

SENATE BILL NO. 1010

March 11, 1998, Introduced by Senator VAN REGENMORTER and referred to the Committee on Judiciary.

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 102, 303, 316, 601, 602, and 604 (MCL 484.1102, 484.1303, 484.1316, 484.1601, 484.1602, and 484.1604), section 102 as amended by 1996 PA 313, sections 303 and 602 as amended by 1994 PA 29, and section 601 as amended by 1989 PA 36, and by adding section 605.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 102. As used in this act:

2 (A) "ANNUAL ACCOUNTING" MEANS AN AUDIT AND A FINANCIAL
3 REPORT OF THE MONEY RECEIVED AND EXPENDED DURING A CALENDAR YEAR.

4 (B) ~~-(a)-~~ "Automatic location identification" or "ALI" means
5 a 9-1-1 service feature ~~in which the service supplier~~ THAT
6 automatically ~~forwards~~ PROVIDES the name or ~~address~~ LOCATION,
7 or both, associated with the calling party's telephone number as

1 identified by automatic number identification ~~,~~ to ~~the~~ A
2 9-1-1 public safety answering point.

3 (C) ~~(b)~~ "Automatic number identification" or "ANI" means a
4 9-1-1 service feature ~~in which the service supplier~~ THAT auto-
5 matically ~~forwards~~ PROVIDES the calling party's billing tele-
6 phone number to ~~the~~ A 9-1-1 public safety answering point. ~~for~~
7 display.

8 (D) "COMMERCIAL MOBILE RADIO SERVICE" OR "CMRS" MEANS COM-
9 Mercial MOBILE RADIO SERVICE REGULATED UNDER SECTION 3 OF TITLE I
10 AND SECTION 332 OF TITLE III OF THE COMMUNICATIONS ACT OF 1934,
11 CHAPTER 652, 48 STAT. 1064, 47 U.S.C. 153 AND 332, AND THE RULES
12 OF THE FEDERAL COMMUNICATIONS COMMISSION. COMMERCIAL MOBILE
13 RADIO SERVICE OR CMRS INCLUDES ALL OF THE FOLLOWING:

14 (i) A WIRELESS 2-WAY COMMUNICATION DEVICE, INCLUDING A RADIO
15 TELEPHONE USED IN CELLULAR TELEPHONE SERVICE OR PERSONAL COMMUNI-
16 CATION SERVICE.

17 (ii) A FUNCTIONAL EQUIVALENT OF A RADIO TELEPHONE COMMUNICA-
18 TIONS LINE USED IN CELLULAR TELEPHONE SERVICE OR PERSONAL COMMU-
19 NICATION SERVICE.

20 (iii) A NETWORK RADIO ACCESS LINE.

21 (E) "CMRS CONNECTION" MEANS EACH NUMBER ASSIGNED TO A CMRS
22 CUSTOMER.

23 (F) ~~(c)~~ "Consolidated dispatch" means a countywide or
24 regional emergency dispatch service that provides dispatch serv-
25 ice for 75% or more of the law enforcement, fire fighting, emer-
26 gency medical service, and other emergency service agencies
27 within the geographical area of a 9-1-1 service district or

1 serves 75% or more of the population within a 9-1-1 service
2 district.

3 (G) ~~(d)~~ "Direct dispatch method" means that the agency
4 receiving the 9-1-1 call at the public safety answering point
5 decides on the proper action to be taken and dispatches the
6 appropriate available public safety service unit THAT HAS APPRO-
7 PRIATE JURISDICTION, located closest to the request for public
8 safety service.

9 (H) "EMERGENCY RESPONSE SERVICE" OR "ERS" MEANS A PUBLIC OR
10 PRIVATE AGENCY THAT RESPONDS TO EVENTS OR SITUATIONS THAT ARE
11 DANGEROUS OR THAT ARE CONSIDERED BY A MEMBER OF THE PUBLIC TO
12 THREATEN THE PUBLIC SAFETY. AN EMERGENCY RESPONSE SERVICE
13 INCLUDES A POLICE OR FIRE DEPARTMENT, AN AMBULANCE SERVICE, OR
14 ANY OTHER PUBLIC OR PRIVATE ENTITY TRAINED AND ABLE TO ALLEVIATE
15 A DANGEROUS OR THREATENING SITUATION.

16 (I) "EMERGENCY SERVICE NUMBER" OR "ESN" MEANS THE NUMBER
17 ASSIGNED BY A COUNTY TO EACH EXCHANGE ACCESS FACILITY THAT IDEN-
18 TIFIES WHICH EMERGENCY RESPONSE SERVICE IS RESPONSIBLE FOR
19 RESPONDING TO THE ADDRESS OF THAT EXCHANGE ACCESS FACILITY'S
20 PREMISES.

21 (J) ~~(e)~~ "Emergency telephone charge" means emergency tele-
22 phone operational charge and emergency telephone technical
23 charge.

24 (K) ~~(f)~~ "Emergency telephone district" or "9-1-1 service
25 district" means the area in which 9-1-1 service is provided or is
26 planned to be provided to service users under a 9-1-1 system
27 implemented under this act.

1 (1) ~~(g)~~ "Emergency telephone district board" means the
2 governing body created by the board of commissioners of the
3 county or counties with authority over an emergency telephone
4 district.

5 (M) ~~(h)~~ "Emergency telephone operational charge" means a
6 charge for nonnetwork technical equipment and other costs
7 directly related to the DISPATCH FACILITY AND THE operation of 1
8 or more PSAPs including, but not limited to, THE COSTS OF dis-
9 patch personnel AND RADIO EQUIPMENT NECESSARY TO PROVIDE 2-WAY
10 COMMUNICATION BETWEEN PSAPS AND A PUBLIC SAFETY AGENCY.
11 Emergency telephone operational charge does not include non-PSAP
12 related costs such as response vehicles and other personnel.

13 (N) ~~(i)~~ "Emergency telephone technical charge" means a
14 charge for the network start-up costs, customer notification
15 costs, billing costs including an allowance for uncollectibles
16 for technical and operational charges, and network nonrecurring
17 and recurring installation, maintenance, service, and equipment
18 charges of a service supplier providing 9-1-1 service under this
19 act.

20 (O) ~~(j)~~ "Exchange access facility" means the access from a
21 particular service user's premises to the telephone system.
22 Exchange access facilities include service supplier provided
23 access lines, PBX trunks, and centrex line trunk equivalents, all
24 as defined by tariffs of the service suppliers as approved by the
25 public service commission. Exchange access facilities do not
26 include telephone pay station lines or WATS, FX, or incoming only
27 lines.

1 (P) ~~(k)~~ "Final 9-1-1 service plan" means a tentative 9-1-1
2 service plan that has been modified only to reflect necessary
3 changes resulting from any exclusions of public agencies from the
4 9-1-1 service district of the tentative 9-1-1 service plan under
5 section 306 and any failure of public safety agencies to be des-
6 igned as PSAPs or secondary PSAPs under section 307.

7 (Q) "MASTER STREET ADDRESS GUIDE" OR "MSAG" MEANS A PERPET-
8 UAL DATABASE THAT INCLUDES A DEFINED GEOGRAPHIC AREA OF A SERVICE
9 DISTRICT BY AN ALPHABETICAL LIST OF THE STREET NAMES, THE LOW AND
10 HIGH RANGES OF THE ADDRESS NUMBERS ON EACH STREET, COMMUNITY
11 NAMES, ESN, AND PSAP IDENTIFICATION CODES.

12 (R) ~~(i)~~ "Person" means an individual, corporation, part-
13 nership, association, governmental entity, or any other legal
14 entity.

15 (S) ~~(m)~~ "Primary public safety answering point", "PSAP",
16 or "primary PSAP" means a communications facility operated or
17 answered on a 24-hour basis assigned responsibility by a public
18 agency or county to receive 9-1-1 calls and to dispatch public
19 safety response services, as appropriate, by the direct dispatch
20 method, relay method, or transfer method. It is the first point
21 of reception by a public safety agency of a 9-1-1 call and serves
22 the jurisdictions in which it is located and other participating
23 jurisdictions, if any.

24 (T) ~~(n)~~ "Prime rate" means the average predominant prime
25 rate quoted by not less than 3 commercial financial institutions
26 as determined by the department of treasury.

1 (U) ~~(o)~~ "Private safety entity" means a nongovernmental
2 organization that provides emergency fire, ambulance, or medical
3 services.

4 (V) ~~(p)~~ "Public agency" means a village, township, charter
5 township, or city within the state and any special purpose dis-
6 trict located in whole or in part within the state.

7 (W) ~~(q)~~ "Public safety agency" means a functional division
8 of a public agency, county, or the state that provides fire
9 fighting, law enforcement, ambulance, medical, or other emergency
10 services.

11 (X) ~~(r)~~ "Relay method" means that a PSAP notes pertinent
12 information and relays it by telephone, radio, or private line to
13 the appropriate public safety agency or other provider of emer-
14 gency services that has APPROPRIATE JURISDICTION AND an available
15 emergency service unit located closest to the request for emer-
16 gency service for dispatch of an emergency service unit.

17 (Y) ~~(s)~~ "Secondary public safety answering point" or
18 "secondary PSAP" means a communications facility of a public
19 safety agency or private safety entity that receives 9-1-1 calls
20 by the transfer method only and generally serves as a centralized
21 location for a particular type of emergency call.

22 (Z) ~~(t)~~ "Service supplier" means a person providing A
23 telephone ~~services~~ SERVICE OR A CMRS to a service user in this
24 state.

25 (AA) ~~(u)~~ "Service user" means an exchange access facility
26 OR CMRS SERVICE customer of a service supplier within a 9-1-1
27 system.

1 (BB) ~~(v)~~ "Tariff" means the rate approved by the public
2 service commission for 9-1-1 service provided by a particular
3 service supplier. TARIFF DOES NOT INCLUDE A RATE OF A COMMERCIAL
4 MOBILE RADIO SERVICE BY A PARTICULAR SUPPLIER.

5 (CC) ~~(w)~~ "Tentative 9-1-1 service plan" means a plan pre-
6 pared by 1 or more counties for implementing a 9-1-1 system in a
7 specified 9-1-1 service district.

8 (DD) ~~(x)~~ "Transfer method" means that a PSAP transfers the
9 9-1-1 call directly to the appropriate public safety agency or
10 other provider of emergency service that has APPROPRIATE JURIS-
11 DICTION AND an available emergency service unit located closest
12 to the request for emergency service for dispatch of an emergency
13 service unit.

14 (EE) ~~(y)~~ "Universal emergency number service" or "9-1-1
15 service" means public telephone service that provides service
16 users with the ability to reach a public safety answering point
17 by dialing the digits "9-1-1".

18 (FF) ~~(z)~~ "Universal emergency number service system" or
19 "9-1-1 system" means a system for providing 9-1-1 service under
20 this act.

21 (GG) "WIRELESS EMERGENCY SERVICE ORDER" MEANS THE ORDER OF
22 THE FEDERAL COMMUNICATIONS COMMISSION, FCC DOCKET NO. 94-102,
23 ADOPTED JUNE 12, 1996 WITH AN EFFECTIVE DATE OF OCTOBER 1, 1996.

24 Sec. 303. (1) To establish an emergency telephone district
25 and to cause 9-1-1 service to be implemented within ~~such~~ THAT
26 emergency telephone district, the board of commissioners of a

1 county shall first adopt a tentative 9-1-1 service plan by
2 resolution.

3 (2) A tentative 9-1-1 service plan shall comply with chapter
4 II and shall address at a minimum all of the following:

5 (a) Technical considerations of the service supplier,
6 including but not limited to, system equipment for facilities to
7 be used in providing emergency telephone service.

8 (b) Operational considerations, including but not limited
9 to, the designation of PSAPs and secondary PSAPs, the manner in
10 which 9-1-1 calls will be processed, the dispatch functions to be
11 performed, plans for documenting closest public safety service
12 unit dispatching requirements, the dispatch of Michigan state
13 police personnel, and identifying information systems to be
14 utilized. EMERGENCY MEDICAL SERVICES ISSUES NOT COVERED IN THE
15 9-1-1 SERVICE PLAN SHALL BE REFERRED TO THE MEDICAL CONTROL
16 AUTHORITY AS PRESCRIBED IN PART 209 OF THE PUBLIC HEALTH CODE,
17 1978 PA 368, MCL 333.20901 TO 333.20979.

18 (c) Managerial considerations including the organizational
19 form and agreements that would control technical, operational,
20 and fiscal aspects of the emergency telephone service.

21 (d) Fiscal considerations including projected nonrecurring
22 and recurring costs with a financial plan for implementing and
23 operating the system.

24 (3) The tentative 9-1-1 service plan shall require each
25 public agency operating a PSAP under the 9-1-1 system to pay
26 directly for all installation and recurring charges for terminal
27 equipment, including customer premises equipment, associated with

1 the public agency's PSAP, and may require each public agency
2 operating a PSAP under the 9-1-1 system to pay directly to the
3 service supplier all installation and recurring charges for all
4 9-1-1 exchange and tie lines associated with the public agency's
5 PSAP.

6 Sec. 316. (1) EXCEPT FOR A CMRS SUPPLIER, A SERVICE SUP-
7 PLIER SHALL PROVIDE TO A 9-1-1 DATABASE SERVICE PROVIDER ACCURATE
8 DATABASE INFORMATION, INCLUDING THE NAME, SERVICE LOCATION, AND
9 TELEPHONE NUMBER OF EACH USER, IN A FORMAT ESTABLISHED AND DIS-
10 TRIBUTED BY THAT DATABASE SERVICE PROVIDER. THE INFORMATION
11 SHALL BE PROVIDED TO THE 9-1-1 DATABASE SERVICE PROVIDER WITHIN
12 THE FOLLOWING TIME PERIODS:

13 (A) WITHIN 1 BUSINESS DAY AFTER THE INITIATION OF SERVICE OR
14 THE PROCESSING OF A SERVICE ORDER CHANGE.

15 (B) WITHIN 8 HOURS AFTER RECEIVING DATABASE INFORMATION FROM
16 A SERVICE SUPPLIER OR SERVICE DISTRICT.

17 (2) ~~If~~ EXCEPT FOR A CMRS SUPPLIER, IF AN ALI is not
18 offered by the service supplier with the 9-1-1 system and the
19 9-1-1 system requires ~~such~~ THAT information, a service supplier
20 shall provide current customer telephone numbers and service
21 addresses to each PSAP and secondary PSAP within the 9-1-1 system
22 and shall periodically update customer telephone numbers and
23 service addresses and provide such information to each PSAP and
24 secondary PSAP within the 9-1-1 system. The 9-1-1 service dis-
25 trict shall determine the period within which the service sup-
26 plier shall update customer telephone numbers and service
27 addresses. Expenses incurred in providing this information shall

1 be included in the price of the system. Private listing service
2 customers in a 9-1-1 service district shall waive the privacy
3 afforded by nonlisted and nonpublished numbers to the extent that
4 the name and address associated with the telephone number may be
5 furnished to the 9-1-1 system.

6 (3) A SERVICE DISTRICT SHALL NOTIFY THE SERVICE SUPPLIER OR
7 THE DATABASE PROVIDER, WITHIN A TIME PERIOD TO BE DETERMINED BY
8 THE ETSC, OF ANY ADDRESS THAT COMES TO THE SERVICE DISTRICT'S
9 ATTENTION THAT DOES NOT MATCH THE MASTER STREET ADDRESS GUIDE.

10 (4) A CMRS SUPPLIER SHALL PROVIDE ACCURATE DATABASE INFORMA-
11 TION FOR THE ANI AND THE ALI TO THE 9-1-1 DATABASE SERVICE PRO-
12 VIDER THAT COMPLIES WITH THE WIRELESS EMERGENCY SERVICE ORDER.

13 Sec. 601. (1) ~~The~~ EXCEPT FOR A COMMERCIAL MOBILE RADIO
14 SERVICE, THE public service commission, ~~the department of man-~~
15 ~~agement and budget,~~ and the emergency telephone service commit-
16 tee created in section 702, upon request by a service supplier,
17 county, public agency, or public service agency, shall provide,
18 to the extent possible, technical assistance regarding the formu-
19 lation or implementation, or both, of a 9-1-1 service plan and
20 assistance in resolving ~~disputes~~ A DISPUTE between or among A
21 service ~~suppliers~~ SUPPLIER, ~~counties~~ COUNTY, public
22 ~~agencies~~ AGENCY, or public safety ~~agencies~~ AGENCY regarding
23 their respective rights and duties under this act.

24 (2) ~~A~~ EXCEPT FOR A COMMERCIAL MOBILE RADIO SERVICE SUPPLI-
25 ER, A service supplier, county, public agency, public service
26 agency, or a combination of those entities that has a dispute
27 with another arising from the formulation or implementation, or

1 both, of a 9-1-1 service plan shall request assistance from the
2 public service commission ~~, the department of management and~~
3 ~~budget,~~ and the emergency telephone service committee in resolv-
4 ing the dispute.

5 (3) UPON THE REQUEST OF A CMRS SUPPLIER, COUNTY, PUBLIC
6 AGENCY, OR PUBLIC SERVICE AGENCY, THE SUBCOMMITTEE APPOINTED BY
7 THE EMERGENCY TELEPHONE SERVICE COMMITTEE PURSUANT TO SECTION 410
8 SHALL, TO THE EXTENT POSSIBLE, PROVIDE TECHNICAL ASSISTANCE IN
9 FORMULATING AND IMPLEMENTING A 9-1-1 SERVICE PLAN. THE SUBCOM-
10 MITTEE SHALL ALSO PROVIDE ASSISTANCE IN RESOLVING A DISPUTE
11 BETWEEN OR AMONG A CMRS SUPPLIER, COUNTY, PUBLIC AGENCY, OR
12 PUBLIC SERVICE AGENCY REGARDING THEIR RESPECTIVE RIGHTS AND
13 DUTIES UNDER THIS ACT.

14 (4) A CMRS SUPPLIER, COUNTY, PUBLIC AGENCY, OR PUBLIC SERV-
15 ICE AGENCY OR A COMBINATION OF THOSE ENTITIES THAT HAS A DISPUTE
16 WITH ANOTHER OF THOSE ENTITIES, ARISING FROM THE FORMULATION OR
17 IMPLEMENTATION, OR BOTH, OF A 9-1-1 SERVICE PLAN, SHALL REQUEST
18 ASSISTANCE FROM THE SUBCOMMITTEE APPOINTED PURSUANT TO SECTION
19 410 IN RESOLVING THE DISPUTE.

20 Sec. 602. ~~A~~ EXCEPT FOR COMMERCIAL MOBILE RADIO SERVICE, A
21 dispute between or among 1 or more service suppliers, counties,
22 public agencies, public service agencies, or any combination of
23 those entities regarding their respective rights and duties under
24 this act shall be heard as a contested case before the public
25 service commission as provided in the administrative procedures
26 act of 1969, ~~Act No. 306 of the Public Acts of 1969, being~~

1 ~~sections 24.201 to 24.328 of the Michigan Compiled Laws~~ 1969 PA
2 306, MCL 24.201 TO 24.328.

3 Sec. 604. (1) ~~Other than~~ EXCEPT for pro rata charges for
4 the service during a period when the service may be fully or par-
5 tially inoperative, a service supplier, public agency, PSAP, or
6 an officer, agent, or employee of any service supplier, public
7 agency, or PSAP, or an owner or lessee of a pay station telephone
8 ~~shall not be~~ IS NOT liable for civil damages to any person as a
9 result of an act or omission on the part of the service supplier,
10 public agency, PSAP, or an officer, agent, or employee of any
11 service supplier, public agency, or PSAP, or an owner or lessee
12 in complying with any provision of this act, unless the act or
13 omission amounts to A CRIMINAL ACT OR TO gross negligence or
14 willful and wanton misconduct.

15 (2) EXCEPT FOR A CRIMINAL ACT OR FOR GROSS NEGLIGENCE OR
16 WILLFUL AND WANTON MISCONDUCT, A CMRS SUPPLIER OR A SERVICE SUP-
17 PLIER, OR AN EMPLOYEE OR AGENT OF A CMRS SUPPLIER OR SERVICE SUP-
18 PLIER, IS NOT LIABLE FOR DAMAGES IN A CIVIL ACTION RESULTING FROM
19 DEATH OR INJURY TO A PERSON OR FROM DAMAGE TO PROPERTY FOR ANY OF
20 THE FOLLOWING:

21 (A) AN ACT OR OMISSION WHILE ENGAGED IN DEVELOPING, ADOPT-
22 ING, ESTABLISHING, IMPLEMENTING, MAINTAINING, PROVIDING, OR PAR-
23 TICIPATING IN 9-1-1 OR E 9-1-1 SERVICE.

24 (B) AN ACT OR OMISSION IN ACCESSING A CMRS SYSTEM TO PROVIDE
25 WIRELESS 9-1-1 SERVICE OR E 9-1-1 SERVICE TO COMPLY WITH THE
26 SERVICE REQUIREMENTS OF THE FEDERAL COMMUNICATIONS COMMISSION'S
27 WIRELESS EMERGENCY SERVICE ORDER.

1 SEC. 605. (1) A PERSON SHALL NOT USE AN EMERGENCY TELEPHONE
2 SERVICE OR AN EMERGENCY CMRS AUTHORIZED BY THIS ACT FOR ANY
3 REASON OTHER THAN TO CALL FOR AN EMERGENCY RESPONSE SERVICE FROM
4 A PRIMARY PUBLIC SAFETY ANSWERING POINT.

5 (2) A PERSON WHO KNOWINGLY USES OR ATTEMPTS TO USE AN EMER-
6 GENCY TELEPHONE SERVICE FOR A PURPOSE OTHER THAN AUTHORIZED IN
7 SUBSECTION (1) IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISON-
8 MENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN
9 \$1,000.00, OR BOTH.

10 (3) A PERSON WHO VIOLATES SUBSECTION (2) AND HAS 1 OR MORE
11 PRIOR CONVICTIONS UNDER THIS SECTION IS GUILTY OF A FELONY PUN-
12 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF
13 NOT MORE THAN \$2,000.00, OR BOTH.

14 Enacting section 1. This amendatory act does not take
15 effect unless all of the following bills of the 89th Legislature
16 are enacted into law:

17 (a) Senate Bill No. 1009.

18

19 (b) Senate Bill No. ____ or House Bill No. ____ (request
20 no. 05646'98).

21 (c) House Bill No. 5289.

22 Enacting section 2. This amendatory act takes effect 120
23 days after the date this amendatory act is enacted.