

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 5351**

By Delegates Hornby, Akers, Clark, Mallow, Miller,  
Willis, Hott, Holstein, Green, and Hanshaw (Mr.  
Speaker)

[Originating in the Committee on the Judiciary;

Reported on February 25, 2026]

1 A BILL to amend and reenact §7-1-3cc of the Code of West Virginia, 1931, as amended, relating to  
2 modernization of fees generated from emergency communication service users; updating  
3 the 911 fee to account for advances in technology; and providing that county commissions  
4 may impose an enhanced emergency telephone system fee on 911 service user locations.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE            1.            COUNTY            COMMISSIONS            GENERALLY**

**§7-1-3cc. Authority of county commissions to establish enhanced emergency telephone  
systems, technical and operational standards for emergency communications  
centers and standards for education and training of emergency communications  
systems personnel; standards for alarm systems; fee upon consumers of telephone  
service for the systems and for roadway conversion systems; authority to contract  
with the telephone companies for billing of fee.**

1            (a) In addition to possessing the authority to establish an emergency telephone system  
2 pursuant to section four, article six, chapter twenty-four of this code, a county commission or the  
3 county commissions of two or more counties may, instead, establish an enhanced emergency  
4 telephone system or convert an existing system to an enhanced emergency system. The  
5 establishment of such a system shall be subject to the provisions of article six of said chapter. The  
6 county commission may adopt rules after receiving recommendations from the West Virginia  
7 Enhanced 911 Council concerning the operation of all county emergency communications centers  
8 or emergency telephone systems centers in the state, including, but not limited to,  
9 recommendations for:

10            (1) Minimum standards for emergency telephone systems and emergency  
11 communications centers;

12            (2) Minimum standards for equipment used in any center receiving telephone calls of an  
13 emergency nature and dispatching emergency service providers in response to that call and which  
14 receives 911 moneys or has basic 911 service funded through its county commission; and

15 (3) Minimum standards for education and training of all personnel in emergency  
16 communications centers.

17 (b)(1) ~~A county commission may impose a fee upon consumers of local exchange service~~  
18 ~~each 911 service user location, defined as an occupied residential, commercial, or business~~  
19 ~~premises assigned a physical address within that county, without regard to the type of~~  
20 ~~communications technology utilized at that location,~~ for an enhanced emergency telephone  
21 system and associated electronic equipment and for the conversion of all rural routes to city-type  
22 addressing as provided in section three of this article. The fee revenues may only be used solely  
23 and directly for the capital, installation, administration, operation and maintenance costs of the  
24 enhanced emergency telephone system and of the conversion to city-type addressing and  
25 including the reasonable costs associated with establishing, equipping, furnishing, operating or  
26 maintaining a county answering point. ~~Effective on July 1, 2006, all county enhanced emergency~~  
27 ~~telephone system fees that are in effect as of July 1, 2006, and as such may later be modified by~~  
28 ~~action of a county commission, shall be imposed upon in-state subscribers to voice over Internet~~  
29 ~~protocol (VoIP) service, as VoIP service is defined by the Federal Communications Commission of~~  
30 ~~the United States. A nonbusiness voice over internet protocol (VoIP) service subscriber shall be~~  
31 ~~considered in-state if the primary residence of the subscriber is located within West Virginia. A~~  
32 ~~business subscriber shall be considered in-state if the site at which the service is primarily used is~~  
33 ~~located within West Virginia.~~ The Public Service Commission may, as it deems appropriate and in  
34 accordance with the requirements of due process, issue and enforce orders, as well as adopt and  
35 enforce rules, dealing with matters concerning the imposition of county enhanced emergency  
36 telephone system fees upon ~~VoIP service subscribers.~~

37 (2) A county commission may not impose more than one enhanced emergency telephone  
38 system fee authorized by this section upon the same 911 service user location, and the fee shall  
39 not be separately imposed upon individual telecommunications, wireless, Voice over Internet  
40 Protocol, broadband, or similar service subscriptions associated with that location.

41 (3) A county commission may not levy a fee on commercial mobile service as defined at 47  
42 U.S.C. §332, private mobile service as defined at 47 U.S.C. §332, or internet access as defined at  
43 47 U.S.C. §151 Note, §1105(5).

44 (c)(1) A county commission may collect the enhanced emergency telephone system fees  
45 described in subsection (b) of this section or contract with ~~the telephone company or companies~~  
46 ~~providing local exchange service within the county for the telephone company or companies a~~  
47 third party to act as the billing agent or agents of the county commission for the billing of the fee  
48 imposed pursuant to subsection (b) of this section. The cost for the billing agent services may be  
49 included as a recurring maintenance cost of the enhanced emergency telephone system.

50 (2) Where a county commission has contracted with a telephone company to act as its  
51 billing agent for enhanced emergency telephone system fees, all competing local exchange  
52 telephone companies with customers in that county shall bill the enhanced emergency telephone  
53 system fees to its respective customers located in that county whose service addresses  
54 correspond to a 911 service user location and shall remit the fee. It may deduct its respective costs  
55 for billing in the same manner as the acting billing agent for the enhanced emergency telephone  
56 system fee.

57 (d) A county commission of any county with an emergency communications center or  
58 emergency telephone system may establish standards for alarm systems, including security, fire  
59 and medical alarms.

60 (e) The books and records of all county answering points that benefit from the imposition of  
61 the local exchange service fees shall be subject to annual examination by the State Auditor's  
62 office.

NOTE: The purpose of this bill is to modernize fees generated from emergency communication service users.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.

