

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2192

Introduced by

Senators Krebsbach, Schobinger, Seymour

Representatives M. Klein, Maragos, Thorpe

1 A BILL for an Act to create and enact a new subsection to section 57-40.6-01 of the North
2 Dakota Century Code, relating to the definition of automated notification system; and to amend
3 and reenact section 57-40.6-08 of the North Dakota Century Code, relating to liability for
4 emergency services communication systems.

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

6 **SECTION 1.** A new subsection to section 57-40.6-01 of the North Dakota Century
7 Code is created and enacted as follows:

8 "Automated notification system" means that portion of a telecommunications
9 system that provides rapid notice of emergency situations to the public through a
10 public safety answering point.

11 **SECTION 2. AMENDMENT.** Section 57-40.6-08 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **57-40.6-08. Emergency services communication system, automated notification**
14 **system, or emergency instructions - Liability.**

- 15 1. A public agency, public safety agency, telephone exchange access service
16 provider, or wireless service provider that provides access to an emergency
17 services communication system or an automated notification system, or any
18 officer, agent, or employee of any public agency, public safety agency, telephone
19 exchange access service provider, or wireless services provider, is not liable for
20 any civil damages as a result of any act or omission except willful and wanton
21 misconduct or gross negligence in connection with developing, adopting,
22 operating, or implementing any plan or system as provided under this chapter.
- 23 2. A person who gives emergency instructions through a system as provided under
24 this chapter, to persons rendering services in an emergency at another location, or

- 1 any person following such instructions in rendering such services, is not liable for
2 any civil damages as a result of issuing or following the instructions, unless issuing
3 or following the instructions constitutes willful and wanton misconduct or gross
4 negligence.
- 5 3. This section does not waive, limit, or modify any existing immunity or other defense
6 of the state or any political subdivision, or any of its agencies, departments,
7 commissions, boards, officers, or employees, nor does it create any claim for relief
8 against any of these entities.