

THE STATE SENATE
Monday, April 7, 2008

Committee Substitute for
ENGROSSED

House Bill No. 2822

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 2822 - By:
Sullivan and Sherrer of the House and Jolley of the Senate.

An Act relating to public health and safety; amending Section 1, Chapter 309, O.S.L. 2003 (63 O.S. Supp. 2007, Section 2815.1), which relates to outgoing emergency telephone calls; deleting certain population restriction; making nine-one-one emergency telephone service information confidential; limiting liability of certain persons providing nine-one-one emergency telephone service information; amending 63 O.S. 2001, Section 2817, which relates to liability for providing nine-one-one emergency telephone service; modifying application to public bodies; expanding liability restrictions; defining terms; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 309, O.S.L. 2003 (63 O.S. Supp. 2007, Section 2815.1), is amended to read as follows:

Section 2815.1. A. Nine-one-one emergency telephone service information may be used by a public law enforcement or public health agency ~~in a city having a population of more than three hundred thousand (300,000) according to the latest Federal Decennial Census~~ for the purpose of placing outgoing emergency calls that notify the

1 public of an emergency or provide to the public information relative
2 to an emergency.

3 B. Nine-one-one emergency telephone service information shall
4 be confidential. Any public law enforcement or public health agency
5 ~~in a city having a population of more than three hundred thousand~~
6 ~~(300,000) according to the latest Federal Decennial Census~~ that uses
7 nine-one-one emergency telephone service information for the
8 purposes set forth in subsection A of this section shall establish
9 methods and procedures that ensure the confidentiality of the
10 information.

11 C. For purposes of this section "nine-one-one emergency
12 telephone service information" shall mean the name, address and
13 telephone number of a service user of a local exchange telephone
14 company.

15 D. No person providing service pursuant to this section shall
16 be liable for using nine-one-one emergency telephone service
17 information, or providing such information to any public law
18 enforcement or public health agency, in accordance with subsection B
19 of this section.

20 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2817, is
21 amended to read as follows:

22 Section 2817. A. No public agency or employee of a public
23 ~~agency or public agency acting under the provisions of Section 2811~~

1 ~~et seq. of this title~~ shall be liable for the method of providing or
2 failure to provide nine-one-one emergency telephone or communication
3 service or nine-one-one wireless emergency telephone service or for
4 the method of providing or failure to provide emergency response
5 service ~~except as otherwise provided under the Governmental Tort~~
6 ~~Claims Act, nor shall such person or.~~

7 B. No public agency or employee of a public agency shall have
8 any special duty to any service user or other user of the nine-one-
9 one emergency telephone system or nine-one-one wireless emergency
10 telephone system or any other telecommunication or communication
11 system supplying or obligated to supply nine-one-one service.

12 ~~B.~~ C. A service provider of telecommunications or other
13 communication services involved in providing nine-one-one emergency
14 telephone service or nine-one-one wireless emergency telephone
15 service shall not be liable for any claim, damage, or loss arising
16 from the provision of nine-one-one emergency telephone service or
17 nine-one-one wireless emergency telephone service unless the act or
18 omission proximately causing the claim, damage, or loss constitutes
19 gross negligence, recklessness, or intentional misconduct.

20 D. As used in this section:

21 1. "Employee" shall have the same meaning as defined in Section
22 152 of Title 51 of the Oklahoma Statutes; and

1 2. "Communication" means the transmission, conveyance, or
2 routing of real-time, two-way voice communications to a point or
3 between or among points by or through any electronic, radio,
4 satellite, cable, optical, microwave, wireline, wireless, or other
5 medium or method, regardless of the protocol used.

6 SECTION 3. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

10 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
11 dated 4-1-08 - DO PASS, As Amended.