

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2822

By: Sullivan

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5  
6 AS INTRODUCED

7 An Act relating to public health and safety; amending  
8 Section 1, Chapter 309, O.S.L. 2003 (63 O.S. Supp.  
9 2007, Section 2815.1), which relates to outgoing  
10 emergency telephone calls; deleting certain  
11 population restriction; making nine-one-one emergency  
12 telephone service information confidential; limiting  
13 liability of certain persons providing nine-one-one  
14 emergency telephone service information; amending 63  
15 O.S. 2001, Section 2817, which relates to liability  
16 for providing nine-one-one emergency telephone  
17 service; modifying application to public bodies;  
18 expanding liability restrictions; providing  
19 definitions of certain terms; and declaring an  
20 emergency.

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

22 SECTION 1. AMENDATORY Section 1, Chapter 309, O.S.L.  
23 2003 (63 O.S. Supp. 2007, Section 2815.1), is amended to read as  
24 follows:

25 Section 2815.1 A. Nine-one-one emergency telephone service  
26 information may be used by a public law enforcement or public health  
27 agency ~~in a city having a population of more than three hundred~~  
28 ~~thousand (300,000) according to the latest Federal Decennial Census~~  
29 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 in accordance with subsection B of this section.

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

20 Section 2817. A. No public body or employee of a public ~~agency~~  
21 ~~or public agency acting under the provisions of Section 2811 et seq.~~  
22 ~~of this title~~ body shall be liable for the method of providing or  
23 failure to provide nine-one-one emergency telephone or communication  
24 service or nine-one-one wireless emergency telephone service or for

1 the method of providing or failure to provide emergency response  
2 service ~~except as otherwise provided under the Governmental Tort~~  
3 ~~Claims Act, nor shall such person or.~~

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

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

18 D. As used in this section, "public body" shall have the  
19 meaning as defined in Section 304 of Title 25 of the Oklahoma  
20 Statutes and "employee" shall have the meaning as defined in Section  
21 152 of Title 51 of the Oklahoma Statutes.

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

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