

1 1 Section 1. Section 22.7, Code Supplement 2001, is amended  
1 2 by adding the following new subsection:  
1 3 NEW SUBSECTION. 43. An electronic recording of the voice  
1 4 of a caller making a 911 emergency telephone call to a public  
1 5 safety answering point as defined in section 34A.2.  
1 6 Sec. 2. Section 34A.7, subsection 6, Code 2001, is amended  
1 7 by striking the subsection.  
1 8 Sec. 3. NEW SECTION. 34A.15A LIMITATION OF ACTIONS  
1 9 RELATED TO PROVISION OF 911 SERVICES.  
1 10 A claim or cause of action does not exist based upon or  
1 11 arising out of an act or omission in connection with a land-  
1 12 line or wireless provider's participation in an E911 service  
1 13 plan or provision of 911 or local exchange access service, or  
1 14 an act or omission of a person employed by a public safety  
1 15 answering point communications facility, the E911  
1 16 administrator appointed pursuant to this chapter, or a person  
1 17 who is a member of a joint E911 service board or E911  
1 18 communications council, when participating in or administering  
1 19 911 service, unless the act or omission is determined to be  
1 20 willful and wanton negligence.  
1 21 EXPLANATION  
1 22 This bill relates to enhanced 911 emergency telephone  
1 23 systems.  
1 24 The bill exempts an electronic recording of the voice of a  
1 25 caller making a 911 emergency telephone call to a public  
1 26 safety answering point from public record access pursuant to  
1 27 Code section 22.7.  
1 28 The bill exempts from liability telephone companies and  
1 29 wireless providers, employees of a public safety answering  
1 30 point communications facility, the state E911 administrator,  
1 31 and persons who are members of a joint 911 service board or  
1 32 E911 communications council, when participating in or  
1 33 administering a 911 service, unless the act or omission is  
1 34 determined to be willful and wanton negligence.  
1 35 LSB 6175HV 79  
2 1 rh/sh/8

1 1 Amend House File 2491 as follows:  
1 2 #1. Page 1, by striking lines 3 through 5 and  
1 3 inserting the following:  
1 4 "NEW SUBSECTION. 43. a. An electronic recording  
1 5 of a 911 emergency telephone call and the information  
1 6 contained in the 911 recording. This subsection shall  
1 7 not apply to an officer or employee of a law  
1 8 enforcement agency or an employee of a state or  
1 9 federal agency or political subdivision in the  
1 10 performance of the employee's official duties, or  
1 11 where the recording or the information contained in  
1 12 the recording is necessary for the immediate safety of  
1 13 a person or in response to an emergency situation.  
1 14 b. Notwithstanding paragraph "a", personal  
1 15 information identifying a person in any manner may be  
1 16 released to a requestor only with the express written  
1 17 consent of the person whose personal information is  
1 18 requested."  
1 19 #2. By renumbering as necessary.  
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1 24 HF 2491.501 79  
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1 1 Amend House File 2491 as follows:  
1 2 #1. Page 1, by inserting after line 5 the  
1 3 following:  
1 4 "Sec. . Section 34A.7, subsection 2, Code 2001,  
1 5 is amended to read as follows:  
1 6 2. SURCHARGE COLLECTED BY PROVIDERS.  
1 7 a. The surcharge shall be collected as part of the  
1 8 access line service provider's periodic billing to a  
1 9 subscriber. In compensation for the costs of billing  
1 10 and collection, the provider may retain one percent of  
1 11 the gross surcharges collected. If the compensation  
1 12 is insufficient to fully recover a provider's costs  
1 13 for billing and collection of the surcharge, the  
1 14 deficiency shall be included in the provider's costs  
1 15 for ratemaking purposes to the extent it is reasonable  
1 16 and just under section 476.6. The surcharge shall be  
1 17 remitted to the E911 service operating authority for  
1 18 deposit into the E911 service fund quarterly by the  
1 19 provider. The total amount for multiple exchanges may  
1 20 be combined. Upon request, a provider shall submit a  
1 21 report to the E911 service operating authority that  
1 22 shall include all of the following information:  
1 23 (1) The exchange from which each surcharge is  
1 24 collected.  
1 25 (2) The number of lines to which the surcharge was  
1 26 applied for the quarter.  
1 27 (3) The number of refusals to pay the surcharge in  
1 28 each exchange, if applicable.  
1 29 (4) The number of write-offs applied in each  
1 30 exchange, if applicable.  
1 31 (5) The number of lines exempt from the surcharge  
1 32 in each exchange.  
1 33 (6) The amount of the one percent administration  
1 34 fee retained by the telecommunications company.  
1 35 b. A provider is not liable for an uncollected  
1 36 surcharge for which the provider has billed a  
1 37 subscriber but not been paid. The surcharge shall  
1 38 appear as a single line item on a subscriber's  
1 39 periodic billing entitled, "E911 emergency telephone  
1 40 service surcharge". The E911 service surcharge is not  
1 41 subject to sales or use tax."  
1 42 #2. Title page, line 3, by inserting after the  
1 43 word "call," the following: "by requiring E911  
1 44 surcharges remitted by a provider to be reported in a  
1 45 standard format,".  
1 46 #3. By renumbering as necessary.  
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1 50 CARROLL of Poweshiek  
2 1 HF 2491.301 79  
2 2 rh/cf