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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 to read as follows:

3 "[+]CHAPTER 138[+]

4 **ENHANCED 911 SERVICES** [~~FOR MOBILE PHONES~~]

5 [+]§138-1[+] **Definitions.** As used in this chapter, unless
6 the context requires otherwise:

7 "911" means the digits, address, Internet protocol address,
8 or other information used to access or initiate a call to a
9 public safety answering point.

10 "9-1-1 Coordinator" means the person designated to carry
11 out the responsibilities of coordinating 9-1-1 services as
12 required in Section 3(b) of Wireless Telecommunications Act of
13 1999.

14 "911 system" means an emergency communications system that:

15 (1) Enables the user of a voice communications service
16 connection such as telephone, computer, or commercial
17 mobile radio service, Interconnected Voice over

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1 Internet Protocol service or a data communications
2 service connection that transmits data exclusively,
3 such as text messaging, to reach a public safety
4 answering point by accessing 911, or via a
5 service/relay bureau or accessing a 911 system through
6 some other means ; and

7 (2) Provides enhanced 911 service.

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

14 "Automatic number identification" means [~~a wireless~~] an
15 enhanced 911 service capability that enables the automatic
16 display of the ten-digit [~~wireless~~] telephone number [~~used to~~
17 ~~place a 911 call in accordance with the Federal Communications~~
18 ~~Commission order.~~] or some other unique identifier of the device
19 from which a 911 call is placed.

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1 "Board" means the [wireless] enhanced 911 board established
2 under this chapter.

3 "Call" means any communication, message, signal, or
4 transmission.

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

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

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

19 "Communication service" means a service capable of
20 accessing, connecting with, or interfacing with a 911 system, by

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1 dialing, initializing, or otherwise activating the 911 system by
2 means of a local telephone device, commercial mobile radio
3 service device, interconnected voice over Internet protocol
4 (VoIP) device, indirect communication through a service bureau
5 or call relay service, such as alarm companies or telematic
6 providers, or any other means.

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

11 "Communications service provider" means an entity that
12 provides communications service to a subscriber.

13 "Database service provider" means a service supplier who
14 maintains and supplies or contracts to maintain and supply an
15 automatic information location database or master street address
16 guide.

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

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

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

3 "Interconnected voice over Internet protocol Voice over
4 Internet Protocol" means a service that: (1) enables real-time,
5 two-way voice communications; (2) requires a broadband
6 connection from the user's location; (3) requires Internet
7 protocol-compatible customer premises equipment; and (4) permits
8 users generally to receive calls that originate on the public
9 switched telephone network and to terminate calls to the public
10 switched telephone network.

11 "Interconnected Voice over Internet Protocol service
12 provider" means an entity that provides interconnected voice
13 over Internet protocol service.

14 "Competitive Local Exchange Carrier" means a alternative
15 provider of local communication services other than the
16 Incumbent Local Exchange Carrier.

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.

1 "Proprietary information" means customer lists and other
2 related information (including the number of customers),
3 technology descriptions, technical information, or trade
4 secrets, and the actual or developmental costs of [~~wireless~~]
5 enhanced 911 service that are developed, produced, or received
6 internally by a [~~wireless~~] communications service provider or by
7 a provider's employees, directors, officers, or agents.

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

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

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

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1 ~~["Wireless enhanced 911 commercial mobile radio service~~
2 ~~costs" means all capital, nonrecurring, and recurring costs~~
3 ~~directly related to the implementation and operation of phase I~~
4 ~~or phase II wireless enhanced 911 services pursuant to the~~
5 ~~Federal Communications Commission order.~~

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

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

14 "Telematics" means the blending of computers and wireless
15 telecommunications technologies, associated with a motor vehicle
16 that conveys data associated with events related to said vehicle
17 to a call center or Public Service Answering Point.

18 "Universal emergency number service" or "911 service" means
19 public communications service that provides service users with

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1 the ability to reach a public safety answering point by
2 accessing a 911 system.

3 ~~[†]~~§138-2~~[‡]~~ ~~[Wireless-enhanced]~~ **Enhanced** 911 board. (a)

4 There is created within the department of accounting and general
5 services, for administrative purposes, ~~[a-wireless]~~ an enhanced
6 911 board consisting of ~~[eleven]~~ Thirteen voting members;
7 provided that the membership shall consist of:

8 (1) The comptroller or the comptroller's designee;

9 (2) Three representatives from the wireless communications
10 service providers, who shall be appointed by the
11 governor as provided in section 26-34~~[, except as~~
12 ~~otherwise provided by law]~~;

13 (3) ~~[One representative]~~ Each ~~[from the]~~ county public
14 safety answering point will be represented by one (1)
15 employee or manager, with the exception of
16 Oahu, ~~[Hawaii, Kauai, Maui, and Molokai]~~ with two (2)
17 individuals, whose first representative will be an
18 employee or manager from the Oahu primary Primary
19 Service Answering Point, and a second representative,
20 chosen by the mayor of the city and county of

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1 Honolulu, who shall be appointed by the governor, as
2 provided in section 26-34 [~~except as otherwise~~
3 ~~provided by law, from a list of five names submitted~~
4 ~~by each respective public safety answering point~~];

5 (4) The consumer advocate or the consumer advocate's
6 designee; [~~and~~]

7 (5) One representative from a communications service
8 company that offers interconnected Voice over Internet
9 Protocol services, who shall be appointed by the
10 governor as provided in section 26-34; and

11 [~~5~~] (6) One representative of the current local exchange
12 carrier.

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

16 (c) The chairperson of the board shall be elected by the
17 members of the board by simple majority and shall serve a term
18 of one year.

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

1 (e) The members representing wireless, local exchange
2 carrier, and Interconnected Voice over Internet Protocol
3 service providers shall be appointed by the governor for terms
4 of two years[, ~~except that terms of the two members initially~~
5 ~~appointed shall be for eighteen months~~].

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

10 (g) The board has the authority to adopt, administer, and
11 enforce rules to carry out the purposes of this chapter.

12 [~~g~~] (h) The members shall serve without compensation.
13 Members shall be entitled to reimbursements from the [~~wireless~~]
14 enhanced 911 fund for reasonable traveling expenses incurred in
15 connection with the performance of board duties.

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

19 (1) Create reports, make payments into the fund, process
20 checks, and make distributions from the fund, as

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1 directed by the board and as allowed by this chapter;
2 and

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

14 [(i)] (j) The board shall develop reasonable procedures to
15 ensure that all [~~wireless providers~~] members receive adequate
16 notice of board meetings and information concerning board
17 decisions.

18 (k) The board shall fund the development, deployment, and
19 sustaining of enhanced 911 service, including funding future
20 Enhanced 911 technologies.

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1 (1) The Governor will appoint and designate the state 9-1-
2 1 coordinator as required by section 3(b) of the federal
3 Wireless Telecommunications and Public Safety Act of 1999 who
4 will coordinate with the board on matters related to 9-1-1
5 services

6 (1) The state 9-1-1 coordinator shall serve without
7 compensation from the fund. The state 9-1-1
8 coordinator shall be entitled to reimbursements from
9 the fund for reasonable traveling expenses incurred in
10 connection with the performance of board duties.

11 [~~f~~]~~\$138-3~~[~~]~~ ~~Wireless-enhanced~~ Enhanced 911 fund. There
12 is established outside the state treasury a special fund, to be
13 known as the [~~wireless~~] enhanced 911 fund, to be administered by
14 the board. The fund shall consist of amounts collected under
15 section 138-4. Moneys paid into the fund are not general fund
16 revenues of the State. The board shall place the funds in an
17 interest-bearing account' at any federally insured financial
18 institution, separate and apart from the general fund of the
19 State. Moneys in the fund shall be expended exclusively by the
20 board for the purposes of ensuring adequate [~~cost recovery for~~

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1 ~~the deployment, of phase I and phase II wireless]~~ for funding to
2 deploy and sustain enhanced 911 service and develop and fund
3 future enhanced 911 technologies and for expenses of
4 administering the fund. [~~Any funds that accumulate in the~~
5 ~~wireless enhanced 911 fund shall be retained in the fund unless~~
6 ~~determined by the legislature to be in excess.~~]

7 [+]§138-4[+] **Surcharge** (a) A monthly [~~wireless]~~ enhanced
8 911 surcharge, subject to this chapter, shall be imposed upon
9 each [~~commercial mobile radio]~~ communications service
10 connection.

11 (b) [~~The effective date of the surcharge shall be July 1,~~
12 ~~2004.~~] The rate of the surcharge shall be set at 66 cents per
13 month for each [~~commercial mobile radio]~~ communications service
14 connection. The surcharge shall have uniform application and
15 shall be imposed on each [~~commercial mobile radio]~~
16 communications service connection operating within the State
17 except:

- 18 (1) Connections billed to federal, state, and county
19 governmental entities; [~~and]~~
20 (2) Prepaid connections [~~-~~] ; or

1 (3) Local exchange carrier providing land line enhanced
2 911 services through section 269-16.95.

3 (c) All [~~wireless~~] communications service providers and
4 resellers shall bill to and collect from each of their customers
5 a monthly surcharge at the rate established for each [~~commercial~~
6 ~~mobile radio~~] communications service connection. The [~~wireless~~]
7 communications service provider or reseller may list the
8 surcharge as a separate line item on each bill. If a [~~wireless~~]
9 communications service provider or reseller receives a partial
10 payment for a monthly bill from a [~~commercial mobile radio~~]
11 communications service customer, the [~~wireless~~] communications
12 service provider or reseller shall apply the payment against the
13 amount the customer owes the [~~wireless~~] communications service
14 provider or reseller, before applying the partial payment
15 against the surcharge.

16 (d) A [~~wireless~~] communications service provider that:

17 (1) Is collecting the surcharge and remitting appropriate
18 portions of the surcharge to the fund pursuant to this
19 chapter; and

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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 [~~7~~] i.
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 communication services for its customer base and other service
19 providers using the wire line provider's enhanced 911 service may

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1 collect and keep the surcharge at the established rate set forth
2 by section 269-16.95.

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

7 ~~[(h)]~~ (i) Each customer who is subject to this chapter
8 shall be liable to the State for the surcharge until it has been
9 paid to the ~~[wireless]~~ communications service provider.

10 ~~[Wireless]~~ Communications service providers shall have no
11 liability to remit surcharges that have not been paid by
12 customers. A ~~[wireless]~~ communications service provider or
13 reseller shall have no obligation to take any legal action to
14 enforce the collection of the surcharge for which any customer
15 is billed. However, the board may initiate a collection action
16 against the customer. If the board prevails in such a
17 collection action, reasonable attorney's fees and costs shall be
18 awarded.

19 ~~[(i)]~~ (j) At any time the members deem it necessary and
20 appropriate, the board may meet to make recommendations to the

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1 legislature as to whether the surcharge and fund should be
2 discontinued, continued as is, or amended.

3 ~~[(j)]~~ (k) When considering whether to discontinue, continue
4 as is, or amend the fund or surcharge, the board's
5 recommendations shall be based on the latest available
6 information concerning costs associated with providing
7 ~~[wireless] enhanced 911 service [in accordance with the Federal~~
8 ~~Communications Commission order].~~

9 ~~[(f)]~~ §138-5 ~~[(j)]~~ **Recovery** Disbursements from the fund. (a)
10 ~~[After January 1, 2005, every]~~ Every public safety answering
11 point shall be eligible to seek ~~[reimbursement]~~ disbursements
12 from the fund ~~solely~~ to pay for the reasonable costs to lease,
13 purchase, or maintain all necessary equipment, including
14 computer hardware, software, and database provisioning, required
15 by the public safety answering point to provide technical
16 functionality for the ~~[wireless] enhanced 911 service [pursuant~~
17 ~~to the Federal Communications Commission order].~~ This may
18 include any expenses directly associated with the planning
19 phases and training of personnel in any new and emerging
20 technologies involving enhanced 911. All other expenses

1 necessary to operate the public safety answering point,
2 including but not limited to those expenses related to overhead,
3 staffing, and other day-to-day operational expenses, shall
4 continue to be paid through the general funding of the
5 respective counties.

6 (b) Every public safety answering point shall be eligible
7 to seek disbursements from the fund to pay for the reasonable
8 costs associated with having representatives, other than
9 enhanced 911 board members, on enhanced 911 board committees to
10 include, established and investigative committees.

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

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

18 In no event shall a [~~wireless~~] communications service provider
19 be reimbursed for any amount above its actual [~~wireless~~]

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1 enhanced 911 [~~commercial mobile radio~~] communications service
2 costs allowed to be recovered under section 138-4(d).

3 (d) Every communications service provider shall be
4 eligible to seek disbursements from the fund to pay for the
5 reasonable costs associated with having representatives, other
6 than board members, on board committees to including,
7 established and investigative committees.

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

17 (1) To one third of the total contribution made by the
18 [~~wireless~~] individual communications service provider
19 [~~to the wireless provider cost recovery portion of~~]
20 into the fund[+]. This method of direct reimbursement

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1 is not available to the provider of wire line enhanced
2 911; and

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

4 [+]§138-6[+] **Report to the legislature.** The board shall
5 submit an annual report to the legislature, including:

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

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

9 (3) The recipient of each disbursement and a description
10 of the project for which the money was disbursed;

11 (4) The conditions, if any, placed by the board on
12 disbursements from the fund;

13 (5) The planned expenditures from the fund in the next
14 fiscal year;

15 (6) The amount of any unexpended funds carried forward for
16 the next fiscal year;

17 (7) A cost study to guide the legislature towards
18 necessary adjustments to the fund and the monthly
19 surcharge; and

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1 (8) A [~~progress~~] status report of jurisdictional
2 capabilities for [~~wireless E911~~] enhanced 911
3 services, including public safety answering points[~~r~~
4 ~~wireless providers,~~] and [~~wireline~~] communications
5 service providers. [~~The report shall include the~~
6 ~~status of requirements outlined in the Federal~~
7 ~~Communications Commission Order 94-102 and subsequent~~
8 ~~supporting orders related to phase I and phase II~~
9 ~~wireless 911 services.~~]

10 [+]§138-7 **Audits.**[+] (a) During any period in which [~~a~~
11 ~~wireless~~] an enhanced 911 surcharge is imposed upon customers,
12 the board may request an audited report prepared by an
13 independent certified public accountant that demonstrates that
14 the request for cost recovery from public safety answering
15 points and [~~wireless~~] communications service providers recovers
16 only costs and expenses directly related to the provision of
17 [~~phase I or phase II wireless~~] enhanced 911 service as
18 authorized by this chapter. The cost of the audited reports
19 shall be considered expenses of the board. The board shall
20 prevent public disclosure of proprietary information contained

1 in the audited report, unless required by court order or
2 appropriate administrative agency decision.

3 (b) The board shall select an independent third party to
4 audit the fund every two years to determine whether the fund is
5 being managed in accordance with this chapter. The board may
6 use the audit to determine whether the amount of the surcharge
7 assessed on each [~~commercial mobile radio~~] communications
8 service connection is required to be adjusted. The costs of the
9 audit shall be an administrative cost of the board recoverable
10 from the fund.

11 [~~+~~]**\$138-8**[~~+~~] **Proprietary information.** (a) All
12 proprietary information submitted to the board by any third
13 party used by the board in connection with its duties or any
14 public safety answering point in deploying [~~wireless~~] enhanced
15 911 service shall be retained in confidence. Proprietary
16 information submitted pursuant to this chapter shall not be
17 released to any person, other than to the submitting [~~wireless~~]
18 communications service provider or reseller, the board, or any
19 independent, third-party accounting firm retained by the board,
20 without the express permission of the submitting [~~wireless~~]

1 communications service provider or reseller. General
2 information collected by the board shall be released or
3 published only in aggregate amounts that do not identify or
4 allow identification of numbers of subscribers or revenues
5 attributable to an individual [~~wireless~~] communications service
6 provider.

7 (b) The board, any third parties it may retain, and any
8 public safety answering point shall take appropriate measures to
9 maintain the confidentiality of the proprietary information that
10 may be submitted by a [~~wireless~~] communications service
11 provider. The board shall hold all propriety information in
12 confidence and shall adopt reasonable procedures to prevent
13 disclosure or providing access to the proprietary information to
14 the public and competitors, including members of the board
15 representing other [~~wireless~~] communications service providers.
16 Members of the board shall not disclose the information to any
17 third parties, including their employers, without the written
18 consent of the [~~wireless~~] communications service provider whose
19 proprietary information is to be disclosed.

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

9 ~~[f]~~§138-9~~[f]~~ **Limitation of liability.** (a)

10 Notwithstanding any law to the contrary, in no event shall any
11 [~~wireless~~] communications service provider, reseller,
12 independent, third-party accounting firms, consultants, or other
13 third party retained by the State under section 138-2(i), or
14 their respective employees, directors, officers, assigns,
15 affiliates, or agents, except in cases of gross negligence or
16 wanton and willful misconduct, be liable for any civil damages
17 or criminal liability resulting from death or injury to a person
18 or from damage to property incurred by any person in connection
19 with any act or omission in developing, designing, adopting,
20 establishing, installing, participating in, implementing,

1 maintaining, or providing access to [~~phase I or phase II~~
2 ~~wireless~~] enhanced 911 or any other [~~wireless~~] communications
3 service intended to help persons obtain emergency assistance.
4 In addition, no [~~wireless~~] communications service provider,
5 reseller, independent, third-party accounting firms,
6 consultants, or other third party retained by the State under
7 section 138-2(i), or their respective employees, directors,
8 officers, assigns, affiliates, or agents shall be liable for
9 civil damages or criminal liability in connection with the
10 release of customer information to any governmental entity,
11 including any public safety answering point, as required under
12 this chapter.

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

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

3 [+]§138-10[+] **Database or location information.** (a) Any
4 [~~commercial mobile radio~~] communications service location
5 information obtained by any public safety answering point or
6 public safety agency or its personnel for public safety purposes
7 is not a government record open to disclosure under chapter 92F.

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

15 [+]§138-11[+] **Dispute resolution.** (a) Any [~~wireless~~]
16 communications service provider, reseller, independent, third-
17 party accounting firms, consultants, or other third party
18 retained by the State under section 138-2(i), or public safety
19 answering point aggrieved by a decision of the board shall have
20 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
13 Arbitration Association. The costs of the arbitration,
14 including the fees and expenses of the arbitrator, shall be
15 borne by the nonprevailing party of any arbitration proceeding.
16 The 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 firms, consultants, or other third party

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1 retained by the State under section 138-2(i), or public safety
2 answering point from pursuing any existing right or remedy to
3 which it is entitled in any court having jurisdiction thereof.

4 ~~[f]~~ **§138-12** ~~[f]~~ **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 July 1, 2011.

16
17 INTRODUCED BY: Calvin K. Boy
18

BY REQUEST

JAN 24 2011

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 Wireless Enhanced 911 Board.

JUSTIFICATION SHEET

DEPARTMENT: Accounting and General Services

TITLE: A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES.

PURPOSE: The purpose of this bill is to establish a single entity to administer enhanced 911 services for the State of Hawaii.

MEANS: Amend chapter 138, Hawaii Revised Statutes.

JUSTIFICATION: The State of Hawaii is only one of six states that does not have a single entity for the coordination of enhanced 911 services. The State of Hawaii established and appointed the Wireless Enhanced 911 Board to administer wireless enhanced 911 service in the State of Hawaii. 911 technologies providing enhanced services have matured and converged to a point where systems today required to provide such service are blended. The current wireless enhanced 911 board does not include representation of other communications service providers. This legislation is amended and proposed to establish a single state entity to administer enhanced 911 services for the State of Hawaii, expand representation on the oversight board, and expand responsibility of the board to include all 911 services coordination.

Public Law 110-283; New and Emerging Technologies 911 Improvement Act of 2008, became law on July 23, 2008; facilitating the rapid deployment of IP-enabled 911 and E-911 services, encourages the Nation's transition to a national IP-enabled emergency network, and improve 911 and E-911 access to those with disabilities.

Currently there is only one state board, the Wireless Enhanced 911 Board that was established in 2004, that administers

enhanced 911 services in the State of Hawaii, however strictly for deployment of wireless 911 services.

The current Wireless Enhanced 911 Board recognizes that the efficient management of 911 Emergency Networks saves lives and dramatically reduces the liability of government entities and agencies.

Furthermore, the technologies involved in providing enhanced 911 services have converged to a point that systems required to provide such service are blended and enhanced 911 systems are evolving to accept other forms of communications such as text, video and Telematics data.

Under the current law, the surcharges for wireline and wireless enhanced 911 service do not account for new and emerging technologies such as broadband service or IP-enabled services. Additionally, the current Wireless Enhanced 911 Board does not include representation of other communications service providers.

Therefore, in the interest of the safety of the public and visitors to Hawai'i, the following legislation is proposed to address the need for a single state entity to administer enhanced 911 services for the State of Hawaii.

Impact on the public: Improved 911 emergency telephone reporting services that will allow for the delivery of a request for emergency services via 911 from all communications technologies. In addition, the public will benefit from a more comprehensive, efficient and coordinated implementation, administration and operations of 911 services for the State of Hawaii.

Impact on the department and other agencies: Improved coordination of the implementation, administration, and operation of Enhanced

911 Services for county and local public safety entities and the State of Hawaii.

GENERAL FUND: None.

OTHER FUNDS: Wireless Enhanced 911 Fund.

PPBS PROGRAM
DESIGNATION: AGS-891

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.