the wireless 911 requirements established by the
 31 FCC order and rules that are adopted by the FCC under the FCC
 32 order, including costs and expenses incurred in designing;
 33 upgrading; purchasing; leasing; programming; installing; testing;
 34 or maintaining all necessary data, hardware, and software
 35 required to provide service as well as the costs of operating the
 36 service. The board may invest money in the account in the manner
 37 prescribed by section 23 of this chapter and may use the proceeds
 38 of the investments to reimburse CMRS providers under this
 39 subdivision. The CMRS provider may only request funds for true
 40 cost recovery. The board may increase the amount held in escrow
 41 under this subdivision not more than one (1) time a calendar year.
 42 If the board adjusts the wireless emergency 911 fee under section

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1 26(a) of this chapter within a calendar year; an adjustment to the
 2 amount held in escrow under this subdivision for the calendar
 3 year must be made at that time:

4 (3) Two percent (2%) of the wireless emergency 911 fee collected
 5 from each user may be used by the board to recover the board's
 6 expenses in administering this chapter. However, the board may
 7 increase this percentage at the time the board may adjust the
 8 monthly fee assessed against each user to allow for full recovery
 9 of administration expenses:

10 (4) The remainder of the wireless emergency 911 fee collected
 11 from each user must be distributed in the following manner:

12 (A) The board shall distribute on a monthly basis to each
 13 county containing one (1) or more eligible PSAPs; as
 14 identified by the county in the notice required under section 40
 15 of this chapter; a part of the remainder based upon the county's
 16 percentage of the state's population (as reported in the most
 17 recent official United States census): A county must use a
 18 distribution received under this clause to make distributions to
 19 PSAPs that:

20 (i) are identified by the county under section 40 of this
 21 chapter as eligible for distributions; and

22 (ii) accept wireless enhanced 911 service;

23 for actual costs incurred by the PSAPs in complying with the
 24 wireless enhanced 911 requirements established by the FCC
 25 order and rules:

26 (B) The amount of the fee remaining, if any, after the
 27 distributions required under clause (A) must be distributed in
 28 equal shares between the escrow accounts established under
 29 subdivisions (1) and (2):

30 (b) Notwithstanding the requirements described in subsection (a);
 31 the board may transfer money between and among the accounts in
 32 subsection (a) in accordance with the following procedures:

33 (1) For purposes of acting under this subsection, the board must
 34 have a quorum consisting of at least one (1) member appointed
 35 under section 18(c)(2) of this chapter and at least one (1) member
 36 appointed under section 18(c)(3) of this chapter.

37 (2) A transfer under this subsection must be approved by the
 38 affirmative vote of:

39 (A) at least fifty percent (50%) of the members present at a
 40 duly called meeting of the board who are appointed under
 41 section 18(c)(2) of this chapter; and

42 (B) at least fifty percent (50%) of the members present at a

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- 1 duly called meeting of the board who are appointed under
2 section 18(c)(3) of this chapter.
- 3 (3) The board may make transfers only one (1) time during a
4 calendar year.
- 5 (4) The board may not make a transfer that:
- 6 (A) impairs cost recovery by CMRS providers or PSAPs; or
7 (B) impairs the ability of the board to fulfill its management
8 and administrative obligations described in this chapter.
- 9 (c) If all CMRS providers have been reimbursed for their costs
10 under this chapter, and the fee has been reduced under section 26(c) of
11 this chapter, (a) After June 30, 2012, the board shall manage the fund
12 in the following manner:
- 13 (1) One cent (\$0.01) of the wireless emergency 911 fee collected
14 from each user may be used by the board to recover the board's
15 expenses in administering this chapter. However, the board may
16 increase this amount at the time the board may adjust the monthly
17 fee assessed against each user to allow for full recovery of
18 administration expenses.
- 19 (2) Thirty-eight and three tenths cents (\$0.383) of the wireless
20 emergency 911 fee collected from each user must be distributed
21 to each county containing at least one (1) PSAP, as identified in
22 the county notice required by section 40 of this chapter. The
23 board shall make these distributions in the following manner:
- 24 (A) The board shall distribute on a monthly basis to each
25 eligible county thirty-four and four tenths cents (\$0.344) of the
26 wireless emergency 911 fee based upon the county's
27 percentage of the state's population.
- 28 (B) The board shall distribute on a monthly basis to each
29 eligible county three and nine tenths cents (\$0.039) of the
30 wireless emergency 911 fee equally among the eligible
31 counties. A county must use a distribution received under this
32 clause to reimburse PSAPs that:
- 33 (i) are identified by the county under section 40 of this
34 chapter as eligible for distributions; and
35 (ii) accept wireless enhanced 911 service;
36 for actual costs incurred by the PSAPs in complying with the
37 wireless enhanced 911 requirements established by the FCC
38 order and rules.
- 39 (3) The board shall deposit the remainder of the wireless
40 emergency 911 fee collected from each user into an escrow
41 account to be used for costs associated with other wireless
42 enhanced 911 services mandated by the FCC and specified in the

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1 FCC order but not incurred by PSAPs. The board may invest
2 money in the account in the manner prescribed by section 23 of
3 this chapter and may use the proceeds of the investments for costs
4 associated with other wireless enhanced 911 services mandated
5 by the FCC but not specified in the FCC order or to make
6 distributions to PSAPs under this section.

7 ~~(3) If the fee has been reduced under section 26(c) of this chapter;~~
8 ~~the board shall determine how money remaining in the accounts~~
9 ~~or money for uses described in subsection (a) is to be allocated~~
10 ~~into the accounts described in this subsection or used for~~
11 ~~distributions under this subsection.~~

12 This subsection does not affect the transfer provisions set forth in
13 subsection (b):

14 **(b) This section does not apply to fees imposed by county**
15 **ordinance under section 25.5(b)(2) of this chapter.**

16 **(c) This section expires July 1, 2013.**

17 SECTION 44. IC 36-8-16.5-40 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 40. To be eligible to
19 receive:

20 (1) distributions from the fund under section 39 of this chapter
21 **(before its expiration) of fees imposed upon CMRS provided**
22 **before January 1, 2013; or**

23 (2) **distributions from a county treasurer or the fiscal officer**
24 **of a consolidated city of fees imposed upon CMRS provided**
25 **after December 31, 2012;**

26 a PSAP must comply with the wireless enhanced 911 requirements
27 established by the FCC order and rules. ~~A county containing one (1) or~~
28 ~~more eligible PSAPs shall submit a written notice to the board that~~
29 ~~identifies each PSAP that complies with the FCC order and rules.~~
30 ~~Distributions under section 39 of this chapter to a county containing~~
31 ~~one (1) or more eligible PSAPs must begin in the first full month after~~
32 ~~the board receives the county's written notice under this section. The~~
33 ~~county treasurer shall deposit the distributions as prescribed in section~~
34 ~~43 of this chapter.~~

35 SECTION 45. IC 36-8-16.5-41 IS REPEALED [EFFECTIVE JULY
36 1, 2012]. Sec. 41: (a) A PSAP shall use its distribution made under
37 section 39 of this chapter for the lease, purchase, or maintenance of
38 wireless enhanced emergency telephone equipment, including:

39 (1) necessary computer hardware, software, and data base
40 equipment;

41 (2) personnel expense and training;

42 (3) the provision of wireless enhanced emergency service; or

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- 1 (4) educating consumers about the operations; limitations; role;
- 2 and responsible use of enhanced 911 service.
- 3 (b) If:
- 4 (1) the board receives a written complaint alleging that a PSAP
- 5 has used money received under this chapter in a manner that is
- 6 inconsistent with this chapter; and
- 7 (2) a majority of the board votes to conduct an audit of the PSAP;
- 8 the board may contract with a third party auditor to audit the PSAP to
- 9 determine whether the PSAP has used money received under this
- 10 chapter in a manner consistent with this chapter.
- 11 (c) The state board of accounts shall audit the expenditures of
- 12 wireless emergency enhanced 911 fees made during each of the
- 13 following calendar years by each PSAP that received distributions
- 14 under section 39 of this chapter during the following calendar years:
- 15 (1) The calendar year ending December 31, 2005.
- 16 (2) The calendar year ending December 31, 2006.
- 17 (3) The calendar year ending December 31, 2007.
- 18 Not later than November 1, 2008, the state board of accounts shall
- 19 report to the regulatory flexibility committee established by
- 20 IC 8-1-2.6-4 on the audits conducted under this subsection.
- 21 (d) The state board of accounts annually shall audit the expenditures
- 22 of wireless emergency enhanced 911 fees made during the immediately
- 23 preceding calendar year by each PSAP that received distributions under
- 24 section 39 of this chapter during the immediately preceding calendar
- 25 year. The state board of accounts shall conduct the first audits required
- 26 by this subsection with respect to expenditures of wireless emergency
- 27 enhanced 911 fees made during the calendar year ending December 31,
- 28 2008.
- 29 (e) In conducting the audits required under subsections (c) and (d);
- 30 the state board of accounts shall determine whether the expenditures
- 31 made by each PSAP are in compliance with subsection (a).
- 32 SECTION 46. IC 36-8-16.5-42 IS REPEALED [EFFECTIVE JULY
- 33 1, 2012]. Sec. 42: (a) A CMRS provider shall submit to the board
- 34 sworn invoices related to a request for reimbursement under section 39
- 35 of this chapter. An invoice submitted under this section must contain
- 36 language swearing or affirming; under the penalty of perjury, that the
- 37 representations made in the invoice are accurate to the best of the
- 38 signer's knowledge. The signer must be:
- 39 (1) an employee or officer of the CMRS provider submitting the
- 40 invoice; and
- 41 (2) designated by the CMRS provider to sign on its behalf and
- 42 bind the CMRS provider to the representations made.

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1 The board may not approve an invoice submitted under this section if
 2 reimbursement of a cost described in the invoice is not related to
 3 compliance with the requirements of the FCC order and the rules
 4 adopted by the FCC under the FCC order. The board may not approve
 5 an invoice submitted under this section after December 31, 2005.

6 (b) If:

7 (1) the board receives a written complaint alleging that a CMRS
 8 provider has used money received under this chapter in a manner
 9 that is inconsistent with this chapter; and

10 (2) a majority of the board votes to conduct an audit of the CMRS
 11 provider;

12 the board may contract with a third party auditor to audit the CMRS
 13 provider to determine whether the CMRS provider has used money
 14 received under this chapter in a manner consistent with this chapter.

15 SECTION 47. IC 36-8-16.5-42.1 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2012]: **Sec. 42.1. (a) Subject to the limitations**
 18 **provided in section 42.2 of this chapter, the fiscal body of a county**
 19 **may adopt an ordinance to impose a monthly enhanced emergency**
 20 **telephone system fee for each exchange access facility used in the**
 21 **county.**

22 (b) If a county fiscal body imposes a countywide fee and
 23 establish a countywide enhanced emergency telephone system, the
 24 county shall allow all public emergency response agencies in the
 25 county to participate in the enhanced emergency telephone system.
 26 The fee must be sufficient to pay the cost of the installation and
 27 operation of the enhanced emergency telephone system for all
 28 participating agencies.

29 SECTION 48. IC 36-8-16.5-42.2 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2012]: **Sec. 42.2. (a) An enhanced emergency**
 32 **telephone system fee:**

33 (1) must be uniform;

34 (2) must be imposed in an amount equal to any wireless
 35 emergency enhanced 911 fee imposed by the county fiscal
 36 body under section 25.5(b)(2) of this chapter; and

37 (3) may not vary according to the type of exchange access
 38 facilities used in the county.

39 (b) The ordinance imposing a fee under section 42.1 of this
 40 chapter may not impose a fee that exceeds two dollars (\$2).

41 SECTION 49. IC 36-8-16.5-42.3 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2012]: **Sec. 42.3. (a) The fiscal body of a**
 2 **county may adopt an ordinance to change the amount of the**
 3 **enhanced emergency telephone system fee that the fiscal body**
 4 **imposed under section 42.1 of this chapter. However, the new fee**
 5 **must comply with the limitations provided in section 42.2 of this**
 6 **chapter. In addition, the fiscal body of a county may not adopt**
 7 **more than one (1) ordinance in any calendar year to change the fee**
 8 **imposed by the county.**

9 (b) **The fiscal body of a county may adopt an ordinance to**
 10 **rescind the enhanced emergency telephone system fee that the**
 11 **fiscal body imposed under section 42.1 of this chapter.**

12 SECTION 50. IC 36-8-16.5-42.4 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2012]: **Sec. 42.4. An ordinance adopted**
 15 **under section 42.1 or 42.3 of this chapter takes effect on the first**
 16 **day of the second month after the month during which the**
 17 **ordinance is adopted. However, an ordinance to initially impose an**
 18 **enhanced emergency telephone system fee under section 42.1 of**
 19 **this chapter may not take effect before January 1, 2013.**

20 SECTION 51. IC 36-8-16.5-42.5 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2012]: **Sec. 42.5. (a) A person who uses an**
 23 **exchange access facility is liable for the monthly enhanced**
 24 **emergency telephone system fees, if any, imposed with respect to**
 25 **that facility. Each service supplier shall, on behalf of the county,**
 26 **collect the fee from those service users to whom it provides**
 27 **exchange telephone service in the county. The service supplier shall**
 28 **collect the fee, for each month or part of a month an exchange**
 29 **access facility is in service, as part of its normal monthly billing**
 30 **process, and it may list the fee as a separate entry on each bill. If**
 31 **a service supplier receives a partial payment from a service user,**
 32 **the service supplier shall apply the payment against the amount the**
 33 **service user owes the service supplier first. If the amount of a fee**
 34 **collected for a particular county by a service supplier under this**
 35 **section exceeds the amount of a fee collected under IC 36-8-16**
 36 **(before its expiration), the service supplier may indicate on its**
 37 **billing statement that the amount of the increase is the result of**
 38 **legislative action authorizing the locally imposed increase.**

39 (b) **During January of each year, each service supplier that is**
 40 **required to collect the fee for a particular county shall provide the**
 41 **treasurer of the county with a delinquent fee report. In a county**
 42 **having a consolidated city, each service supplier that is required to**

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1 collect the fee shall provide the delinquent fee report to the fiscal
 2 officer of the consolidated city. On the report, the service supplier
 3 shall list the name and address of each service user who is two (2)
 4 or more months delinquent in paying the fee. The service supplier
 5 shall also indicate the amount of delinquent fees for which each
 6 person included on the list is liable.

7 (c) A service supplier has no obligation to take any legal action
 8 to enforce the collection of the fees for which any service user is
 9 liable. However, an action may be initiated by the county that
 10 imposed the fees.

11 (d) Notwithstanding section 42.1 of this chapter, if one (1)
 12 enhanced emergency telephone system serves exchange access
 13 facilities in more than one (1) county, the fiscal body of the county
 14 that provides the system may adopt an ordinance imposing the
 15 enhanced emergency telephone system fee on each person who uses
 16 an exchange access facility served by the system. The fee may be
 17 imposed under this subsection without regard to whether the
 18 service user resides in the county providing the system.

19 (e) Before an enhanced emergency telephone system fee may be
 20 imposed on a service user who resides in a county other than the
 21 county providing the system, the fiscal body of the county
 22 providing the system must obtain the written approval of the fiscal
 23 body of each county in which residents will be subject to the fee. A
 24 person who uses an exchange access facility is liable for the
 25 monthly enhanced emergency telephone system fee imposed with
 26 respect to the exchange access facility.

27 SECTION 52. IC 36-8-16.5-42.6 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2012]: **Sec. 42.6. (a) Each service supplier**
 30 **that collects the enhanced emergency telephone system fee on**
 31 **behalf of a county is entitled to a one percent (1%) administrative**
 32 **fee as compensation for collecting the fees. The service supplier**
 33 **shall remit the remainder of the fees the service supplier collects**
 34 **during a calendar quarter to the treasurer of the county not later**
 35 **than ten (10) days after the last day of the quarter. In a county**
 36 **having a consolidated city, the service supplier shall remit the**
 37 **remainder of the fees the service supplier collects during a**
 38 **calendar quarter to the fiscal officer of the consolidated city not**
 39 **later than ten (10) days after the last day of the quarter. At the**
 40 **same time the collected fees are remitted, the service supplier shall**
 41 **provide a fee collection report to the auditor of the county. In a**
 42 **county having a consolidated city, the service supplier shall provide**

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1 a fee collection report to the fiscal officer of the consolidated city
2 at the same time the collected fees are remitted. The service
3 supplier shall prepare the report on a form provided by the auditor
4 or fiscal officer.

5 (b) Except as provided in subsection (c), the county treasurer or
6 fiscal officer of a consolidated city shall deposit revenue received
7 under subsection (a) in the fund established under section 43 of this
8 chapter.

9 (c) The county treasurer shall transfer five cents (\$0.05) of every
10 fee received under this section to the board for deposit in the state
11 wireless emergency telephone system fund.

12 SECTION 53. IC 36-8-16.5-43 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 43. ~~The distribution of~~
14 ~~wireless emergency enhanced 911 funds by the board for cost recovery~~
15 ~~by PSAPs under section 39 of this chapter must be deposited by (a)~~
16 ~~The county treasurer or the fiscal officer of a consolidated city that~~
17 ~~imposes:~~

- 18 (1) a wireless emergency enhanced 911 fee;
 - 19 (2) an enhanced emergency telephone system fee; and
 - 20 (3) an enhanced prepaid wireless charge;
- 21 shall deposit the fees and charges in a separate fund set aside for the
22 purposes allowed by section ~~41~~ 43.5 of this chapter. The fund must be
23 known as the _____ (insert name of county) ~~wireless emergency~~
24 ~~telephone 911~~ system fund.

25 (b) The county treasurer or fiscal officer may invest money in the
26 fund in the same manner that other money of the county may be
27 invested, but income earned from the investment must be deposited in
28 the fund set aside under this section.

29 SECTION 54. IC 36-8-16.5-43.5 IS ADDED TO THE INDIANA
30 CODE AS A NEW SECTION TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2012]: Sec. 43.5. (a) Money deposited into a
32 911 system fund established by a county under section 43 of this
33 chapter may be used only for the following purposes:

- 34 (1) Expenses associated with communications service
35 equipment located within the physical structure that houses
36 a PSAP, including:
 - 37 (A) maintenance costs;
 - 38 (B) costs for the purchase of radio equipment; and
 - 39 (C) costs for the purchase or lease of telephone lines, fiber
40 optic cables, or microwave links.
- 41 (2) Necessary system hardware and software and data base
42 equipment.

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- 1 **(3) Personnel expenses, including wages, benefits, training,**
 2 **and continuing education.**
 3 **(4) Operational costs, including costs associated with:**
 4 **(A) utilities;**
 5 **(B) maintenance;**
 6 **(C) equipment designed to provide backup power or**
 7 **system redundancy, including generators; and**
 8 **(D) call logging equipment.**
 9 **(5) Connectivity to the Indiana data and communication**
 10 **system (IDACS).**
 11 **(6) An emergency telephone notification system under**
 12 **IC 36-8-21.**
 13 **(7) Radio equipment for first responder agencies.**
 14 **(b) The state board of accounts annually shall audit the**
 15 **expenditures from a county's 911 system fund during the**
 16 **immediately preceding calendar year by each PSAP, department,**
 17 **or agency that received distributions from the fund during the**
 18 **immediately preceding calendar year.**
 19 **(c) In conducting the audits required under subsection (b), the**
 20 **state board of accounts shall determine whether the expenditures**
 21 **from the fund are in compliance with subsection (a).**
 22 **(d) The state board of accounts shall impose upon any PSAP,**
 23 **political subdivision, or agency found to have made a noncompliant**
 24 **expenditure a financial penalty equal to the amount of the**
 25 **noncompliant expenditure. The PSAP, political subdivision, or**
 26 **agency shall pay the amount to the county treasurer for deposit in**
 27 **the county's general fund from any funding source available to the**
 28 **PSAP, political subdivision, or agency.**
 29 **SECTION 55. IC 36-8-16.5-52 IS ADDED TO THE INDIANA**
 30 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 31 **[EFFECTIVE JULY 1, 2012]: Sec. 52. (a) A county may contract**
 32 **with a service supplier over any term negotiated between the**
 33 **county and the service supplier and may make payments from the**
 34 **emergency telephone system fund to provide any payments**
 35 **required by the contract.**
 36 **(b) A county may negotiate and enter into a lease, contract, or**
 37 **other obligation with a person for the purpose of procuring funds**
 38 **to make the payments required by a contract with a service**
 39 **supplier.**
 40 **(c) A county may use money in an emergency telephone system**
 41 **fund established before July 1, 2012, to make payments of debt**
 42 **service on any bonds or other obligations issued to purchase, to pay**

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1 any lease rentals for the lease of, an enhanced emergency telephone
 2 system or to make payments required under a lease, contract, or
 3 other obligation entered into under subsection (b).

4 (d) A county may pledge money in an emergency telephone
 5 system fund described in subsection (c) to make payments
 6 permitted by subsection (a), (b), or (c) in the manner set forth in
 7 IC 5-1-14. A county may limit payments permitted by subsection
 8 (a), (b), or (c) to money in the emergency telephone system fund
 9 described in subsection (c). The obligations of the county to make
 10 the payments from that fund do not constitute a debt of the unit.
 11 The contract, bond, obligation, or lease must contain a statement
 12 to that effect if payments are so limited.

13 (e) Fees and charges deposited into a fund established under
 14 section 43 of this chapter may not be pledged for the purposes of
 15 this section.

16 SECTION 56. IC 36-8-16.5-53 IS ADDED TO THE INDIANA
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2012]: **Sec. 53. (a) Service suppliers shall**
 19 **provide upon request the necessary customer data to implement an**
 20 **enhanced emergency telephone system. Customer data provided to**
 21 **a county or municipality for the purpose of implementing or**
 22 **updating an enhanced emergency telephone system may be used**
 23 **only to identify the telephone location or service user, or both, and**
 24 **may not be used or disclosed by the county or municipality, or its**
 25 **agents or employees, for any other purpose unless the data is used**
 26 **or disclosed under a court order. A person who knowingly,**
 27 **recklessly, or intentionally violates this subsection commits a Class**
 28 **A misdemeanor.**

29 (b) In providing 911 database information as described under
 30 section 2 of this chapter, the service supplier shall provide:

- 31 (1) the telephone number service address;
- 32 (2) the class of service; and
- 33 (3) a designation of listed, unlisted, or nonpublished;

34 for each service user in the county or municipality. The service
 35 supplier shall provide this 911 database information to the county
 36 or municipality on a quarterly basis. The service supplier may
 37 charge a reasonable fee to the political subdivision for the
 38 administrative costs of providing the 911 database information.
 39 The service supplier may not be held liable in an action arising
 40 under this section.

41 SECTION 57. IC 36-8-16.5-53.5 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2012]: **Sec. 53.5. (a)** After May 31, 1988, a
 2 contract entered into between a service supplier and a service user
 3 who has an unlisted or nonpublished telephone number listing may
 4 not include a provision that prohibits the service supplier from
 5 providing the service user's telephone number to a unit for
 6 inclusion in an enhanced telephone system data base. A service
 7 supplier (other than a service supplier who before June 1, 1988, has
 8 contracted to not divulge a service user's unlisted or nonpublished
 9 telephone number) shall provide the unit the name, telephone
 10 number, and address of each service user of the supplier. A unit
 11 may not release a telephone number required to be provided under
 12 this section to any person for a purpose other than including the
 13 telephone number in the enhanced emergency telephone system
 14 data base or providing the telephone number to permit a response
 15 to a police, fire, medical, or other emergency situation.

16 (b) A service supplier may amend or terminate a contract with
 17 a service user if:

18 (1) the contract contains a provision that prohibits the service
 19 supplier from providing the user's telephone number to a unit
 20 for inclusion in an enhanced telephone system data base;

21 (2) the exclusion of the telephone number from the data base
 22 would negate the purpose of this chapter; and

23 (3) the service user is notified of the proposed amendment or
 24 termination of that contract at least one hundred eighty (180)
 25 days before the service supplier takes that action.

26 SECTION 58. IC 36-8-16.5-54 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2012]: **Sec. 54.** A service supplier or
 29 telephone company and the service supplier's or telephone
 30 company's employees, directors, officers, and agents are not liable
 31 for any damages in a civil action for injuries, death, or loss to
 32 persons or property incurred by any person as a result of any act
 33 or omission of the service supplier or telephone company, or of any
 34 of the service supplier's or telephone company's employees,
 35 directors, officers, or agents, except for willful or wanton
 36 misconduct in connection with developing, adopting, implementing,
 37 maintaining, providing data to, or operating an enhanced
 38 emergency telephone system, including an emergency telephone
 39 notification system (as defined in IC 36-8-21-1).

40 SECTION 59. IC 36-8-16.5-55 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2012]: **Sec. 55. (a)** A service supplier that

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1 intentionally fails to collect or remit the enhanced emergency
2 telephone system fee as required by this chapter commits a Class
3 A infraction.

4 SECTION 60. IC 36-8-16.5-56 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2012]: **Sec. 56. Subject to the limitations**
7 **provided in section 57 of this chapter, the fiscal body of a county**
8 **may adopt an ordinance to impose an enhanced prepaid wireless**
9 **charge on each retail transaction that occurs in the county.**

10 SECTION 61. IC 36-8-16.5-57 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2012]: **Sec. 57. (a) An enhanced prepaid**
13 **wireless charge must be imposed in an amount equal to any**
14 **wireless emergency enhanced 911 fee imposed by the county fiscal**
15 **body under section 25.5(b)(2) of this chapter.**

16 **(b) The ordinance imposing a fee under section 56 of this**
17 **chapter may not impose a fee that exceeds two dollars (\$2).**

18 **(c) A consumer that is the federal government or an agency of**
19 **the federal government is exempt from the enhanced prepaid**
20 **wireless charge imposed under this section.**

21 SECTION 62. IC 36-8-16.5-58 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2012]: **Sec. 58. (a) The fiscal body of a county**
24 **may adopt an ordinance to change the amount of the enhanced**
25 **prepaid wireless charge that it imposed under section 56 of this**
26 **chapter. However, the new charge must comply with the**
27 **limitations provided in section 57 of this chapter. In addition, the**
28 **fiscal body of a county may not adopt more than one (1) ordinance**
29 **in any calendar year to change the fee imposed by the county.**

30 **(b) The fiscal body of a county may adopt an ordinance to**
31 **rescind the enhanced emergency telephone system fee that it**
32 **imposed under section 56 of this chapter.**

33 SECTION 63. IC 36-8-16.5-59 IS ADDED TO THE INDIANA
34 CODE AS A NEW SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2012]: **Sec. 59. An ordinance adopted under**
36 **section 56 or 58 of this chapter takes effect on the first day of the**
37 **second month after the month during which the ordinance is**
38 **adopted. However, an ordinance to initially impose an enhanced**
39 **prepaid wireless charge under section 56 of this chapter may not**
40 **take effect before January 1, 2013.**

41 SECTION 64. IC 36-8-16.5-60 IS ADDED TO THE INDIANA
42 CODE AS A NEW SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2012]: **Sec. 60. (a) A seller shall collect the**
 2 **enhanced prepaid wireless charge from the consumer with respect**
 3 **to each retail transaction.**

4 **(b) The seller shall disclose to the consumer the amount of the**
 5 **enhanced prepaid wireless charge. The seller may separately state**
 6 **the amount of the enhanced prepaid wireless charge on an invoice,**
 7 **a receipt, or a similar document that the seller provides to the**
 8 **consumer in connection with the retail transaction.**

9 **(c) The county fiscal body of a county imposing an enhanced**
 10 **prepaid wireless charge shall adopt an ordinance to require that**
 11 **the charge be reported on forms approved by the county treasurer**
 12 **and that the charge shall be paid monthly to the county treasurer.**
 13 **If such an ordinance is adopted, the charge shall be paid to the**
 14 **county treasurer not more than twenty (20) days after the end of**
 15 **the month in which the charge is collected.**

16 **(d) All of the provisions of IC 6-2.5 relating to rights, duties,**
 17 **liabilities, procedures, penalties, definitions, exemptions, and**
 18 **administration are applicable to the imposition and administration**
 19 **of the enhanced prepaid wireless charge except to the extent those**
 20 **provisions are in conflict or inconsistent with the specific**
 21 **provisions of this chapter or the requirements of the county**
 22 **treasurer.**

23 **(e) A seller may deduct and retain one percent (1%) of**
 24 **enhanced prepaid wireless charges that the seller collects from**
 25 **consumers to reimburse the direct costs incurred by the seller in**
 26 **collecting and remitting enhanced prepaid wireless charges.**

27 **(f) Except as provided in subsection (g), the county treasurer or**
 28 **fiscal officer of a consolidated city shall deposit revenue received**
 29 **under this section in the fund established under section 43 of this**
 30 **chapter.**

31 **(g) The county treasurer shall transfer five cents (\$0.05) of**
 32 **every fee received under this section to the board for deposit in the**
 33 **state wireless emergency telephone system fund.**

34 SECTION 65. IC 36-8-16.5-61 IS ADDED TO THE INDIANA
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2012]: **Sec. 61. The enhanced prepaid**
 37 **wireless charge is the liability of the consumer and not of the seller**
 38 **or a provider. However, a seller is liable to remit to the board all**
 39 **enhanced prepaid wireless charges that the seller collects from**
 40 **consumers under section 60 of this chapter, including all charges**
 41 **that the seller is considered to collect where the amount of the**
 42 **charge has not been separately stated on an invoice, receipt, or**

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1 **other similar document provided to the consumer by the seller.**

2 SECTION 66. IC 36-8-16.5-62 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2012]: **Sec. 62. The amount of the enhanced**
5 **prepaid wireless charge that is collected by a seller from a**
6 **consumer, whether or not separately stated on an invoice, receipt,**
7 **or other similar document provided to the consumer by the seller,**
8 **may not be included in the base for determining a tax, fee,**
9 **surcharge, or other charge that is imposed by the state, a political**
10 **subdivision, or any other governmental agency.**

11 SECTION 67. IC 36-8-16.5-63 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2012]: **Sec. 63. (a) The department, in**
14 **conjunction and coordination with the board, shall establish**
15 **procedures:**

16 (1) governing the collection and remittance of enhanced
17 prepaid wireless charges that are consistent with the
18 procedures established under IC 6-8.1 concerning other listed
19 taxes that are remitted to a county treasurer; and

20 (2) allowing a seller to document that a sale of prepaid
21 wireless telecommunications service is not a retail transaction.

22 (b) A procedure established under subsection (a)(1):

23 (1) must take into consideration the differences between large
24 and small sellers, including smaller sales volumes; and

25 (2) may establish lower thresholds for the remittance of
26 enhanced prepaid wireless charges by small sellers.

27 **For purposes of this subsection, a small seller is a seller that sells**
28 **less than one hundred dollars (\$100) of prepaid wireless**
29 **telecommunications service each month.**

30 SECTION 68. IC 36-8-16.5-64 IS ADDED TO THE INDIANA
31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2012]: **Sec. 64. A seller of prepaid wireless**
33 **telecommunications service is not liable for damages to a person**
34 **resulting from or incurred in connection with the following:**

35 (1) Providing or failing to provide 911 or wireless 911
36 services.

37 (2) Identifying or failing to identify the telephone number,
38 address, location, or name associated with a person or device
39 that accesses or attempts to access 911 or wireless 911 service.

40 (3) Providing lawful assistance to an investigative or law
41 enforcement officer of the United States, a state, or a political
42 subdivision of a state in connection with a lawful investigation

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1 **or other law enforcement activity by the law enforcement**
 2 **officer.**
 3 SECTION 69. IC 36-8-16.5-65 IS ADDED TO THE INDIANA
 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2012]: **Sec. 65. (a) An additional fee relating**
 6 **to the provision of wireless 911 service with respect to prepaid**
 7 **wireless telecommunications service may not be levied by a state**
 8 **agency or local unit of government.**
 9 **(b) An enhanced prepaid wireless charge imposed under section**
 10 **56 of this chapter is not considered an additional charge relating**
 11 **to the provision of wireless 911 service for purposes of section 29**
 12 **of this chapter.**
 13 SECTION 70. IC 36-8-16.5-66 IS ADDED TO THE INDIANA
 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2012]: **Sec. 66. The following are not**
 16 **required to take legal action to enforce the collection of an**
 17 **enhanced prepaid wireless charge that is imposed on a consumer:**
 18 **(1) A provider.**
 19 **(2) A seller.**
 20 **However, a county may initiate a collection action. A court finding**
 21 **for a county in an action may award reasonable costs and**
 22 **attorney's fees associated with the collection action.**
 23 SECTION 71. IC 36-8-16.5-67 IS ADDED TO THE INDIANA
 24 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2012]: **Sec. 67. This chapter expires January**
 26 **1, 2019.**
 27 SECTION 72. IC 36-8-16.6-1, AS ADDED BY P.L.113-2010,
 28 SECTION 151, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2012]: **Sec. 1. As used in this chapter, "board"**
 30 **refers to the:**
 31 **(1) wireless enhanced 911 advisory board established by**
 32 **IC 36-8-16.5-18 (before its expiration); and**
 33 **(2) beginning July 1, 2012, the IN911 board established by**
 34 **IC 36-8-16.5-18.5.**
 35 SECTION 73. IC 36-8-16.6-11, AS ADDED BY P.L.113-2010,
 36 SECTION 151, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2012]: **Sec. 11. (a) Subject to section 22 of this**
 38 **chapter, The board shall impose an enhanced prepaid wireless charge**
 39 **on each retail transaction that occurs after June 30, 2010, and before**
 40 **January 1, 2013. The amount of the initial charge imposed under this**
 41 **subsection may not exceed one-half (1/2) of the monthly wireless**
 42 **emergency enhanced 911 fee assessed by the board under**

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1 ~~IC 36-8-16.5-25.5. IC 36-8-16.5-25.5(b)(1).~~

2 (b) Subject to legislative approval, the board may increase the
3 enhanced prepaid wireless charge to ensure adequate revenue for the
4 board to fulfill its duties and obligations under this chapter, IC 36-8-16,
5 and IC 36-8-16.5.

6 (c) (b) A consumer that is the federal government or an agency of
7 the federal government is exempt from the enhanced prepaid wireless
8 charge imposed under this section.

9 (c) **An enhanced prepaid wireless charge imposed by the board
10 under this chapter remains in effect until January 1, 2013.**

11 SECTION 74. IC 36-8-16.6-18, AS ADDED BY P.L.113-2010,
12 SECTION 151, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) **This section applies to
14 retail transactions occurring before January 1, 2013.**

15 (b) The department shall deposit all remitted enhanced prepaid
16 wireless charges in the fund.

17 (b) (c) The board shall administer money deposited in the fund
18 under this section in the same manner as wireless emergency enhanced
19 911 fees assessed under IC 36-8-16.5-25.5.

20 SECTION 75. IC 36-8-16.6-22, AS ADDED BY P.L.113-2010,
21 SECTION 151, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2012]: Sec. 22. (a) ~~Not later than January 1,
23 2011, the department shall determine the total amount of fees collected
24 and remitted under IC 36-8-16.5-30.5 (b)(2) (as effective in the period
25 beginning July 1, 2008, and ending June 30, 2010) for the period
26 beginning July 1, 2008, and ending June 30, 2010. The board shall
27 provide all information necessary for the department to perform its
28 duties under this subsection.~~

29 (b) ~~Not later than January 1, 2013, the department shall determine
30 the total amount of fees collected and remitted under this chapter for
31 the period beginning July 1, 2010, and ending June 30, 2012.~~

32 (c) ~~If the amount determined under subsection (b) is less than the
33 amount determined under subsection (a) by more than five percent
34 (5%); This chapter expires and sunsets July 1, 2013.~~

35 SECTION 76. IC 36-8-21-2, AS ADDED BY P.L.104-2006,
36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2012]: Sec. 2. As used in this chapter, "service supplier" has
38 the meaning set forth in ~~IC 36-8-16-4(a).~~ **IC 36-8-16.5-15.6.**

39 SECTION 77. IC 36-8-21-3, AS ADDED BY P.L.104-2006,
40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2012]: Sec. 3. As used in this chapter, "service user" has the
42 meaning set forth in ~~IC 36-8-16-4(b).~~ **IC 36-8-36.5-15.6.**



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1 SECTION 78. IC 36-8-21-4, AS ADDED BY P.L.104-2006,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 4. (a) A unit may establish an emergency
4 telephone notification system.

5 (b) The legislative body of the unit may appropriate money from the
6 unit's emergency telephone system fund under IC 36-8-16-13 **(before**
7 **its expiration) or its 911 system fund under IC 36-8-16.5-43** to carry
8 out the purposes of this chapter.

9 SECTION 79. IC 36-8-21-5, AS ADDED BY P.L.104-2006,
10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2012]: Sec. 5. A service supplier shall provide upon request
12 the necessary customer data to implement an emergency telephone
13 notification system. The provision of data under this section is subject
14 to ~~IC 36-8-16-16~~. **IC 36-8-16.5-53.**

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