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# A BILL FOR AN ACT

RELATING TO ENHANCED 911 SERVICES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Chapter 138, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending its title to read:

4 " [+]CHAPTER 138[+]

5 **ENHANCED 911 SERVICES [FOR MOBILE PHONES]** "

6 2. By amending section 138-1 to read:

7 "[+]§138-1[+] **Definitions.** As used in this chapter,  
8 unless the context requires otherwise:

9 "911" means the digits, address, internet protocol address,  
10 or other information used to access or initiate a call to a  
11 public safety answering point.

12 "911 coordinator" means the person designated to carry out  
13 the responsibilities of coordinating 911 services as required in  
14 Section 3(b) of the Wireless Communications and Public Safety  
15 Act of 1999.

16 "911 service" means public communications service that  
17 provides service users with the ability to reach a public safety  
18 answering point by accessing a 911 system.



1 "911 system" means an emergency communications system that:

2 (1) Enables the user of a voice communications service  
3 connection such as a telephone, computer, or  
4 commercial mobile radio service, Interconnected Voice  
5 over Internet Protocol service or a data  
6 communications service connection that transmits data  
7 exclusively, such as text messaging, to reach a public  
8 safety answering point by accessing 911, or via a  
9 service/relay bureau or accessing a 911 system through  
10 some other means; and

11 (2) Provides enhanced 911 service.

12 "Automatic location identification" means [~~a wireless~~] an  
13 enhanced 911 service capability that enables the automatic  
14 display of information indicating the address or approximate  
15 geographic location of the [~~wireless telephone~~] communication  
16 device used to place a 911 call [~~in accordance with the Federal~~  
17 ~~Communications Commission Order~~].

18 "Automatic number identification" means [~~a wireless~~] an  
19 enhanced 911 service capability that enables the automatic  
20 display of the ten-digit [~~wireless~~] telephone number [~~used to~~  
21 ~~place a 911 call in accordance with the Federal Communications~~



1 ~~Commission order.]~~ or some other unique identifier of the device  
2 from which a 911 call is placed.

3 "Board" means the ~~[wireless]~~ enhanced 911 board established  
4 under this chapter.

5 "Call" means any communication, message, signal, or  
6 transmission.

7 "Commercial mobile radio service" means commercial mobile  
8 radio service under ~~[sections]~~ Sections 3(27) and 332(d) of the  
9 ~~[Federal]~~ federal Telecommunications Act of 1996, 47 ~~[U.S.C.]~~  
10 United States Code 151 et seq., and the Omnibus Budget  
11 Reconciliation Act of 1993, P.L. 103-66, August 10, 1993, 107  
12 Stat. 312.

13 "Commercial mobile radio service connection" means each  
14 active wireless telephone number assigned to a commercial mobile  
15 radio service customer, including end-users of resellers whose  
16 place of primary use is within the State.

17 ~~["Federal Communications Commission order" means the~~  
18 ~~original order issued in the Federal Communications Commission~~  
19 ~~Docket No. 94-102 governing wireless enhanced 911 service and~~  
20 ~~any other Federal [Communications] Commission orders related to~~  
21 ~~the provision of wireless enhanced 911 service.]~~



1       "Communications service" means a service capable of  
2 accessing, connecting with, or interfacing with a 911 system, by  
3 dialing, initializing, or otherwise activating the 911 system by  
4 means of a local telephone device, commercial mobile radio  
5 service device, interconnected voice over internet protocol  
6 (VoIP) device, indirect communication through a service bureau  
7 or call relay service, such as alarm companies, or any other  
8 means.

9       "Communications service connection" means each telephone  
10 number or device's unique identifier assigned to a residential  
11 or commercial subscriber by a communications service provider,  
12 without regard to technology deployed.

13       "Communications service provider" means an entity that  
14 provides communications service to a subscriber.

15       "Competitive local exchange carrier" means an alternative  
16 provider of local communication services other than the  
17 incumbent local exchange carrier.

18       "Enhanced 911 fund" or "fund" means the special fund  
19 established by section 138-3.

20       "Enhanced 911 service costs" means all capital,  
21 nonrecurring, and recurring costs directly related to the



1 implementation, operation, and administration of enhanced 911  
2 services.

3 "Interconnected Voice over Internet Protocol" means a  
4 service that:

- 5 (1) Enables real-time, two-way voice communications;  
6 (2) Requires a broadband connection from the user's  
7 location;  
8 (3) Requires Internet protocol-compatible customer  
9 premises equipment; and  
10 (4) Permits users generally to receive calls that  
11 originate on the public switched telephone network and  
12 to terminate calls to the public switched telephone  
13 network.

14 "Interconnected Voice over Internet Protocol service  
15 provider" means an entity that provides interconnected voice  
16 over Internet protocol service.

17 "Prepaid connections" means the sale of a communications  
18 service that is paid for in advance or sold in predetermined  
19 units of which the number of units declines with use of the  
20 services.

21 "Proprietary information" means customer lists and other  
22 related information (including the number of customers),



1 technology descriptions, technical information, or trade  
2 secrets, and the actual or developmental costs of [~~wireless~~]  
3 enhanced 911 service that are developed, produced, or received  
4 internally by a [~~wireless~~] communications service provider or by  
5 a provider's employees, directors, officers, or agents.

6 "Public safety agency" means a functional division of [~~the~~  
7 ~~State or county~~] a governmental entity that provides or has  
8 authority to provide, or a private entity contracted by a [~~state~~  
9 ~~or county agency~~] governmental entity that provides,  
10 firefighting, law enforcement, ambulance, medical, or other  
11 emergency services.

12 "Public safety answering point" means the public safety  
13 agency that receives incoming 911 calls and dispatches  
14 appropriate public safety agencies to respond to those calls.

15 "Reseller" means a person or entity that purchases  
16 [~~commercial mobile radio service~~] communications services from a  
17 [~~wireless~~] communications service provider for the purpose of  
18 reselling [~~commercial mobile radio service~~] communications  
19 services to end-users.

20 [~~"Wireless enhanced 911 commercial mobile radio service~~  
21 ~~costs" means all capital, nonrecurring, and recurring costs~~  
22 ~~directly related to the implementation and operation of phase I~~



1 ~~or phase II wireless enhanced 911 services pursuant to the~~  
2 ~~Federal Communications Commission order.~~

3 ~~"Wireless enhanced 911 fund" or "fund" means the statewide~~  
4 ~~special fund established to ensure adequate cost recovery for~~  
5 ~~the deployment of phase I and phase II wireless enhanced 911~~  
6 ~~service in Hawaii.~~

7 ~~"Wireless provider" means a person or entity that is~~  
8 ~~authorized by the Federal Communications Commission to provide~~  
9 ~~facilities based commercial mobile radio service within the~~  
10 ~~State.] "~~

11 3. By amending section 138-2 to read:

12 "**§138-2** ~~[Wireless enhanced]~~ **Enhanced 911 board.** (a) There  
13 is created within the department of accounting and general  
14 services, for administrative purposes, ~~[a wireless]~~ an enhanced  
15 911 board consisting of ~~[eleven]~~ thirteen voting members;  
16 provided that the membership shall consist of:

- 17 (1) The comptroller or the comptroller's designee;  
18 (2) Three representatives from the wireless communications  
19 service providers, who shall be appointed by the  
20 governor as provided in section 26-34 ~~[except as~~  
21 ~~otherwise provided by law];~~



- 1           (3) ~~[One representative each from the public safety~~  
2           ~~answering points for Oahu, Hawaii, Kauai, Maui, and~~  
3           ~~Moekai, who]~~ From each county public safety answering  
4           point, except Oahu, one employee or manager  
5           representative; and from Oahu, one employee or manager  
6           representative from the Oahu primary public safety  
7           answering point and one representative chosen by the  
8           mayor of the city and county of Honolulu; provided  
9           that all members under this paragraph shall be  
10           appointed by the governor, as provided in section 26-  
11           34~~[, except as otherwise provided by law, from a list~~  
12           ~~of five names submitted by each respective public~~  
13           ~~safety answering point];~~  
14           (4) The consumer advocate or the consumer advocate's  
15           designee; ~~[and]~~  
16           (5) One representative from a communications service  
17           company that offers Interconnected Voice over Internet  
18           Protocol services, who shall be appointed by the  
19           governor as provided in section 26-34; and  
20           ~~[+5+]~~ (6) One representative of the current ~~[wireless~~  
21           ~~provider of enhanced 911.]~~ local exchange carrier.





1 (b) [~~Six members~~] A simple majority shall constitute a  
2 quorum, whose affirmative vote shall be necessary for all  
3 actions by the board.

4 (c) The chairperson of the board shall be elected by the  
5 members of the board by simple majority and shall serve a term  
6 of one year.

7 (d) The board shall meet upon the call of the chairperson,  
8 but not less than quarterly.

9 (e) The members representing wireless [~~providers~~]  
10 communications service providers, local exchange carriers, and  
11 the Interconnected Voice over Internet Protocol communications  
12 service company provider shall be appointed by the governor for  
13 terms of two years [~~, except that terms of the two members~~  
14 ~~initially appointed shall be for eighteen months~~].

15 (f) Each member shall hold office until the member's  
16 successor is appointed and qualified. Section 26-34 shall apply  
17 only insofar as it relates to succession, vacancies, and  
18 suspension of board members, and as provided in subsection (a).

19 (g) The board may adopt, administer, and enforce rules to  
20 carry out the purposes of this chapter.

21 [~~(g)~~] (h) The members shall serve without compensation.  
22 Members shall be entitled to reimbursements from the [~~wireless~~]



1 enhanced 911 fund for reasonable traveling expenses incurred in  
2 connection with the performance of board duties.

3 ~~[(h)]~~ (i) The board or its chairperson, with the approval  
4 of the board, may retain independent, third-party accounting  
5 firms, consultants, or other third ~~[party]~~ parties to:

6 (1) Create reports, make payments into the fund, process  
7 checks, and make distributions from the fund, as  
8 directed by the board and as allowed by this chapter;  
9 and

10 (2) Perform administrative duties necessary to administer  
11 the fund or oversee operations of the board, including  
12 providing technical advisory support~~[-]~~; provided that  
13 no third-party accounting firm, consultant, or other  
14 third party hired to perform these administrative  
15 duties may be retained if the accounting firm,  
16 consultant, or other third party, either directly or  
17 indirectly, has a conflict of interest or is  
18 affiliated with the management of or owns a pecuniary  
19 interest in any entity subject to the provisions of  
20 this chapter.

21 ~~[(i)]~~ (j) The board shall develop reasonable procedures to  
22 ensure that all ~~[wireless providers]~~ members receive adequate



1 notice of board meetings and information concerning board  
2 decisions.

3 (k) The board shall fund the development, deployment, and  
4 sustaining of enhanced 911 service, including funding future  
5 enhanced 911 technologies.

6 (l) The governor shall appoint and designate the state 911  
7 coordinator, as required by section 3(b) of the federal Wireless  
8 Communications and Public Safety Act of 1999, who will  
9 coordinate with the board on matters related to 911 services.

10 The state 911 coordinator shall serve without compensation  
11 from the fund. The state 911 coordinator shall be entitled to  
12 reimbursements from the fund for reasonable traveling expenses  
13 incurred in connection with the performance of board duties."

14 4. By amending section 138-3 to read:

15 "**§138-3** ~~[Wireless enhanced]~~ **Enhanced 911 fund.** There is  
16 established outside the state treasury a special fund, to be  
17 known as the ~~[wireless]~~ enhanced 911 fund, to be administered by  
18 the board. The fund shall consist of amounts collected under  
19 section 138-4. Moneys paid into the fund are not general fund  
20 revenues of the State. The board shall place the funds in an  
21 interest-bearing account at any federally insured financial  
22 institution, separate and apart from the general fund of the



1 State. Moneys in the fund shall be expended exclusively by the  
2 board for the purposes of ensuring adequate ~~[cost recovery for~~  
3 ~~the deployment of phase I and phase II wireless]~~ funding to  
4 develop, deploy, and sustain enhanced 911 service and develop  
5 and fund future enhanced 911 technologies and for expenses of  
6 administering the fund. ~~[Any funds that accumulate in the~~  
7 ~~wireless enhanced 911 fund shall be retained in the fund unless~~  
8 ~~determined by the legislature to be in excess.]"~~

9 5. By amending section 138-4 to read:

10 "~~[+]§138-4[+]~~ **Surcharge** (a) A monthly ~~[wireless]~~ enhanced  
11 911 surcharge, subject to this chapter, shall be imposed upon  
12 each ~~[commercial mobile radio]~~ communications service  
13 connection~~[.]~~ except connections of the local exchange carrier  
14 providing land line enhanced 911 services under section 269-  
15 16.95.

16 (b) ~~[The effective date of the surcharge shall be July 1,~~  
17 ~~2004.]~~ The rate of the surcharge shall be set at 66 cents per  
18 month for each ~~[commercial mobile radio]~~ communications service  
19 connection. The surcharge shall have uniform application and  
20 shall be imposed on each ~~[commercial mobile radio]~~  
21 communications service connection operating within the State  
22 except:



- 1           (1) Connections billed to federal, state, and county  
2                   governmental entities; and
- 3           (2) Prepaid connections.
- 4           (c) All [~~wireless~~] communications service providers and  
5 resellers shall bill to and collect from each of their customers  
6 a monthly surcharge at the rate established for each [~~commercial~~  
7 ~~mobile-radio~~] communications service connection. The [~~wireless~~]  
8 communications service provider or reseller may list the  
9 surcharge as a separate line item on each bill. If a [~~wireless~~]  
10 communications service provider or reseller receives a partial  
11 payment for a monthly bill from a [~~commercial mobile-radio~~]  
12 communications service customer, the [~~wireless~~] communications  
13 service provider or reseller shall apply the payment against the  
14 amount the customer owes the [~~wireless~~] communications service  
15 provider or reseller, before applying the partial payment  
16 against the surcharge.
- 17           (d) A [~~wireless~~] communications service provider that:
- 18           (1) Is collecting the surcharge and remitting appropriate  
19                   portions of the surcharge to the fund pursuant to this  
20                   chapter; and



1           (2) Has been requested by a public safety answering point  
2           to provide [~~phase I or phase II wireless~~] enhanced 911  
3           service in a particular county or counties,  
4 may recover [~~wireless~~] enhanced 911 [~~commercial mobile radio~~]  
5 service costs as provided in this chapter.

6           (e) Each [~~wireless~~] communications service provider or  
7 reseller may retain two per cent of the amount of surcharges  
8 collected to offset administrative expenses associated with  
9 billing and collecting the surcharge.

10          (f) A [~~wireless~~] communications service provider or  
11 reseller shall remit to the [~~wireless~~] enhanced 911 fund, within  
12 sixty days after the end of the calendar month in which the  
13 surcharge is collected, an amount that represents the surcharges  
14 collected less amounts retained for administrative expenses  
15 incurred by the [~~wireless~~] communications service provider or  
16 reseller, as provided in subsection (e).

17          (g) A public utility providing local exchange enhanced 911  
18 communications services for its customer base and other service  
19 providers using the wire line provider's enhanced 911 service  
20 may collect and keep the surcharge at the established rate set  
21 pursuant to section 269-16.95.



1           ~~[(g)]~~ (h) The surcharges collected by the ~~[wireless]~~  
2 communications service provider or reseller pursuant to this  
3 section shall not be subject to any tax, fee, or assessment, nor  
4 are they considered revenue of the provider or reseller.

5           ~~[(h)]~~ (i) Each customer who is subject to this chapter  
6 shall be liable to the State for the surcharge until it has been  
7 paid to the ~~[wireless]~~ communications service provider.  
8 ~~[Wireless]~~ Communications service providers shall have no  
9 liability to remit surcharges that have not been paid by  
10 customers. A ~~[wireless]~~ communications service provider or  
11 reseller shall have no obligation to take any legal action to  
12 enforce the collection of the surcharge for which any customer  
13 is billed. However, the board may initiate a collection action  
14 against the customer. If the board prevails in such a  
15 collection action, reasonable attorney's fees and costs shall be  
16 awarded.

17           ~~[(i)]~~ (j) At any time the members deem it necessary and  
18 appropriate, the board may meet to make recommendations to the  
19 legislature as to whether the surcharge and fund should be  
20 discontinued, continued as is, or amended.

21           ~~[(j)]~~ (k) When considering whether to discontinue,  
22 continue as is, or amend the fund or surcharge, the board's



1 recommendations shall be based on the latest available  
2 information concerning costs associated with providing  
3 [~~wireless~~] enhanced 911 service [~~in accordance with the Federal~~  
4 ~~Communications Commission order~~]."

5 6. By amending section 138-5 to read:

6 "~~[§]§138-5[§] Recovery~~ Disbursements from the fund. (a)  
7 [~~After January 1, 2005, every~~] Every public safety answering  
8 point shall be eligible to seek [~~reimbursement~~] disbursements  
9 from the fund [~~solely~~] to pay for the reasonable costs to lease,  
10 purchase, or maintain all necessary equipment, including  
11 computer hardware, software, and database provisioning, required  
12 by the public safety answering point to provide technical  
13 functionality for the [~~wireless~~] enhanced 911 service [~~pursuant~~  
14 ~~to the Federal Communications Commission order~~], including any  
15 expenses directly associated with the planning phases and  
16 training of personnel in any new and emerging technologies  
17 involving enhanced 911. All other expenses necessary to operate  
18 the public safety answering point, including [~~but not limited~~  
19 ~~to~~] those expenses related to overhead, staffing, and other day-  
20 to-day operational expenses, shall continue to be paid through  
21 the general funding of the respective counties.





1        (b) Every public safety answering point shall be eligible  
2 to seek disbursements from the fund to pay for the reasonable  
3 costs associated with having representatives, other than  
4 enhanced 911 board members, on enhanced 911 board committees,  
5 including established and investigative committees.

6        [~~(b) After January 1, 2005, each wireless~~] (c) Each  
7 communications service provider may request reimbursement from  
8 the fund of [~~wireless~~] enhanced 911 [~~commercial mobile radio~~]  
9 service costs incurred; provided that the costs:

- 10        (1) Are recoverable under section 138-4(d); and  
11        (2) Have not already been reimbursed to the [~~wireless~~]  
12        communications service provider from the fund.

13 In no event shall a [~~wireless~~] communications service provider  
14 be reimbursed for any amount above its actual [~~wireless~~]  
15 enhanced 911 [~~commercial mobile radio~~] communications service  
16 costs allowed to be recovered under section 138-4(d).

17        (d) Every communications service provider shall be  
18 eligible to seek disbursements from the fund to pay for the  
19 reasonable costs associated with having representatives, other  
20 than board members, on board committees, including established  
21 and investigative committees.



1       ~~[(e)]~~ (e) After the expenses of the board are paid, the  
2 public safety answering points shall be allocated two-thirds of  
3 the remaining balance of the fund. The remaining one-third  
4 shall be available for ~~[wireless]~~ communications service  
5 provider cost recovery. The board shall determine the  
6 reimbursement amounts for the public safety answering points,  
7 based on the limitations set forth in section 138-5(a). The  
8 reimbursement level for each ~~[wireless]~~ communications service  
9 provider shall be limited:

10       (1) To one third of the total contribution made by the  
11 ~~[wireless]~~ individual communications service provider  
12 ~~[to the wireless provider cost recovery portion of]~~  
13 into the fund~~[+]~~. Direct reimbursement shall not be  
14 available to the provider of wire line enhanced 911;  
15 and

16       (2) As provided in ~~[section 138-5(b)]~~ subsection (c)."

17       7. By amending section 138-6 to read:

18       "~~+~~**§138-6**~~+~~ **Report to the legislature.** The board shall  
19 submit an annual report to the legislature, including:

20       (1) The total aggregate surcharge collected by the State  
21 in the last fiscal year;

22       (2) The amount of disbursement from the fund;



- 1 (3) The recipient of each disbursement and a description  
2 of the project for which the money was disbursed;
- 3 (4) The conditions, if any, placed by the board on  
4 disbursements from the fund;
- 5 (5) The planned expenditures from the fund in the next  
6 fiscal year;
- 7 (6) The amount of any unexpended funds carried forward for  
8 the next fiscal year;
- 9 (7) A cost study to guide the legislature towards  
10 necessary adjustments to the fund and the monthly  
11 surcharge; and
- 12 (8) A [~~progress~~] status report of jurisdictional readiness  
13 for [~~wireless E911~~] enhanced 911 services, including  
14 public safety answering points[, ~~wireless providers,~~]  
15 and [~~wireline~~] communications service providers. [~~The~~  
16 ~~report shall include the status of requirements~~  
17 ~~outlined in the Federal Communications Commission~~  
18 ~~Order 94-102 and subsequent supporting orders related~~  
19 ~~to phase I and phase II wireless 911 services.~~]"
- 20 8. By amending section 138-7 to read:
- 21 "[~~+~~]**\$138-7 Audits.**[~~+~~] (a) During any period in which [~~a~~  
22 ~~wireless~~] an enhanced 911 surcharge is imposed upon customers,



1 the board may request an audited report prepared by an  
2 independent certified public accountant that demonstrates that  
3 the request for cost recovery from public safety answering  
4 points and [~~wireless~~] communications service providers recovers  
5 only costs and expenses directly related to the provision of  
6 [~~phase I or phase II wireless~~] enhanced 911 service as  
7 authorized by this chapter. The cost of the audited reports  
8 shall be considered expenses of the board. The board shall  
9 prevent public disclosure of proprietary information contained  
10 in the audited report, unless required by court order or  
11 appropriate administrative agency decision.

12 (b) The board shall select an independent third party to  
13 audit the fund every two years to determine whether the fund is  
14 being managed in accordance with this chapter. The board may  
15 use the audit to determine whether the amount of the surcharge  
16 assessed on each [~~commercial mobile radio~~] communications  
17 service connection is required to be adjusted. The costs of the  
18 audit shall be an administrative cost of the board recoverable  
19 from the fund."

20 9. By amending section 138-8 to read:

21 "[~~+~~]**§138-8**[~~+~~] **Proprietary information.** (a) All  
22 proprietary information submitted to the board by any third



1 party used by the board in connection with its duties or any  
2 public safety answering point in deploying [~~wireless~~] enhanced  
3 911 service shall be retained in confidence. Proprietary  
4 information submitted pursuant to this chapter shall not be  
5 released to any person, other than to the submitting [~~wireless~~]  
6 communications service provider or reseller, the board, or any  
7 independent, third-party accounting firm retained by the board,  
8 without the express permission of the submitting [~~wireless~~]  
9 communications service provider or reseller. General  
10 information collected by the board shall be released or  
11 published only in aggregate amounts that do not identify or  
12 allow identification of numbers of subscribers or revenues  
13 attributable to an individual [~~wireless~~] communications service  
14 provider.

15 (b) The board, any third parties it may retain, and any  
16 public safety answering point shall take appropriate measures to  
17 maintain the confidentiality of the proprietary information that  
18 may be submitted by a [~~wireless~~] communications service  
19 provider. The board shall hold all propriety information in  
20 confidence and shall adopt reasonable procedures to prevent  
21 disclosure or providing access to the proprietary information to  
22 the public and competitors, including members of the board



1 representing other [~~wireless~~] communications service providers.  
2 Members of the board shall not disclose the information to any  
3 third parties, including their employers, without the written  
4 consent of the [~~wireless~~] communications service provider whose  
5 proprietary information is to be disclosed.

6 (c) A committee consisting of all board members, except  
7 the [~~three wireless~~] communications service provider  
8 representatives, shall have the power to act for the board on  
9 the specific matters defined by the board, when at least two-  
10 thirds of the members of the board determine that a board action  
11 may be conducted by the committee to prevent disclosure of  
12 proprietary information to the [~~wireless~~] communications service  
13 provider representatives."

14 10. By amending section 138-9 to read:

15 "[+]§138-9[+] **Limitation of liability.** (a)

16 Notwithstanding any law to the contrary, in no event shall any  
17 [~~wireless~~] communications service provider, reseller,  
18 independent, third-party accounting firm, consultant, or other  
19 third party retained by the State under section 138-2(i), or  
20 their respective employees, directors, officers, assigns,  
21 affiliates, or agents, except in cases of gross negligence or  
22 wanton and wilful misconduct, be liable for any civil damages or



1 criminal liability resulting from death or injury to a person or  
2 from damage to property incurred by any person in connection  
3 with any act or omission in developing, designing, adopting,  
4 establishing, installing, participating in, implementing,  
5 maintaining, or providing access to [~~phase I or phase II~~  
6 ~~wireless~~] enhanced 911 or any other [~~wireless~~] communications  
7 service intended to help persons obtain emergency assistance.  
8 In addition, no [~~wireless~~] communications service provider,  
9 reseller, independent, third-party accounting firm, consultant,  
10 or other third party retained by the State under section 138-  
11 2(i), or their respective employees, directors, officers,  
12 assigns, affiliates, or agents shall be liable for civil damages  
13 or criminal liability in connection with the release of customer  
14 information to any governmental entity, including any public  
15 safety answering point, as required under this chapter.

16 (b) In no event shall any public safety answering point,  
17 or its employees, assigns, or agents, or emergency response  
18 personnel, except in cases of gross negligence or wanton and  
19 wilful misconduct, be liable for any civil damages or criminal  
20 liability resulting from death or injury to the person or from  
21 damage to property incurred by any person in connection with any  
22 act or omission in the development, installation, maintenance,



1 operation, or provision of [~~phase I or phase II wireless~~]  
2 enhanced 911 service."

3 11. By amending section 138-10 to read:

4 "[~~§~~138-10~~§~~] **Database or location information.** (a) Any  
5 [~~commercial mobile radio~~] communications service location  
6 information obtained by any public safety answering point or  
7 public safety agency or its personnel for public safety purposes  
8 is not a government record open to disclosure under chapter 92F.

9 (b) A person shall not disclose or use, for any purpose  
10 other than the [~~wireless~~] enhanced 911 calling system,  
11 information contained in the database of the [~~wireless~~]  
12 communications service provider's network portion of the  
13 [~~wireless~~] enhanced 911 calling system established pursuant to  
14 this chapter, without the prior written consent of the  
15 [~~wireless~~] communications service provider."

16 12. By amending section 138-11 to read:

17 "[~~§~~138-11~~§~~] **Dispute resolution.** (a) Any [~~wireless~~]  
18 communications service provider, reseller, independent, third-  
19 party accounting firm, consultant, or other third party  
20 retained by the State under section 138-2(i), or public safety  
21 answering point aggrieved by a decision of the board shall have  
22 the right to petition the board for reconsideration within ten





1 days following the rendering of the board's decision. As part  
2 of its petition for reconsideration, the aggrieved party may  
3 present any reasonable evidence or information for the board to  
4 consider. The board shall render its decision on the  
5 reconsideration petition as soon as reasonably possible, but no  
6 later than thirty days after the reconsideration request is  
7 made.

8 (b) An aggrieved party, following the completion of the  
9 reconsideration petition process, upon agreement of the other  
10 party, may have the dispute resolved through final and binding  
11 arbitration by a single arbitrator in accordance with the  
12 Wireless Industry Arbitration Rules of the American Arbitration  
13 Association. The costs of the arbitration, including the fees  
14 and expenses of the arbitrator, shall be borne by the  
15 nonprevailing party of any arbitration proceeding. The  
16 arbitrator's decision shall be final and binding and may be  
17 confirmed and enforced in any court of competent jurisdiction.

18 (c) Nothing in this section shall preclude any [wireless]  
19 communications service provider, reseller, independent, third-  
20 party accounting firm, consultant, or other third party  
21 retained by the State under section 138-2(i), or public safety



1 answering point from pursuing any existing right or remedy to  
2 which it is entitled in any court having jurisdiction thereof."

3 13. By amending section 138-12 to read:

4 "[~~§~~138-12] **Service contracts.** A [wireless]  
5 communications service provider shall not be required to provide  
6 [wireless] enhanced 911 service until the [wireless]  
7 communications service provider and the public safety answering  
8 point providing [wireless] enhanced 911 service in the county or  
9 counties in which the [wireless] communications service provider  
10 is licensed to provide [~~commercial mobile radio~~] communications  
11 service have entered into a written agreement setting forth the  
12 basic terms of service to be provided."

13 SECTION 2. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 3. This Act shall take effect on July 1, 2020.



**Report Title:**

Enhanced 911 Services; Surcharge; Fund; Board

**Description:**

Establishes a single entity to administer enhanced 911 services for the State and expands the membership and responsibilities of the Enhanced 911 Board. Effective July 1, 2020. (HD1000 HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

