

**FIRST ENGROSSMENT
with House Amendments**

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2353

Introduced by

Senators Kringstad, Krauter

1 A BILL for an Act to create and enact a new section to chapter 57-40.6 and a new subsection to
2 section 57-40.6-08 of the North Dakota Century Code, relating to liability of telecommunications
3 providers and an emergency services communication system advisory committee for 911; and
4 to amend and reenact section 57-40.6-01, of the North Dakota Century Code, relating to
5 wireless 911 telephone service definitions.

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

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

25 **SECTION 3.** A new section to chapter 57-40.6 of the North Dakota Century Code is
26 created and enacted as follows:

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

29 1. The governor shall appoint a nine-member emergency services communication
30 system advisory committee for 911. The governor shall include on the advisory
31 committee one representative from the North Dakota league of cities, one

- 1 representative from the North Dakota association of counties, one representative
2 from the North Dakota peace officers association, one representative from the
3 North Dakota firefighters association, one representative from the North Dakota
4 wireless telephone service industry, one representative from the North Dakota
5 emergency medical service association, one representative from the North Dakota
6 association of telephone cooperatives, one representative of counties with public
7 safety answering points, and one representative of counties served by state radio
8 911. Members' terms are for three years, subject to reappointment, beginning with
9 staggered terms as determined by the governor. The entity represented is
10 responsible for the expenses of the member representing that entity. The advisory
11 committee shall name a chairman and vice chairman from its membership.
12 2. The advisory committee shall study the feasibility of implementing an automatic
13 number identification and automated location identification system. The study
14 must include the estimated cost of the system and a proposed funding plan.
15 3. The committee shall submit a report of its work to the budget section of the
16 legislative council by August 1998.