

SENATE BILL NO. 492

(As amended by the Senate)

April 13, 1999, Introduced by Senator VAN REGENMORTER and referred to the Committee on Technology and Energy.

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) "Automatic location identification" or "ALI" means a
3 9-1-1 service feature ~~in which~~ PROVIDED BY the service supplier
4 THAT automatically ~~forwards~~ PROVIDES the name ~~or address~~
5 ~~, or both,~~ AND SERVICE ADDRESS OR, FOR A CMRS SERVICE
6 SUPPLIER, THE LOCATION associated with the calling party's telephone
7 ~~the~~ A 9-1-1 public safety answering point.

1 (b) "Automatic number identification" or "ANI" means a 9-1-1
2 service feature ~~in which~~ PROVIDED BY the service supplier THAT
3 automatically ~~forwards~~ PROVIDES the calling party's billing
4 telephone number to ~~the~~ A 9-1-1 public safety answering point.
5 ~~for display.~~

6 (c) "COMMERCIAL MOBILE RADIO SERVICE" OR "CMRS" MEANS COM-
7 Mercial mobile radio service regulated under section 3 of title I
8 and section 332 of title III of the Communications Act of 1934,
9 chapter 652, 48 Stat. 1064, 47 U.S.C. 153 and 332, and the rules
10 of the Federal Communications Commission or provided pursuant to
11 the Wireless Emergency Service Order. COMMERCIAL MOBILE RADIO
12 SERVICE OR CMRS INCLUDES ALL OF THE FOLLOWING:

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

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

19 (iii) A NETWORK RADIO ACCESS LINE.

20 (D) "CMRS CONNECTION" MEANS EACH NUMBER ASSIGNED TO A CMRS
21 CUSTOMER.

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

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

3 (F) "DATABASE SERVICE PROVIDER" MEANS A SERVICE SUPPLIER WHO
4 MAINTAINS AND SUPPLIES OR CONTRACTS TO MAINTAIN AND SUPPLY AN ALI
5 DATABASE OR A MSAG.

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

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

18 (I) "EMERGENCY SERVICE ZONE" OR "ESZ" MEANS THE DESIGNATION
19 ASSIGNED BY A COUNTY TO EACH STREET NAME AND ADDRESS RANGE THAT
20 IDENTIFIES WHICH EMERGENCY RESPONSE SERVICE IS RESPONSIBLE FOR
21 RESPONDING TO AN EXCHANGE ACCESS FACILITY'S PREMISES.

22

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

26 (K) ~~(f)~~ "Emergency telephone district" or "9-1-1 service
27 district" means the area in which 9-1-1 service is provided or is

1 planned to be provided to service users under a 9-1-1 system
2 implemented under this act.

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

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

13 Emergency telephone operational charge does not include non-PSAP
14 related costs such as response vehicles and other personnel.

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

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

1 include telephone pay station lines or WATS, FX, or incoming only
2 lines.

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

9 (Q) "MASTER STREET ADDRESS GUIDE" OR "MSAG" MEANS A PERPET-
10 UAL DATABASE THAT CONTAINS INFORMATION CONTINUOUSLY PROVIDED BY A
11 SERVICE DISTRICT THAT DEFINES THE GEOGRAPHIC AREA OF THE SERVICE
12 DISTRICT AND INCLUDES AN ALPHABETICAL LIST OF STREET NAMES, THE
13 RANGE OF ADDRESS NUMBERS ON EACH STREET, THE NAMES OF EACH COMMU-
14 NITY IN THE SERVICE DISTRICT, THE EMERGENCY SERVICE ZONE OF
15 EACH SERVICE USER, AND THE PRIMARY SERVICE ANSWERING POINT IDEN-
16 TIFICATION CODES.

17 (R) "OBLIGATIONS" MEANS BONDS, NOTES, INSTALLMENT PURCHASE
18 CONTRACTS, OR LEASE PURCHASE AGREEMENTS TO BE ISSUED BY A PUBLIC
19 AGENCY UNDER A LAW OF THIS STATE.

20 (S) ~~(i)~~ "Person" means an individual, corporation, part-
21 nership, association, governmental entity, or any other legal
22 entity.

23 (T) ~~(m)~~ "Primary public safety answering point", "PSAP",
24 or "primary PSAP" means a communications facility operated or
25 answered on a 24-hour basis assigned responsibility by a public
26 agency or county to receive 9-1-1 calls and to dispatch public
27 safety response services, as appropriate, by the direct dispatch

1 method, relay method, or transfer method. It is the first point
2 of reception by a public safety agency of a 9-1-1 call and serves
3 the jurisdictions in which it is located and other participating
4 jurisdictions, if any.

5 (U) ~~(n)~~ "Prime rate" means the average predominant prime
6 rate quoted by not less than 3 commercial financial institutions
7 as determined by the department of treasury.

8 (V) ~~(o)~~ "Private safety entity" means a nongovernmental
9 organization that provides emergency fire, ambulance, or medical
10 services.

11 (W) ~~(p)~~ "Public agency" means a village, township, charter
12 township, or city within the state and any special purpose dis-
13 trict located in whole or in part within the state.

14 (X) ~~(q)~~ "Public safety agency" means a functional division
15 of a public agency, county, or the state that provides fire
16 fighting, law enforcement, ambulance, medical, or other emergency
17 services.

18 (Y) "QUALIFIED OBLIGATIONS" MEANS OBLIGATIONS THAT MEET 1 OR
19 MORE OF THE FOLLOWING:

20 (i) THE PROCEEDS OF THE OBLIGATIONS BENEFIT THE 9-1-1 DIS-
21 TRICT, AND FOR WHICH ALL OF THE FOLLOWING CONDITIONS ARE MET:

22 (A) THE PROCEEDS OF THE OBLIGATIONS ARE USED FOR CAPITAL
23 EXPENDITURES, COSTS OF A RESERVE FUND SECURING THE OBLIGATIONS,
24 AND COSTS OF ISSUING THE OBLIGATIONS. THE PROCEEDS OF OBLIGA-
25 TIONS SHALL NOT BE USED FOR OPERATIONAL EXPENSES.

26 (B) THE WEIGHTED AVERAGE MATURITY OF THE OBLIGATIONS DOES
27 NOT EXCEED THE USEFUL LIFE OF THE CAPITAL ASSETS.

1 (C) THE OBLIGATIONS SHALL NOT IN WHOLE OR IN PART APPRECIATE
2 IN PRINCIPAL AMOUNT OR BE SOLD AT A DISCOUNT OF MORE THAN 10%.

3 (ii) THE OBLIGATIONS ARE ISSUED TO REFUND OBLIGATIONS THAT
4 MEET THE CONDITIONS DESCRIBED IN SUBPARAGRAPH (i) AND THE NET
5 PRESENT VALUE OF THE PRINCIPAL AND INTEREST TO BE PAID ON THE
6 REFUNDING OBLIGATIONS, EXCLUDING THE COST OF ISSUANCE, WILL BE
7 LESS THAN THE NET PRESENT VALUE OF THE PRINCIPAL AND INTEREST TO
8 BE PAID ON THE OBLIGATIONS BEING REFUNDED, AS CALCULATED USING A
9 METHOD APPROVED BY THE DEPARTMENT OF TREASURY.

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

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

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

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

1 (DD) ~~(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 (EE) ~~(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 (FF) ~~(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 an available emer-
11 gency service unit located closest to the request for emergency
12 service for dispatch of an emergency service unit.

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

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

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

23 Sec. 303. (1) To establish an emergency telephone district
24 and to cause 9-1-1 service to be implemented within ~~such~~ THAT
25 emergency telephone district, the board of commissioners of a
26 county shall first adopt a tentative 9-1-1 service plan by
27 resolution.

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

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

6 (b) Operational considerations, including but not limited
7 to, the designation of PSAPs and secondary PSAPs, the manner in
8 which 9-1-1 calls will be processed, the dispatch functions to be
9 performed, plans for documenting closest public safety service
10 unit dispatching requirements, the dispatch of Michigan state
11 police personnel, and identifying information systems to be
12 utilized.

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

16 (d) Fiscal considerations including projected nonrecurring
17 and recurring costs with a financial plan for implementing and
18 operating the system.

19 (3) The tentative 9-1-1 service plan shall require each
20 public agency operating a PSAP under the 9-1-1 system to pay
21 directly for all installation and recurring charges for terminal
22 equipment, including customer premises equipment, associated with
23 the public agency's PSAP, and may require each public agency
24 operating a PSAP under the 9-1-1 system to pay directly to the
25 service supplier all installation and recurring charges for all
26 9-1-1 exchange and tie lines associated with the public agency's
27 PSAP.

1 Sec. 316. (1) EXCEPT FOR A CMRS SUPPLIER, A SERVICE
2 SUPPLIER SHALL PROVIDE TO A 9-1-1 DATABASE SERVICE PROVIDER ACCU-
3 RATE DATABASE INFORMATION, INCLUDING THE NAME, SERVICE ADDRESS ,
4 AND TELEPHONE NUMBER OF EACH USER, IN A FORMAT ESTABLISHED AND
5 DISTRIBUTED BY THAT DATABASE SERVICE PROVIDER. THE INFORMATION
6 SHALL BE PROVIDED TO THE 9-1-1 DATABASE SERVICE PROVIDER WITHIN
7 THE FOLLOWING TIME PERIODS:

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

10 (B) WITHIN 1 BUSINESS DAY AFTER RECEIVING DATABASE INFORMA-
11 TION FROM A SERVICE SUPPLIER OR SERVICE DISTRICT.

12 (2) ~~If~~ EXCEPT FOR A CMRS SUPPLIER, IF AN ALI is not
13 offered by the service supplier with the 9-1-1 system and the
14 9-1-1 system requires ~~such~~ THAT information, a service supplier
15 shall provide current customer telephone numbers and service
16 addresses to each PSAP and secondary PSAP within the 9-1-1 system
17 and shall periodically update customer telephone numbers and
18 service addresses and provide such information to each PSAP and
19 secondary PSAP within the 9-1-1 system. The 9-1-1 service dis-
20 trict shall determine the period within which the service sup-
21 plier shall update customer telephone numbers and service
22 addresses. Expenses incurred in providing this information shall
23 be included in the price of the system. Private listing service
24 customers in a 9-1-1 service district shall waive the privacy
25 afforded by nonlisted and nonpublished numbers to the extent that
26 the name and address associated with the telephone number may be
27 furnished to the 9-1-1 system.

1 (3) A SERVICE DISTRICT SHALL NOTIFY THE SERVICE SUPPLIER OR
2 THE DATABASE PROVIDER WITHIN 1 BUSINESS DAY OF ANY ADDRESS THAT
3 COMES TO THE SERVICE DISTRICT'S ATTENTION THAT DOES NOT MATCH THE
4 MASTER STREET ADDRESS GUIDE.

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

8 Sec. 601. (1) ~~The~~ EXCEPT FOR A COMMERCIAL MOBILE RADIO
9 SERVICE, THE public service commission, ~~the department of man-~~
10 ~~agement and budget,~~ and the emergency telephone service commit-
11 tee created in section ~~702~~ 712, upon request by a service sup-
12 plier, county, public agency, or public service agency, shall
13 provide, to the extent possible, technical assistance regarding
14 the formulation or implementation, or both, of a 9-1-1 service
15 plan and assistance in resolving ~~disputes~~ A DISPUTE between or
16 among A service ~~suppliers~~ SUPPLIER, ~~counties~~ COUNTY, public
17 ~~agencies~~ AGENCY, or public safety ~~agencies~~ AGENCY regarding
18 their respective rights and duties under this act.

19 (2) ~~A~~ EXCEPT FOR A COMMERCIAL MOBILE RADIO SERVICE SUPPLI-
20 ER, A service supplier, county, public agency, public service
21 agency, or a combination of those entities that has a dispute
22 with another arising from the formulation or implementation, or
23 both, of a 9-1-1 service plan shall request assistance from the
24 public service commission ~~, the department of management and~~
25 ~~budget,~~ and the emergency telephone service committee in resolv-
26 ing the dispute.

1 (3) UPON THE REQUEST OF A CMRS SUPPLIER, COUNTY, PUBLIC
2 AGENCY, OR PUBLIC SERVICE AGENCY, THE EMERGENCY TELEPHONE SERVICE
3 COMMITTEE SHALL, TO THE EXTENT POSSIBLE, PROVIDE TECHNICAL
4 ASSISTANCE IN FORMULATING AND IMPLEMENTING A 9-1-1 SERVICE PLAN.
5 THE EMERGENCY TELEPHONE SERVICE COMMITTEE SHALL ALSO PROVIDE
6 ASSISTANCE IN RESOLVING A DISPUTE BETWEEN OR AMONG A CMRS SUPPLI-
7 ER, COUNTY, PUBLIC AGENCY, OR PUBLIC SERVICE AGENCY REGARDING
8 THEIR RESPECTIVE RIGHTS AND DUTIES UNDER THIS ACT.

9 (4) A CMRS SUPPLIER, COUNTY, PUBLIC AGENCY, OR PUBLIC SERV-
10 ICE AGENCY OR A COMBINATION OF THOSE ENTITIES THAT HAS A DISPUTE
11 WITH ANOTHER OF THOSE ENTITIES, ARISING FROM THE FORMULATION OR
12 IMPLEMENTATION, OR BOTH, OF A 9-1-1 SERVICE PLAN, SHALL REQUEST
13 ASSISTANCE FROM THE EMERGENCY TELEPHONE SERVICE COMMITTEE
14 APPOINTED PURSUANT TO SECTION 410 IN RESOLVING THE DISPUTE.

15 Sec. 602. ~~A~~ EXCEPT FOR COMMERCIAL MOBILE RADIO SERVICE, A
16 dispute between or among 1 or more service suppliers, counties,
17 public agencies, public service agencies, or any combination of
18 those entities regarding their respective rights and duties under
19 this act shall be heard as a contested case before the public
20 service commission as provided in the administrative procedures
21 act of 1969, ~~Act No. 306 of the Public Acts of 1969, being sec-~~
22 ~~tions 24.201 to 24.328 of the Michigan Compiled Laws~~ 1969 PA
23 306, MCL 24.201 TO 24.328.

24 Sec. 604. ~~Other than~~ EXCEPT for pro rata charges for the
25 service during a period when the service may be fully or par-
26 tially inoperative, a service supplier, public agency, PSAP, or
27 an officer, agent, or employee of any service supplier, public

1 agency, or PSAP, or an owner or lessee of a pay station telephone
2 shall not be liable for civil damages to any person as a result
3 of an act or omission on the part of the service supplier, public
4 agency, PSAP, or an officer, agent, or employee of any service
5 supplier, public agency, or PSAP, or an owner or lessee in com-
6 plying with any provision of this act, unless the act or omission
7 amounts to A CRIMINAL ACT OR TO gross negligence or willful and
8 wanton misconduct.

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

13 (2) A PERSON WHO KNOWINGLY USES OR ATTEMPTS TO USE AN EMER-
14 GENCY TELEPHONE SERVICE FOR A PURPOSE OTHER THAN AUTHORIZED IN
15 SUBSECTION (1) IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISON-
16 MENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN
17 \$1,000.00, OR BOTH.

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

22 (4) THIS SECTION DOES NOT APPLY TO A PERSON WHO CALLS A
23 PUBLIC SAFETY ANSWERING POINT TO REPORT A CRIME OR SEEK ASSIST-
24 ANCE THAT IS NOT AN EMERGENCY UNLESS THE CALL IS REPEATED AFTER
25 THE PERSON IS TOLD TO CALL A DIFFERENT NUMBER.

1 Enacting section 1. This amendatory act does not take
2 effect unless all of the following bills of the 90th Legislature
3 are enacted into law:

4 (a) House Bill No. 4658.

5

6 (b) House Bill No. 4659.

7

8 (c) Senate Bill No. 493.

9

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

12 Enacting section 3. This amendatory act shall not be con-
13 strued to affect any cause of action pending in any court of this
14 state before the effective date of this enacting section.