

No. 1907

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

— ● —

ENROLLED

Committee Substitute for
HOUSE BILL No. 1907

(By ☒ Delegate Otte + Delegate Love

— ● —

Passed March 8, 1986

In Effect Ninety days from Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1907
(By DELEGATE OTTE and DELEGATE LOVE)

[Passed March 8, 1986; in effect ninety days from passage.]

AN ACT to amend article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three-cc; to amend and reenact sections two, three and four, article six, chapter twenty-four of said code; and to further amend said article by adding thereto five new sections, designated sections five, six, seven, eight and nine, all relating to the establishment of enhanced emergency telephone systems by county commissions; authorizing fee upon consumers of telephone service for enhanced emergency telephone systems; definitions; emergency telephone systems; requirements of enhanced emergency telephone systems and proposals; providing for resolution of conflicts; limitation of liability; and prohibitions and criminal penalties.

Be it enacted by the Legislature of West Virginia:

That article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section three-cc; that sections two, three and four, article six, chapter twenty-four of said code be amended and reenacted; and that said article six be further amended by adding thereto five new

sections, designated sections five, six, seven, eight and nine, all to read as follows:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3cc. Authority of county commissions to establish enhanced emergency telephone systems; fee upon consumers of telephone service for such systems; authority to contract with telephone companies for billing of such fee.

1 (a) In addition to possessing the authority to establish
2 an emergency telephone system pursuant to section four,
3 article six, chapter twenty-four, a county commission or
4 the county commissions of two or more counties may,
5 instead, establish an enhanced emergency telephone
6 system or convert an existing system to an enhanced
7 emergency system. The establishment of such a system
8 shall be subject to the provisions of article six, chapter
9 twenty-four of this code.

10 (b) A county commission may impose a fee upon
11 consumers of local exchange service within that county
12 for an enhanced emergency telephone system. Such fee
13 shall be utilized solely for the capital, installation and
14 maintenance costs of the enhanced emergency telephone
15 system. The county shall reduce such fee when the
16 capital and installation costs have been fully recovered
17 to the level necessary to offset recurring maintenance
18 and dispatcher costs only. No such fee may be used for
19 the costs associated with establishing, equipping,
20 furnishing, operating or maintaining a county answer-
21 ing point.

22 (c) A county commission may contract with the
23 telephone company or companies providing local ex-
24 change service within the county for such telephone
25 company or companies to act as the billing agent or
26 agents of the county commission for the billing of the
27 fee imposed pursuant to subsection (b) of this section.
28 The cost for such billing agent services may be included

29 as a recurring maintenance cost of the enhanced
30 emergency telephone system.

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 6. LOCALEMERGENCY TELEPHONE SYSTEM.

§24-6-2. Definitions.

1 As used in this article, unless the context clearly
2 requires a different meaning:

3 (1) "County answering point" means a facility to which
4 enhanced emergency telephone system calls for a county
5 are initially routed for response, and where county
6 personnel respond to specific requests for emergency
7 service by directly dispatching the appropriate
8 emergency service provider, relaying a message to the
9 appropriate provider or transferring the call to the
10 appropriate provider.

11 (2) "Emergency services organization" means the
12 organization established under article five, chapter
13 fifteen of this code.

14 (3) "Emergency service provider" means any emer-
15 gency services organization or public safety unit.

16 (4) "Emergency telephone system" means a telephone
17 system which through normal telephone service facili-
18 ties automatically connects a person dialing the primary
19 emergency telephone number to an established public
20 agency answering point, but does not include an
21 enhanced emergency telephone system.

22 (5) "Enhanced emergency telephone system" means a
23 telephone system which automatically connects the
24 person dialing the primary emergency number to the
25 county answering point and in which the telephone
26 network system automatically provides to personnel
27 receiving the call, immediately on answering the call,
28 information on the location and the telephone number
29 from which the call is being made, and upon direction
30 from the personnel receiving the call routes such call to
31 emergency service providers that serve the location
32 from which the call is made.

33 (6) "Public agency" means the state, and any munic-
34 ipality, county, public district or public authority which
35 provides or has authority to provide fire-fighting, police,
36 ambulance, medical, rescue or other emergency
37 services.

38 (7) "Public safety unit" means a functional division of
39 a public agency which provides fire-fighting, police,
40 medical, rescue or other emergency services.

41 (8) "Telephone company" means a public utility which
42 is engaged in the provision of telephone service.

§24-6-3. Adoption of emergency telephone system plan.

1 (a) The public service commission shall, by the first
2 day of January, one thousand nine hundred eighty,
3 develop and adopt a comprehensive plan establishing
4 the technical and operational standards to be followed
5 in establishing and maintaining emergency telephone
6 systems.

7 (b) In developing the comprehensive plan, the public
8 service commission shall consult with telephone compan-
9 ies, and with the various public agencies and public
10 safety units, including, but not limited to, emergency
11 services organizations.

12 (c) The public service commission shall annually
13 review with each operating telephone company their
14 construction and switching replacements projections.
15 During this review, the public service commission shall
16 ensure that all new switching facilities will
17 accommodate the emergency telephone system.

§24-6-4. Creation of emergency telephone systems.

1 (a) Upon the adoption by the public service commis-
2 sion of the comprehensive plan, the public agency may
3 establish, consistent with the comprehensive plan, an
4 emergency telephone system within its respective
5 jurisdiction. Nothing herein contained, however, shall be
6 construed to prohibit or discourage in any way the
7 establishment of multijurisdiction or regional systems,
8 and any emergency telephone system established
9 pursuant to this article may include the territory of

10 more than one public agency, or may include only a
 11 portion of the territory of a public agency. To the extent
 12 feasible, emergency telephone systems shall be
 13 centralized.

14 (b) Every emergency telephone system shall provide
 15 access to emergency services organizations, police, fire-
 16 fighting, and emergency medical and ambulance
 17 services and may provide access to other emergency
 18 services. Such system may also provide access to private
 19 ambulance services. The emergency telephone system
 20 shall provide the necessary mechanical equipment at the
 21 established public agency answering point to allow deaf
 22 persons access to the system. In those areas in which a
 23 public safety unit of the state provides emergency
 24 services, the system shall provide access to the public
 25 safety unit.

26 (c) The primary emergency telephone number to the
 27 extent possible, shall be uniform throughout the state.

28 (d) A telephone company in the normal course of
 29 replacing or making major modifications to its switch-
 30 ing equipment shall include the capability of providing
 31 for the emergency telephone system and shall bear all
 32 costs related thereto. All charges for other services and
 33 facilities provided by the telephone company, including
 34 the provision of distribution facilities and station
 35 equipment, shall be paid for by the public agency or
 36 public safety unit in accordance with the applicable
 37 tariff rates then in effect for such services and facilities.
 38 Other costs pursuant to the emergency telephone system
 39 shall be allocated as determined by the public service
 40 commission.

41 (e) All coin-operated telephones within the state shall,
 42 by the first day of January, one thousand nine hundred
 43 eighty-seven, be of a design that will permit a caller to
 44 initiate, without first having to insert a coin (dial tone
 45 first or post pay systems), local calls to the long distance
 46 and directory assistance operators, calls to the
 47 emergency telephone number answering point, if one
 48 has been established in his or her local calling area, and
 49 to other numbers for services as the telephone company

50 may from time to time make available to the public.

§24-6-5. Enhanced emergency telephone system requirements

1 (a) An enhanced emergency telephone system, at a
2 minimum, shall provide that:

3 (1) All the territory in the county, including every
4 municipal corporation in the county, which is served by
5 telephone company central office equipment that will
6 permit such a system to be established shall be included
7 in the system.

8 (2) Every emergency service provider that provides
9 emergency service within the territory of a county
10 participate in the system;

11 (3) Each county answering point be operated
12 constantly;

13 (4) Each emergency service provider participating in
14 the system maintain a telephone number in addition to
15 the one provided for in the system; and

16 (5) If the county answering point personnel reasonably
17 determine that a call is not an emergency the personnel
18 provide the caller with the number of the appropriate
19 emergency service provider.

20 (b) To the extent possible, enhanced emergency
21 telephone systems shall be centralized.

22 (c) In developing an enhanced emergency telephone
23 system, the county commission shall seek the advice of
24 both the telephone companies providing local exchange
25 service within the county and the local emergency
26 providers.

§24-6-6. Enhanced emergency telephone system proposed requirement.

1 (a) If a county commission decides to adopt an
2 enhanced emergency services telephone system it shall
3 first prepare a proposal on the implementation of the
4 system and shall hold a public meeting on the proposal
5 to explain the system and receive comments from other
6 public officials and interested persons. At least thirty

7 but not more than sixty days before the meeting, the
8 county commission shall place an advertisement in a
9 newspaper of general circulation in the county notifying
10 the public of the date, purpose and location of the
11 meeting and the location at which a copy of the proposal
12 may be examined.

13 (b) The proposal and the final plan adopted by the
14 county commission shall specify:

15 (1) Which telephone companies serving customers in
16 the county will participate in the system;

17 (2) The location and number of county answering
18 points; how they will be connected to a telephone
19 company's telephone network; from what geographic
20 territory each will receive system calls; what areas will
21 be served by the answering point; and whether an
22 answering point will respond to calls by directly
23 dispatching an emergency service provider, by relaying
24 a message to the appropriate provider, or by transfer-
25 ring the call to the appropriate provider;

26 (3) A projection of the initial cost of establishing,
27 equipping and furnishing and of the annual cost of the
28 first five years of operating and maintaining each
29 county answering point;

30 (4) How the county will pay for its share of the
31 system's cost; and

32 (5) How each emergency service provider will respond
33 to a misdirected call.

34 (c) Within three months of the public meeting
35 required by this section the county commission may
36 modify the implementation proposal. Upon completion
37 and adoption of the plan by the commission, it shall send
38 a copy of the plan to the public service commission, who
39 shall file such plan and ensure that its provisions are
40 complied with.

41 (d) After a plan is adopted, all telephone companies
42 included in the plan are subject to the specific require-
43 ments of the plan and the applicable requirements of
44 this article.

45 (e) A final plan may be amended only after notice of
46 the proposed amendments is given, as provided in
47 subsection (a) of this section and a new public meeting
48 is held.

§24-6-7. Resolution of conflicts.

1 In the event that a conflict arises between county
2 commissions, between telephone companies or between
3 a telephone company or companies and a county
4 commission or commissions concerning an emergency
5 telephone system or systems or an enhanced emergency
6 telephone system or systems, the public service commis-
7 sion, upon application by such county commission or
8 telephone company, shall resolve such conflict. The
9 resolution of such conflict may include the modification
10 or suspension of any final plan adopted pursuant to
11 section six of this article or the ordering of the
12 centralization of emergency telephone systems and
13 enhanced emergency telephone systems.

§24-6-8. Limitation of liability.

1 A public agency participating in an emergency
2 telephone system or a county which has established an
3 enhanced emergency telephone system, and any officer,
4 agent or employee of such public agency or county is not
5 liable for damages in a civil action for injuries, death
6 or loss to persons or property arising from any act or
7 omission, except willful or wanton misconduct, in
8 connection with developing, adopting or approving any
9 final plan or any agreement made pursuant to this
10 article, or otherwise bringing into operation an emer-
11 gency telephone system or an enhanced emergency
12 telephone system pursuant to this article.

§24-6-9. Prohibitions and penalty.

1 (a) No person may knowingly use the telephone
2 number of an emergency telephone system or enhanced
3 emergency telephone system to report an emergency if
4 he or she knows that no such emergency exists.

5 (b) No person may disclose or use, for any purpose
6 other than for an emergency telephone system or
7 enhanced emergency telephone system, any information

8 contained in the data base used for either an emergency
9 telephone system or an enhanced emergency telephone
10 system established pursuant to this article.

11 (c) Any person who violates any provision of this
12 section is guilty of a misdemeanor, and, upon conviction
13 thereof, shall be fined not less than two hundred dollars
14 nor more than five thousand dollars, or imprisoned in
15 the county jail not more than one year, or both fined and
16 imprisoned.

Enr. Com. Sub. for H. B. 1907] 10

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams
Chairman Senate Committee

Hoye Fuller
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Edw. C. Wells
Clerk of the Senate

Donald L. Hoff
Clerk of the House of Delegates

Sam T. Ash
President of the Senate

Joseph P. Allright
Speaker of the House of Delegates

The within *approved* this the *25th*
March
day of _____, 1986.

Arch A. Shaughnessy Jr.
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/86

Time 4:44 p.m.

RECEIVED

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OFFICE OF THE
SECRETARY OF STATE

FILED IN THE OFFICE OF
SECRETARY OF STATE
MAR 26 1966

THIS DATE 3/26/66