

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 509
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Short Title: 911.

(Public)

Sponsors: Senators Basnight and Rauch.

Referred to: Public Utilities.

March 20, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH STATEWIDE 911 SERVICE.

3 The General Assembly of North Carolina enacts:

4 Section 1. The General Statutes are amended by adding a new Chapter 62A
5 to read:

6 **“CHAPTER 62A.**

7 **“PUBLIC SAFETY TELEPHONE SERVICE.**

8 **“§ 62A-1. Short title.**

9 This Chapter shall be known as the ‘Public Safety Telephone Act’.

10 **“§ 62A-2. Legislative purposes.**

11 The General Assembly declares it to be in the public interest to provide a toll free
12 number through which an individual in this State can gain rapid, direct access to public
13 safety aid. The number shall be provided with the objective of reducing response time
14 to situations requiring law enforcement, fire, medical, rescue, or other public safety
15 service.

16 **“§ 62A-3. Definitions.**

17 As used in this Chapter:

- 18 (1) ‘911 system’ or ‘911 service’ means an emergency telephone system
19 that provides the user of the public telephone system the ability to
20 reach a public safety answering point by dialing the digits 911. The
21 term 911 system or 911 service also includes ‘Enhanced 911 service’,
22 which means an emergency telephone system that provides the user of

1 the public telephone system with 911 service and, in addition, directs
2 911 calls to appropriate public safety answering points by selective
3 routing based on the geographical location from which the call
4 originated and provides the capability for automatic number
5 identification and automatic location identification features.

6 (2) '911 charge' means a contribution to the local government for the 911
7 service start-up equipment costs, subscriber notification costs,
8 addressing costs, billing costs, and nonrecurring and recurring
9 installation, maintenance, service, and network charges of a service
10 supplier providing 911 service pursuant to this Chapter.

11 (3) 'Addressing' means the assigning of a numerical address and street
12 name (the street name may be numerical) to each location within a
13 local government's geographical area necessary to provide public
14 safety service as determined by the local government. This address
15 replaces any route and box number currently in place in the 911
16 database and facilitates quicker response by public safety agencies.

17 (4) 'Exchange access facility' means the access from a particular
18 telephone subscriber's premises to the telephone system of a service
19 supplier. Exchange access facilities include service supplier provided
20 access lines, PBX trunks and centrex network access registers, all as
21 defined by tariffs of telephone companies as approved by the North
22 Carolina Utilities Commission. Exchange access facilities do not
23 include service supplier owned and operated telephone pay station
24 lines, or Wide Area Telecommunications Service (WATS), Foreign
25 Exchange (FX) or incoming only lines.

26 (5) 'Local government' means any city, county, or political subdivision of
27 North Carolina and its agencies.

28 (6) 'Public agency' means the State and any city, county, municipal
29 corporation, chartered organization, public district, or public authority
30 located in whole or in part within the State which provides or has
31 authority to provide firefighting, law enforcement, ambulance,
32 medical, or other emergency services.

33 (7) 'Public safety agency' means a functional division of a public agency
34 which provides firefighting, law enforcement, medical, suicide
35 prevention, civil defense, poison control, or other emergency services.

36 (8) 'Service supplier' means a person or entity who provides exchange
37 telephone service to a telephone subscriber.

38 (9) 'Telephone subscriber' or 'subscriber' means a person or entity to
39 whom exchange telephone service, either residential or commercial, is
40 provided and in return for which the person or entity is billed on a
41 monthly basis. When the same person, business, or organization has
42 several telephone access lines, each exchange access facility shall
43 constitute a separate subscription.

44 "§ 62A-4. 911 charges.

1 (a) The governing authority of any local government which contracts with a
2 service supplier for 911 service is authorized to adopt an ordinance to impose a monthly
3 911 charge upon each exchange access facility subscribed to by telephone subscribers
4 whose exchange access lines are in the area served by the 911 service. The 911 charge
5 must be uniform and may not vary according to the type of exchange access facility
6 used. Such an ordinance may not be adopted unless a majority of the voters residing in
7 that political subdivision who vote in an election called for such purpose shall vote to
8 authorize the adoption of said ordinance. Such election shall be called and conducted as
9 other special elections are called and conducted in such political subdivision when
10 requested by the local government. The governing authority may not adopt an
11 ordinance to establish a 911 charge more than once in a calendar year.

12 (b) Such ordinance shall fix a date on which such ordinance and the
13 imposition and collection of the charges as provided in such ordinance shall become
14 effective, but such effective date shall be at least 120 days following the date of
15 adoption of such ordinance by the governing authority of the local government.

16 **"§ 62A-5. Payment and collection of charges.**

17 (a) The subscriber of an exchange access facility will be billed for the monthly
18 911 charges, if any, imposed with respect to that facility. Each service supplier shall, on
19 behalf of the local government, collect the charges from those subscribers to whom it
20 provides exchange telephone service in the area served by the 911 service. As part of
21 its normal monthly billing process, the service supplier shall collect the charges for each
22 month or part of the month an exchange access facility is in service, and it may list the
23 charge as a separate entry on each bill. If a service supplier receives a partial payment
24 for a monthly bill from a subscriber, the service supplier shall apply the payment against
25 the amount the subscriber owes the service supplier first.

26 (b) A service supplier has no obligation to take any legal action to enforce the
27 collection of the 911 charges for which any subscriber is billed. However, a collection
28 action may be initiated by the local government that imposed the charges and
29 reasonable costs and attorneys fees associated with that collection action may be
30 awarded to the local government collecting the 911 charges.

31 (c) The local government subscribing to 911 service shall remain ultimately
32 responsible to the service supplier for all 911 installation, service, equipment, operation,
33 and maintenance charges owed to the service supplier. Upon request by the local
34 government, the service supplier shall provide the local government with a list of
35 amounts uncollected along with the names and addresses of telephone subscribers who
36 have not paid the 911 charge.

37 (d) Any taxes due on 911 service provided by the service supplier will be
38 billed to the local government subscribing to that service. State and local taxes do not
39 apply to 911 charges billed to subscribers under this Chapter.

40 **"§ 62A-6. Administration.**

41 Each service supplier that collects the 911 charges on behalf of a local government is
42 entitled to a one percent (1%) administrative fee as compensation for collecting the
43 charges. The service supplier shall remit the rest of the charges it collects during a

1 month to the fiscal officer of the local government within ten days after the last day of
2 the month.

3 **"§ 62A-7. Emergency telephone system fund.**

4 The fiscal officer to whom 911 charges are remitted under G.S. 62A-6 shall deposit
5 the charges in a separate, restricted fund. The fund shall be known as the Emergency
6 Telephone System Fund. The fiscal officer may invest money in the fund in the same
7 manner that other money of the local government may be invested. The fiscal officer
8 shall deposit any income earned from such an investment in the Emergency Telephone
9 System Fund.

10 **"§ 62A-8. Payments from Fund.**

11 (a) Money from the Emergency Telephone System Fund shall be used only to
12 pay for:

- 13 (1) The lease, purchase, or maintenance of emergency telephone
14 equipment, including necessary computer hardware, software and
15 database provisioning, addressing, and nonrecurring costs of
16 establishing a 911 system, and
17 (2) The rates associated with the service supplier's 911 service and other
18 service supplier recurring charges.

19 (b) The following expenses are not eligible for payment from the Fund: the
20 lease or purchase of real estate, cosmetic remodeling of emergency dispatch centers,
21 hiring, training, and compensating dispatchers, and the purchase of mobile
22 communications vehicles, ambulances, fire engines, or other emergency vehicles.

23 (c) A local government may contract with a service supplier for any term
24 negotiated by the service supplier and the local government and may make payments
25 from the Emergency Telephone System Fund to provide any payments required by the
26 contract.

27 **"§ 62A-9. Telephone records.**

28 (a) Each telephone service supplier shall provide subscriber telephone numbers,
29 names, and service addresses to 911 systems when required by a local government.
30 Although customer numbers, names and service addresses shall be available to 911
31 systems, such information shall remain the property of the disclosing service supplier.
32 The total cost of the system shall include expenses paid to service suppliers to provide
33 and maintain 911 information. This information shall be used only in providing
34 emergency response services to 911 calls. A local government may not release a
35 telephone number required to be provided under this section to any person for purposes
36 other than including the number in the emergency telephone system database or
37 providing the number to permit a response to police, fire, medical, or other emergency
38 situation.

39 (b) To the extent necessary to provide 911 service, private listing customers
40 of a service supplier in a 911 service area waive the privacy afforded by nonlisted and
41 nonpublished numbers when the 911 service is established.

42 (c) No service supplier, or agents or employees of a service supplier, shall be
43 liable to any person provided 911 service established under this Chapter for release for

1 emergency telephone purposes of information specified in this section that is not already
2 part of the public record, including nonlisted or nonpublished telephone numbers.

3 **"§ 62A-10. Limitation of liability.**

4 A service supplier, including any telephone company and its employees, directors,
5 officers and agents, is not liable for any damages in a civil action for injuries, death, or
6 loss to persons or property incurred by any person as a result of any act or omission of a
7 service supplier or of any of its employees, directors, officers, or agents, except for
8 willful or wanton misconduct, in connection with developing, adopting, implementing,
9 maintaining, or operating any 911 system.

10 **"§ 62A-11. Persons outside county.**

11 When an individual physically resides in an adjacent county, but receives local
12 exchange telephone service from a central office in a county which provides 911
13 service, it shall be the responsibility of the county with the 911 service to notify the
14 appropriate public agency of a request for public safety service from such individual.

15 **"§ 62A-12. Misuse of 911 system; penalty.**

16 Any person who intentionally calls the 911 number for other than purposes of
17 obtaining public safety assistance commits a misdemeanor."

18 Sec. 2. This act is effective upon ratification.