

**NOTICE: The following statutes do not constitute an exhaustive compilation of the law governing emergency communications in the State of Tennessee. Other federal and state legal authority may also relate to or govern such emergency communications.**

**TENNESSEE CODE ANNOTATED**

**\*\*\* CURRENT THROUGH THE 2011 SESSION \*\*\***

**TITLE 7 CONSOLIDATED GOVERNMENTS - SPECIAL DISTRICTS**

**CHAPTER 86 EMERGENCY COMMUNICATIONS**

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### **PART 1. EMERGENCY COMMUNICATIONS DISTRICTS**

#### **§ 7-86-101. Short title**

This part shall be known and may be cited as the “Emergency Communications District Law.”

HISTORY: Acts 1984, ch. 867, § 1.

#### **§ 7-86-102. Legislative declaration and intent**

(a) The general assembly finds and declares that the establishment of a uniform emergency number to shorten the time required for a citizen to request and receive emergency aid is a matter of public concern and interest. The general assembly finds and declares that the establishment of the number 911 as the primary emergency telephone number provide a single, primary, three-digit emergency telephone number through which emergency service can be quickly and efficiently obtained, and make a significant contribution to law enforcement and other public service efforts requiring quick notification of public service personnel. It is the intent to provide a simplified means of securing emergency services, which will result in saving of life, a reduction in the destruction of property, quicker apprehension of criminals and, ultimately, the saving of money.

(b)(1) The general assembly finds that the establishment of a uniform emergency number to shorten the time required for a citizen to request and receive emergency aid is a matter of public interest and concern. The general assembly finds also that the continued viability of the lifesaving 911 emergency communications service is of the highest priority for the health and safety of the citizens of Tennessee.

(2) The general assembly further finds that the effectiveness of 911 service depends on the ability of emergency service providers to timely respond to persons requiring emergency assistance; further, that the response by such providers is directly affected by the nature and coverage of the telephone and radio communications network available within a community, the quality of which is often limited by the availability of financial resources in the community.

(3) The general assembly further finds that rapid technological advancements have provided the public with non-wireline services, including, but not limited to, commercial mobile radio service (CMRS) and IP-enabled service, which are capable of connecting users dialing or entering the digits 911 to public safety answering points (PSAPs). The general assembly also finds that in various rules and orders, the Federal Communications Commission (FCC) has mandated wireless enhanced 911 service for all CMRS users and subscribers. The FCC also has addressed enhanced 911 service requirements for IP-enabled service. The general assembly recognizes that all subscribers and users of non-wireline services, including CMRS and IP-enabled service, which are capable of connecting users dialing or entering the digits 911 to PSAPs should share in the benefits of 911 service and should participate in the funding of the service.

(c) Further, the general assembly finds that, while a competitive market for the public safety answering point equipment associated with the provision of 911 service is in the public interest, limited oversight by the Tennessee regulatory authority of the provision of such equipment is also in the public interest. Therefore, public safety answering point equipment shall be regulated by the authority only for the purpose of adopting standards for the equipment and for the protection of proprietary customer specific information and to assure the integrity of 911 service and the privacy and safety of Tennesseans; provided, that such standards shall be consistent with the FCC Part 68 standards.

(d) It is the intent that all funds received by the district are public funds and are limited to purposes for the furtherance of this part. The funds received by the district are to be used to obtain emergency services for law enforcement and other public service efforts requiring emergency notification of public service personnel, and the funds received from all sources shall be used exclusively in the operation of the emergency communications district.

HISTORY: Acts 1984, ch. 867, § 2; 1993, ch. 411, § 1; 1993, ch. 479, § 1; 1995, ch. 305, § 85; 1998, ch. 1108, § 2; 2006, ch. 925, § 1.

**§ 7-86-103. Chapter definitions [Amended effective July 1, 2011.]**

As used in this chapter, unless the context otherwise requires:

(1) "Appropriate county or municipality" means the legislative body of the county or municipality that, by resolution or ordinance, respectively, created the emergency communications district;

(2) "Automatic dialer" means an unattended customer premise device or equipment that generates pulses or tones that activate telephone company central office equipment and causes the calling line to be connected with the telephone line of the called number

(3) "Commercial mobile radio service" or "CMRS" means commercial mobile radio service under Sections 3(27) and 332(d) of the Federal Telecommunications Act of 1996, 47 U.S.C. § 151, et seq., the Omnibus Budget Reconciliation Act of 1993, and 47 C.F.R. § 20.9, and includes service provided by any wireless two-way communication device, including radio telephone communication used in cellular telephone service, personal communication service, or the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communication service, or a network access line. "Commercial mobile radio service" also includes, but is not limited to, any and all broadband personal communications service, cellular radio telephone service, geographic area specialized mobile radio (SMR) services in all bands that offer real-time, two-way voice service that is interconnected with the public switched network, incumbent wide area SMR service, or any other cellular or wireless telecommunications service. Nothing in this definition shall be construed to require compliance by any amateur radio operator or such radio system;

(4) "Commercial mobile radio service provider" means any person, corporation, or entity licensed by the federal communications commission to offer CMRS in the state of Tennessee, and includes, but is not limited to, broadband personal communications service, cellular radio telephone service, geographic area SMR services in the 800 MHz and 900 MHz bands that offer real-time, two-way voice service that is interconnected with the public switched network, incumbent wide area SMR licensees, or any other cellular or wireless telecommunications service to any service user;

(5) "Direct dispatch method" means a 911 service in which a public service answering point, upon receipt of a telephone request for emergency services, provides for the dispatch of appropriate emergency service units and a decision as to the proper action to be taken;

(6) "District" means any emergency communications district created pursuant to the provisions of this part;

(7) "Exchange access facilities" means all lines, provided by the service supplier for the provision of exchange telephone service, as defined in existing general subscriber services tariffs filed by the service supplier with the Tennessee regulatory authority;

(8) "Federal communications commission order" means the Order of the Federal Communications Commission, FCC Docket 94-102, adopted on June 12, 1996, and released on July 26, 1996, and any subsequent amendments, and includes other federal communications commission rules and orders relating to CMRS providers, CMRS, and wireless enhanced 911 service;

(9) "IP-enabled services" means services and applications making use of internet protocol (IP) including, but not limited to, voice over IP and other services and applications provided through wireline, cable, wireless, and satellite facilities, and any other facility that may be provided in the future through platforms that may not be deployable at present, that are capable of connecting users dialing or entering the digits 911 to public safety answering points (PSAPs);

(10) "911 service" means regular 911 service enhanced universal emergency number service or enhanced 911 service that is a telephone exchange communications service whereby a public safety answering point may receive telephone calls dialed to the telephone number 911. "911 service" includes lines and may include the equipment necessary for the answering, transferring and dispatching of public emergency telephone calls originated by persons within the serving area who dial 911, but does not include dial tone first from pay telephones that may be made available by the service provider based on the ability to recover the costs associated with its implementation and consistent with tariffs filed with the Tennessee regulatory authority;

(11) "Non-wireline service" means any service provided by any person, corporation or entity, other than a service supplier as defined in this part, that connects a user dialing or entering the digits 911 to a PSAP, including, but not limited to, commercial mobile radio service and IP-enabled services;

(12) "Prepaid wireless telecommunications service" means a wireless telecommunications service that allows a caller to dial 911 to access the 911 system, which service must be paid for in advance and is sold in predetermined units or dollars of which the number declines with use in a known amount;

(13) "Public safety emergency services provider" means any municipality or county government that provides emergency services to the public. Such providers or services include, but are not limited to, emergency fire protection, law enforcement, police protection, emergency medical services, poison control, animal control, suicide prevention, and emergency rescue management;

(14) "Relay method" means a 911 service in which a public safety answering point, upon receipt of a telephone request for emergency services, notes the pertinent information from the caller and relays such information to the appropriate public safety agency or other agencies or other providers of emergency service for dispatch of an emergency unit;

(15) "Service supplier" means any person, corporation or entity providing exchange telephone service to any service user;

(16) "Service user" means any person, corporation or entity that is provided 911 service;

(17) "Tariff rate" means the flat monthly recurring rate for one-party residence or business exchange access service within the base rate area of the principal exchange of the predominant service supplier within the geographical confines of the district, as stated in such service supplier's tariffs filed with the Tennessee regulatory authority, but does not include taxes, fees, licenses, end-user access charges or any similar charges whatsoever;

(18) "Transfer method" means a 911 service in which a public safety answering point, upon receipt of a telephone request for emergency services, directly transfers such request to an appropriate public safety agency or other provider of emergency services;

(19) "Wireless enhanced 911 service" means service with location and number identification technology whereby users of non-wireline service may contact a PSAP by entering or dialing the digits 911; such service includes, but is not limited to, wireless enhanced 911 service as set forth in the federal communications commission order; and

(20) "Wireless telecommunications service" means commercial mobile radio service as defined by 47 CFR 20.3.

HISTORY: Acts 1984, ch. 867, § 3; 1985, ch. 271, § 1; 1990, ch. 909, § 1; 1993, ch. 411, § 2; 1993, ch. 479, § 2; 1995, ch. 305, § 86; 1998, ch. 1108, §§ 3, 24; 2006, ch. 925, §§ 2-4; 2010, ch. 774, § 1.

#### **7-86-104. Creation – Referendum**

(a) The legislative body of any municipality or county may, by ordinance or resolution, respectively, create an emergency communications district within all or part of the boundaries of such municipality or county. Prior to the establishment of such district, an election shall be held as provided in subsection (b).

(b) The legislative body of any municipality or county shall, by resolution, request the county election commission to submit to the voters within the boundaries of a proposed emergency communications district the question of creating such district in an election to be held pursuant to § 2-3-204. In the election, the questions submitted to the qualified voters shall be, "For the Emergency Communications District" or "Against the Emergency Communications District." The county election commission shall certify the results of the election to such legislative body. The expenses of such election shall be paid by such local government.

HISTORY: Acts 1984, ch. 867, § 4; 1994, ch. 778, § 1.

#### **§ 7-86-105. Creation -- Board of directors -- Membership -- Terms -- Appointment of replacement**

(a) Upon approval by a majority of the eligible voters within the area of the proposed district voting at such referendum, the legislative body may create an emergency communications district.

(b)(1) Except as otherwise provided by law, an emergency communications district shall have a board of directors composed of no fewer than seven (7) nor more than nine (9) members to govern the affairs of the district. For districts created by a county legislative body, the county mayor shall appoint the members of the board of directors subject to confirmation by the county legislative body. When the county mayor names an appointee to the board, the county legislative body has ninety (90) days or until the conclusion of its next regularly scheduled meeting, whichever is later, to confirm or reject the appointment. If the legislative body does not act within this time period, the appointment shall take effect without confirmation. In any municipality having a population of less than thirty thousand (30,000), according to the 1980 federal census or any subsequent federal census, having adopted home rule pursuant to the Constitution of Tennessee, article XI, § 9, and having an incorporated area lying in two (2) counties, the board of directors may be the legislative body of such municipality, if the emergency services are provided by such municipality.

(2) In any county having a metropolitan form of government and having a population of not less than four hundred thousand (400,000) nor more than five hundred thousand (500,000), according to the 1980 federal census or any subsequent federal census, the chief executive officer of the metropolitan government may appoint a board of directors, composed of no fewer than seven (7) nor more than nine (9) members, subject to confirmation by the chief legislative body of the metropolitan government, which shall govern the affairs of the district. Appointments to the board of directors shall include members selected from minorities as well as

members of the sex that historically has been underrepresented on boards and commissions of the metropolitan government.

(3) In emergency communication districts established by counties with a population greater than three hundred thousand (300,000) and less than seven hundred fifty thousand (750,000), according to the 1980 federal census or any subsequent federal census, except in counties with a metropolitan form of government, the mayor, the chief of police and the fire chief of the municipality, or their representatives, with the largest population in the district, the county sheriff in the district, and the county mayor in the district, shall be members of the board of directors of the district. If, at the time this subdivision (b)(3) takes effect, any person or persons holding any one (1) of the positions mentioned in this subdivision (b)(3) is not a member of the board of directors of the district, then the board shall be immediately expanded to include such person or persons. In districts covered by this subsection (b), the legislative body may appoint up to eleven (11) members to govern the affairs of the district to allow for the appointment of two (2) additional directors, one (1) of whom shall be a woman and one (1) of whom shall be a representative of the nongovernmental emergency agencies servicing such district. Such additional members shall serve for an initial term of one (1) year. Each term thereafter shall be for a period of four (4) years. The method of appointment of the board of directors by the county legislative body referred to in this subdivision (b)(3) shall be by the confirmation process described in subdivision (b)(1).

(4) Notwithstanding the provisions of this subsection (b) to the contrary, in any county having a population of not less than forty-three thousand seven hundred (43,700) nor more than forty-three thousand eight hundred (43,800), according to the 1980 federal census or any subsequent federal census, the legislative body may appoint an additional two (2) members to the board of directors for an initial term of two (2) years. Each term thereafter of such members shall be for a period of four (4) years.

(5) Notwithstanding any provisions of this section to the contrary, in any county having a population of not less than eight hundred thousand (800,000), according to the 2000 federal census or any subsequent federal census, the county mayor may appoint a board of directors, composed of no fewer than seven (7) nor more than eleven (11) members, subject to confirmation by the chief legislative body of the county, which shall govern the affairs of the district. The county mayor and legislative body shall ensure that the views and opinions of all participating governmental entities are given full consideration in the selection of members of the board, with the exact methodology to be determined by local ordinance or resolution. The county mayor and legislative body shall make every effort to appoint members who represent the diversity of the community, including women and minorities.

(6) In emergency communication districts established in any county having a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census, one (1) of the members of the board of the directors of the district shall be an actively engaged firefighter, police officer or emergency medical technician; provided, that, if, on April 5, 1995, one (1) such person is not a member of the board in such county, when a vacancy occurs on the board or at the expiration of the term of office of a member of the board, at least one (1) person meeting the qualifications established in this subdivision (b)(6) shall be appointed to the board.

(7) It is the public policy of this state to encourage the consolidation of emergency communications operations in order to provide the best possible technology and service to all areas of the state in the most economical and efficient manner possible. Pursuant to this policy, if two (2) or more counties, cities, or existing emergency communications districts, or any combination of these, desire to consolidate their emergency communications operations, a joint emergency communications district may be established by the parties using an interlocal agreement as authorized by title 5, ch. 1, part 1, and title 12, ch. 9; provided, that, notwithstanding the language of this subdivision (b)(7) or any other law to the contrary, no such consolidation of emergency communications operations shall result in the creation of a separate emergency communications district within the boundaries of an existing emergency communications district. Under such an agreement, the funding percentages for each party, and the size and appointment of the board of directors of such combined emergency communications district shall be determined by negotiation of the parties, notwithstanding the provisions of this subsection (b) to the contrary; provided, that the board of directors of such combined district shall be composed of no fewer than seven (7) members to govern the affairs of the district. The terms, remuneration, and duties stated in subsections

(c)-(i) shall apply to any board of directors of any combined emergency communications district.

(8)(A) Notwithstanding the provisions of this section to the contrary, in any emergency communications district created by a municipality after July 1, 2002, the board of directors of the district may be the legislative body of such municipality. If the board of the directors of the district is comprised of the legislative body, then the terms of the members of the board of directors shall run concurrently with their terms as members of the legislative body. The terms of the members of the legislative body shall run concurrently with their terms as members on the board of directors.

(B) In the event the provisions of subdivision (b)(8)(A) are in effect for an emergency communications district, and any member of the emergency communications district board is removed pursuant to the provisions of § 7-86-314, then the mayor shall appoint a private citizen to serve in the member's place until such time as the replaced member no longer serves on the legislative body of the municipality. Such appointment shall be subject to confirmation by the remaining members of the board of directors of the district.

(C) In the event the provisions of subdivision (b)(8)(A) are in effect for an emergency communications district, and the entire emergency communications district board is removed pursuant to the provisions of § 7-86-314, then the mayor shall appoint private citizens to serve in each such member's place until such time as the replaced members no longer serve on the legislative body of the municipality. Such appointment shall be subject to confirmation by the board.

(D) Nothing in this subdivision (b)(8) shall be construed to be contrary to the provisions of § 7-86-310.

(c) The members shall serve for a term of four (4) years. The initial members shall be appointed for staggered terms of two (2), three (3) and four (4) years, dating from the effective date of the ordinance or resolution creating such district. Members shall serve until a successor is duly appointed and, if required by this section or any other provision of law, confirmed.

(d) The members shall serve without compensation.

(e) The board of directors shall have complete and sole authority to appoint a chair and any other officers the board may deem necessary from among the membership of the board of directors.

(f) A majority of the board of directors shall constitute a quorum, and all official action of the board shall require a quorum.

(g) The board has the authority to employ such employees, experts and consultants as the board may deem necessary to assist the board in the discharge of its responsibilities to the extent that funds are made available.

(h) The board has the authority to establish or make available for the benefit and welfare of the board's employees such pension, insurance or other employee benefit plans as the board may deem appropriate, including participation in the Tennessee consolidated retirement system in accordance with the provisions of title 8, chapter 35, part 2.

(i) No member of the board of directors shall be an employee of the emergency communications district.

HISTORY: Acts 1984, ch. 867, § 5; 1986, ch. 784, § 1; 1987, ch. 94, § 3; 1988, ch. 884, § 1; 1989, ch. 243, § 1; 1990, ch. 809, §§ 1-4; 1991, ch. 283, § 1; 1992, ch. 891, § 2; 1993, ch. 479, § 10; 1995, ch. 68, § 5; 1996, ch. 696, § 1; 1998, ch. 1108, § 28; 2001, ch. 149, §§ 1, 2; 2002, ch. 567, § 1; 2003, ch. 90, § 2; 2005, ch. 64, § 1; 2007, ch. 55 § 1.

**§ 7-86-106. Status -- Corporate powers -- Charges not taxes**

The emergency communications district so created shall be a “municipality” or public corporation in perpetuity under its corporate name, and the district shall in that name be a body politic and corporate with power of perpetual succession, but without any power to levy or collect taxes. Charges for services authorized in this chapter shall not be construed as taxes and shall be payable as bona fide service charges by all service users, whether private or public, profit making, or not-for-profit, including governmental entities. The powers of each district shall be vested in and exercised by a majority of the members of the board of directors of the district.

HISTORY: Acts 1984, ch. 867, § 6; 1987, ch. 94, § 1.

**§ 7-86-107. Response methods to emergency calls -- Digits 911 -- Backup numbers**

(a)(1) The board of directors of the district shall create an emergency communications service designed to have the capability of utilizing at least one (1) of the following three (3) methods in response to emergency calls:

(A) Direct dispatch method;

(B) Relay method; or

(C) Transfer method.

(2) The board of directors of the district shall elect the method that it determines to be the most feasible for the district.

(b) Each public safety emergency services provider retains the right to dispatch its own services, unless a voluntary agreement is made between such provider and the board of directors of the emergency communications district.

(c) The primary emergency telephone number is the digits “911”.

(d) The board of directors has the authority to subscribe to the appropriate telephone services from the service supplier.

(e) The involved agencies may maintain a separate secondary backup number and shall maintain a separate number for nonemergency telephone calls.

(f) No service supplier shall be required to provide 911 service if the equipment for such service is not available.

HISTORY: Acts 1984, ch. 867, § 7; 1998, ch. 1108, §§ 25-27.

**7-86-108. Emergency telephone service charge -- Legislative levy decrease -- Date service and billing begins. [Amended effective July 1, 2011.]**

(a)(1)(A) The board of directors of the district may levy an emergency telephone service charge in an amount not to exceed sixty-five cents (65cent(s)) per month for residence-classification service users, and not to exceed two dollars (\$2.00) per month for business-classification service users, to be used to fund the 911 emergency telephone service. Any such service charge shall have uniform application and shall be imposed throughout the entire district to the greatest extent possible in conformity with the availability of such service within the district. No such service charge shall be imposed upon more than one hundred (100) exchange access facilities per service user per location.

(B)(i)(a) Effective April 1, 1999, commercial mobile radio service (CMRS) subscribers and users shall be subject to the emergency telephone service charge, a flat statewide rate, not to exceed the business classification rate established in subdivision (a)(2)(A). The specific amount of such emergency telephone service charge, and any subsequent increase in such charge, shall be determined by the board, but must be ratified by a joint resolution of the general assembly prior to implementation. It is the intent

of the general assembly that such rate be established at the lowest rate practicable consistent with the purposes of this section. The board shall report annually to the finance, ways and means committees of the senate and the house of representatives on the status of statewide implementation of wireless enhanced 911 service and compliance with the federal communications commission order, the status and level of the emergency telephone service charge for CMRS subscribers and users, and the status, level, and solvency of the 911 Emergency Communications Fund. A written copy of such report shall be submitted to the office of legislative budget analysis. At such time that the requirements of the federal communications commission order and the provisions of this subdivision (a)(1)(B)(i)(a) have been met, the board may reduce the amount of the emergency telephone service charge for CMRS; provided, that such reduced amount must be adequate to cover all reasonable and necessary administrative and operating costs of the board, provide for the long-term solvency of the 911 Emergency Communications Fund, which shall include compliance with the federal communications commission order, and those purposes stated in this subdivision (a)(1)(B)(i)(a).

(b) The board shall notify each CMRS provider of such rate, or any rate change, within seven (7) business days of the effective date of the ratification resolution. Each CMRS provider shall implement the emergency telephone service charge not later than sixty (60) days after being notified of the rate, or rate change, by the board. The charge shall be assessed on all CMRS subscribers and users whose place of primary use, as defined in § 67-6-102, is in Tennessee. No such service charge shall be levied on the trunks or service lines used to supply such service to CMRS systems. Such proceeds shall be paid to the board, and shall be deposited in the 911 Emergency Communications Fund. No other state agency or local governmental entity may levy an additional surcharge relating to the provision of wireless enhanced 911 service.

(ii)(a) Each CMRS provider shall remit the funds collected as the service charge to the board every two (2) months. Such funds shall be remitted to the board no later than thirty (30) days after the last business day of such two-month period. The commercial mobile radio service provider shall be entitled to retain as an administrative fee an amount equal to three percent (3%) of its collections of the service charge. The CMRS provider shall be authorized to demand payment from any service user who fails to pay any proper service charge, and may take legal action, if necessary, to collect the service charge from such service user, or may, in the alternative, and without any liability whatsoever to such service user for any losses or damages that result from termination, terminate all service to such CMRS provider; provided, that any service user so terminated shall have the right to resume service from the CMRS provider, as long as the service user is otherwise in compliance with the regulation of the CMRS provider, upon full payment of all past due service charges and any other costs or expenses, including reasonable interest, or normal costs or charges of the CMRS provider for the resumption of service, incurred by the CMRS provider as the result of any nonpayment.

(b) Each CMRS provider shall annually provide to the board an accounting of the amounts billed and collected and of the disposition of such amounts. Such accounting shall be subject to audit or review by the comptroller of the treasury.

(iii) For customers who are billed retrospectively, known as standard customers, (CMRS) providers shall collect the service charge on behalf of the board as part of their monthly billing process and as a separate line item within that billing process.

(iv) The service charge shall also be imposed upon customers who pay for service prospectively, known as prepaid customers. CMRS providers shall remit to the board the service charge under one of two methods:

(a) The CMRS provider shall collect, on a monthly basis, the service charge from each active prepaid customer whose account balance is equal to or greater than the amount of the service charge; or

(b) The CMRS provider shall divide the total earned prepaid wireless telephone revenue received by the CMRS provider within the monthly 911 reporting period by fifty dollars (\$50.00), and multiply the quotient by the service charge amount.

(v) The service charges imposed under this subsection (a) shall not be subject to taxes or charges levied on or by the CMRS provider, nor shall such service charges be considered revenue of the CMRS provider for any purposes. Collection of the wireless 911 surcharge shall not reduce the sales price for purposes of taxes that are collected at point of sale.

(vi) Effective July 1, 2006, the provisions of this subdivision (a)(1)(B) shall apply to all subscribers and users of non-wireline service, to the extent such application is not inconsistent with the orders, rules and regulations of the federal communications commission.

(C) The board shall also use such funds created in subdivision (a)(1)(B) for the purposes described in § 7-86-303.

(2)(A) Notwithstanding the provisions of subdivision (a)(1), the board of directors of a district may vote to submit to the people of the district the question of whether to increase the emergency telephone service charge. In no event shall the charge exceed one dollar fifty cents (\$1.50) per month for residence-classification service users, nor exceed three dollars (\$3.00) per month for business-classification service users, to be used to fund the 911 emergency telephone service.

(B) If the chair of the board of directors conveys a certified copy of the vote of the board to submit such question to the people to the county election commission not less than sixty (60) days before the date on which a regular election is scheduled to be held, the county election commission shall include the referendum question contained in subdivision (a)(2)(C) on the ballot.

(C) At any such election, the only question submitted to the voters shall be in the following form:

For the increase in emergency telephone service charges (here insert the amounts).

Against the increase in emergency telephone service charges (here insert the amounts).

(D) The county election commission shall certify the results of the election to the county mayor and to the chair of the board of directors of the emergency communications district.

(E) Not more than one (1) election in any county shall be held under the provisions of this section within any period of twenty-four (24) months.

(b) Before any initial levy or increase to an existing levy that is approved by the board of directors as provided in subsection (a) becomes effective, the district shall provide a thirty-day notice prior to the next scheduled meeting of the legislative body that created the district, and request a hearing before the legislative body of the appropriate county or municipality regarding such levy. The district shall present to the legislative body the amount of the levy and the justification for such levy, including a plan for the use of the funds. The legislative body may make recommendations to the district regarding such levy for consideration by the district before the levy is imposed upon the user. The provisions of this subsection (b) shall not apply when the initial levy or any increase to an existing levy has been approved by a public referendum.

(c) The legislative body of the appropriate county or municipality may, by its own two-thirds (2/3) vote, adopt an ordinance or resolution that would reduce the levy established by the board of directors of the district; provided, that no such ordinance or resolution shall reduce such levy below the level reasonably required to fund the authorized activities of the emergency communications district. Such decreased levy shall be in effect until the legislative body, by majority vote, rescinds the ordinance or resolution calling for the decreased levy.

(d)(1) The board of directors shall pass a resolution specifying the date on which the 911 service is to begin and the date on which the service supplier will begin to bill service users for such service.

(2) The board of directors may authorize the service supplier to begin billing service users for such service prior to the date on which the 911 service is to begin.

(e) Revenues from the tariffs authorized in this section shall be used for the operation of the district and for the purchases of necessary equipment for the district.

(f) Notwithstanding the provisions of § 7-86-303(d)(1), the board may withhold such distribution to an emergency communications district, if the district is operating in, or fails to correct a specific violation of state law. This may include, but not be limited to, the failure to submit an annual budget or audit, operating contrary to the open meeting requirements of title 8, chapter 44, part 1, or failure to comply with any part or parts required by this chapter. Further, the board may also withhold such distribution if it deems that the district is not taking sufficient actions or acting in good faith to establish, maintain or advance wireline or wireless E-911 service for the citizens of an emergency communications district.

HISTORY: Acts 1984, ch. 867, § 8; 1985, ch. 271, §§ 2, 3; 1987, ch. 94, § 4; 1989, ch. 9, § 1; 1993, ch. 419, § 1; 1993, ch. 479, § 3; 1994, ch. 778, § 2; 1995, ch. 68, § 1; 1998, ch. 1108, § 6; 2002, ch. 719, § 7; 2003, ch. 90, § 2; 2003, ch. 205, §§ 1, 2; 2006, ch. 925, § 5; 2010, ch. 774, §§ 2, 4; 2010, ch. 1030, § 8.

#### **§ 7-86-109. Additional funding**

In order to provide additional funding for the district and the service, the governing body of the district may receive funds from federal, state and local government sources, as well as funds from private sources, including funds from the issuance of bonds, and may expend such funds for the purposes of this part. Any legislative body of a municipality or county creating a district under the terms of this chapter may appropriate funds to the district to assist in the establishment, operations and maintenance of such district.

HISTORY: Acts 1984, ch. 867, § 9.

#### **§ 7-86-110. Collection and disposition of funds -- Termination of services -- Accounting -- Defense of service supplier**

(a) The service supplier shall remit the funds collected as the service charge to the district every two (2) months. Such funds shall be remitted to the district no later than thirty (30) days after the last business day of such two-month period.

(b) The service supplier shall be entitled to retain as an administrative fee an amount equal to three percent (3%) of the collections of the service charge.

(c) The service supplier or the board of directors of the district shall be authorized to demand payment from any service user who fails to pay any proper service charge, and may take legal action, if necessary, to collect the service charge from such service user, or may, in the alternative, and without any liability whatsoever to such service user for any losses or damages that result from termination, terminate all service to such service user; provided, that any service user so terminated shall have the right to resume service from the service supplier as long as the service user is otherwise in compliance with the regulation of the service supplier, upon full payment of all past due service charges and any other costs or expenses, including reasonable interest, or normal costs or charges of the service supplier for the resumption of service, incurred by the service supplier and the district as the result of any nonpayment.

(d) However, the service supplier shall annually provide to the board of directors of the district an accounting of the amounts billed and collected and of the disposition of such amounts.

(e) Good faith compliance by the service supplier with the provisions of this chapter shall constitute a complete defense to any legal action or claim against the service supplier arising in connection with this part.

HISTORY: Acts 1984, ch. 867, § 10; 1987, ch. 94, § 2.

**§ 7-86-111. Billing and payment of charges**

The service supplier shall bill the district for the 911 service provided by the service supplier to the district at the applicable rate as set forth in the service supplier's tariff on file with the Tennessee regulatory authority for such service, and the district shall pay the service supplier the charge for the service.

HISTORY: Acts 1984, ch. 867, § 11; 1995, ch. 305, § 87.

**§ 7-86-112. Adjustment of rates and charges**

If the proceeds generated by an emergency telephone service charge exceed the amount of moneys necessary to fund the service, the board of directors of the district shall reduce the service charge rate or suspend the service charge. The board of directors may, by resolution, reestablish the service charge rate, or lift the suspension of the service charge, if the amount of moneys generated is not adequate to fund the service.

HISTORY: Acts 1984, ch. 867, § 12.

**§ 7-86-113. Audits**

(a) The board of directors of each district shall cause an annual audit to be made of the books and records of the district. Within thirty (30) days after receipt by the district, a copy of the annual audit shall be filed with the clerk or recorder of the appropriate county or municipality who shall then distribute copies to members of the appropriate legislative body. Within thirty (30) days after receipt by the district, a copy of the annual audit shall also be filed with the chief administrative officer of the appropriate county or municipality. The comptroller of the treasury, through the department of audit, shall be responsible for determining that such audits are prepared in accordance with generally accepted governmental auditing standards and that such audits meet the minimum standards prescribed by the comptroller of the treasury. The comptroller of the treasury shall promulgate such rules and regulations as are required to assure that the books and records are kept in accordance with generally accepted accounting procedures and that audit standards prescribed by the comptroller of the treasury are met.

(b) These audits shall be prepared by certified public accountants, public accountants or by the department of audit. In the event the governing body of the district shall fail or refuse to have the audit prepared, then the comptroller of the treasury may appoint a certified public accountant, or public accountant or direct the department of audit to prepare the audit, the cost of such audit to be paid by the district.

(c) The comptroller of the treasury is authorized to modify the requirements for an audit as set out in this section for any districts whose activity, in the comptroller of the treasury's judgment, is not sufficient to justify the expenses of a complete audit. Furthermore, the comptroller of the treasury is authorized to direct the department of audit to make an audit of financial review of the books and records of districts.

HISTORY: Acts 1984, ch. 867, § 13; 1993, ch. 479, § 4.

**§ 7-86-114. Bond issues**

(a) Subject to the approval of the legislative body of a county or municipality in which a district is established, each district has the power and is hereby authorized, from time to time, to issue negotiable bonds, notes and debt obligations for lease or lease purchases in anticipation of the collection of revenues for the purpose of constructing, acquiring, reconstructing, improving, bettering or expanding any facility or service authorized by this part, or any combination of facility or service, and to pledge to the payment of the principal of and interest on such bonds, notes or debt obligations all or any part of the revenues derived from the operation of such facility, service or combination of facility or service. There may be included in the costs for which bonds or notes are to be issued, reasonable allowances for legal, engineering and fiscal services, interest during construction, and for six (6) months after the estimated date of completion of construction, and other preliminary expenses, including the expenses of incorporation of the district.

(b) No bond, note or debt obligation authorized in this section may be issued until the resolution authorizing the

issuance of the bonds, notes or debt obligations, together with a statement, shall show in detail the total outstanding bonds, notes, warrants, refunding bonds, and other evidences of indebtedness of the district, together with the maturity dates of the bonds, notes, warrants, refunding bonds, and other evidences of indebtedness, interest rates, special provisions for payment, the project to be funded by the bonds, notes or debt obligation, the current operating financial statement of the district and any other pertinent financial information, is submitted to the state director of local finance for review, and the state director of local finance may report on the financial information to the district within fifteen (15) days from the date the plan was received by the state director of local finance, and the state director of local finance shall immediately acknowledge receipt in writing of the proposed issue statement and information. The report thus received by the district shall be published once in a newspaper of general circulation in the county of the principal office of the district, during the week following its receipt. After receiving the report of the state director of local finance, and after publication of such report, or after the expiration of fifteen (15) days from the date the statement and information are received by the state director of local finance, whichever date is earlier, the district may take such action with reference to the proposed issue as it deems advisable. Such report of the state director of local finance shall also be made a part of the bond, note or debt obligation transcript.

(c) The bonds may be issued in one (1) or more series, may bear such date or dates, shall mature at such time or times, not exceeding forty (40) years from their respective dates, may bear interest at such rate or rates payable semi-annually, may be in such denomination, may be in such form, either coupon or registered, may be payable at such place or places, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment at such place or places, may be subject to such terms of redemption, with or without premium, all as may be provided by resolution of the legislative body of the county. The bonds shall be fully negotiable for all purposes.

(d) If any issue of such bonds or notes is to be sold to an agency of the federal government or an agency of the state of Tennessee, such bond or note issue may, at the request of such agency, be delivered as an installment bond or note payable as to principal and interest in equal or approximately equal installments for the term of such bond or note issue in accordance with the resolution authorizing such bond or note issue. Such authorizing resolution shall stipulate the annual principal and interest requirements during the full term of the bond or note issue.

(e) Nothing in this section shall prohibit or limit the authority of the board of directors from entering into leases or lease purchases, so long as the term of the lease or leases does not exceed five (5) years, and no other approvals of the lease or leases shall be required.

(f) Notes may be issued in the same manner as bonds, but shall mature at such time or times, not exceeding five (5) years.

(g)(1) The lease/lease purchase agreements authorized under this section shall be issued in the manner prescribed by chapter 51, part 9 of this title. For the purposes of applying chapter 51, part 9 of this title, the district board of directors is deemed to be the governing body except that, all lease/lease purchase agreements exceeding five (5) years shall be subject to the approval of the appropriate county or municipal governing body.

(2) For the purposes of this section, and in the provisions of §§ 7-86-115 -- 7-86-117, "bond" or "bonds" are deemed to include notes.

(3) For the purposes of this section, in the provisions of §§ 7-86-116 and 7-86-117, "bond" or "bonds" includes debt obligations for lease/lease purchases.

HISTORY: Acts 1984, ch. 867, §§ 14, 15; 1992, ch. 891, §§ 4-8.

#### **§ 7-86-115. Liens -- Defaults on bonds -- Receiver**

(a) There shall be and there is created a statutory lien in the nature of a mortgage lien upon any facility acquired or constructed in accordance with this part, including all extensions and improvements to the facilities or combinations of extensions and improvements to facilities subsequently made, which lien shall be in favor of the holder or holders of any bonds issued pursuant to this part, and all such property shall remain subject to such statutory lien until the payment in full of the principal of and interest on the bonds. Any holder of the bonds or any of the coupons

representing interest of the bonds may either at law or in equity, by suit, action, mandamus, or other proceeding, in any court of competent jurisdiction, protect and enforce such statutory lien and compel performance of all duties required by this part, including the making and collection of sufficient rates for the service or services, the proper accounting for the collections, and the performance of any duties required by covenants with the holders of any bond issued in accordance with this section. The statutory lien shall not apply to any property, liens, or equipment owned by the service supplier.

(b) If any default be made in the payment of the principal of or interest on such bonds, any court having jurisdiction of the action may appoint a receiver to administer the district, and the facility or service, with power to charge and collect rates sufficient to provide for the payment of all bonds and obligations outstanding against the facility or service and for the payment of operating expenses, and to apply the income and revenues of the bonds, in conformity with the provisions of this part, and any covenants with bondholders.

HISTORY: Acts 1984, ch. 867, § 16.

**§ 7-86-116. Payment of bonds and interest -- Recitals on bonds**

No holder or holders of any bonds issued pursuant to this part shall ever have the right to compel the levy of any tax to pay the bonds or the interest on the bonds. Each bond shall recite in substance that the bond and interest on the bond are payable solely from the revenue pledged to the payment of the bonds and that the bond does not constitute a debt of the district within the meaning of any statutory limitation.

HISTORY: Acts 1984, ch. 867, § 17.

**§ 7-86-117. Exemption from taxation**

The district, and all properties at any time owned by it and the income from the properties and all bonds issued by it and the income from the bonds, shall be exempt from all taxation in the state of Tennessee.

HISTORY: Acts 1984, ch. 867, § 18.

**§ 7-86-118. Use of automatic dialer programmed to the emergency number -- Resolution precluding use with security alarm systems**

(a) The board of directors of an emergency communications district may, by resolution, vote to preclude service users from programming the emergency number "911" in automatic dialers used in conjunction with security alarm systems.

(b) A fine not to exceed fifty dollars (\$ 50.00) may be assessed by the board against any person violating such board decision.

HISTORY: Acts 1990, ch. 909, § 2.

**§ 7-86-119. Surety bond**

(a) Any board member, executive committee member, employee, officer, or any other authorized person of an emergency communications district, who receives public funds, has authority to make expenditures from public funds, or has access to any public funds is hereby required to give bond made payable to the state of Tennessee with such sureties as provided in this section. Such bond is to be conditioned in all cases in which a different condition is not prescribed, upon the faithful discharge of the duties of such office, employment or other authorized activity in which such person is engaged during the time such person continues in the duties, or in the discharge of any part of such duties.

(b) Provisions for bonds of all state and county officers set forth in title 8, chapter 19, shall also govern the bonds of all persons covered under this section, so far as the provisions of title 8, chapter 19, are not inconsistent with the provisions of this section.

(c)(1) The amount of such required bond shall be a reasonable amount as determined by the amount of public funds received, expended, or the amount of such bond shall be reasonable to protect the public from breach of the condition of faithful discharge of the duties of such office or position, when the amount of public funds to be received, or expended, or to which that person will have access is considered.

(2) Effective July 1, 1994, the minimum amount of such required bond shall be determined from the amount of revenues handled by the respective emergency communications district during the last audit approved by the comptroller of the treasury. The minimum amount of the bond shall be based on revenues as follows:

(A) Less than fifty thousand dollars (\$ 50,000) -- a base bond of five thousand dollars (\$ 5,000);

(B) From fifty thousand dollars (\$ 50,000) to five hundred thousand dollars (\$ 500,000) -- an amount equal to ten percent (10%) of the revenues handled by the district;

(C) Five percent (5%) of the excess of five hundred thousand dollars (\$ 500,000) to one million dollars (\$ 1,000,000) shall be added;

(D) Three percent (3%) of the excess of one million dollars (\$ 1,000,000) to three million dollars (\$ 3,000,000) shall be added;

(E) Two percent (2%) of the excess of three million dollars (\$ 3,000,000) shall be added; and

(F) The amounts indicated in subdivisions (2)(A)-(E) shall be cumulative.

(d) All such official bonds shall be signed by authorized individuals of a corporate surety, and such corporation shall be duly licensed to do business in the state of Tennessee as a surety.

(e) The official bonds required under this section are hereby required to be transmitted to the comptroller of the treasury, to be filed in the comptroller of the treasury's office, and be receipted for by the comptroller of the treasury.

(f) The respective emergency communications district shall pay the premiums for such bonds.

HISTORY: Acts 1992, ch. 891, § 1; 1993, ch. 479, § 5.

#### **§ 7-86-120. Annual budget and fiscal plan**

(a) The board of each district shall adopt and operate under an annual budget. The budget shall present a financial plan for the ensuing fiscal year, including at least the following information:

(1) Estimates of proposed expenditures for each department, board, office or other agency of the district showing, in addition, the expenditures for corresponding items for the last preceding fiscal year, projected expenditures for the current fiscal year and reasons for recommended departures from the current appropriations pattern in such detail as may be prescribed by the board. It is the intent of this subdivision (a)(1) that all moneys received and expended by a district shall be included in the budget. Therefore, notwithstanding any other provision of law, no district may expend any moneys regardless of their source, including moneys derived from bond and long-term note proceeds, federal, state or private grants or loans, or special assessments, except in accordance with a budget adopted under this section;

(2) Statements of the bonded and other indebtedness of the district, including the debt redemption and interest requirements, the debt authorized and unissued, and the condition of the sinking fund;

(3) Estimates of anticipated revenues of the district from all sources, including non-tax revenues and proceeds from the sale of any bonds, notes or other debt obligations with a comparative statement of the amounts received by the district from each of such sources for the last preceding fiscal year, the current fiscal year, and the coming fiscal year in such detail as may be prescribed by the board;

(4) A schedule of salaries by position and the number of people employed by the district;

(5) A statement of the estimated balance or deficit, as of the end of the current fiscal year;

(6) A statement of pending capital projects and proposed new capital projects, relating to respective amounts proposed to be raised for capital projects by appropriations in the budget and the respective amounts, if any, proposed to be raised for capital projects by the issuance of bonds, notes or other debt obligations during the fiscal year; and

(7) Such other supporting schedules as the board deems necessary, or is otherwise required by law.

(b) Prior to adoption by the district, a copy of the proposed budget shall be filed with the clerk or recorder of the appropriate county or municipality, who shall then distribute copies to members of the appropriate legislative body and to members of municipal legislative bodies participating in the district, at least thirty (30) days before the next scheduled meeting of the legislative body. A copy of the proposed budget shall also be filed with the chief administrative officer of the appropriate county or municipality at the same time the budget is filed with the clerk or recorder. Prior to adoption of the budget, the board of directors shall hold a public hearing on the proposed budget for which adequate public notice has been given. Nothing in this subsection (b) shall prohibit a district from adopting the proposed budget or delay the orderly adoption of the annual budget by the district's board of directors.

(c) Within thirty (30) days after the budget's adoption by the district board, the budget, and any amendments to the budget, shall be filed with the clerk or recorder of the appropriate county or municipality, who shall then distribute copies to members of the appropriate legislative body. Within thirty (30) days after its adoption by the district board, the budget, and any amendments to the budget shall be filed with the chief administrative officer of the appropriate county or municipality. Nothing in this subsection (c) shall prohibit or limit the authority of the board of directors from amending a budget after adoption.

HISTORY: Acts 1992, ch. 891, § 3; 1993, ch. 479, §§ 6, 7; 1995, ch. 68, §§ 2, 3.

#### **§ 7-86-121. Sale of bonds or notes -- Revenue**

(a) Bonds or notes issued pursuant to the provisions of this part may be sold at either public sale or private negotiated sale.

(b) All revenues, including any debt obligation issued for the purpose of a lease/lease purchase, must be expended according to the provisions of the County Purchasing Law of 1983, compiled in title 5, chapter 14, part 2. For the purposes of applying title 5, chapter 14, part 2, the district board of directors is deemed to be the governing body.

HISTORY: Acts 1992, ch. 891, § 9.

#### **§ 7-86-122. Deposit and investment of idle funds**

In order to provide a safe temporary medium for the investment of idle funds, emergency communications districts shall deposit and invest idle funds according to the provisions of § 5-8-301.

HISTORY: Acts 1992, ch. 891, § 10.

#### **§ 7-86-123. Financial report**

At every regularly scheduled meeting of the board of directors, the board must be provided with a financial report of the emergency communication district's activities, in accordance with guidelines developed by the comptroller of the treasury.

HISTORY: Acts 1992, ch. 891, § 11.

**§ 7-86-124. Disbursement, transfer, withdrawal or investment of financial assets**

No member of the board of directors shall have control or custody of the financial assets of an emergency communications district. No member of the board of directors, on such member's sole authority, may authorize the disbursement, transfer, withdrawal or investment of any financial assets belonging to the emergency communications district.

HISTORY: Acts 1992, ch. 891, § 12.

**§ 7-86-125. Comprehensive travel regulations for district officers and employees**

(a) The board of directors of each district shall adopt comprehensive travel regulations applicable to all officers and employees of the district. The minimum regulations shall be the same as those of the appropriate county or municipality that created the district. Nothing in this subsection (a) shall prohibit a district from adopting a more stringent policy. However, the district may establish a mileage allowance for travel up to, but not in excess of, the business standard mileage rate established by the Internal Revenue Code.

(b) If the appropriate county or municipality does not have comprehensive travel regulations as described in subsection (a), the board shall adopt travel regulations. Such regulations shall determine how expenses will be reimbursed and what expenses are reimbursable. A copy of such travel regulations shall be open for public inspection and kept on file in the district office.

HISTORY: Acts 1993, ch. 479, § 8.

**§ 7-86-126. Security of district funds by depositories**

All funds deposited with a bank or other financial institution shall be secured by collateral in the same manner and under the same conditions as state deposits under title 9, chapter 4, parts 1 and 4, or as provided in a collateral pool created under title 9, chapter 4, part 5.

HISTORY: Acts 1993, ch. 479, § 9; 1995, ch. 62, § 1.

**§ 7-86-127. Street names and numbers**

(a) Unless expressly provided otherwise by law, the authority to name public and private roads and streets, including roads and streets located within residential developments, and to assign property numbers relating to the roads and streets, is exclusively vested in the legislative bodies of counties for unincorporated areas, and municipalities within their incorporated boundaries; provided, that the exercise of this authority must be in a manner acceptable to the United States postal service.

(b) The legislative bodies of any county or municipality may delegate the authority provided under this section to the emergency communications district, if there be one; provided, that the legislative body shall approve road or street name changes made by the district under such terms as the legislative body may determine.

(c) Any county or city, including districts with delegated authority, may establish and impose reasonable fees and enforce policies relating to the changing of names of roads and streets, and may establish and enforce policies for the assignment and posting requirements of property numbers.

(d) The legislative bodies of all counties and municipalities, or their designees, shall provide their local county election commissions an updated list of any modifications or changes to all house, road, or street names or numbers every six (6) months.

(e) This section may not be construed to require a local government to maintain any portion of a road that the local government has not accepted.

HISTORY: Acts 1994, ch. 807, § 2; 1995, ch. 68, § 4; 1997, ch. 136, § 1; 2004, ch. 480, § 13.

**7-86-128. Statewide prepaid wireless emergency telephone charge. [Effective July 1, 2011.]**

(a) As used in this section, unless the context otherwise requires:

(1) "Board" means the emergency communications board established under § 7-86-302;

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

(3) "Department" means the department of revenue;

(4) "Prepaid wireless emergency telephone service charge" means the charge that is required to be collected by a seller from a consumer in the amount established under this section;

(5) "Prepaid wireless telecommunications service" means a wireless telecommunications service that allows a caller to dial 911 to access the 911 system, which service must be paid for in advance and is sold in predetermined units or dollars of which the number declines with use in a known amount;

(6) "Provider" means a person that provides prepaid wireless telecommunications service pursuant to a license issued by the federal communications commission;

(7) "Retail transaction" means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale, and the purchase of more than one (1) item that provides prepaid wireless telecommunications service, when such items are sold separately, constitutes more than one (1) retail transaction;

(8) "Seller" means a person who sells prepaid wireless telecommunications service to another person; and

(9) "Wireless telecommunications service" means commercial mobile radio service as defined by 47 CFR 20.3.

(b)(1)(A) A statewide prepaid wireless emergency telephone charge of fifty-three cents (53cent(s)), or an adjusted amount as provided in subdivision (b)(6), shall be imposed on each retail transaction in lieu of the charge imposed pursuant to § 7-86-108.

(B) Notwithstanding (b)(1)(A), if a minimal amount of prepaid wireless telecommunications service is sold with a prepaid wireless device and a single, non-itemized price is charged for the service, then the seller may elect not to apply the service charge imposed by this subdivision (b)(1). For purposes of this subdivision (b)(1)(B), a minimal amount of service means an amount of service denominated as either ten (10) minutes or less or five dollars (\$5.00) or less.

(2) The prepaid wireless emergency telephone service charge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless emergency telephone service charge shall be either separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller, or otherwise disclosed to the consumer.

(3) For purposes of this subsection (b), a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring in this state for purposes of § 67-6-230.

(4) The prepaid wireless emergency telephone service charge is the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all charges that the seller is deemed to collect where the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

- (5) The amount of the prepaid wireless emergency telephone service charge that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.
- (6)(A) If the emergency telephone service charge imposed under § 7-86-108(a)(1)(B)(i)(a) is increased or reduced pursuant to the provisions of such subdivision, then the prepaid wireless emergency telephone charge imposed by subdivision (b)(1) shall be increased or reduced in proportion to such change.
- (B) The proportional increase or reduction shall be effective on the first day of the first calendar month to occur at least sixty (60) days after notification is received by the department from the board as provided in § 7-86-108(a)(1)(B)(i)(b).
- (C) The department shall provide notice on its web site of an increase or reduction that occurs pursuant to this subdivision (b)(6) at least thirty (30) days before such change takes effect.
- (c)(1) Prepaid wireless emergency telephone service charges collected by sellers shall be remitted to the department at the times and in the manner provided by title 67, chapter 6, with respect to the sales and use taxes. The department shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply under title 67, chapter 6.
- (2) A seller shall be permitted to deduct and retain three percent (3%) of prepaid wireless E911 charges that are collected by the seller from consumers.
- (3) The audit and appeal procedures applicable under title 67, chapter 1 shall apply to the prepaid wireless emergency telephone service charge.
- (4) The department shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions for sales and use purposes under title 67, chapter 6.
- (5) The department shall pay all remitted prepaid wireless emergency telephone service charges over to the board within thirty (30) days of receipt, for use by the board in accordance with part 3 of this chapter. The department may deduct an amount, not to exceed two percent (2%) of collected charges, to be retained by the department to reimburse its direct costs of administering the collection and remittance of prepaid wireless emergency telephone service charges.
- (d)(1) A seller that is not a provider shall be entitled to the immunity and liability protections under §§ 7-86-319 and 7-86-320, notwithstanding the requirement in § 7-86-320(a) regarding compliance with federal communications commission order number 05-116.
- (2) A provider shall be entitled to the immunity and liability protections under §§ 7-86-319 and 7-86-320.
- (3) In addition to the protection from liability provided by subdivisions (d)(1) and (2), each provider and seller shall be entitled to the further protection from liability, if any, that is provided to providers and sellers of wireless telecommunications service that is not prepaid wireless telecommunications service pursuant to §§ 7-86-319 and 7-86-320.
- (e) The prepaid wireless emergency telephone service charge imposed by this section shall be the only E911 funding obligation imposed with respect to prepaid wireless telecommunications service in this state, and no tax, fee, surcharge, or other charge shall be imposed by this state, any political subdivision of this state, or any intergovernmental agency, for E911 funding purposes, upon any provider, seller, or consumer with respect to the sale, purchase, use or provision of prepaid wireless telecommunications service.

HISTORY: Acts 2010, ch. 774, § 3.

**§ 7-86-129. Purchasing by emergency communications districts**

(a) Any emergency communications district may purchase equipment under the same terms of a legal bid initiated by any other district.

(b)(1) Any emergency communications district may purchase directly from a vendor the same goods and equipment at the same price and under the same terms as provided in a contract for such equipment entered into by any other district.

(2) Any emergency communications district that purchases goods and equipment under this subsection (b) shall directly handle payment, refunds, returns, and any other communications or requirements involved in the purchase of the equipment without involving the district that originated the contract. The originating district shall have no liability or responsibility for any purchases made by another district under a contract that the originating district negotiated and consummated.

HISTORY: Acts 2011, ch. 117 § 1.

**§ 7-86-130 to 7-86-150. [Reserved.]**

**§ 7-86-151. Systems funded by general revenues -- Construction of chapter**

(a) The legislative body of any municipality or county is authorized by ordinance or resolution, respectively, to establish, operate and maintain an emergency communications system providing 911 service within its boundaries when funded by general revenues.

(b) No provisions of this chapter shall be construed to prohibit such service by such municipality or county.

HISTORY: Acts 1987, ch. 94, § 5.

## PART 2--EMERGENCY DISPATCHES

§ 7-86-201. Repealed by Acts 2000, ch. 946, § 3, eff. July 1, 2000.

§ 7-86-202. Repealed by Acts 2000, ch. 946, § 3, eff. July 1, 2000.

§ 7-86-203. Repealed by Acts 2000, ch. 946, § 3, eff. July 1, 2000.

### § 7-86-204. Fire protection -- No liability for costs of services rendered to a nonsubscriber

(a) If an emergency communications district requests fire protection services, and if a utility district providing fire protection services responds to a request for a nonsubscriber, then the emergency communications district has no liability for the cost of such service.

(b) The provisions of this section shall only apply in counties having a population of not less than eighty-five thousand eight hundred (85,800) nor more than eighty-six thousand one hundred (86,100), according to the 1990 federal census or any subsequent federal census.

HISTORY: Acts 1997, ch. 99, §§ 2, 3.

### § 7-86-205. Requirements for public safety dispatchers

(a) Regardless of agency or governmental jurisdiction, each emergency call taker or public safety dispatcher who receives an initial or transferred 911 call from the public is subject to the training and course of study requirements established by the emergency communications board created pursuant to § 7-86-302.

(b) (1) The emergency communications board established by § 7-86-302 is the sole authority to implement this section and may determine whether to grant an exception to or to waive the requirements of subdivisions (d)(4) and (5), to the extent authorized pursuant to subdivision (d)(2), for an emergency call taker or public safety dispatcher at the request of a majority of the membership of a board of directors of an emergency communications district. No person may be employed as an emergency call taker or public safety dispatcher, who requires a waiver under this section, until such waiver is granted. The board may establish an advisory committee to hear and review requests for exceptions and waivers, and make recommendations to the board on whether to grant or deny the requests. The meetings of the committee shall be open to the public, recorded and the recording open to public inspection. Any party adversely affected may, within sixty (60) days of the board's decision, initiate a contested case as provided by the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, which shall be heard by an administrative law judge sitting alone.

(2) The board may grant a waiver of pre-employment requirements under the following circumstances:

(A) **Military History.** The board may waive pre-employment requirements relating to the military history for the following separations from military service:

(i) An entry level separation; or

(ii) A general discharge under honorable conditions.

(B)(i) **Criminal Activity.** The board may consider a waiver from pre-employment requirements relating to criminal activity if the person has been convicted of or pleaded guilty to or entered a plea of *nolo contendere* to any violation of any federal or state law or city ordinance with the following charges:

(a) Relating to force, violence, theft, dishonesty, gambling, liquor (including driving while intoxicated) if such violation is a misdemeanor and is not classified as a domestic violence offense; or

(b) Controlled substances when the offense was classed as a misdemeanor.

(ii) The employing agency requesting waiver must present a copy of the final court disposition of the case.

(C) **Expungement of Charges.** The board may consider a waiver from pre-employment requirements relating to expungement of misdemeanor charges, except for charges classified as a domestic violence offense, on an individual basis and depending on the circumstances. It is the responsibility of the requesting agency to present information and court documentation relating to the expungement to the board.

(c) Except as provided in subsection (e), beginning July 1, 2006, all emergency call takers or public safety dispatchers subject to this section shall have successfully completed a course of study approved by the emergency communications board created pursuant to § 7-86-302.

(d) Except as provided in subsection (f), in addition to the requirements of subsection (c), any such person shall:

(1) Be at least eighteen (18) years of age;

(2) Be a citizen of the United States;

(3) Be a high school graduate or possess equivalency;

(4) Not have been convicted or pleaded guilty to or entered a plea of nolo contendere to any felony charge or to any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances;

(5) Not have been released or discharged under other than an honorable or medical discharge from any of the armed forces of the United States;

(6) Have such person's fingerprints on file with the Tennessee bureau of investigation;

(7) Have passed a physical examination by a licensed physician; and

(8) Have a good moral character as determined by a thorough investigation conducted by the employing agency.

(e) All emergency call takers and public safety dispatchers subject to this section employed after July 1, 2006, shall have six (6) months from the date of their employment to comply with this section.

(f) Notwithstanding other provisions of law to the contrary, the law in effect prior to May 1, 1994, relative to public safety dispatchers shall apply to any person who had more than five (5) years of continuous employment as a public safety dispatcher on May 1, 1994.

**HISTORY:** Acts 1994, ch. 940, § 1; 1997, ch. 257, § 1; 1997, ch. 320, § 1; 1997, ch. 320, § 2; 1998, ch. 1108, § 31; T.C.A., 7-86-201; Acts 2000, ch. 946, § 3; 2003, ch. 254, § 2; 2005, ch. 129, §§ 1-3; 2011, ch. 265, § 1.

### **PART 3--STATEWIDE ENHANCED 911 SERVICE**

#### **§ 7-86-301. Legislative findings**

The general assembly finds that the “Emergency Communications District Law” has been successfully embraced by the vast majority of Tennessee counties, most of which have already initiated basic or enhanced 911 service and are developing or maintaining this lifesaving service in furtherance of the purposes stated in the law. The general assembly also finds that the establishment of emergency communications services for all citizens of the state will promote the public interest. The general assembly further finds that statewide wireless enhanced 911 service is in the public interest.

HISTORY: Acts 1998, ch. 1108, § 1.

#### **§ 7-86-302. Emergency communication board established -- Members -- Terms of office -- Officers -- Meetings**

(a) There is created in the department of commerce and insurance an emergency communications board, referred to in this part as “the board”, for the purpose of assisting emergency communications district boards of directors in the area of management, operations, and accountability, and establishing emergency communications for all citizens of the state. Notwithstanding the provisions of any law to the contrary, the board shall, upon being constituted, exercise its powers and duties, in accordance with the provisions of this part, relative to all emergency communications districts established pursuant to this chapter or by any public or private act.

(b) The board shall be composed of nine (9) members as follows:

(1) One (1) member, appointed by the governor, who has no connection to emergency communications districts and who does not fulfill any other requirements for appointment to the board;

(2) The comptroller of the treasury or the comptroller's designee. The appointment of the comptroller's designee to the board shall be for the term of office of the comptroller;

(3) One (1) representative of county government, who shall be appointed by the governor from a list of three (3) nominees submitted by the Tennessee county services association;

(4) One (1) representative of city government, who shall be appointed by the governor from a list of three (3) nominees submitted by the Tennessee municipal league; and

(5)(A) Five (5) members, appointed by the governor, who shall either be current directors of emergency communications districts or current members of emergency communications district boards of directors at the time of their appointment. The governor shall appoint such members either from a list of three (3) nominees for each position submitted by the Tennessee emergency number association, or from a nominating resolution adopted by an emergency communications district. No more than two (2) members appointed pursuant to this subdivision (b)(5) shall be residents of the same congressional district.

(B) Nominations shall be made not less than thirty (30) days before the end of a term, and shall be filed with the governor and the board. In appointing members, the governor shall strive to ensure that the composition of the board represents the diversity of persons in Tennessee by considering race, gender, age, and geographical and political interests.

(c) Members shall be appointed to four-year terms, except as provided in this subsection (c). Two (2) of the members appointed by the governor shall be appointed to serve an initial term of two (2) years, two (2) members shall be appointed to serve an initial term of three (3) years, and the remaining four (4) members shall be appointed for an initial term of four (4) years. The governor may select the members whose initial terms are less than four (4) years. Thereafter, such members shall be appointed and serve four-year terms. Members appointed by the governor may be appointed to successive terms.

- (d) The board shall elect a chair and such other officers as it may deem necessary and appropriate. Such officers shall be elected for two-year terms.
- (e) The board shall meet at least quarterly, and at the call of the chair.
- (f) A quorum shall consist of five (5) or more members; and all official action of the board shall require a quorum.
- (g) All meetings of the board shall be subject to the open meeting provisions of title 8, chapter 44, and the public records provisions of title 10, chapter 7.

HISTORY: Acts 1998, ch. 1108, § 5.

**§ 7-86-303. Budget -- Salary and expenses -- Funding -- Authorized disbursements**

- (a) The board's budget shall be subject to approval by the general assembly.
- (b) No member of the board is entitled to a salary for duties performed as a member of the board. Each member is entitled to reimbursement for travel and other necessary expenses incurred in the performance of official duties, in accordance with the state comprehensive travel regulations as promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.
- (c) The board shall be funded through a charge on all commercial mobile radio service, established pursuant to § 7-86-108.
- (d) Any funds collected by the board shall be deposited in the state treasury in a separate interest-bearing fund to be known as the 911 Emergency Communications Fund. Disbursements from this fund shall be limited solely to the operational and administrative expenses of the board and the purposes as expressed in this part. At no time during its existence shall the 911 Emergency Communications Fund be used to fund the general expenses of the state of Tennessee.

(1) The board shall distribute twenty-five percent (25%) of the revenue generated by such a charge to each emergency communications district created either pursuant to § 7-86-105 or this part, based on the proportion of the population of each district to that of the state, according to the 1990 federal census or any subsequent federal census. Such funds shall be used at the discretion of each district for the provision of 911 service in accordance with the provisions of this chapter. Such distribution shall be made thereafter as soon as possible in accordance with the provisions of this part.

(2) The board shall also use such funds to reimburse emergency communications districts and commercial radio service providers for expenditures to implement, maintain, operate, or enhance statewide wireless enhanced 911 service, in accordance with the provisions of § 7-86-306(a)(10).

(3)(A) Any funds collected in excess of the annual fiscal requirements of the board, which shall include the payments to emergency communications districts established in subdivision (d)(1), shall not revert to the general fund. Any unspent funds at the end of a fiscal year shall be carried forward to the next fiscal year to be used as a beginning balance for the fiscal requirements for such fiscal year. The board may, at its discretion, and following policies, procedures, and criteria the board has developed, use any such unspent funds to provide grants for operating and capital expenditures for basic or enhanced 911 service and wireless enhanced 911 service to assist emergency communications districts created either pursuant to § 7-86-105 or this part. Such grants may be renewed by the board:

AFTER providing for all necessary and reasonable operating and administrative expenses of the board, which shall include the payments and grants established in this section;

AND AFTER implementing statewide wireless enhanced 911 service pursuant to standards established by the board, which shall include the present and future costs associated with required and necessary implementation, operation, maintenance, and enhancement of statewide wireless enhanced 911 service

pursuant to the federal communications commission order, in accordance with subdivision (d)(2) and § 7-86-306(a)(10);

AND AFTER establishing 911 service throughout Tennessee pursuant to standards established by the board;

THEN the board may distribute any excess revenue to each emergency communications district created either pursuant to § 7-86-105 or this part, for the purposes of promoting uniform 911 service, and those purposes stated in the law and this section. The board must first determine that such distribution is possible and practicable, does not threaten the solvency of the 911 Emergency Communications Fund, and is consistent with § 7-86-306.

(B) It is the intent of the general assembly that the board should distribute such excess revenue to emergency communications districts, as long as such distribution is consistent with the provisions of this section.

HISTORY: Acts 1998, ch. 1108, § 7.

**§ 7-86-304. Uniform financial accounting system -- Audit -- Annual budgets -- Supervision of financially distressed districts**

(a) The comptroller of the treasury is directed to develop a uniform financial accounting system conforming to generally accepted accounting principles for use as required by this section. Effective July 1, 1999, each emergency communications district shall use the uniform accounting system developed by the comptroller of the treasury.

(b) The annual audit of all emergency communications districts shall disclose the failure of any such district to maintain such a financial accounting system as prescribed by the comptroller of the treasury. The comptroller of the treasury shall file with the board a copy of the audited financial statements of each emergency communications district, prepared pursuant to § 7-86-113. The board shall have authority to act upon any adverse findings noted in such audits or financial statements and to order such action as may be necessary to remedy the adverse findings.

(c) The board of directors of each emergency communications district shall file with the board a copy of its annual budget, prepared in accordance with § 7-86-120.

(d)(1) Any emergency communications district that is a financially distressed emergency communications district shall be subject to the supervision and evaluation of the board. A “financially distressed emergency communications district” is a district that, as shown by the annual audits:

(A) Has a negative change in net assets for a period of three (3) consecutive years;

(B) Has deficit total net assets; or

(C) Is in default on any indebtedness.

(2) Notwithstanding the provisions of subdivision (d)(1), the board may determine that a district is a “financially distressed emergency communications district,” and shall be subject to the supervision and evaluation of the board, if a district:

(A) Is the subject of a lien filed by the internal revenue service;

(B) The board determines that it appears that the district cannot satisfy its financial obligations to the extent that the continued operation of the district is at risk; or

(C) The district has defaulted on any indebtedness due to insufficient funds, such default is not cured within sixty (60) days and, upon determination of the board, it appears that the district cannot satisfy its financial obligations to the extent that the continued operation of the district is at risk.

(3) After reviewing the financial statements and operations of any financially distressed emergency communications district, and after holding a public hearing within such district's service area, the board may

prescribe a rate structure, up to the maximum established pursuant to § 7-86-108(a)(2)(A), to be adopted by the district, as may be necessary to cause the district to liquidate in an orderly fashion any deficit total net assets, to cure a default on any indebtedness of the district, and to eliminate the negative change in net assets, or any of these.

(e) If the board of an emergency communications district fails to adopt the prescribed rate structure, the board may, in addition to any and all other remedial actions available to it, petition the chancery court, in a jurisdiction in which the emergency communications district is operating, to require the adoption of the rate structure prescribed by the board or such other remedial actions that, in the opinion of the court, may be required to cause the district to be operated in accordance with the provisions of state law.

HISTORY: Acts 1998, ch. 1108, § 8; 2001, ch. 149, § 3; 2004, ch. 619, §§ 10-12.

#### **§ 7-86-305. Consolidation or merger for purposes of financial stability**

(a) As a means to restore financial stability to financially distressed emergency communications districts and to ensure continued 911 service for the benefit of the public, the board may study the possible consolidation or merger of two (2) or more adjacent emergency communications districts, if at least one (1) such emergency communications district is financially distressed. In the event that the board determines that such a consolidation or merger is in the best interest of the public, and after holding public hearings within the service areas of the affected emergency communications districts, the board may order the consolidation or merger. The board shall establish rules and policies concerning the composition and selection of the board of directors, and shall establish technical and operating standards and a rate structure for such multi-jurisdictional emergency communications district; provided, that such action shall not threaten the financial integrity or stability of the affected emergency communications districts, or the level and quality of 911 service.

(b) Notwithstanding the provisions of subsection (a) to the contrary, a merger or consolidation affecting a non-financially distressed emergency communications district shall not become effective without the prior approval of the board of directors of such non-financially distressed emergency communications district.

HISTORY: Acts 1998, ch. 1108, § 9.

#### **§ 7-86-306. Powers and duties of board -- Review of decisions or orders of board**

(a) In order to effectuate the purposes of this part, the board has the power and authority to:

(1) Promulgate rules and regulations in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, for the conduct of the affairs of the board;

(2) Adopt a seal for the board, prescribe the style of the seal, and alter the seal at pleasure;

(3) Subject to the provisions of title 9, chapter 4, part 51 appoint and fix the salaries and duties of such experts, agents, and employees as it deems necessary. Notwithstanding any provision of law to the contrary, for the purposes of § 8-30-208, the executive director of the board shall be considered the equivalent of an assistant commissioner;

(4) Subject to the provisions of title 12, make and enter into contracts and purchases;

(5) Adopt a proposed budget, which shall be included in the proposed budget of the department of commerce and insurance;

(6) Accept gifts, grants, or other moneys, and to receive appropriations that may be made by law;

(7) Provide advisory technical assistance to any emergency communications district upon request;

(8) Administer the deployment of 911 service for emerging communications technologies, including, but not limited to, IP-enabled service, that are capable of connecting users dialing or entering the digits 911 to public

safety answering points and other non-wireline services;

(9) Establish technical operating standards for emergency communications districts and periodically review and revise wireless enhanced 911 standards based on orders and rulings by the federal communications commission (FCC);

(10) Establish operating standards concerning acceptable uses of revenue for emergency communications districts and periodically review and revise these standards;

(11) Respond to requests from emergency communications districts, commercial mobile radio service (CMRS) providers or other parties and subject to availability of funds, review and approve requests for reimbursements for expenditures or payment of obligations incurred to implement, operate, maintain, or enhance statewide wireless enhanced 911 service in conformance with any rules or orders of the FCC, and other federal and state requirements that pertain to wireless enhanced 911 service;

(12) Raise the emergency telephone service charge rates of an individual emergency communications district up to the maximum established in § 7-86-108(a)(2)(A); provided, that the district meets financial and operational criteria established by the board in consultation with the comptroller of the treasury;

(13) From time to time, submit to the speakers of the general assembly any recommended amendments to this chapter; and

(14) Exercise all the powers and take all the actions necessary, proper, or convenient for the accomplishment of the purposes enumerated in this section.

(b)(1) Any party adversely affected by a decision or order of the board may, within sixty (60) days of the board's action, initiate a contested case as provided by the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, which shall be heard by an administrative law judge sitting alone.

(2) In the conduct of any hearing upon request or complaint, the administrative law judge may receive evidence in the form of affidavits in addition to minutes, transcripts, and other evidence of actions by an emergency communications district.

(c) Nothing contained within subdivision (a)(12) or this section shall be construed to authorize the board to establish CMRS rates other than a flat, statewide, uniform rate.

HISTORY: Acts 1998, ch. 1108, § 10; 2004, ch. 810, § 5; 2005, ch. 147, § 1, 2006, ch. 647, § 1.

**§ 7-86-307. Plan for providing statewide 911 and enhanced wireless 911 service**

(a) The board shall develop and implement a plan for providing 911 service and wireless enhanced 911 service to all citizens of Tennessee. The plan shall provide for:

(1) A schedule for the implementation, installation, operation, maintenance, and enhancement of statewide wireless enhanced 911 service, and the funding of the service;

(2) A schedule for the implementation and coordination of a 911 system plan for the state of Tennessee, which shall include the funding of the plan. With respect to an emergency communications district's financial standing and the level and quality of 911 service, the board shall act as the deciding agency whenever such issues arise between an emergency communications district and other governmental units involving the 911 system;

(3) A review and analysis of progress maintained by emergency communications districts in complying with technical, operating, and financial standards adopted by the board;

(4) A plan for each emergency communications district not meeting technical, financial, and operating standards as established in this part by the board to come into compliance with such standards; and

(5) An implementation schedule that accounts for the progress achieved by each district in attaining and maintaining financial, technical, and operating standards.

(b)(1) The board shall encourage and promote the planning, development, and implementation of 911 service for each newly created emergency communications district. Any emergency communications district newly created after May 20, 1998, shall have its 911 system plan approved by the board prior to implementation. The plan for each such district shall include specific local requirements. Such plan shall include, but not be limited to, law enforcement, firefighting, and emergency medical services and may include, but not be limited to, other emergency services such as poison control, animal control, suicide prevention, and emergency management services.

(2) Such plan shall also include funding requirements necessary to implement and operate the 911 system; provided, that if anticipated revenues are not adequate to achieve and maintain technical and operating standards as established by the board in this part, the board shall undertake a study to determine other options for the provision of 911 service to that area.

(c) The board shall not require the commercial mobile radio service providers to select or deploy particular commercial solutions to meet any federal communications commission rulings or orders, or other requirements concerning wireless enhanced 911 service; provided, that the solutions chosen are compatible with the operations of emergency communications districts and the technical and operating standards for wireless enhanced 911 service adopted by the board.

HISTORY: Acts 1998, ch. 1108, § 11.

#### **§ 7-86-308. Technical advisory committee**

The board shall appoint a technical advisory committee, the number of members to be determined by the board. The technical advisory committee shall be composed of representatives of 911 service suppliers and non-wireline service providers, including, but not limited to, commercial mobile radio service and IP-enabled service providers, for the purpose of providing and receiving operational and technical information and advice on all aspects of wireless enhanced 911 service. The technical advisory committee members shall not be voting members of the board. No member of this committee is entitled to a salary for duties performed as a member of the committee. No member is entitled to reimbursement for travel and other necessary expenses incurred in the performance of official duties.

HISTORY: Acts 1998, ch. 1108, § 12; 2007, ch. 380, § 1.

#### **§ 7-86-309. Other advisory committees**

The board shall appoint advisory committees for the purpose of providing and receiving information to the board, the number of members on such committees shall be determined by the board. Such committees may include, but not be limited to, local government officials, consumers, 911 service users, law enforcement personnel, firefighting personnel, and emergency medical services personnel. Members of such advisory committees shall not be voting members of the board. No member of any such advisory committee is entitled to a salary for duties performed as a committee member. No member is entitled to reimbursement for travel and other necessary expenses incurred in the performance of official duties.

HISTORY: Acts 1998, ch. 1108, § 13.

**§ 7-86-310. Board approval required for approval of new district within existing district**

After May 20, 1998, no referendum to allow the creation of a new emergency communications district within the boundaries of an existing emergency communications district shall take place without prior approval by the board. In the event that the board determines that such a creation is in the best interest of the public, and after holding a public hearing within the service area of the existing emergency communications district, the board may order that a referendum be held; provided, that such action shall not threaten the financial integrity or stability or the level or quality of 911 service of the existing emergency communications district.

HISTORY: Acts 1998, ch. 1108, § 14.

**§ 7-86-311. Referendum to create countywide districts -- Plan to provide service to counties that fail to approve referendum**

(a) In each county in which an emergency communications district has not been created by January 1, 2000, the board shall order an election to be held at the next regularly scheduled general election, pursuant to § 2-3-204, to submit to the voters of the county the question of creating a countywide emergency communications district. In the election to be held, the questions submitted to the qualified voters shall be "For the Emergency Communications District," or "Against the Emergency Communications District." Upon approval by a majority of those voting, an emergency communications district is created in accordance with the provisions of title 7, chapter 86.

(b) In the event that such a referendum is not approved by a majority of those voting, the board shall be authorized to develop and implement a plan for the provision of wireless enhanced 911 service to such county.

HISTORY: Acts 1998, ch. 1108, § 15.

**§ 7-86-312. Request for board review of district decision**

Any city or county governing body may, by resolution, request the board to review a decision of the board of directors of the emergency communications district serving such city or county affecting its financial standing and its level or quality of 911 service.

HISTORY: Acts 1998, ch. 1108, § 16.

**§ 7-86-313. Request for board review of district financial statements -- Petition by board to require district to adopt temporary rate structure**

Any county or city governing body may, by resolution, request the board to review the financial statements of an emergency communications district serving such county or city. If the board determines that such district is accumulating excess reserves or retained earnings, and if such emergency communications district is not able to justify such accumulation of revenues, the board may petition the chancery court in a jurisdiction in which such emergency communications district is operating, to require the adoption of a temporary rate structure recommended by the board, or other temporary rate structure sufficient to reduce such excess retained earnings; provided, that any such rate ordered by the chancery court must be adequate to cover all reasonable and necessary costs of operation, and shall not threaten the financial integrity of such emergency communications district or its quality and level of 911 service.

HISTORY: Acts 1998, ch. 1108, § 17.

**§ 7-86-314. Removal of member or board**

(a) No member of the board of directors of an emergency communications district shall have more than three (3) consecutive unexcused absences from meetings. If such a member has three (3) or more consecutive unexcused absences after May 20, 1998, such member may be removed by order of the chancery court in a jurisdiction in which such emergency communications district operates, upon petition by either the board, or a county or city governing body in the service area of such district.

(b) If a member of a board of directors of an emergency communications district, or a board of directors of an emergency communications district, refuses to carry out either the provisions of this chapter or an order of the board after May 20, 1998, such member or board may be removed by order of the chancery court in a jurisdiction in which such emergency communications district operates, upon petition by either the board, or a city or county governing body in the service area of such district.

(c) If a member of a board of directors of an emergency communications district or a board of directors of an emergency communications district knowingly or willfully neglects to perform the duties of such office, such member or board may be removed by order of the chancery court in the jurisdiction in which the emergency communications district operates, upon petition by either the board or a county or city governing body in the service area of such district.

(d) Any such board member so removed under the provisions of this section shall be ineligible for reappointment for a period of not less than forty-eight (48) months. Such provisions shall be in addition to ouster provisions contained in title 8, chapter 47.

HISTORY: Acts 1998, ch. 1108, § 18.

#### **§ 7-86-315. Report to governor and speakers of general assembly**

The board shall report annually to the governor and the speakers of the general assembly on the activities of the board for the preceding year. The board shall receive and consider from any source whatsoever, whether private or governmental, suggestions for amendments to this chapter.

HISTORY: Acts 1998, ch. 1108, § 19.

#### **§ 7-86-316. 911 calls in nonemergency situations prohibited -- Penalty**

(a) A 911 call for a communication that is for some purpose other than to report an emergency or an event that the person placing the call reasonably believes to be an emergency is a Class C misdemeanor.

(b)(1) An aggravated 911 nonemergency call is a nonemergency 911 call as described in subsection (a) of this section where:

- (A) A single caller makes the nonemergency 911 calls in an offensively repetitious manner;
- (B) The nonemergency 911 call creates a delay in the response to an emergency; or
- (C) The nonemergency 911 call results in harm to person or property.

(2) An aggravated nonemergency 911 call is a Class A misdemeanor.

HISTORY: Acts 1998, ch. 1108, § 20; 2007, ch. 480, § 1.

#### **§ 7-86-317. Rules and regulations**

Notwithstanding any other provision of law to the contrary, the board shall promulgate rules and regulations to safeguard proprietary information submitted to the board. Such rules and regulations shall be consistent with determinations, actions, customs, and practices of the Tennessee regulatory agency with respect to proprietary information. Any information determined to be proprietary in accordance with such rules and regulations shall be confidential and shall not be open to the public for inspection, notwithstanding the public records provisions of title 10, chapter 7.

HISTORY: Acts 1998, ch. 1108, § 21.

**§ 7-86-318. Part not to be construed to regulate commercial mobile radio service (CMRS)**

Nothing in this part shall be construed to constitute the regulation of the entry or of rates charged by CMRS providers for any service or feature that they provide to their CMRS customers, or to prohibit a CMRS provider from charging a CMRS subscriber for any service or feature provided to such customer.

HISTORY: Acts 1998, ch. 1108, § 22.

**§ 7-86-319. Duty of commercial providers no greater than that of noncommercial providers**

A commercial mobile radio service provider shall not have any greater responsibility or duty to its customers or other persons with respect to 911 calls and the operation of a 911 system than does a noncommercial mobile radio service provider to its customers or other persons.

HISTORY: Acts 1998, ch. 1108, § 23.

**§ 7-86-320. Immunity or protection from liability**

(a) If a provider of an IP-enabled service offers 911 or E-911 services and such provider complies with federal communication commission Order #05-116, adopted May 19, 2005, that provider, its officers, directors, employees, vendors, and agents, shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability that any incumbent local exchange carrier in the provider's service area, and its officers, directors, employees, vendors, or agents, have under applicable law, whether through statute, judicial decision, tariffs filed by the local exchange company, or otherwise, including in connection with an act or omission involving the release of subscriber information related to the emergency calls or emergency services to a public safety answering point (PSAP), emergency medical service provider, emergency dispatch provider, public safety, fire service, or law enforcement official, or hospital emergency or trauma care facility.

(b) A person using an IP-enabled service that offers 911 or E-911 services pursuant to this section shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law in similar circumstances of a person using 911 or E-911 service that is not provided through an IP-enabled voice service.

(c) In matters related to IP-enabled 911 and E-911 communications, a PSAP, and its employees, vendors, agents, and authorizing government entity, if any, shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law accorded to the PSAP, employees, vendors, agents, and authorizing government entity, respective, in matters related to 911 or E-911 communications that are not provided via an IP-enabled service.

HISTORY: Acts 2006, ch. 925, § 6.