

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2296

Introduced by

Senators Walen, Luick, Enget

Representatives Fegley, Vigesaa

1 A BILL for an Act to amend and reenact section 57-40.6-01 of the North Dakota Century Code,
2 relating to emergency services communications systems.

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

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

6 **57-40.6-01. Definitions.**

7 In this chapter, unless the context otherwise requires:

8 1. "911 system" means a set of networks, software applications, databases, call
9 answering components, and operations and management procedures required to
10 provide 911 services.

11 2. "911 system service provider" means an entity that provides the systems and support
12 necessary to enable 911 calling for one or more public safety answering points in a
13 specific geographic area. A 911 system service provider may provide the systems and
14 support for either enhanced 911 or next generation 9-1-1.

15 3. "Assessed communications service" means a software service, communication
16 connection, cable or broadband transport facilities, or a combination of these facilities,
17 between a billed retail end user and a service provider's network that provides the end
18 user, upon contacting 911, access to a public safety answering point through a
19 permissible interconnection to the dedicated 911 network. The term includes
20 telephone exchange access service, wireless service, and voice over internet protocol
21 service.

- 1 4. "Automated notification system" means that portion of a telecommunications system
2 that provides rapid notice of emergency situations to the public.
- 3 5. "Commissioner" means the state tax commissioner.
- 4 6. "Communication connection" means a telephone access line, wireless access line,
5 unique voice over internet protocol service connection, or functional equivalent
6 uniquely identifiable by a number, internet address, or other designation.
- 7 7. "Consumer" means a person who purchases prepaid wireless service in a retail
8 transaction.
- 9 8. "Emergency services communication system" means a comprehensive statewide or
10 countywide system, which provides rapid public access for coordinated dispatching of
11 public safety services. The system includes a 911 system or radio system.
- 12 9. "FCC order" means federal communications commission order 94-102 [961 Federal
13 Register 40348] and any other FCC order that affects the provision of wireless
14 enhanced 911 service.
- 15 10. "First responder" means an individual trained to provide assistance during an
16 emergency, including a firefighter as defined under section 18-11-03, law enforcement
17 officer as defined under section 12.1-01-04, emergency medical services personnel as
18 defined under section 23-27-02, and public safety telecommunicators.
- 19 11. "Prepaid wireless emergency 911 fee" means the fee that is required to be collected
20 by a seller from a consumer in the amount established under section 57-40.6-14.
- 21 ~~11.~~12. "Prepaid wireless service" means any telecommunications service that provides the
22 right to use a mobile wireless service as well as other nontelecommunications
23 services, including the download of digital products delivered electronically, content
24 and ancillary services, which are paid for in advance and sold in predetermined units
25 or dollars which decline with use in a known amount.
- 26 ~~12.~~13. "Prepaid wireless service provider" means any person that provides prepaid wireless
27 telecommunications service pursuant to a license issued by the federal
28 communications commission.
- 29 ~~13.~~14. "Public safety answering point" or "PSAP" means a communications facility or
30 combination of facilities which first receives 911 calls from persons in a 911 service

1 area and which, as appropriate, may directly dispatch public safety services or extend,
2 transfer, or relay 911 calls to appropriate public safety agencies.

3 ~~14.15.~~ "Public safety answering point service area" means the geographic area for which a
4 public safety answering point has dispatch and emergency communications
5 responsibility.

6 ~~15.16.~~ "Public safety services" means personnel, equipment, and facilities used by ~~law-~~
7 ~~enforcement, fire, medical,~~first responders or other supporting services used in
8 providing a public safety response to an incident.

9 ~~16.17.~~ "Public safety telecommunicator" means an individual whose primary full-time or
10 part-time duties are receiving, processing, and transmitting public safety information
11 received through an emergency services communication system.

12 ~~17.18.~~ "Radio system" means a set of networks, software applications, databases, radio
13 components and infrastructure, and operations and management procedures required
14 to provide communication services.

15 ~~18.19.~~ "Retail transaction" means the purchase of prepaid wireless service from a seller for
16 any purpose other than resale.

17 ~~19.20.~~ "Seller" means a person who sells prepaid wireless services to a consumer.

18 ~~20.21.~~ "Subscriber service address" means, for purposes of telephone exchange access
19 service and voice over internet protocol service subscribers, the address where the
20 subscriber's communication device is used and, for purposes of wireless subscribers,
21 the place of primary use, as that term is defined in section 57-34.1-02.

22 ~~21.22.~~ "Telephone access line" means the principal access to the telephone company's
23 switched network, including an outward dialed trunk or access register.

24 ~~22.23.~~ "Telephone exchange access service" means service to any wire line telephone
25 access line identified by a unique telephone number that provides local wire line
26 access to the telecommunications network to a service subscriber and which enables
27 the subscriber to access the emergency services communications system by dialing
28 the digits 9-1-1 on the subscriber's telephone device.

29 ~~23.24.~~ "Unpublished" means information that is not published or available from directory
30 assistance.

- 1 ~~24-25.~~ "Voice over internet protocol service" means a service that enables real-time two-way
2 voice communications; requires a broadband connection from the user's location;
3 requires internet protocol-compatible customer premises equipment; and permits
4 users generally to receive calls that originate on the public switched telephone network
5 and to terminate calls to the public switched telephone network.
- 6 ~~25-26.~~ "Wireless access line" means each active wireless and prepaid wireless telephone
7 number assigned to a commercial mobile radio service subscriber, including end users
8 of resellers.
- 9 ~~26-27.~~ "Wireless enhanced 911 service" means the service required to be provided by
10 wireless service providers pursuant to the FCC order.
- 11 ~~27-28.~~ "Wireless service" means commercial mobile radio service as defined in 47 U.S.C.
12 332(d)(1) and includes:
- 13 a. Services commonly referred to as wireless; and
14 b. Services provided by any wireless real-time two-way voice communication
15 device, including radio-telephone communications used in:
- 16 (1) Cellular telephone service;
17 (2) Personal communications service; or
18 (3) The functional or competitive equivalent of a radio-telephone
19 communications line used in cellular telephone service, personal
20 communications service, or a network radio access line.
- 21 ~~28-29.~~ "Wireless service provider" means any entity authorized by the federal
22 communications commission to provide wireless service within this state.