

ENROLLED HOUSE
BILL NO. 1228

By: Rice of the House

and

Easley and Crutchfield of
the Senate

An Act relating to public health and safety; creating the "Nine-One-One Wireless Emergency Number Act"; providing short title; stating purpose; providing definitions; requiring certain annual audits of certain public agencies; permitting certain audits of certain public agencies by State Auditor and Inspector; providing for certain filing of audits; declaring proprietary information confidential; requiring quarterly meetings of certain public bodies; subjecting certain public bodies to Oklahoma Open Records Act and Oklahoma Open Meeting Act; amending 63 O.S. 1991, Sections 2816, 2817, 2818 and 2819, which relate to nine-one-one emergency telephone service; permitting governing body of certain public agency to issue and sell bonds for certain purposes; absolving certain public agency employees and certain service providers of certain liabilities, claims, damages, or losses, and making exception thereto; permitting certain contracts; prohibiting certain use of the number nine-one-one; providing penalty and assessment; requiring provision of certain services to certain telephone subscribers; requiring certain service companies provide certain information to certain public bodies; permitting release of certain confidential information in aggregate form for certain purpose; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2841 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Nine-One-One Wireless Emergency Number Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2842 of Title 63, unless there is created a duplication in numbering, reads as follows:

It is the purpose of the Nine-One-One Wireless Emergency Number Act to provide efficient communication between wireless telephone customers and emergency service providers in order to expedite the response of law enforcement, fire, medical, rescue, and other

emergency services to any person requiring such assistance. In addition, this enables the state, wireless telephone providers, and local jurisdictions to comply with FCC Docket 94-102 requiring enhanced nine-one-one wireless services when requested by local public safety answering points.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2843 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in the Nine-One-One Wireless Emergency Number Act, unless the context otherwise requires:

1. "Area served" means the geographic area which shall be served by the emergency telephone service provided by the governing body of a county, municipality, part of a county or combination of such governing bodies;

2. "Governing body" means the board of county commissioners of a county, the city council or other governing body of a municipality, or a combination of such boards, councils or other municipal governing bodies, which shall have an administering board as provided in subsection G of Section 2815 of Title 63 of the Oklahoma Statutes. Any such combined administering board shall be formed and shall enter into an agreement with the governing body of each entity in accordance with the Interlocal Cooperation Act. The agreement shall be filed with the office of the county clerk and in the offices of each governmental entity involved;

3. "Nine-one-one wireless emergency telephone service" means any telephone system whereby wireless telephone subscribers may utilize a three-digit number, nine-one-one (911), for reporting an emergency to the appropriate public agency providing law enforcement, fire, medical, or other emergency services, including ancillary communications systems and personnel necessary to pass the reported emergency to the appropriate emergency service and personnel;

4. "Local exchange telephone company" means any company providing exchange telephone service to any service user in this state;

5. "Person" means any service user, including any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, private corporation, whether organized for profit or not, fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, the United States of America, the state, any political subdivision of the state or any federal or state agency, department, commission, board, or bureau;

6. "Proprietary information" shall include subscriber and market share information;

7. "Public agency" means any city, town, county, municipal corporation, public district, public trust or public authority located within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other emergency services;

8. "Substate planning district" means the following organizations:

- a. Association of Central Oklahoma Governments (ACOG),
- b. Association of South Central Oklahoma Governments (ASCOG),
- c. Central Oklahoma Economic Development District (COEDD),
- d. Eastern Oklahoma Economic Development District (EOEDD),
- e. Grand Gateway Economic Development Association (GGEDA),
- f. Indian Nations Council of Governments (INCOG),
- g. Kiamichi Economic Development District (KEDDO),
- h. Northern Oklahoma Development Association (NODA),
- i. Oklahoma Economic Development Association (OEDA),
- j. Southern Oklahoma Development Association (SODA), and
- k. South Western Oklahoma Development Authority (SWODA);

9. "Wireless service provider" means a provider of commercial mobile service under Section 332(d) of the Telecommunications Act of 1996, 47 U.S.C., Section 151 et seq., Federal Communications Commission rules, and the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, and includes a provider of wireless two-way communication service, radio-telephone communications related to cellular telephone service, network radio access lines or the equivalent, and personal communication service. The term does not include a provider of:

- a. a service whose users do not have access to nine-one-one service,
- b. a communication channel used only for data transmission, or
- c. a wireless roaming service or other nonlocal radio access line service; and

10. "Wireless telecommunications connection" means any wireless communication mobile station assigned a number containing an area code assigned to Oklahoma by the North American Numbering Plan Administrator.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2844 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A public agency shall be required to have conducted separately or as a part of the annual audit required by law of the municipality or county an annual audit of any accounts established

or used by the governing body for the operation of an emergency wireless telephone system. The audit may be conducted by the State Auditor and Inspector at the discretion of the public agency. All audits shall be conducted in accordance with generally accepted auditing standards and Government Auditing Standards issued by the Comptroller General of the United States. A copy of the audit shall be filed with the State Auditor and Inspector and action taken in accordance with Section 212A of Title 74 of the Oklahoma Statutes. The cost of the audit of the emergency wireless telephone system accounts may be paid from and be considered a part of the operating expenses of the emergency wireless telephone system. Proprietary information of the wireless service providers shall be confidential. Audit information pertaining to revenues collected or disbursed may be released only in aggregate form so that no provider-specific information may be extrapolated.

B. The governing body of the public agency shall meet at least quarterly to oversee the operations of the emergency wireless telephone system, review expenditures, set and approve an operating budget, and take such other action as necessary for the operation and management of the system. The records and meetings of the governing body shall be subject to the Oklahoma Open Records Act and the Oklahoma Open Meeting Act.

SECTION 5. AMENDATORY 63 O.S. 1991, Section 2816, is amended to read as follows:

Section 2816. The governing body may issue and sell bonds to finance:

1. The acquisition by any method of facilities, equipment or supplies necessary to begin providing nine-one-one emergency telephone service or nine-one-one wireless emergency telephone service or any component or system associated therewith; or

2. Any payment necessary for the governing body to associate with an existing nine-one-one emergency telephone service system or nine-one-one wireless emergency telephone service system.

SECTION 6. AMENDATORY 63 O.S. 1991, Section 2817, is amended to read as follows:

Section 2817. A. No employee of a public agency or public agency acting under the provisions of Section 2811 et seq. of this act title shall be liable for the method of providing nine-one-one emergency telephone service or nine-one-one wireless emergency telephone service or for the method of providing or failure to provide emergency response service except as otherwise provided under the Governmental Tort Claims Act, nor shall such person or public agency have any special duty to any service user or other user of the nine-one-one emergency telephone system or nine-one-one wireless emergency telephone system.

B. A service provider of telecommunications services involved in providing nine-one-one emergency telephone service or nine-one-one wireless emergency telephone service shall not be liable for any claim, damage, or loss arising from the provision of nine-one-one emergency telephone service or nine-one-one wireless emergency telephone service unless the act or omission proximately causing the

claim, damage, or loss constitutes gross negligence, recklessness, or intentional misconduct.

SECTION 7. AMENDATORY 63 O.S. 1991, Section 2818, is amended to read as follows:

Section 2818. ~~Any~~ For the administration of nine-one-one emergency telephone service or nine-one-one wireless emergency telephone service, any governing body that imposes the fee authorized by Section 2814 of this title may contract directly with the provider of the nine-one-one emergency telephone service or nine-one-one wireless emergency telephone service, or may contract and cooperate with ~~any~~:

1. Any public agency ~~or with other;~~

2. Other states or their political subdivisions ~~or with any;~~

3. Any association or corporation for their political subdivisions; ~~or with any~~

4. Any association or corporation ~~for the administration of nine-one-one emergency telephone service as provided by law.~~

SECTION 8. AMENDATORY 63 O.S. 1991, Section 2819, is amended to read as follows:

Section 2819. No person shall call the number nine-one-one (911) for the purpose of making a knowingly false alarm or complaint or reporting knowingly false information which could result in the dispatch of emergency services from any public agency as defined in Section 2813 of this title or Section 3 of this act. Nor shall any person call nine-one-one for nonemergency or personal use. Any person violating the provisions of this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not to exceed Five Hundred Dollars (\$500.00) and by an assessment for the resulting costs of any dispatching of emergency personnel and equipment for each such offense.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2846 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. All local exchange companies, and wireless and other telephone service companies providing service to users in an area in which nine-one-one emergency telephone service is currently operating shall also provide emergency telephone service to all subscribing service users in that area. Wireless and other telephone service companies shall provide information necessary for automatic number identification, automatic location identification and selective routing of nine-one-one emergency wireless calls to cities and counties answering emergency telephone calls for maintenance of existing nine-one-one databases. The governing body may reasonably require sufficient information to ensure compliance with this section and to provide data for audit and budgetary calculation purposes.

B. Information that a wireless service provider is required to furnish in providing nine-one-one service is confidential and exempt from disclosure. The wireless service provider is not liable to any

person who uses a nine-one-one service created under this act for the release of information furnished by the wireless service provider in providing nine-one-one service. Information that is confidential under this section may be released only for budgetary calculation purposes and only in aggregate form so that no provider-specific information may be extrapolated.

SECTION 10. This act shall become effective November 1, 2000.

Passed the House of Representatives the 6th day of March, 2000.

Speaker of the House of
Representatives

Passed the Senate the 18th day of April, 2000.

President of the Senate