

House Bill 2076

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Clarifies obligation of providers of telecommunications services and equipment to comply with requirements for 9-1-1 emergency communications.

A BILL FOR AN ACT

1
2 Relating to 9-1-1 emergency communications; creating new provisions; and amending ORS 403.105
3 and 403.135.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 403.105 is amended to read:

6 403.105. As used in ORS 305.823 and 403.105 to 403.250, unless the context requires otherwise:

7 (1) "Account" means the Emergency Communications Account.

8 (2) "Central office" means a utility that houses the switching and trunking equipment serving
9 telephones in a defined area.

10 (3) "Department" means the Department of Revenue.

11 (4) "Emergency call" means a telephone request that results from a situation in which prompt
12 service is essential to preserve human life or property.

13 (5) "Enhanced 9-1-1 telephone service" means 9-1-1 telephone service consisting of a network,
14 database and on-premises equipment that provides automatic display of the incoming telephone
15 number and address in the designated public safety answering point at the time of receiving an in-
16 coming 9-1-1 call.

17 (6) "Exchange access services" means:

18 (a) Telephone exchange access lines or channels that provide local access by a subscriber in this
19 state to the local telecommunications network to effect the transfer of information; and

20 (b) Unless a separate tariff rate is charged therefor, any facility or service provided in con-
21 nection with the services described in paragraph (a) of this subsection.

22 (7) "Governing body" means the board of county commissioners of a county, city council of a
23 city, other governing body of a city or county, board of directors of a special district or a 9-1-1 ju-
24 risdiction.

25 (8) "Local government" has the meaning given that term in ORS 190.710.

26 (9) "**Multiline telephone system**" means a network-based or premises-based telephone
27 system offering two or more customer lines that is composed of common control units,
28 telephones and control hardware or software.

29 [(9)] (10) "Provider" means a utility or other vendor or supplier of telecommunications service
30 or equipment that provides telecommunications with access to the 9-1-1 emergency reporting system
31 through local exchange service, cellular service, **multiline telephone system service** or other

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 wired or wireless means.

2 [(10)] (11) “Public or private safety agency” means any unit of state or local government, a
 3 special-purpose district or a private firm that provides or has authority to provide fire-fighting, po-
 4 lice, ambulance or emergency medical services.

5 [(11)] (12) “Public safety answering point” means a 24-hour communications facility established
 6 as an answering location for 9-1-1 calls originating within a given service area. A “primary public
 7 safety answering point” receives all calls directly from the public. A “secondary public safety an-
 8 swering point” only receives calls from a primary public safety answering point on a transfer or
 9 relay basis.

10 [(12)] (13) “Subscriber” means a person who has telecommunication access to the 9-1-1 emer-
 11 gency reporting system through local exchange service, cellular service or other wired or wireless
 12 means.

13 [(13)] (14) “TTY” means a telephone-typewriter used by an individual with a hearing or speech
 14 impairment to communicate with another device or individual.

15 [(14)] (15) “Utility” means a utility, as defined in ORS 759.005, a telecommunications carrier, as
 16 defined in ORS 133.721, a municipality or any provider of exchange access services.

17 [(15)] (16) “Vendor” means a person providing telephone customer premises equipment or
 18 equipment specific to the operation of enhanced 9-1-1 telephone service.

19 [(16)] (17) “9-1-1 emergency reporting system” means a telephone service that provides the users
 20 of a public telephone system the ability to reach a primary public safety answering point by calling
 21 9-1-1.

22 [(17)] (18) “9-1-1 jurisdiction” means:

23 (a) An entity created under ORS chapter 190;

24 (b) A county service district established under ORS chapter 451 to provide an emergency com-
 25 munications system;

26 (c) An emergency communications district created under ORS 403.300 to 403.380; or

27 (d) A group of public or private safety agencies who have agreed in writing to jointly plan the
 28 installation, maintenance, operation or improvement of a 9-1-1 emergency reporting system.

29 [(18)] (19) “9-1-1 service area” means the geographical area that contains the entire central of-
 30 fice serving area from which the primary public safety answering point will have the capability to
 31 answer calls placed to 9-1-1.

32 **SECTION 2.** ORS 403.135 is amended to read:

33 403.135. (1) Each telecommunications [*utility*] **provider** that provides exchange access service
 34 or radio communications service and that provides automatic telephone number identification to
 35 public safety answering points may not block the number of the calling party from being forwarded
 36 on 9-1-1 calls.

37 (2) Automatic telephone number identifications received by public safety answering points are
 38 confidential and are not subject to public disclosure unless and until an official report is written
 39 by the public or private safety agency and that agency does not withhold the telephone number
 40 under ORS 192.410 to 192.505 or other state and federal laws. The official report of a public safety
 41 answering point may not include nonpublished or nonlisted telephone numbers. The official report
 42 of a public or private safety agency may not include nonpublished or nonlisted telephone numbers.
 43 Nonpublished or nonlisted telephone numbers are not otherwise subject to public disclosure without
 44 the permission of the subscriber.

45 (3) A telecommunications [*utility*] **provider** is not subject to an action for civil damages for

1 providing in good faith confidential or nonpublic information, including nonpublished and nonlisted
2 subscriber information, to emergency services providers who are responding to emergency calls
3 placed to a 9-1-1 or an enhanced 9-1-1 emergency reporting system or notifying the public of an
4 emergency. This subsection does not compel a telecommunications [*utility*] **provider** to provide
5 nonpublished and nonlisted subscriber information directly to emergency services providers or law
6 enforcement agencies prior to placement of an emergency call to a 9-1-1 or an enhanced 9-1-1
7 emergency reporting system without process of law. Subscriber information acquired by a 9-1-1 ju-
8 risdiction for the purpose of enhancing a 9-1-1 emergency reporting system is not subject to public
9 disclosure and may not be used by other public agencies except:

10 (a) To respond to a 9-1-1 call; or

11 (b) To notify the public of an emergency by utilizing an automated telephone notification system
12 if a telecommunications [*utility*] **provider** has provided subscriber information to the 9-1-1 jurisdic-
13 tion or emergency services provider.

14 **SECTION 3. The amendments to ORS 403.105 and 403.135 by sections 1 and 2 of this 2011**
15 **Act apply to telecommunications services and equipment provided on or after the effective**
16 **date of this 2011 Act.**

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