

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2353

Introduced by

Senators Kringstad, Krauter

1 A BILL for an Act to create and enact two new sections to chapter 57-40.6 and a new
2 subsection to section 57-40.6-08 of the North Dakota Century Code, relating to a wireless 911
3 service fee, liability, and an emergency services communication system advisory committee for
4 911; and to amend and reenact sections 57-40.6-01, 57-40.6-05, and 57-40.6-06 of the North
5 Dakota Century Code, relating to wireless 911 telephone service.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 57-40.6-01 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **57-40.6-01. Definitions.** In this chapter, unless the context ~~or subject matter~~ otherwise
10 requires:

- 11 1. "Emergency services communication system" means a statewide, countywide, or
12 citywide radio system, land lines communication network, or emergency 911
13 telephone system, which provides rapid public access for coordinated dispatching
14 of services, personnel, equipment, and facilities for law enforcement, fire, medical,
15 or other emergency services.
- 16 2. "Telephone access line" means the principal fixed land line access to the
17 telephone company's switched network including an outward dialed trunk or
18 access register.
- 19 3. "Wireless telephone service" means public telephone service provided for two-way
20 voice or data communications which is transmitted independent of switched local
21 exchange access telephone service and which may be transmitted, in part, by
22 cable or wire as part of a larger telephone cable system. The term includes
23 cellular telephone service and any resellers of the service, personal
24 communication service, and specialized mobile radio service. The term does not

1 include any service that cannot connect a person to an established public safety
2 answering point under the 911 system by dialing the digits 9-1-1.

3 4. "911 service carrier" means any provider of wireless telephone service.

4 **SECTION 2.** A new section to chapter 57-40.6 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Emergency system - Wireless 911 service fee.** A subscriber shall pay a wireless 911
7 service fee of fifty cents per month, per access line, to the 911 service carrier. The 911 service
8 carrier shall add the wireless 911 service fee to all bills for wireless telephone service to
9 subscribers in this state. The 911 service carrier shall collect the wireless 911 service fee,
10 retain twenty percent of fees collected, and remit the remaining proceeds on a monthly basis to
11 the county treasurer of the county in which is located the billing address of the subscriber from
12 whom the fee was collected. The county treasurer shall transfer one-half of fees received
13 under this section to state radio communications for deposit in the state radio communications
14 operating fund.

15 **SECTION 3. AMENDMENT.** Section 57-40.6-05 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **57-40.6-05. Restriction on use of tax or service fee proceeds.** The county may not
18 use the proceeds of the tax imposed under section 57-40.6-02 or the 911 service fee imposed
19 under section 2 of this Act for any purpose other than establishing or operating the emergency
20 services communication system.

21 **SECTION 4. AMENDMENT.** Section 57-40.6-06 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **57-40.6-06. Data base.** In 911 systems that have been approved by the state
24 emergency ~~service~~ services communication system advisory committee, any
25 telecommunications company or 911 service carrier providing emergency 911 service shall
26 provide, on an annual basis, current customer names, addresses, and telephone numbers to
27 each public service answering point within each 911 system and shall update the information
28 according to a schedule prescribed by the state 911 advisory committee's standards and
29 guidelines. Information provided under this section must be provided in accordance with the
30 transactional record disclosure requirements of the federal Electronics Communications Privacy
31 Act of 1986, 18 U.S.C. 2703 (C)(1)(B)(iv).

1 **SECTION 5.** A new subsection to section 57-40.6-08 of the North Dakota Century
2 Code is created and enacted as follows:

3 A local exchange provider, emergency service provider, or 911 service carrier, or
4 employee or agent of these providers or carriers, is not liable to any person for any
5 infringement or invasion of the right of privacy of any person caused or claimed to
6 have been caused, directly or indirectly, by the installation, operation, failure to
7 operate, maintenance, removal, presence, condition, occasion, or use of an
8 emergency service feature, automatic number identification service, or automatic
9 location identification service, and the equipment associated with these services,
10 or by any service furnished by any provider in connection with these services,
11 including the identification of the telephone number, address or name associated
12 with the telephone used by the party accessing 911 service, and automatic number
13 identification service or automatic location identification service, and which arises
14 out of the negligence or other wrongful act of the provider, the customer, the
15 governing body, service users, agencies, or municipalities, or their employees or
16 agents. A provider or its employees and agents are not liable for any damages in
17 a claim for relief for injuries, death, or loss to person or property incurred as a
18 result of any act or omission of the provider, employee, or agent, in connection
19 with developing, adopting, implementing, maintaining, enhancing, or operating an
20 emergency telephone service, except for damages or injury intentionally caused by
21 or resulting from gross negligence of the provider or person.

22 **SECTION 6.** A new section to chapter 57-40.6 of the North Dakota Century Code is
23 created and enacted as follows:

24 **Emergency services communication system advisory committee - Standards and**
25 **guidelines - Report.**

- 26 1. The governor shall appoint an eleven-member emergency services communication
27 system advisory committee for 911. The governor shall include on the advisory
28 committee one representative from the North Dakota league of cities, one
29 representative from the North Dakota association of counties, one representative
30 from the North Dakota peace officers association, one representative from the
31 North Dakota firefighters association, one representative from the North Dakota

- 1 911 association, one representative from the North Dakota emergency medical
2 service association, one representative from the North Dakota telephone
3 association, two members of the North Dakota house of representatives, and two
4 members of the North Dakota senate. Members' terms are for three years, subject
5 to reappointment, beginning with staggered terms as determined by the governor.
6 The entity represented is responsible for the expenses of the member representing
7 that entity. The legislative council is responsible for paying the expenses of
8 members of the legislative assembly. The legislative council shall provide staff
9 services to the committee. The advisory committee shall name a chairman and
10 vice chairman from its membership.
- 11 2. The advisory committee shall adopt rules under chapter 28-32 for the development
12 and operation of all emergency 911 systems. The rules must establish the level of
13 emergency 911 system services to be provided and the uniformity and
14 compatibility of emergency 911 systems in the state.
- 15 3. Each biennium the advisory committee shall submit a report of its work to the
16 governor and the legislative assembly.