WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

ENROLLED

Committee Substitute for

HOUSE BILL No. ...1907...

(By Delegate Otte and 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.

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

(b) A county commission may impose a fee upon consumers of local exchange service within that county for an enhanced emergency telephone system. Such fee shall be utilized solely for the capital, installation and maintenance costs of the enhanced emergency telephone system. The county shall reduce such fee when the capital and installation costs have been fully recovered to the level necessary to offset recurring maintenance and dispatcher costs only. No such fee may be used for the costs associated with establishing, equipping, furnishing, operating or maintaining a county answering point.

(c) A county commission may contract with the telephone company or companies providing local exchange service within the county for such telephone company or companies to act as the billing agent or agents of the county commission for the billing of the fee imposed pursuant to subsection (b) of this section. The cost for such billing agent services may be included
CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 6. LOCAL EMERGENCY TELEPHONE SYSTEM.

§24-6-2. Definitions.

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

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

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

4 (3) "Emergency service provider" means any emergency services organization or public safety unit.

5 (4) "Emergency telephone system" means a telephone system which through normal telephone service facilities automatically connects a person dialing the primary emergency telephone number to an established public agency answering point, but does not include an enhanced emergency telephone system.

6 (5) "Enhanced emergency telephone system" means a telephone system which automatically connects the person dialing the primary emergency number to the county answering point and in which the telephone network system automatically provides to personnel receiving the call, immediately on answering the call, information on the location and the telephone number from which the call is being made, and upon direction from the personnel receiving the call routes such call to emergency service providers that serve the location from which the call is made.
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(6) "Public agency" means the state, and any municipality, county, public district or public authority which provides or has authority to provide fire-fighting, police, ambulance, medical, rescue or other emergency services.

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

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

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

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

(b) In developing the comprehensive plan, the public service commission shall consult with telephone companies, and with the various public agencies and public safety units, including, but not limited to, emergency services organizations.

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

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

(a) Upon the adoption by the public service commission of the comprehensive plan, the public agency may establish, consistent with the comprehensive plan, an emergency telephone system within its respective jurisdiction. Nothing herein contained, however, shall be construed to prohibit or discourage in any way the establishment of multijurisdiction or regional systems, and any emergency telephone system established pursuant to this article may include the territory of
more than one public agency, or may include only a portion of the territory of a public agency. To the extent feasible, emergency telephone systems shall be centralized.

(b) Every emergency telephone system shall provide access to emergency services organizations, police, firefighting, and emergency medical and ambulance services and may provide access to other emergency services. Such system may also provide access to private ambulance services. The emergency telephone system shall provide the necessary mechanical equipment at the established public agency answering point to allow deaf persons access to the system. In those areas in which a public safety unit of the state provides emergency services, the system shall provide access to the public safety unit.

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

(d) A telephone company in the normal course of replacing or making major modifications to its switching equipment shall include the capability of providing for the emergency telephone system and shall bear all costs related thereto. All charges for other services and facilities provided by the telephone company, including the provision of distribution facilities and station equipment, shall be paid for by the public agency or public safety unit in accordance with the applicable tariff rates then in effect for such services and facilities. Other costs pursuant to the emergency telephone system shall be allocated as determined by the public service commission.

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

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

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

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

2. Every emergency service provider that provides emergency service within the territory of a county participate in the system;

3. Each county answering point be operated constantly;

4. Each emergency service provider participating in the system maintain a telephone number in addition to the one provided for in the system; and

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

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

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

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

(a) If a county commission decides to adopt an enhanced emergency services telephone system it shall first prepare a proposal on the implementation of the system and shall hold a public meeting on the proposal to explain the system and receive comments from other public officials and interested persons. At least thirty
but not more than sixty days before the meeting, the county commission shall place an advertisement in a newspaper of general circulation in the county notifying the public of the date, purpose and location of the meeting and the location at which a copy of the proposal may be examined.

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

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

(2) The location and number of county answering points; how they will be connected to a telephone company's telephone network; from what geographic territory each will receive system calls; what areas will be served by the answering point; and whether an answering point will respond to calls by directly dispatching an emergency service provider, by relaying a message to the appropriate provider, or by transferring the call to the appropriate provider;

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

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

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

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

(d) After a plan is adopted, all telephone companies included in the plan are subject to the specific requirements of the plan and the applicable requirements of this article.
(e) A final plan may be amended only after notice of the proposed amendments is given, as provided in subsection (a) of this section and a new public meeting is held.

§24-6-7. Resolution of conflicts.

In the event that a conflict arises between county commissions, between telephone companies or between a telephone company or companies and a county commission or commissions concerning an emergency telephone system or systems or an enhanced emergency telephone system or systems, the public service commission, upon application by such county commission or telephone company, shall resolve such conflict. The resolution of such conflict may include the modification or suspension of any final plan adopted pursuant to section six of this article or the ordering of the centralization of emergency telephone systems and enhanced emergency telephone systems.

§24-6-8. Limitation of liability.

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

§24-6-9. Prohibitions and penalty.

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

(b) No person may disclose or use, for any purpose other than for an emergency telephone system or enhanced emergency telephone system, any information
contained in the data base used for either an emergency
telephone system or an enhanced emergency telephone
system established pursuant to this article.

(c) Any person who violates any provision of this
section is guilty of a misdemeanor, and, upon conviction
thereof, shall be fined not less than two hundred dollars
nor more than five thousand dollars, or imprisoned in
the county jail not more than one year, or both fined and
imprisoned.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce C. Williams
Chairman Senate Committee

Hoy F. Fuller
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

J. P. H. Wells
Clerk of the Senate

Donald L. Griff
Clerk of the House of Delegates

James T. Womack
President of the Senate

Joseph P. Albritton
Speaker of the House of Delegates

The within .................................. this the 25th day of .................................., 1986.

Arch. Brown
Governor
PRESENTED TO THE
GOVERNOR
Date 3/30/86
Time 4:44 p.m.