

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 587
SENATE BILL 509

AN ACT TO ESTABLISH STATEWIDE 911 SERVICE.

The General Assembly of North Carolina enacts:

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

"Chapter 62A.

"Public Safety Telephone Service.

"§ 62A-1. Short title.

This Chapter shall be known as the 'Public Safety Telephone Act'.

"§ 62A-2. Legislative purposes.

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

"§ 62A-3. Definitions.

As used in this Chapter:

- (1) '911 system' or '911 service' means an emergency telephone system that provides the user of the public telephone system the ability to reach a public safety answering point by dialing the digits 911. The term 911 system or 911 service also includes 'Enhanced 911 service', which means an emergency telephone system that provides the user of the public telephone system with 911 service and, in addition, directs 911 calls to appropriate public safety answering points by selective routing based on the geographical location from which the call originated and provides the capability for automatic number identification and automatic location identification features.
- (2) '911 charge' means a contribution to the local government for the 911 service start-up equipment costs, subscriber notification costs, addressing costs, billing costs, and nonrecurring and recurring installation, maintenance, service, and network charges of a service supplier providing 911 service pursuant to this Chapter.
- (3) 'Addressing' means the assigning of a numerical address and street name (the street name may be numerical) to each location within a local government's geographical area necessary to provide public safety service as determined by the local government. This address

- replaces any route and box number currently in place in the 911 database and facilitates quicker response by public safety agencies.
- (4) 'Exchange access facility' means the access from a particular telephone subscriber's premises to the telephone system of a service supplier. Exchange access facilities include service supplier provided access lines, PBX trunks and centrex network access registers, all as defined by tariffs of telephone companies as approved by the North Carolina Utilities Commission. Exchange access facilities do not include service supplier owned and operated telephone pay station lines, or Wide Area Telecommunications Service (WATS), Foreign Exchange (FX) or incoming only lines.
 - (5) 'Local government' means any city, county, or political subdivision of North Carolina and its agencies.
 - (6) 'Public agency' means the State and any city, county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within the State which provides or has authority to provide firefighting, law enforcement, ambulance, medical, or other emergency services.
 - (7) 'Public safety agency' means a functional division of a public agency which provides firefighting, law enforcement, medical, suicide prevention, civil defense, poison control, or other emergency services.
 - (8) 'Service supplier' means a person or entity who provides exchange telephone service to a telephone subscriber.
 - (9) 'Telephone subscriber' or 'subscriber' means a person or entity to whom exchange telephone service, either residential or commercial, is provided and in return for which the person or entity is billed on a monthly basis. When the same person, business, or organization has several telephone access lines, each exchange access facility shall constitute a separate subscription.

"§ 62A-4. 911 charges.

(a) Subject to the provisions of subsections (b) through (d) of this section the governing authority of any local government is authorized to adopt an ordinance to impose a monthly 911 charge upon each exchange access facility subscribed to by telephone subscribers whose exchange access lines are in the area served or which would be served by the 911 service. The 911 charge must be uniform and may not vary according to the type of exchange access facility used.

(b) The ordinance authorized in subsection (a) of this section may be adopted after one of the following procedures is followed:

- (1) The governing authority by resolution requests the county or municipal board of elections, as appropriate, to conduct a special election on a date certain, in which a majority of those voting who are residents of the political subdivision vote to authorize the ordinance.
- (2) After a public hearing held upon not less than 10 days public notice.

(c) There may be only one attempt to adopt an ordinance under subdivision (b)(1) of this section in any calendar year. Any special election shall be conducted using the procedures set out in G.S. 163-287.

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

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

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

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

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

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

"§ 62A-6. Administration.

Each service supplier that collects the 911 charges on behalf of a local government is entitled to a one percent (1%) administrative fee as compensation for collecting the charges. The service supplier shall remit the rest of the charges it collects during a month to the fiscal officer of the local government within ten days after the last day of the month.

"§ 62A-7. Emergency Telephone System Fund.

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

"§ 62A-8. Payments from Fund.

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

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

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

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

"§ 62A-9. Telephone records.

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

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

(c) No service supplier, or agents or employees of a service supplier, shall be liable to any person provided 911 service established under this Chapter for release for emergency telephone purposes of information specified in this section that is not already part of the public record, including nonlisted or nonpublished telephone numbers.

"§ 62A-10. Limitation of liability.

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

"§ 62A-11. Persons outside county.

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

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

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

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 6th day of July, 1989.