WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

ENROLLED
Committee Substitute for
SENATE BILL NO. S66

(By Senator Tucker, Mr. President)

PASSED _______ April 7 _______ 1989
In Effect _______ from _______ Passage
AN ACT to amend and reenact section twelve, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections three, four, five and seven, article six, chapter twenty-four of said code; and to further amend article six of said chapter by adding thereto a new section, designated section six-a, all relating to local emergency telephone systems; sharing of certain authority with public service commission by department of public safety; and allowing department of public safety to participate in developing a comprehensive plan, preparing a proposal and for causing a public meeting therein.

Be it enacted by the Legislature of West Virginia:

That section twelve, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that sections three, four, five and seven, article six, chapter twenty-four of said code be amended and reenacted; and that article six of said chapter be further amended by adding thereto a new section, designated section six-a, all to read as follows:
CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2. DEPARTMENT OF PUBLIC SAFETY.

§15-2-12. Mission of the department; powers of superintendent, officers and members; patrol of turnpike.

(a) The West Virginia department of public safety shall have the mission of statewide enforcement of criminal and traffic laws with emphasis on providing basic enforcement and citizen protection from criminal depredation throughout the state and maintaining the safety of the state's public streets, roads and highways.

(b) The superintendent and each of the officers and members of the department are hereby empowered:

(1) To make arrests anywhere within the state of any persons charged with the violation of any law of this state, or of the United States, and when a witness to the perpetration of any offense or crime, or to the violation of any law of this state, or of the United States, may arrest without warrant; to arrest and detain any persons suspected of the commission of any felony or misdemeanor whenever complaint is made and warrant is issued thereon for such arrest, and any person so arrested shall be forthwith brought before the proper tribunal for examination and trial in the county where the offense for which any such arrest has been made was committed;

(2) To serve criminal process issued by any court or magistrate anywhere within this state (they shall not serve civil process); and

(3) To cooperate with local authorities in detecting crime and in apprehending any person or persons engaged in or suspected of the commission of any crime, misdemeanor or offense against the law of this state, or of the United States, or of any ordinance of any municipality in this state; and to take affidavits in connection with any application to the department of highways, department of motor vehicles and department of public safety of West Virginia for any license,
permit or certificate that may be lawfully issued by
these departments of state government.

(c) Members of the department of public safety are
hereby created forest patrolmen and game and fish
wardens throughout the state to do and perform any
duties and exercise any powers of such officers, and
may apprehend and bring before any court or magis-
trate having jurisdiction of such matters, anyone
violating any of the provisions of chapters twenty,
sixty and sixty-one of this code, and the department of
public safety shall at any time be subject to the call of
the West Virginia alcohol beverage control commis-
sioner to aid in apprehending any person violating any
of the provisions of said chapter sixty of this code.
They shall serve and execute warrants for the arrest
of any person and warrants for the search of any
premises issued by any properly constituted authority,
and shall exercise all of the powers conferred by law
upon a sheriff. They shall not serve any civil process
or exercise any of the powers of such officer in civil
matters.

(d) Any member of the department of public safety
knowing or having reason to believe that anyone has
violated the law may make complaint in writing
before any court or officer having jurisdiction and
procure a warrant for such offender, execute the same
and bring such person before the proper tribunal
having jurisdiction. He shall make return on all such
warrants to such tribunals and his official title shall be
"member of the department of public safety."
Members of the department of public safety may
execute any summons or process issued by any tribu-
unal having jurisdiction requiring the attendance of any
person as a witness before such tribunal and make
return thereon as provided by law, and any return by
a member of the department of public safety showing
the manner of executing such warrant or process shall
have the same force and effect as if made by a sheriff.

(e) Each member of the department of public safety,
when called by the sheriff of any county, or when the
governor by proclamation so directs, shall have full
power and authority within such county, or within the
territory defined by the governor, to direct and
command absolutely the assistance of any sheriff,
deputy sheriff, chief of police, policeman, game and
fish warden, and peace officer of the state, or of any
county or municipality therein, or of any able-bodied
citizen of the United States, to assist and aid in
accomplishing the purposes expressed in this article.
When so called, any officer or person shall, during the
time his assistance is required, be for all purposes, a
member of the department of public safety and
subject to all the provisions of this article.

(f) The superintendent may also assign members of
the department to perform police duties on any
turnpike or toll road, or any section thereof, operated
by the West Virginia turnpike commission: Provided,
That such turnpike commission shall reimburse the
department of public safety for salaries paid to such
members, and shall either pay directly or reimburse
the department for all other expenses of such group of
members in accordance with actual or estimated costs
determined by the superintendent.

(g) The department of public safety may develop
proposals for comprehensive county or multi-county
plan on the implementation of an enhanced Emer-
gency Service telephone system and for causing a
public meeting on such proposals, all as set forth in
section six-a, article six, chapter twenty-four of this
code.

CHAPTER 24. PUBLIC SERVICE COMMISSION.
ARTICLE 6. LOCAL EMERGENCY TELEPHONE SYSTEM.

§24-6-3. Adoption of emergency telephone system plan;
department of public safety to adopt alter-
nate plan.

(a) The public service commission shall develop,
adopt and periodically review a comprehensive plan
establishing the technical and operational standards to
be followed in establishing and maintaining emer-
gency 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.

(d) The department of public safety shall participate in proceedings conducted under subsection (a) of this section. Additionally, the department of public safety may actively participate in the annual review required by subsection (c) of this section.

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

(a) Upon the adoption by the public service commission of a 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, fire fighting, 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 applicable comprehensive plan of the public service commission.

(e) All coin-operated telephones within the state shall 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 or the department of public safety shall seek the advice of both the telephone companies providing local exchange service within the county and the local emergency providers.

§24-6-6a. **Alternate procedure for proposal by the department of public safety.**

(a) In any county or counties which have areas thereof not receiving service from an enhanced emergency services telephone system, the department of public safety may prepare a proposal on the implementation of such a system and may cause a public meeting to be held on the proposal to explain the system and receive comments from the members of the county commission and from other public officials and interested persons. At least thirty, but not more than sixty days, before such a meeting, the department of public safety shall place an advertisement in a newspaper of general circulation in the county notifying the members of the county commission or county commission and 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 prepared by the department of public safety shall conform to the requirements of subsection (b), section six of this article and shall be

20 further modified, adopted, filed or amended by the
21 county commission only in conformity with said
22 section six.

§24-6-7. Resolution of conflicts.

1 In the event that a conflict arises between county
2 commissions, between telephone companies, between
3 a telephone company or companies and a county
4 commission or commissions, or between the depart-
5 ment of public safety and any of the foregoing entities
6 concerning an emergency telephone system or systems
7 or an enhanced emergency telephone system or
8 systems, the public service commission, upon applica-
9 tion by such county commission, telephone company
10 or department of public safety, shall resolve such
11 conflict. The resolution of such conflict may include
12 the modification or suspension of any final plan
13 adopted pursuant to section six or six-a of this article
14 or the ordering of the centralization of emergency
15 telephone systems and enhanced emergency telephone
16 systems.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick R. Fisher
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originated in the Senate.

In effect from passage.

Joseph C. Miller
Clerk of the Senate

Donald F. Vepp
Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 20th day of April, 1989.

Haston Caperton
Governor
PRESENTED TO THE
GOVERNOR
Date 4/10/89
Time 4:50