

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 forty cents per month, per access line, to the 911 service carrier. The 911
8 service 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 three 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. In a county in which state radio communications is the 911
13 service provider, the county treasurer shall transfer one-half of fees received under this section
14 to state radio communications for deposit in the state radio communications 911 provider
15 equipment account. In a county in which state radio communications is not the 911 service
16 provider, the county treasurer shall retain all fees received under this section.

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

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

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

25 **57-40.6-06. Data base.** In 911 systems that have been approved by the state
26 emergency ~~service~~ services communication system advisory committee, any
27 telecommunications company or 911 service carrier providing emergency 911 service shall
28 provide, on an annual basis, current customer names, addresses, and telephone numbers to
29 each public service answering point within each 911 system and shall update the information
30 according to a schedule prescribed by the state 911 advisory committee's standards and
31 guidelines. Information provided under this section must be provided in accordance with the

transactional record disclosure requirements of the federal Electronics Communications Privacy Act of 1986, 18 U.S.C. 2703 (C)(1)(B)(iv).

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

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

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

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

1. The governor shall appoint an eight-member emergency services communication system advisory committee for 911. The governor shall include on the advisory committee one representative from the North Dakota league of cities, one representative from the North Dakota association of counties, one representative

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