

No. 64. An act relating to the enhanced 911 emergency response system.

(H.455)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 30 V.S.A. chapter 87 is amended to read:

CHAPTER 87. ENHANCED 911; EMERGENCY
~~RESPONSE SYSTEM SERVICES~~

§ 7051. DEFINITIONS

As used in this chapter:

(1) “Automatic location identification” or “ALI” means the system capability to identify automatically the geographical location of the ~~telephone~~ electronic device being used by the caller to summon assistance and to provide ~~a display of~~ that location information to an appropriate device located at any public safety answering point for the purpose of sending emergency assistance.

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(5) “Caller” means a person or an automated device calling on behalf of a person.

(6) “Director” means the director for statewide enhanced 911 implementation.

(7) “Emergency call system” or “enhanced 911 system” means a system consisting of devices with the capability to determine the location and identity of a caller that initiates communication for the purpose of summoning assistance in the case of an emergency. In most cases summoning assistance

will occur when a caller dials the digits 9-1-1 on a telephone, mobile phone, or other IP-enabled service, or by a communication technology designed for the purpose of summoning assistance in the case of an emergency.

~~(6)~~(8) “Emergency services” ~~mean~~ means fire, police, medical, and other services of an emergency nature as identified by the board.

~~(7) “Enhanced 911 system” and “enhanced 911 services” mean a system consisting of selective routing with the capability of automatic number and location identification at a public safety answering point, network circuits, data bases and answering equipment, which enables a user of the public telecommunications system to request emergency services by dialing the digits 911 and provides the capability to automatically display the name of an individual, unless otherwise requested by such individual in accordance with rules adopted by the board, and the address and telephone number of incoming 911 calls at the appropriate public safety answering point.~~

(9) “IP-enabled service” means a service, device, or application that makes use of Internet protocol, or IP, and which is capable of entering the digits 9-1-1 or otherwise contacting the emergency 911 system. IP-enabled service includes voiceover IP and other services, devices, or applications provided through or using wire line, cable, wireless, or satellite or other facilities.

~~(8)~~(10) “Municipality” means any city, town, incorporated village, ~~other governmental incorporated unit~~, unorganized town, gore, grant, or other political subdivision of the state.

(11) “Other methods of locating caller” means those commercially available technologies designed to provide the location information of callers when a call is initiated to access emergency 911 services regardless of the type of device that is used.

~~(9)~~(12) “Public safety answering point” means a facility with ~~enhanced 911~~ the capability to receive emergency calls, operated on a 24-hour basis, assigned the responsibility of receiving 911 calls and dispatching, transferring, or relaying emergency 911 calls to other public safety agencies or private safety agencies.

~~(10)~~(13) “Selective routing” means a telecommunications switching system that enables all 911 calls originating from within a defined geographical region to be answered at a pre-designated public service answering point.

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§ 7053. BOARD; RESPONSIBILITIES AND POWERS

(a) The board shall be the single governmental agency responsible for statewide enhanced 911. To the extent feasible, the board shall consult with the agency of human services, the department of public safety, ~~and~~ the

department of public service, and local community service providers on the development of policies, system design, standards, and procedures. ~~The board shall proceed on the assumption that a fully operational E-911 system will be completed by July 1, 1997.~~ The board shall develop designs, standards, and procedures ~~consistent with that assumption~~ and shall also adopt rules on the following:

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(3) ~~statewide, locatable means of identifying customer location, such as addressing, geo-coding, or other means which provide for reliable emergency response~~ methods of locating the caller; and

* * *

(b) ~~When the enhanced 911 system is fully implemented, the board shall ensure that all telephones in all communities are or can be selectively routed to one or more public safety answering points.~~

(c) ~~The board shall review and may approve plans for the creation of enhanced 911 systems to serve a logical group of municipalities, gores or grants.~~

(d) ~~The board shall review and may approve enhanced 911 systems in existence prior to implementation of the statewide system.~~

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(f) The board shall adopt such rules as are necessary to carry out the purposes of this chapter, including, where appropriate, imposing reasonable fines or sanctions against persons that do not adhere to applicable board rules.

~~(g) The board shall annually, on or before January 15, report to the governor and the general assembly on the development and performance of the enhanced 911 system in the previous fiscal year.~~

~~(h) The board is attached to the department of public service for the purpose of receiving administrative support.~~

§ 7054. FUNDING

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(e) Disbursements may be made for:

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(5) Costs attributable to demonstration projects designed to enhance the delivery of emergency 911 and other emergency services.

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§ 7055. TELECOMMUNICATIONS COMPANY COORDINATION

(a) Every telecommunications company under the jurisdiction of the public service board offering access to the public network shall make available, in accordance with rules adopted by the public service board, the universal emergency telephone number 911 for use by the public in seeking assistance

from fire, police, medical, and other emergency service providers through a public safety answering point.

(b) Every local exchange telecommunications provider shall provide the ANI and any other information required by rules adopted under section 7053 of this title to the board, or to any administrator of the enhanced 911 ~~data base~~ database, for purposes of ~~establishing and~~ maintaining the enhanced 911 ~~data base~~ database. Each such provider shall be responsible for updating the information at a frequency specified by such rules. All persons receiving confidential information under this section, as defined by the public service board, shall use it solely for the purposes of providing ~~E-911~~ emergency ~~telephone~~ 911 service services, and shall not disclose such confidential information for any other purpose.

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(d) Wire line and nonwire cellular carriers certificated to provide service in the state shall provide ANI signaling which identifies geographical ~~cell site~~ location as well as cell site address for cellular 911 calls. Personal communications networks and any future mobile ~~and/or~~ or personal communications systems shall also be required to identify the location of the caller. The telephone company shall provide ANI signaling which identifies the name of the carrier and identify the type of service as cellular, mobile, or personal communications as part of the ALI along with a screen message that

advises the call answerer to verify the location of the reported emergency.

Telecommunication providers of mobile wireless, IP-enabled, and other communication services which have systems with the capability to send data related to the location of the caller with the call or transmission instead of relying on location data otherwise contained in the ALI database shall provide this data with calls or transmissions for the sole purpose of enabling the emergency 911 system to locate an individual seeking emergency services. Location data shall be provided in accordance with relevant national standards for next generation 9-1-1 technology.

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§ 7056. MUNICIPAL COOPERATION; ENHANCED ANI/ALI

CAPABILITY

(a) Each municipality, by its legislative body, may participate in the enhanced 911 system. ~~Any municipality that seeks to participate in the system shall notify the director no later than October 1, 1996.~~ Municipalities choosing to participate shall identify all building locations and other public and private locations frequented by the public and shall cooperate in the development and maintenance of the necessary ~~data bases~~ databases. The board shall work with municipalities to identify nonmonetary incentives designed to streamline and reduce the administrative burdens imposed by this requirement. Any municipality that changes its system for addresses shall ensure that the

modified address system is consistent with the standards established by the board.

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~~(c) Any municipality that does not participate in the enhanced 911 system when the system commences operation may be admitted into the enhanced 911 system at a later date. The municipality shall notify the board of its intent to join the system no later than nine months prior to the time they seek to participate in the enhanced 911 system. Such nine months' notice may be reduced at the discretion of the board.~~

~~(d) A municipality may operate or contract for the operation of a dispatch office providing enhanced ANI/ALI capability under standards adopted by the board by rule, designed to ensure that dispatch office operations are coordinated with the appropriate public safety answering point.~~

~~(e) In order to facilitate the development of consolidated public safety communications systems, the employees of any local government may be detailed or assigned to a state of Vermont worksite under the same terms and conditions provided for in subchapter 2 of chapter 21 of Title 1, relating to interchange of state employees.~~

§ 7057. PRIVATELY OWNED TELEPHONE SYSTEMS

~~When an enhanced 911 system is implemented, any~~ Any privately owned telephone system shall provide to those end users the same level of 911 service

that other end users ~~in the area~~ receive and shall provide ANI signaling, station identification data, and updates to enhanced 911 data bases under rules adopted by the board, ~~except that the~~. The board may waive the provisions of this section for any privately owned telephone system, taking into consideration the costs and the public benefits of compliance, provided that in the judgment of the board, the owner of the system is actively engaged in becoming compliant with this section, is likely to comply with this section in a reasonable amount of time, and will do so in accordance with standards and procedures adopted by the board by rule.

§ 7058. PAY TELEPHONES

~~When enhanced 911 service begins operation in a municipality, or as soon as feasible thereafter, each~~ Each provider or other owner or lessee of a pay station telephone ~~operating in that area shall convert each telephone to~~ permit a caller to dial 911 without first inserting a coin or paying any other charge. The provider or other owner or lessee shall prominently display on each notice advising callers to dial 911 in an emergency and that deposit of a coin is not required.

§ 7059. CONFIDENTIALITY OF SYSTEM INFORMATION

(a)(1) No person shall access, use, or disclose to any other person any individually identifiable information contained in the system database created under subdivision 7053(a)(4) of this title, including any customer or user ALI

or ANI information, except in accordance with rules adopted by the board and for the purpose of:

(A) responding to emergency calls;

(B) system maintenance and quality control under the direction of the director; ~~or~~

(C) investigation, by law enforcement personnel, of false or intentionally misleading reports of incidents requiring emergency services;

(D) assisting in the implementation of a statewide emergency notification system;

(E) provision of emergency dispatch services by public safety answering points in other states that are under contract with local law enforcement and emergency response organizations; or

(F) coordinating with state and local service providers for the provision of emergency dispatch services that serve individuals with a disability, elderly individuals, and other special needs populations.

(2) No person shall use customer ALI or ANI information to create special 911 databases, ~~or~~ for any private purpose or any public purpose unauthorized by this chapter.

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§ 7060. LIMITATION OF LIABILITY

No person shall be liable in any suit for civil damages who in good faith receives, develops, collects, or processes information for the enhanced 911 ~~data base, relays or transfers enhanced 911 services, or provides emergency telephone and radio communications for ambulance, police, and fire departments, unless such action constitutes gross negligence or an intentional tort~~ database or develops, designs, adopts, establishes, installs, participates in, implements, maintains, or provides access to telephone, mobile, or IP-enabled service for the purpose of helping persons obtain emergency assistance in accordance with this chapter unless such action constitutes gross negligence or an intentional tort. In addition, no provider of telephone, mobile, or other IP-enabled service or a provider's respective employees, directors, officers, assigns, affiliates, or agents shall be liable for civil damages in connection with the release of customer information to any governmental entity, including any public safety answering point, as required under this chapter.

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Sec. 2. STUDY OF FUNDING EMERGENCY 911 SERVICES

(a) The Vermont enhanced 911 board, in consultation with the department of public service, the public service board, the national emergency number association, the national association of state 911 administrators, the congressional 911 caucus, and other relevant groups, shall study alternatives to

the present system of funding emergency 911 services. The study shall examine ways to directly associate and allocate the actual costs of providing emergency 911 service based on methods that are not solely reliant on an assessment to subscribers of wire line service by allocating the cost to all users of the emergency 911 system regardless of the technical means by which the users access such service. Proposed methods may continue to require telecommunication providers and others to assess and collect the fee on behalf of the emergency 911 system and pay such funds into the emergency 911 fund, including those entities that currently pay into the universal service fund, providers of IP-enabled services, and other vendors that sell devices and services that are used to access emergency 911 services. The study shall assess whether alternative funding mechanisms could feasibly be implemented at the state level or whether the need should be addressed nationally.

(b) Pursuant to subsection (a) of this section, the board shall report to the general assembly not later than January 15, 2012 and shall outline steps required to implement proposed changes, including draft language that may be considered to implement any proposed change. The board shall receive assistance from the joint fiscal office, legislative council, and the secretary of administration to complete the study and report.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Approved: June 2, 2011