

1 H.87

2 Introduced by Representatives Botzow of Pownal and Marcotte of Coventry

3 Referred to Committee on

4 Date:

5 Subject: Vermont Enhanced 911 system; Department of Public Safety;

6 advisory board

7 Statement of purpose of bill as introduced: This bill proposes to transfer the

8 administration of the Vermont Enhanced 911 system to the Department of

9 Public Safety.

10 An act relating to transferring the administration of the Vermont Enhanced
11 911 system to the Department of Public Safety

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

13 Sec. 1. 20 V.S.A. § 1811 is amended to read:

14 § 1811. CREATION OF DEPARTMENT

15 There is ~~hereby~~ created a ~~department of public safety~~ Department of Public
16 Safety for the purpose of consolidating certain existing police and investigating
17 agencies, to promote the detection and prevention of crime generally, ~~and~~ to
18 participate in searches for lost or missing persons, ~~and~~ to assist in case of
19 statewide or local disasters or emergencies, and to administer the statewide
20 Enhanced 911 system established under 30 V.S.A. chapter 87.

1 Sec. 2. 20 V.S.A. § 1872 is amended to read:

2 § 1872. DUTIES OF COMMISSIONER GENERALLY

3 The ~~commissioner shall be~~ Commissioner is the chief enforcement officer
4 of all the statutes, rules, and regulations pertaining to the law of the road and
5 the display of lights on vehicles. In addition, the ~~commissioner~~ Commissioner
6 shall supervise and direct the activities of the ~~state police~~ State Police and of
7 the Vermont ~~criminal information center~~ Crime Information Center and, as fire
8 marshal, ~~be responsible for enforcing~~ shall enforce the laws pertaining to the
9 investigation of fires, the prevention of fires, the promotion of fire safety, and
10 the delivery of fire service training. In addition, the Commissioner shall
11 administer the statewide Enhanced 911 system established under 30 V.S.A.
12 chapter 87.

13 Sec. 3. 30 V.S.A. chapter 87 is amended to read:

14 CHAPTER 87. ENHANCED 911; EMERGENCY SERVICES

15 § 7051. DEFINITIONS

16 As used in this chapter:

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

1 (2) ALI “database” means a derivative, verified set of records ~~which~~ that
2 contain at a minimum a telephone number and location identification for each
3 unique building or publicly used facility within a defined geographic area in
4 Vermont.

5 (3) “Automatic number identification” or “ANI” means the system
6 capability to identify automatically the calling telephone number and to
7 provide a display of that number at any public safety answering point.

8 (4) “Board” means the Vermont Enhanced 911 Advisory Board
9 established under section 7053 of this ~~title~~ chapter.

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

12 (6) “Commissioner” means the Commissioner of Public Safety.

13 (7) “Director” means the Director for statewide Enhanced 911.

14 ~~(7)~~(8) “Emergency call system” or “Enhanced 911 system” means a
15 system consisting of devices with the capability to determine the location and
16 identity of a caller that initiates communication for the purpose of summoning
17 assistance in the case of an emergency. In most cases summoning assistance
18 will occur when a caller dials the digits 9-1-1 on a telephone, mobile phone, or
19 other IP-enabled service, or by a communication technology designed for the
20 purpose of summoning assistance in the case of an emergency.

1 ~~(8)~~(9) “Emergency services” means fire, police, medical, and other
2 services of an emergency nature as identified by the ~~Board~~ Commissioner.

3 ~~(9)~~(10) “IP-enabled service” means a service, device, or application that
4 makes use of Internet protocol, or IP, and ~~which~~ that is capable of entering the
5 digits 9-1-1 or otherwise contacting the ~~emergency~~ Enhanced 911 system.

6 IP-enabled service includes voiceover IP and other services, devices, or
7 applications provided through or using wire line, cable, wireless, ~~or~~ satellite, or
8 other facilities.

9 ~~(10)~~(11) “Municipality” means any city, town, incorporated village,
10 unorganized town, gore, grant, or other political subdivision of the State.

11 ~~(11)~~(12) “Other methods of locating caller” means those commercially
12 available technologies designed to provide the location information of callers
13 when a call is initiated to access emergency 911 services regardless of the type
14 of device ~~that is~~ used.

15 ~~(12)~~(13) “Public safety answering point” means a facility with the
16 capability to receive emergency calls, operated on a 24-hour basis, assigned the
17 responsibility of receiving 911 calls and dispatching, transferring, or relaying
18 emergency 911 calls to other public safety agencies or private safety agencies.

19 ~~(13)~~(14) “Selective routing” means a telecommunications switching
20 system that enables all 911 calls originating from within a defined

1 geographical region to be answered at a ~~pre-designated~~ predesignated public
2 service answering point.

3 § 7052. VERMONT ENHANCED 911 ADVISORY BOARD

4 (a) The Vermont Enhanced 911 Advisory Board is established to ~~develop,~~
5 ~~implement and supervise the operation~~ make recommendations to the
6 Commissioner regarding the development and implementation of the statewide
7 Enhanced 911 system.

8 (b) The Board shall consist of nine members: one county law enforcement
9 officer elected by the membership of the Vermont ~~State sheriff's association~~
10 Sheriff's Association; one municipal law enforcement officer elected by the
11 ~~chiefs of police association of Vermont~~ Association of Chiefs of Police; one
12 official of a municipality; a firefighter; an emergency medical services
13 provider; a Department of Public Safety representative; and three members of
14 the public. Board members shall be appointed by the Governor to three-year
15 terms, except that the Governor shall stagger initial appointments so that the
16 terms of no more than four members expire during a calendar year. In
17 appointing Board members, the Governor shall give due consideration to the
18 different geographical regions of the State; and the need for balance between
19 rural and urban areas. Board members shall serve at the pleasure of the
20 Governor.

1 (c) Members who are not State employees or not otherwise compensated in
2 the course of their employment shall receive per diem compensation and
3 expense reimbursement for meetings in accordance with the provisions of
4 32 V.S.A. § 1010. Members who receive per diem shall receive compensation
5 for no more than 12 meetings per year.

6 (d) The Governor shall annually appoint a member to serve as Board chair
7 and a member to serve as Board vice chair. The Board shall hold at least four
8 regular meetings a year. Meetings of the Board may be held at any time or
9 place within Vermont upon call of the Chair or a majority of the members,
10 after reasonable notice to the other members and shall be held at such times
11 and places as in the judgment of the Board will best serve the convenience of
12 all parties in interest. The Board shall adopt rules and procedures with respect
13 to the conduct of its meetings and other affairs. Membership on the Board
14 does not constitute the holding of an office for any purpose, and members of
15 the Board shall not be required to take and file oaths of office before serving
16 on the Board. A member of the Board shall not be disqualified from holding
17 any public office or employment, and shall not forfeit any office or
18 employment, by reason of ~~their~~ his or her appointment to the ~~board~~ Board,
19 notwithstanding any statute, ordinance, or charter to the contrary.

20 (e) The Board shall ~~appoint~~ recommend, subject to the approval of the
21 ~~Governor~~ Commissioner, an Executive Director who shall hold office at the

1 pleasure of the ~~Board~~ Commissioner. He or she shall perform such duties as
2 may be assigned by the ~~Board~~ Commissioner. The Executive Director is
3 entitled to compensation, as established by law, and reimbursement for the
4 expenses within the amounts available by appropriation. ~~The Executive~~
5 ~~Director may, with the approval of the Board, hire employees, agents, and~~
6 ~~consultants and prescribe their duties.~~

7 § 7053. ~~BOARD~~ COMMISSIONER; RESPONSIBILITIES AND POWERS

8 (a) ~~The Board shall be the single governmental agency~~ Commissioner is
9 responsible for statewide ~~enhanced~~ Enhanced 911. To the extent feasible, the
10 ~~Board~~ Commissioner shall consult with the ~~Agency~~ Secretary of Human
11 Services, the ~~Department of Public Safety, the Department~~ Commissioner of
12 Public Service, and local community service providers on the development of
13 policies, system design, standards, and procedures. ~~The Board~~ Commissioner
14 shall develop designs, standards, and procedures and shall adopt rules on the
15 following:

16 (1) ~~the~~ The technical and operational standards for public safety
17 answering points;

18 (2) ~~the~~ The system ~~data-base~~ database, standards and procedures for
19 developing and maintaining the ~~data-base~~ database. The system ~~data-base~~
20 database shall be the property of the ~~Board;~~ Department of the Public Safety.

1 (3) ~~statewide~~ Statewide, locatable means of identifying customer
2 location, such as addressing, geo-coding, or other methods of locating the
3 caller; ~~and~~.

4 (4) ~~standards~~ Standards and procedures to ensure system and ~~data base~~
5 database security.

6 ~~(b) (d)~~ [Repealed.]

7 ~~(e)~~(b) The ~~Board~~ Commissioner is authorized to:

8 (1) ~~to~~ make or cause to be made studies of any aspect of the ~~enhanced~~
9 Enhanced 911 system, including service, operations, training, ~~data base~~
10 database development, and public awareness;

11 (2) ~~to~~ accept and use in the name of the ~~state~~ State, subject to review and
12 approval by the ~~joint fiscal committee~~ Joint Fiscal Committee, any and all
13 donations or grants, both real and personal, from any governmental unit or
14 public agency or from any institution, person, firm, or corporation, consistent
15 with the rules established by the Board and the purpose or conditions of the
16 donation or grant; and

17 (3) ~~to~~ exercise all powers and conduct such activities as are necessary in
18 carrying out the ~~Board's~~ Commissioner's responsibilities in fulfilling the
19 purposes of this chapter.

20 ~~(f)~~(c) The ~~Board~~ Commissioner shall adopt such rules as are necessary to
21 carry out the purposes of this chapter, including, where appropriate, imposing

1 reasonable fines or sanctions against persons that do not adhere to applicable
2 ~~board~~ rules.

3 ~~(g), (h) [Repealed.]~~

4 § 7054. FUNDING

5 (a) The Enhanced 911 Fund is created as a special fund subject to the
6 provisions of 32 V.S.A. chapter 7, subchapter 5. Balances in the Fund on
7 June 30 of each year shall carry forward and shall not revert to the General
8 Fund.

9 (b) The General Assembly shall annually review and approve an amount to
10 be transferred by the universal service fiscal agent to the Enhanced 911 Fund
11 and shall appropriate some or all of that amount for expenditures related to
12 providing Enhanced 911 services.

13 (c) Into the Enhanced 911 Fund shall be deposited monies transferred from
14 the universal service fiscal agent, any State or federal funds appropriated to the
15 Fund by the General Assembly, any taxes specifically required by law to be
16 deposited into the Fund, and any grants or gifts received by the State for the
17 benefit of the Enhanced 911 system.

18 (d) Disbursements from the Enhanced 911 Fund shall be made by the State
19 Treasurer on warrants drawn by the ~~Director~~ Commissioner solely for the
20 purposes specified in this chapter. The ~~Director~~ Commissioner may issue such
21 warrants pursuant to contracts or grants.

1 (e) Disbursements may be made for:

2 (1) nonrecurring costs, including establishing public safety answering
3 points, purchasing network equipment and software, developing ~~data bases~~
4 databases, and providing for initial training and public education;

5 (2) recurring costs, including network access fees and other telephone
6 charges, software, equipment, ~~data base~~ database management and
7 improvement, public education, ongoing training and equipment maintenance;

8 (3) expenses of the Board and the Department of Public ~~Service~~ Safety
9 incurred under this chapter;

10 (4) costs solely attributable to statewide public safety answering point
11 operations; and

12 (5) costs attributable to demonstration projects designed to enhance the
13 delivery of ~~emergency~~ Enhanced 911 and other emergency services.

14 (f) Disbursements may not be made for:

15 (1) personnel costs for emergency dispatch answering points;

16 (2) construction, purchase, renovation, or furnishings for buildings at
17 emergency dispatch points;

18 (3) two-way radios; and

19 (4) vehicles and associated equipment.

1 § 7055. TELECOMMUNICATIONS COMPANY COORDINATION

2 (a) Every telecommunications company under the jurisdiction of the Public
3 Service Board offering access to the public network shall make available, in
4 accordance with rules adopted by the Public Service Board, the universal
5 emergency telephone number 911 for use by the public in seeking assistance
6 from fire, police, medical, and other emergency service providers through a
7 public safety answering point.

8 (b) Every local exchange telecommunications provider shall provide the
9 ANI and any other information required by rules adopted under section 7053
10 of this ~~title~~ chapter to the ~~Board~~ Commissioner, or to any administrator of the
11 Enhanced 911 database, for purposes of maintaining the Enhanced 911
12 database. Each such provider ~~shall be~~ is responsible for updating the
13 information at a frequency specified by such rules. All persons receiving
14 confidential information under this section, as defined by the Public Service
15 Board, shall use it solely for the purposes of providing ~~emergency~~ Enhanced
16 911 services, and shall not disclose such confidential information for any other
17 purpose.

18 (c) Each local exchange telecommunications company, cellular company,
19 and mobile or personal communications service company within the State shall
20 designate a person to coordinate with and provide all relevant information to

1 the ~~E-911 Board~~ Commissioner and the Public Service Board ~~in~~ for carrying
2 out the purposes of the chapter.

3 (d) Wire line and nonwire cellular carriers certificated to provide service in
4 the ~~state~~ State shall provide ANI signaling ~~which~~ that identifies geographical
5 location as well as cell site address for cellular 911 calls. Personal
6 communications networks and any future mobile or personal communications
7 systems ~~shall also be~~ are also required to identify the location of the caller.

8 The telephone company shall provide ANI signaling ~~which~~ that identifies the
9 name of the carrier and identify the type of service as cellular, mobile, or
10 personal communications as part of the ALI along with a screen message that
11 advises the call answerer to verify the location of the reported emergency.

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

20 (e) Each local exchange telecommunications provider in the State shall file
21 with the Public Service Board tariffs for each service element necessary for the

1 provision of ~~enhanced~~ Enhanced 911 services. The Public Service Board shall
2 review each company's proposed tariff, and shall ensure that tariffs for each
3 necessary basic service element are effective within six months of filing. The
4 ~~Department~~ Commissioner of Public Service, by rule or emergency rule, may
5 establish the basic service elements that each company must provide for in
6 tariffs. Such tariffs must be filed with the Public Service Board within 60 days
7 after the basic service elements are established by the ~~Department~~
8 Commissioner of Public Service.

9 § 7056. MUNICIPAL COOPERATION; ENHANCED ANI/ALI

10 CAPABILITY

11 (a) Each municipality, by its legislative body, may participate in the
12 Enhanced 911 system. Municipalities choosing to participate shall identify all
13 building locations and other public and private locations frequented by the
14 public and shall cooperate in the development and maintenance of the
15 necessary databases. The ~~Board~~ Commissioner shall work with municipalities
16 to identify nonmonetary incentives designed to streamline and reduce the
17 administrative burdens imposed by this requirement. Any municipality that
18 changes its system for addresses shall ensure that the modified address system
19 is consistent with the standards established by the ~~Board~~ Commissioner.

1 (b) After the effective date of this chapter, any municipality that changes its
2 system for addresses shall ensure that the modified address system is consistent
3 with the standards established by the ~~Board~~ Commissioner.

4 (e)-(e) [~~Repealed.~~]

5 § 7057. PRIVATELY OWNED TELEPHONE SYSTEMS

6 Any privately owned telephone system shall provide to those end users the
7 same level of 911 service that other end users receive and shall provide ANI
8 signaling, station identification data, and updates to Enhanced 911 databases
9 under rules adopted by the ~~Board~~ Commissioner. The ~~Board~~ Commissioner
10 may waive the provisions of this section for any privately owned telephone
11 system, provided that in the judgment of the ~~Board~~ Commissioner, the owner
12 of the system is actively engaged in becoming compliant with this section, is
13 likely to comply with this section in a reasonable amount of time, and will do
14 so in accordance with standards and procedures adopted ~~by the Board~~ by rule
15 by the Commissioner.

16 § 7058. PAY TELEPHONES

17 Each provider or other owner or lessee of a pay station telephone shall
18 permit a caller to dial 911 without first inserting a coin or paying any other
19 charge. The provider or other owner or lessee shall prominently display on
20 each notice advising callers to dial 911 in an emergency and that deposit of a
21 coin is not required.

1 § 7059. CONFIDENTIALITY OF SYSTEM INFORMATION

2 (a)(1) A person shall not access, use, or disclose to any other person any
3 individually identifiable information contained in the system database created
4 under ~~subdivision 7053(a)(4) of this title~~ subsection 7053(a) of this chapter,
5 including any customer or user ALI or ANI information, except in accordance
6 with rules adopted by the ~~Board and~~ Commissioner for the purpose of:

7 (A) responding to emergency calls;

8 (B) system maintenance and quality control under the direction of the
9 Director;

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

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

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

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

1 (2) ~~No person shall~~ A person shall not use customer ALI or ANI
2 information to create special 911 databases for any private purpose or any
3 public purpose unauthorized by this chapter.

4 (b) Notwithstanding the provisions of subsection (a) of this section to the
5 contrary, customer ALI or ANI information obtained in the course of
6 responding to an emergency call may be included in an incident report
7 prepared by emergency response personnel, in accordance with rules adopted
8 by the ~~Board~~ Commissioner.

9 (c) Information relating to customer name, address, and any other specific
10 customer information collected, organized, acquired, or held by the ~~board~~
11 Department of Public Safety, the entity operating a public safety answering
12 point or administering the Enhanced 911 database, or emergency service
13 provider is not public information and is exempt from ~~disclosure under 1~~
14 ~~V.S.A. chapter 5, subchapter 3~~ public inspection and copying under the Public
15 Records Act.

16 (d) If a municipality has adopted conventional street addressing for
17 Enhanced 911 addressing purposes, the municipality shall ensure that an
18 individual who so requests will not have his or her street address and name
19 linked in a municipal public record, but the individual shall be required to
20 provide a mailing address. The request required by this subsection shall be in
21 writing and shall be filed with the municipal clerk. Requests under this

1 subsection shall be confidential and exempt from public inspection and
2 copying under the Public Records Act. A form shall be prepared by the ~~Board~~
3 Commissioner and made generally available to the public by which the
4 confidentiality option established by this subsection may be exercised.

5 (e) Notwithstanding any provision of law to the contrary, no person acting
6 on behalf of the State of Vermont or any political subdivision of the ~~state~~ State
7 shall require an individual to disclose his or her Enhanced 911 address,
8 provided that the individual furnishes his or her alternative mailing address.

9 § 7060. LIMITATION OF LIABILITY

10 ~~No person shall~~ A person shall not be liable in any suit for civil damages
11 ~~who~~ if he or she in good faith receives, develops, collects, or processes
12 information for the Enhanced 911 database or develops, designs, adopts,
13 establishes, installs, participates in, implements, maintains, or provides access
14 to telephone, mobile, or IP-enabled service for the purpose of helping persons
15 obtain emergency assistance in accordance with this chapter unless such action
16 constitutes gross negligence or an intentional tort. In addition, no provider of
17 telephone, mobile, or other IP-enabled service or a provider's respective
18 employees, directors, officers, assigns, affiliates, or agents shall be liable for
19 civil damages in connection with the release of customer information to any
20 governmental entity, including any public safety answering point, as required
21 under this chapter.

1 Sec. 4. EFFECTIVE DATE

2 This act shall take effect on July 1, 2015