

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)

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

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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. LOCAL EMERGENCY 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.

*Jed C. Wells*  
.....  
Clerk of the Senate

*Donald L. Hoff*  
.....  
Clerk of the House of Delegates

*Sam Taylor*  
.....  
President of the Senate

*Joseph P. Allright*  
.....  
Speaker of the House of Delegates

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

*Arthur Shaffer Jr.*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/20/86

Time 4:44 p.m.

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1966 MAR 26 PM 4: 25  
OFFICE OF THE  
SECRETARY OF STATE

FILED IN THE OFFICE OF  
SECRETARY OF STATE  
MAR 26 1966

THIS DATE 3/26/66