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TENNESSEE CODE ANNOTATED

TITLE 7 CONSOLIDATED GOVERNMENTS - SPECIAL DISTRICTS

CHAPTER 86 EMERGENCY COMMUNICATIONS

*** CURRENT THROUGH THE 2015 SESSION ***

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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: 1984 Pub. Acts, c. 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 provides 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: 1984 Pub.Acts, c. 867, § 2; 1993 Pub.Acts, c. 411, § 1, eff. May 19, 1993; 1993 Pub.Acts, c. 479, § 1, eff. July 1, 1993; 1995 Pub.Acts, c. 305, § 85, eff. July 1, 1996; 1998 Pub.Acts, c. 1108, § 2, eff. May 20, 1998; 2006 Pub.Acts, c. 925, § 1, eff. June 20, 2006.

§ 7-86-103. Chapter definitions

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

(1) “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;

(2) “911 surcharge” means the surcharge that is required to be collected from consumers under § 7-86-128(a);

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

(4) “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;

(5) “Commercial mobile radio service” or “CMRS” means commercial mobile radio service under §§ 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 CFR 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;

(6) “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;

(7) “Communications service” means a service that:

(A) Is capable of contacting and has been enabled to contact a public safety answering point (PSAP) via a 911 network by entering or dialing the digits 911;

(B) Is a “telecommunications service” as defined by § 67-6-102; and

(C) Is neither “prepaid calling service” nor “prepaid wireless calling service” as defined in § 67-6-102;

(8) “Consumer” means a person who purchases retail communications service or prepaid communications services in a retail transaction;

(9) “Dealer” has the meaning set forth in § 67-6-102;

(10) “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;

(11) “District” means any emergency communications district created pursuant to this part;

(12) “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;

(13) “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;

(14) “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);

(15) “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;

(16) “Prepaid communications service” means “prepaid wireless calling service”, as set forth in § 67-6-102, that is capable of contacting a PSAP by entering or dialing the digits 911;

(17) “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;

(18) “Public safety answering point” or “PSAP” means a facility that has been designated to receive 911 phone calls and route them to emergency services personnel pursuant to § 7-86-107(b);

(19) “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;

(20) “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;

(21) "Retail sale" has the meaning set forth in § 67-6-102;

(22) "Sales price" has the meaning set forth in § 67-6-102;

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

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

(25) "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;

(26) "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;

(27) "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

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

HISTORY: 1984 Pub.Acts, c. 867, § 3; 1985 Pub.Acts, c. 271, § 1; 1990 Pub.Acts, c. 909, § 1; 1993 Pub.Acts, c. 411, § 2, eff. May 19, 1993; 1993 Pub.Acts, c. 479, § 2, eff. July 1, 1993; 1995 Pub.Acts, c. 305, § 86, eff. July 1, 1996; 1998 Pub.Acts, c. 1108, §§ 3, 24, eff. May 20, 1998; 2006 Pub.Acts, c. 925, §§ 2 to 4, eff. June 20, 2006; 2010 Pub.Acts, c. 774, § 1, eff. July 1, 2011; 2012 Pub.Acts, c. 935, § 1, eff. May 10, 2012; 2014 Pub.Acts c. 795 § 2, eff. Jan. 1, 2015.

§ 7-86-104. Methods of 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: 1984 Pub.Acts, c. 867, § 4; 1994 Pub.Acts, c. 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, or their representatives, 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, chapter 1, part 1, and title 12, chapter 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 subdivision (b)(8)(A) is in effect for an emergency communications district, and any member of the emergency communications district board is removed pursuant to § 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 subdivision (b)(8)(A) is in effect for an emergency communications district, and the entire emergency communications district board is removed pursuant to § 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 § 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 title 8, chapter 35, part 2.

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

HISTORY: 1984 Pub.Acts, c. 867, § 5; 1986 Pub.Acts, c. 784, § 1; 1987 Pub.Acts, c. 94, § 3; 1988 Pub.Acts, c. 884, § 1; 1989 Pub.Acts, c. 243, § 1; 1990 Pub.Acts, c. 809, §§ 1 to 4; 1991 Pub.Acts, c. 283, § 1; 1992 Pub.Acts, c. 891, § 2; 1993 Pub.Acts, c. 479, § 10, eff. July 1, 1993; 1995 Pub.Acts, c. 68, § 5, eff. April 5, 1995; 1996 Pub.Acts, c. 696, § 1, eff. April 2, 1996; 1998 Pub.Acts, c. 1108, § 28, eff. May 20, 1998; 2001 Pub.Acts, c. 149, §§ 1, 2, eff. May 3, 2001; 2002 Pub.Acts, c. 567, § 1, eff. April 3, 2002; 2003 Pub.Acts, c. 90, § 2, eff. July 1, 2003; 2005 Pub.Acts, c. 64, § 1, eff. April 14, 2005; 2007 Pub.Acts, c. 55, § 1, eff. July 1, 2007; 2013 Pub.Acts c. 34, § 1, eff. March 22, 2013.

§ 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: 1984 Pub.Acts, c. 867, § 6; 1987 Pub.Acts, c. 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: 1984 Pub.Acts, c. 867, § 7; 1998 Pub.Acts, c. 1108, §§ 25 to 27, eff. May 20, 1998.

§ 7-86-108. Emergency telephone service charge -- Legislative levy decrease -- Date service and billing begins

Repealed.

HISTORY: 1984 Pub.Acts, c. 867, § 8; 1985 Pub.Acts, c. 271, §§ 2, 3; 1987 Pub.Acts, c. 94, § 4; 1989 Pub.Acts, c. 9, § 1; 1993 Pub.Acts, c. 419, § 1, eff. May 20, 1993; 1993 Pub.Acts, c. 479, § 3, eff. July 1, 1993; 1994 Pub.Acts, c. 778, § 2, eff. April 14, 1994; 1995 Pub.Acts, c. 68, § 1, eff. April 5, 1995; 1998 Pub.Acts, c. 1108, § 6, eff. May 20, 1998; 2002 Pub.Acts, c. 719, § 7; 2003 Pub.Acts, c. 90, § 2, eff. July 1, 2003; 2003 Pub.Acts, c. 205, § 1, eff. Oct. 1, 2003; 2003 Pub.Acts, c. 205, § 2, eff. May 29, 2003; 2006 Pub.Acts, c. 925, § 5, eff. June 20, 2006; 2010 Pub.Acts, c. 774, § 2, 4, eff. July 1, 2011; 2010 Pub.Acts, c. 1030, § 8, eff. June 11, 2010; 2014 Pub.Acts c. 795 § 3, eff. January 1, 2015.

§ 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: 1984 Pub.Acts, c. 867, § 9.

§ 7-86-110. 911 surcharge collections and remittance – Adjudication of claims – Damages - Accounting

(a) The board shall have the duty to ensure that dealers of retail communications service are in compliance for 911 surcharge collections and remittance. In carrying out such duty, the board shall have exclusive standing to bring claims against dealers of retail communications service for non-payment or under-collection errors or other injuries relating to collection of 911 surcharges. The board's exclusive standing to bring such claims shall not impact any litigation against dealers of retail communications service regarding 911 surcharges that pre-date this subsection (a).

(b) Dealers shall be entitled to retain as an administrative fee an amount equal to three percent (3%) of the collections of the 911 surcharge on the retail sale of communications service.

(c) Damages for civil claims arising out of collection shall be adjudicated by the Tennessee Claims Commission and any award of damages shall either be limited to the actual amount of 911 surcharges not collected, including, at the discretion of the claims commission, reasonable interest, or the maximum award the claims commission may award per claimant or occurrence, whichever is greater.

(d) Each dealer of retail communications service shall annually provide to the board an accounting of the amounts billed and collected and the disposition of such amounts. Such accounting shall be subject to audit or review by the comptroller of the treasury.

(e) In the event an audit or accounting is initiated by multiple state government departments, such departments shall coordinate efforts to minimize administrative burdens and duplicative undertakings.

HISTORY: 1984 Pub.Acts, c. 867, § 10; 1987 Pub.Acts, c. 94, § 2; 2014 Pub.Acts c. 795 § 5, eff. January 1, 2015.

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

Repealed.

HISTORY: 1984 Pub.Acts, c. 867, § 11; 1995 Pub.Acts, c. 305, § 87, eff. July 1, 1996; 2014 Pub.Acts c. 795 § 3, eff. January 1, 2015.

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

Repealed.

HISTORY: 1984 Pub.Acts, c. 867, § 12; 2014 Pub.Acts c. 795 § 3, eff. January 1, 2015.

§ 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: 1984 Pub.Acts, c. 867, § 13; 1993 Pub.Acts, c. 479, § 4, eff. July 1, 1993.

§ 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 comptroller of the treasury or the comptroller's designee for review, and the comptroller of the treasury or the comptroller's designee may report on the financial information to the district within fifteen (15) days from the date the plan was received by the comptroller of the treasury or the comptroller's designee, and the comptroller of the treasury or the comptroller's designee 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 comptroller of the treasury or the comptroller's designee, 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 comptroller of the treasury or the comptroller's designee, whichever date is earlier, the district may take such action with reference to the proposed issue as it deems advisable. Such report of the comptroller of the treasury or the comptroller's designee 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 §§ 7-86-115 -- 7-86-117, “bond” or “bonds” are deemed to include notes.

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

HISTORY: 1984 Pub.Acts, c. 867, §§ 14, 15; 1992 Pub.Acts, c. 891, §§ 4 to 8; 2010 Pub.Acts, c. 868, § 29, eff. April 30, 2010.

§ 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 this part, and any covenants with bondholders.

HISTORY: 1984 Pub.Acts, c. 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: 1984 Pub.Acts, c. 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: 1984 Pub.Acts, c. 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: 1990 Pub.Acts, c. 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 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)(A) Effective July 1, 2013, the minimum amount of such required bond shall be determined from the amount of revenues handled by the respective emergency communications district as reported in the last audit approved by the comptroller of the treasury. The minimum amount of the bond shall be based on revenues as follows:
- (i) Four percent (4%) of the revenues up to three million dollars (\$3,000,000); and
 - (ii) Two percent (2%) of the excess over three million dollars (\$3,000,000) shall be added.
 - (iii) The amounts indicated in subdivisions (2)(A)(i) and (ii) 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 recorded in the office of the register of deeds where the office of the emergency communications district is located and transmitted to the office of the county clerk in the same county for safekeeping.
- (f) The respective emergency communications district shall pay the premiums for such bonds.

HISTORY: 1992 Pub.Acts, c. 891, § 1; 1993 Pub.Acts, c. 479, § 5, eff. July 1, 1993; Pub.Acts c.315, §§21, 22, eff. April 29, 2013.

§ 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: 1992 Pub.Acts, c. 891, § 3; 1993 Pub.Acts, c. 479, §§ 6, 7, eff. July 1, 1993; 1995 Pub.Acts, c. 68, §§ 2, 3, eff. April 5, 1995.

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

(a) Bonds or notes issued pursuant to 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 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: 1992 Pub.Acts, c. 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 § 5-8-301.

HISTORY: 1992 Pub.Acts, c. 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: 1992 Pub.Acts, c. 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: 1992 Pub.Acts, c. 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, compiled in 26 U.S.C.

(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: 1993 Pub.Acts, c. 479, § 8, eff. July 1, 1993.

§ 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: 1993 Pub.Acts, c. 479, § 9, eff. July 1, 1993; 1995 Pub.Acts, c. 62, § 1, eff. April 5, 1995.

§ 7-86-127. Streets 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: 1994 Pub.Acts, c. 807, § 2, eff. April 15, 1994; 1995 Pub.Acts, c. 68, § 4, eff. April 5, 1995; 1997

Pub.Acts, c. 136, § 1, eff. April 29, 1997; 2004 Pub.Acts, c. 480, § 13, eff. April 8, 2004.

§ 7-86-128. Collection of 911 surcharge

(a)(1) Effective January 1, 2015, when a dealer collects the sales price for a retail sale of communications service or prepaid communications service from a consumer, such dealer shall collect a 911 surcharge of one dollar and sixteen cents (\$1.16).

(2) Any change in the 911 surcharge amount set in subdivision (a)(1) shall be set at a level that is sufficient to fully fund the mandatory disbursements to emergency communications districts, the operational expenses of the state emergency communications board, referred to as “board” in this section, and the Tennessee relay services/telecommunications devices access program (“TRS/TDAP program”) as provided in § 65-21-115. In the event of any revenue shortfall, mandatory disbursements to the emergency communications districts and the TRS/TDAP program shall be given priority. Revenues from the surcharge authorized in this section shall be used to support the long-term solvency and operations of emergency communications districts, as well as reasonable and necessary administrative and operational expenses of the board and the 911 Emergency Communications Fund.

(3) If the sales price for a retail sale of communications service is collected by a dealer less frequently than monthly, the 911 surcharge shall still apply and be collected for each month or partial month for which the sales price is collected.

(b) (1) The board may increase the 911 surcharge upon determination of a need for additional funds after a public hearing before the board. At least thirty (30) days’ notice shall be provided before the public hearing. There shall be opportunity for public comment at the public hearing. No increase in the 911 surcharge shall take effect until ratified by a joint resolution of the general assembly. Not less than ninety (90) days prior to the rate change, notice of the change shall be provided to all dealers in the manner that notices are provided of changes in sale tax rates pursuant to title 67.

(2) The board may decrease the amount of the 911 surcharge after providing thirty (30) days’ notice and opportunity for public comment at a public hearing of the board. After determination of a decrease, the board must give at least sixty (60) days’ notice to the speaker of the house or representatives, the speaker of the senate, and the governor. Not less than ninety (90) days prior to the rate change, notice of the change shall be provided to all dealers in the manner that notices are provided of changes in sales tax rates pursuant to title 67.

(3) It is the intent of the general assembly that the 911 surcharge 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 house of representatives on the financial status and solvency of emergency communications districts, status of the implementation of a uniform statewide 911 system and the status, level and solvency of the 911 Emergency Communications Fund.

(c) The 911 surcharge applicable to any multi-channel or other complex service that is capable of simultaneously carrying multiple voice and data transmissions, including, but not limited to, private branch exchange service, that is provided to a fixed location with a unique street address or physically identifiable location shall be calculated by applying one (1) 911 surcharge for each simultaneous outbound call that can be placed to 911 using such service.

(d) The maximum number of 911 surcharges that may be imposed on a single subscriber of retail communications services provided to a fixed location shall not exceed two hundred (200) surcharges per building with a unique street address or physically identifiable location. A communications service that is priced lower than five dollars (\$5.00) per month or a prepaid communications service priced below a one-time fee of less than ten dollars (\$10.00) shall not constitute a retail communications service for purposes of the 911 surcharge and shall not be subject to a 911 surcharge in accordance with subsection (a).

(e) The 911 surcharge shall, when practicable, be displayed as a separate line item by dealers of communications

service on customer bills or invoices. 911 surcharge revenue actually collected by a dealer shall be remitted to the board every two (2) months. No additional or local 911 surcharges on retail communications service shall be permitted. Dealers of retail communications service shall have no obligation to remit surcharges that they are unable to collect from subscribers.

(f) (1) For prepaid communications service, the surcharge shall be collected at the point of sale and remitted to the department of revenue at the times and in the manner provided by title 67, chapter 6, with respect to the sales and use taxes. The department of revenue shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply under title 67, chapter 6.

(2) A dealer of prepaid communications service shall be permitted to deduct and retain up to three percent (3%) of 911 surcharges that are collected by the dealer from consumers.

(3) The audit and appeal procedures applicable under title 67, chapter 1, shall apply to the 911 surcharges on prepaid communications service.

(4) The department of revenue shall pay all remitted 911 surcharges to the board within thirty (30) days of receipt, for use by the board in accordance with part 3 of this chapter. The department of revenue may deduct an amount, up to two percent (2%) of collected charges, to be retained by the department of revenue to reimburse its direct costs of administering the collection and remittance of 911 surcharges.

(g) The 911 surcharge is the liability of the subscriber and not of the dealer. Dealers are authorized to demand payment from any subscriber who fails to pay any authorized 911 surcharge, and may take legal action, in the sole discretion of the dealer, to collect the 911 surcharge from any such subscriber, or may, in the alternative, and without any liability to such subscriber for any losses or damages that result from termination, terminate all service to such subscriber.

(h) Notwithstanding this section to the contrary, 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 requirements of this chapter 86. 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 E911 service for the citizens of an emergency communications district.

HISTORY: 2010 Pub.Acts, c. 774, § 3, eff. July 1, 2011; 2014 Pub.Acts c. 795 § 4, eff. January 1, 2015.

§ 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: 2011 Pub.Acts, c. 117, § 1, eff. April 25, 2011.

§ 7-86-130. 911 Surcharge Revenue; excess distribution carry forward

Any 911 surcharge revenue collected in excess of the annual fiscal requirements of the board and the mandatory every two (2) months payments to emergency communications districts shall not revert to the general fund. The board shall distribute a minimum of fifty percent (50%) of any revenue collected in excess of its annual fiscal requirements to the emergency communications districts in accordance with policies adopted by the board. 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 of the fiscal re-

quirements for such fiscal year.

HISTORY: 2014 Pub.Acts c. 795 § 7, eff. January 1, 2015.

§ 7-86-131. Tennessee advisory commission on intergovernmental relations; study and report

The Tennessee advisory commission on intergovernmental relations shall study and report its conclusions to the joint committee on government operations on or before September 15, 2017, regarding the following matters:

- (1) Whether the 911 surcharge is generating adequate revenue to cover the costs of the services, equipment, maintenance and improvements needed to provide a uniform, stable and effective statewide 911 system;
- (2) Whether the expansion of 911 system functionality resulting from implementation of IP-based next generation 911 technology has increased or decreased costs for emergency communications districts;
- (3) Whether there is a need or benefit to consolidate emergency communications districts or PSAPs;
- (4) Whether the 911 surcharge is generating more revenue than necessary to implement the purpose of this act and can be reduced to the benefit of communications consumers;
- (5) Whether a flat rate communications services surcharge is the best manner in which to fund 911 system costs or whether such costs should be funded by a percentage surcharge or a different source, such as water service, electric power service or state general funds or local taxes;
- (6) Whether the board membership of the state emergency communications board should be amended to include other stakeholders such as telecommunications providers, emergency communications districts that dispatch, and other interested parties;
- (7) Whether there is a need or benefit for the board to have the ability to raise the 911 surcharge rate should there be a financial reason to do so;
- (8) Whether there is a need or benefit for the providers of communications services to register with the board prior to providing service; and
- (9) Whether there is a need or benefit for providers of communications services to notify the board when there is a known service interruption.

HISTORY: 2014 Pub.Acts c. 795 § 10, eff. January 1, 2015.

§§ 7-86-132 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: 1987 Pub.Acts, c. 94, § 5.

PART2 - EMERGENCY DISPATCHES

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

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

§ 7-86-203. Repealed by 2000 Pub.Acts, c. 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) 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: 1997 Pub.Acts, c. 99, §§ 2, 3, eff. April 16, 1997.

§ 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 or controlled substance analogues 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, controlled substances or controlled substance analogues;

(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: 1994 Pub.Acts, c. 940, § 1, eff. May 9, 1994; 1997 Pub.Acts, c. 257, § 1, eff. May 22, 1997; 1997 Pub.Acts, c. 320, §§ 1,2, eff. May 30, 1997; 1998 Pub.Acts, c. 1108, § 31; 2000 Pub.Acts, c. 946, § 3, eff. July 1, 2000; 2003 Pub.Acts, c. 254, §§ 2, 3, eff. July 1, 2003; 2005 Pub.Acts, c. 129, §§ 1 to 3, eff. May 4, 2005; 2011 Pub.Acts, c. 265, § 1, eff. May 23, 2011; 2012 Pub.Acts, c. 848, § 4, eff. May 15, 2012.

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: 1998 Pub.Acts, c. 1108, § 1, eff. May 20, 1998.

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

(A) 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;

(B) 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;

(C) One (1) representative of county government, appointed by the speaker of the senate;

(D) One (1) representative of city government, appointed by the speaker of the house of representatives;

(E) Three (3) members, appointed by the governor, who shall either be a current director of an emergency communications districts or a current member of an emergency communications district boards of directors at the time of their appointment. The members appointed pursuant to this subdivision shall each reside in a separate grand division of the state;

(F) One (1) at large member appointed by the speaker of the senate, who at the time of the member’s appointment is either a current director of an emergency communications district or a current member of an emergency communications district board of directors; and

(G) One (1) at large member appointed by the speaker of the house of representatives, who at the time of the member’s appointment is either a current director of an emergency communications district or a current member of an emergency communications district board of directors.

(2) No more than one (1) member appointed pursuant to subdivisions (b)(1)(E)-(G) shall be from the same county

(3) In appointing members to the board, the appointing authorities shall strive to ensure that the composition of the board represents:

(A) The diversity of persons in Tennessee by considering race, gender, age, and geographical and political interests;

(B) Emergency communication districts in urban and rural areas of the state; and

(C) Emergency communication districts that employ both E-911 operators and dispatchers.

(c) (1) The governor shall appoint a successor to the member who has no connection to emergency communications districts following the expiration of that member's term on June 30, 2016, in accordance with subdivision (b)(1)(B).

(2) The speaker of the senate shall appoint a successor to the member who represents county government following the expiration of that member's term on June 30, 2018, in accordance with subdivision (b)(1)(C).

(3) The speaker of the house of representatives shall appoint a successor to the member who represents city government following the expiration of that member's term on June 30, 2017, in accordance with subdivision (b)(1)(D).

(4) The governor shall appoint successors to the three (3) members who represent emergency communication districts following the expiration of those members' terms on June 30, 2018, in accordance with subdivision (b)(1)(E).

(5) The speaker of the senate shall appoint a successor to the member who represents an emergency communications district following the expiration of that member's term on June 30, 2016, in accordance with subdivision (b)(1)(F).

(6) The speaker of the house of representatives shall appoint a successor to the member who represents an emergency communications district following the expiration of that member's term on June 30, 2017, in accordance with subdivision (b)(1)(G).

(d) Members appointed in accordance with subsection (c) shall serve three-year terms, to begin on July 1 and terminate on June 30, three (3) years thereafter.

(e) Members shall be selected to serve on the board for no more than two (2) successive terms.

(f) The board shall elect a chair and other officers as it may deem necessary and appropriate. The officers shall be elected for two-year terms.

(g) The board shall meet quarterly, and at the call of the chair.

(h) A quorum shall consist of five (5) or more members; and all official action of the board shall require a quorum.

(i) (1) Any member of the board who fails to attend at least fifty percent (50%) of the regularly scheduled meetings of the board within any twelve-month period shall automatically be removed from the board and a successor member shall be appointed by the appointing authority to serve out the remaining term of the member being replaced.

(2) Subdivision (i)(1) shall not apply to meetings held in accordance with § 7-86-314(a).

(j) 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.

(k) The executive director shall compile a report of the board's expenditures by item and revenue by source for the quarter prior to each board meeting, with the most recent report to be posted and prominently displayed on the board's web site each quarter.

HISTORY: 1998 Pub. Acts, c. 1108, § 5, eff. May 20, 1998; 2013 Pub. Acts, c. 438, § 3; 2015 Pub. Acts, 350 § 3, eff. May 4, 2015.

§ 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 by the 911 surcharge established in § 7-86-128.

(d) All current funds, including those funds currently in the 911 Emergency Communications Fund, funds collected by the board in future, and interest accrued on these funds 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 3. At no time during its existence shall the 911 Emergency Communications Fund, or earnings derived thereof, be used to fund the general expenses of the state of Tennessee.

(e) In order to maintain adequate 911 funding provided to emergency communications districts, the board shall annually distribute to each emergency communications district a base amount equal to the average of total recurring annual revenue the district received from distributions from the board and from direct remittance of 911 surcharges for fiscal years 2010, 2011, and 2012; however, in no event shall such distribution be less than the amount the district received in fiscal year 2012. On or before December 1, 2014, the board shall publish on its web site the base amount for each emergency communications district. The board may not reduce the base amount for any emergency communications district unless the local government funding for such emergency communications district is reduced, in which case the board may reduce the base amount by the same amount as the local funding reduction. Any emergency communication district established after the effective date of this act shall be entitled to receive a base amount from the board in an amount determined by the board. Disbursal of the base amount to emergency communications districts shall be conducted in the following manner:

(1) The board shall distribute one-sixth (1/6) of the base amount for each emergency communications district every two (2) months, beginning at the end of the second month of each fiscal year; and

(2) Any emergency communications district with a locally established 911 surcharge in effect as of July 1, 2011, less than the maximum allowable surcharge then in effect shall be eligible to apply to the board for an increase in the base amount. The board shall promulgate rules and regulations to facilitate such a request and to set minimum criteria that the emergency communication district must satisfy to obtain increased funding. The board shall not be obligated to increase the base amount if the board lacks sufficient funds or if the board, after reviewing its criteria as set out in its rules, finds the emergency communication district has not met the guidelines.

(f) The board's operational expenses shall include the implementation and maintenance of an IP-based next generation 911 network and any future 911 system advancements the board deems necessary, provided that the board shall provide a report to the information systems council each year to describe any such future 911 system advancements. The board's operational expenses shall also include funding to the Tennessee regulatory authority for the Tennessee relay services/telecommunications devices access program ("TRS/TDAP"), which provides assistance to those Tennesseans whose disabilities interfere with their use of communications services and technologies. Funding provided by the board shall not exceed the total cost of the TRS /TDAP program in 2012 unless approved by the fiscal review committee.

HISTORY: 1998 Pub.Acts, c. 1108, § 7, eff. May 20, 1998; 2014 Pub.Acts c. 795 § 6, eff. January 1, 2015.

§ 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 position for a period of three (3) consecutive years;

(B) Has deficit total net position; or

(C) Is in default on any indebtedness.

(2) Notwithstanding 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 position, to cure a default on any indebtedness of the district, and to eliminate the negative change in net position, 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: 1998 Pub.Acts, c. 1108, § 8, eff. May 20, 1998; 2001 Pub.Acts, c. 149, § 3, eff. May 3, 2001; 2004 Pub.Acts, c. 619, §§ 10 to 12, eff. May 6, 2004; 2014 Pub.Acts, c. 579, §1 to 3.

§ 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 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.

(c) For purposes of determining whether an emergency communications district is financially distressed, the board shall not consider an emergency communications district's depreciation costs as an operating expense.

HISTORY: 1998 Pub.Acts, c. 1108, § 9, eff. May 20, 1998; 2014 Pub.Acts c. 795 § 11, eff. January 1, 2015.

§ 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 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 title 9, chapter 4, part 51 appoint and fix the salaries and duties of the experts, agents, and employees, and set the qualifications for such persons as it deems necessary.

(4) (A) Appoint an executive director, who shall be a person of good moral character and shall be professionally qualified to administer, manage, and direct the affairs and business of the board, which include, but are not limited to:

(i) Maintaining and securing all essential records and files;

(ii) Implementing board policies and procedures;

(iii) Informing the board as to state statutes, policies, and procedures; and

(iv) Any other matters delegated by the board.

(B) For the purposes of §§ 8-30-201 and 8-30-202, the executive director of the board shall be considered the equivalent of an assistant commissioner.

(C) Before assuming any official duties, the executive director shall take and subscribe to the oath of office and shall execute a bond in the manner prescribed by title 8, chapter 19. This subdivision (a)(4)(C) shall not apply to the executive director serving on the effective date of this act.

(5) Subject to title 12, make and enter into contracts and purchases;

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

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

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

(9) 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;

(10) 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);

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

(12) 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;

(13) 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;

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

(15) 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: 1998 Pub.Acts, c. 1108, § 10, eff. May 20, 1998; 2004 Pub.Acts, c. 810, § 5, eff. June 3, 2004; 2005 Pub.Acts, c. 147, § 1, eff. May 9, 2005; 2006 Pub.Acts, c. 647, § 1, eff. May 12, 2006; 2015 Pub. Acts. 350 §§ 4 & 5, eff. May 4, 2015.

§ 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: 1998 Pub.Acts, c. 1108, § 11, eff. May 20, 1998.

§ 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: 1998 Pub.Acts, c. 1108, § 12, eff. May 20, 1998; 2007 Pub.Acts, c. 380, § 1, eff. June 8, 2007.

§ 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: 1998 Pub.Acts, c. 1108, § 13, eff. May 20, 1998.

§ 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: 1998 Pub.Acts, c. 1108, § 14, eff. May 20, 1998.

§ 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 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: 1998 Pub.Acts, c. 1108, § 15, eff. May 20, 1998.

§ 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: 1998 Pub.Acts, c. 1108, § 16, May 20, 1998.

§ 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: 1998 Pub.Acts, c. 1108, § 17, May 20, 1998.

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

(a) Effective July 1, 2016, any member of the board of directors of an emergency communications district with four (4) consecutive unexcused absences or who fails to attend at least fifty percent (50%) of regularly scheduled meetings within any twelve (12) month period shall automatically be removed from the board. The chair of the board of directors or acting chair shall notify the appointing authority in writing that a member has been removed and that a vacancy exists on the board. Upon the removal of a member pursuant to this subsection, a successor shall be appointed to serve the remainder of the term of the member being replaced.

(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 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 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: 1998 Pub.Acts, c. 1108, § 18, eff. May 20, 1998; 2016 Pub.Acts, c. 674, § 1, eff. March 29, 2016.

§ 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: 1998 Pub.Acts, c. 1108, § 19, eff. May 20, 1998.

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

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

- (b)(1) Aggravated nonemergency contact of 911 is contacting 911 as described in subsection (a) where:
- (A) An individual makes nonemergency contact to 911 in an offensively repetitious manner;
 - (B) The nonemergency contact of 911 creates a delay in the response to an emergency; or
 - (C) The nonemergency contact of 911 results in harm to person or property.
- (2) An aggravated nonemergency contact of 911 is a Class A misdemeanor.
- (c)(1) Harassing non-initialized 911 phone calls are ten (10) or more non-emergency calls within a one (1) hour period or twenty (20) or more non-emergency calls within a twenty-four (24) hour period made to 9-1-1 from a handset that is not registered for service with any Commercial Mobile Radio Service (CMRS) carrier.
- (2) A public safety answering point (PSAP) or a district may authorize the emergency communications board to divert harassing non-initialized 911 phone calls, for a period of no more than twelve (12) hours, to an entity designated by the emergency communications board to receive such calls.
- (3) Repetitive harassing non-initialized 911 phone calls are phone calls from a handset from which calls have previously been diverted pursuant to subdivision (c)(2).
- (4) A PSAP or a district may authorize the emergency communications board to indefinitely divert repetitive harassing non-initialized 911 phone calls to an entity designated by the emergency communications board to receive such calls, provided the entity notifies the caller that the caller may contact the PSAP or district to request it rescind its authorization to divert 911 calls from the caller's handset.
- (5) The emergency communications board, CMRS service providers, providers of non-wireline service, and PSAPs, and their employees, vendors, agents, and authorizing government entities, if any, shall have immunity from liability for diverting or not diverting harassing non-initialized 911 phone calls to an entity designated by the emergency communications board to receive such calls.
- (6) An entity designated by the emergency communications board to receive diverted harassing non-initialized 911 phone calls shall have immunity from liability for receiving and processing such calls.

HISTORY: 1998 Pub.Acts, c. 1108, § 20, eff. May 20, 1998; 2007 Pub.Acts, c. 480, § 1, eff. July 1, 2007; 2012 Pub.Acts, c. 705, § 1, eff. April 11, 2012; Pub.Acts, c. 503, §§1-3, eff. July 1, 2013.

§ 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: 1998 Pub.Acts, c. 1108, § 21, eff. May 20, 1998.

§ 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: 1998 Pub.Acts, c. 1108, § 22, eff. May 20, 1998.

§ 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: 1998 Pub.Acts, c. 1108, § 23, eff. May 20, 1998.

§ 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.

(d)

(1) Emergency communications districts shall be immune from suit or liability for civil claims arising from the actions or omission of emergency communications district personnel in processing emergency calls, except that claims for recklessness or intentional misconduct in processing emergency calls shall be permitted, but damages for such claims shall not exceed actual damages or the maximum award that may be awarded per claimant by the Tennessee claims commission.

(2) A provider or user of 911 services or next generation 911 services, a public safety answering point, and the officers, directors, employees, vendors, agents, and authorizing government entity, if any, of such provider, user, or public safety answering point, shall have immunity and protection from liability under federal and state law to the extent provided in subdivision (d)(2) with respect to:

(A) The release of subscriber information related to emergency calls or emergency services;

(B) The use or provision of 911 services, E911 services, or next generation 911 services; and

(C) Other matters related to 911 services, E911 services, or next generation 911 services.

(3) A dealer or provider of telecommunications service and other services, a user of such services, and a public safety answering point, and the officers, directors, employees, agents, vendors, and authorizing government entity, if any, involved in providing 911 service, shall not be liable for:

(A) Any civil claim, damage, or loss caused by an act or omission in the design, development, installation, maintenance, or provision of 911 service;

(B) The release of subscriber information related to emergency calls or emergency services; and

(C) Other matters related to the provision of 911 service.

HISTORY: 2006 Pub.Acts, c. 925, § 6, eff. June 20, 2006; 2014 Pub.Acts c. 795 § 8, eff. January 1, 2015.