

**FIRST ENGROSSMENT
with Conference Committee 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 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 of telecommunications providers, and an emergency services
4 communication system advisory committee for 911; and to amend and reenact sections
5 57-40.6-01, 57-40.6-05, and 57-40.6-06 of the North Dakota Century Code, relating to wireless
6 911 telephone service definitions.

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

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

10 **57-40.6-01. Definitions.** In this chapter, unless the context or ~~subject matter~~ otherwise
11 requires:

- 12 1. "Emergency services communication system" means a statewide, countywide, or
13 citywide radio system, land lines communication network, or emergency 911
14 telephone system, which provides rapid public access for coordinated dispatching
15 of services, personnel, equipment, and facilities for law enforcement, fire, medical,
16 or other emergency services.
- 17 2. "Telephone access line" means the principal fixed land line access to the
18 telephone company's switched network including an outward dialed trunk or
19 access register.
- 20 3. "Wireless telephone service" means public telephone service provided for two-way
21 voice or data communications which is transmitted independent of switched local
22 exchange access telephone service and which may be transmitted, in part, by
23 cable or wire as part of a larger telephone cable system. The term includes
24 cellular telephone service and any resellers of the service, personal

1 communication service, and specialized mobile radio service. The term does not
2 include any service that cannot connect a person to an established public safety
3 answering point under the 911 system by dialing the digits 9-1-1.

4 4. "911 service carrier" means any provider of wireless telephone service.

5 **SECTION 2.** A new section to chapter 57-40.6 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Emergency system - Wireless 911 service fee.** A subscriber shall pay a wireless 911
8 service fee of forty cents per month, per access line, to the 911 service carrier. The 911
9 service carrier shall add the wireless 911 service fee to all bills for wireless telephone service to
10 subscribers in this state. The 911 service carrier shall collect the wireless 911 service fee,
11 retain twelve and one-half percent of fees collected, and remit the remaining proceeds on a
12 monthly basis to the county treasurer of the county in which is located the billing address of the
13 subscriber from whom the fee was collected. In a county in which state radio communications
14 is the 911 service provider, the county treasurer shall transfer one-half of fees received under
15 this section to state radio communications for deposit in the state radio communications 911
16 provider equipment account. In a county in which state radio communications is not the 911
17 service provider, the county treasurer shall retain all fees received under this section.

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

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

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

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

1 guidelines. Information provided under this section must be provided in accordance with the
2 transactional record disclosure requirements of the federal Electronics Communications Privacy
3 Act of 1986, 18 U.S.C. 2703 (C)(1)(B)(iv).

4 **SECTION 5.** 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 6.** 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 telephone association, one representative of counties with public safety answering
7 points, and one representative of counties served by state radio 911. Members'
8 terms are for three years, subject to reappointment, beginning with staggered
9 terms as 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 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.