

Introduced by

Senators Kringstad, Krauter

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

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 subsection to section 57-40.6-08 of the North Dakota Century  
5 Code is created and enacted as follows:

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

25 **SECTION 3.** A new section to chapter 57-40.6 of the North Dakota Century Code is  
26 created and enacted as follows:

27 **Emergency services communication system advisory committee - Standards and**  
28 **guidelines - Report.**

29 1. The governor shall appoint a nine-member emergency services communication  
30 system advisory committee for 911. The governor shall include on the advisory  
31 committee one representative from the North Dakota league of cities, one

- 1           representative from the North Dakota association of counties, one representative  
2           from the North Dakota peace officers association, one representative from the  
3           North Dakota firefighters association, one representative from the North Dakota  
4           wireless telephone service industry, one representative from the North Dakota  
5           emergency medical service association, one representative from the North Dakota  
6           association of telephone cooperatives, one representative of counties with public  
7           safety answering points, and one representative of counties served by state radio  
8           911. Members' terms are for three years, subject to reappointment, beginning with  
9           staggered terms as determined by the governor. The entity represented is  
10          responsible for the expenses of the member representing that entity. The advisory  
11          committee shall name a chairman and vice chairman from its membership.  
12          2.   The advisory committee shall study the feasibility of implementing an automatic  
13          number identification and automated location identification system. The study  
14          must include the estimated cost of the system and a proposed funding plan.  
15          3.   The committee shall submit a report of its work to the budget section of the  
16          legislative council by August 1998.