

Act No. 80
Public Acts of 1999
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STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 1999

Introduced by Senator Van Regenmorter

ENROLLED SENATE BILL No. 492

AN ACT to amend 1986 PA 32, entitled "An act to provide for the establishment of emergency telephone districts; to provide for the installation, operation, modification, and maintenance of universal emergency number service systems; to provide for the imposition and collection of certain charges; to provide the powers and duties of certain state agencies, local units of government, public officers, telephone service suppliers, and others; to create an emergency telephone service committee; to provide remedies; to provide penalties; and to repeal certain parts of this act on specific dates," 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:

Sec. 102. As used in this act:

(a) "Automatic location identification" or "ALI" means a 9-1-1 service feature provided by the service supplier that automatically provides the name and service address or, for a CMRS service supplier, the location associated with the calling party's telephone number as identified by automatic number identification to a 9-1-1 public safety answering point.

(b) "Automatic number identification" or "ANI" means a 9-1-1 service feature provided by the service supplier that automatically provides the calling party's billing telephone number to a 9-1-1 public safety answering point.

(c) "Commercial mobile radio service" or "CMRS" means commercial mobile radio service regulated under section 3 of title I and section 332 of title III of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 153 and 332, and the rules of the federal communications commission or provided pursuant to the wireless emergency service order. Commercial mobile radio service or CMRS includes all of the following:

(i) A wireless 2-way communication device, including a radio telephone used in cellular telephone service or personal communication service.

(ii) A functional equivalent of a radio telephone communications line used in cellular telephone service or personal communication service.

(iii) A network radio access line.

(d) "CMRS connection" means each number assigned to a CMRS customer.

(e) "Consolidated dispatch" means a countywide or regional emergency dispatch service that provides dispatch service for 75% or more of the law enforcement, fire fighting, emergency medical service, and other emergency service agencies within the geographical area of a 9-1-1 service district or serves 75% or more of the population within a 9-1-1 service district.

(f) “Database service provider” means a service supplier who maintains and supplies or contracts to maintain and supply an ALI database or a MSAG.

(g) “Direct dispatch method” means that the agency receiving the 9-1-1 call at the public safety answering point decides on the proper action to be taken and dispatches the appropriate available public safety service unit located closest to the request for public safety service.

(h) “Emergency response service” or “ERS” means a public or private agency that responds to events or situations that are dangerous or that are considered by a member of the public to threaten the public safety. An emergency response service includes a police or fire department, an ambulance service, or any other public or private entity trained and able to alleviate a dangerous or threatening situation.

(i) “Emergency service zone” or “ESZ” means the designation assigned by a county to each street name and address range that identifies which emergency response service is responsible for responding to an exchange access facility’s premises.

(j) “Emergency telephone charge” means emergency telephone operational charge and emergency telephone technical charge.

(k) “Emergency telephone district” or “9-1-1 service district” means the area in which 9-1-1 service is provided or is planned to be provided to service users under a 9-1-1 system implemented under this act.

(l) “Emergency telephone district board” means the governing body created by the board of commissioners of the county or counties with authority over an emergency telephone district.

(m) “Emergency telephone operational charge” means a charge for nonnetwork technical equipment and other costs directly related to the dispatch facility and the operation of 1 or more PSAPs including, but not limited to, the costs of dispatch personnel and radio equipment necessary to provide 2-way communication between PSAPs and a public safety agency. Emergency telephone operational charge does not include non-PSAP related costs such as response vehicles and other personnel.

(n) “Emergency telephone technical charge” means a charge for the network start-up costs, customer notification costs, billing costs including an allowance for uncollectibles for technical and operational charges, and network nonrecurring and recurring installation, maintenance, service, and equipment charges of a service supplier providing 9-1-1 service under this act.

(o) “Exchange access facility” means the access from a particular service user’s premises to the telephone system. Exchange access facilities include service supplier provided access lines, PBX trunks, and centrex line trunk equivalents, all as defined by tariffs of the service suppliers as approved by the public service commission. Exchange access facilities do not include telephone pay station lines or WATS, FX, or incoming only lines.

(p) “Final 9-1-1 service plan” means a tentative 9-1-1 service plan that has been modified only to reflect necessary changes resulting from any exclusions of public agencies from the 9-1-1 service district of the tentative 9-1-1 service plan under section 306 and any failure of public safety agencies to be designated as PSAPs or secondary PSAPs under section 307.

(q) “Master street address guide” or “MSAG” means a perpetual database that contains information continuously provided by a service district that defines the geographic area of the service district and includes an alphabetical list of street names, the range of address numbers on each street, the names of each community in the service district, the emergency service zone of each service user, and the primary service answering point identification codes.

(r) “Obligations” means bonds, notes, installment purchase contracts, or lease purchase agreements to be issued by a public agency under a law of this state.

(s) “Person” means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

(t) “Primary public safety answering point”, “PSAP”, or “primary PSAP” means a communications facility operated or answered on a 24-hour basis assigned responsibility by a public agency or county to receive 9-1-1 calls and to dispatch public safety response services, as appropriate, by the direct dispatch method, relay method, or transfer method. It is the first point of reception by a public safety agency of a 9-1-1 call and serves the jurisdictions in which it is located and other participating jurisdictions, if any.

(u) “Prime rate” means the average predominant prime rate quoted by not less than 3 commercial financial institutions as determined by the department of treasury.

(v) “Private safety entity” means a nongovernmental organization that provides emergency fire, ambulance, or medical services.

(w) “Public agency” means a village, township, charter township, or city within the state and any special purpose district located in whole or in part within the state.

(x) “Public safety agency” means a functional division of a public agency, county, or the state that provides fire fighting, law enforcement, ambulance, medical, or other emergency services.

(y) "Qualified obligations" means obligations that meet 1 or more of the following:

(i) The proceeds of the obligations benefit the 9-1-1 district, and for which all of the following conditions are met:

(A) The proceeds of the obligations are used for capital expenditures, costs of a reserve fund securing the obligations, and costs of issuing the obligations. The proceeds of obligations shall not be used for operational expenses.

(B) The weighted average maturity of the obligations does not exceed the useful life of the capital assets.

(C) The obligations shall not in whole or in part appreciate in principal amount or be sold at a discount of more than 10%.

(ii) The obligations are issued to refund obligations that meet the conditions described in subparagraph (i) and the net present value of the principal and interest to be paid on the refunding obligations, excluding the cost of issuance, will be less than the net present value of the principal and interest to be paid on the obligations being refunded, as calculated using a method approved by the department of treasury.

(z) "Relay method" means that a PSAP notes pertinent information and relays it by telephone, radio, or private line to the appropriate public safety agency or other provider of emergency services that has an available emergency service unit located closest to the request for emergency service for dispatch of an emergency service unit.

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

(bb) "Service supplier" means a person providing a telephone service or a CMRS to a service user in this state.

(cc) "Service user" means an exchange access facility or CMRS service customer of a service supplier within a 9-1-1 system.

(dd) "Tariff" means the rate approved by the public service commission for 9-1-1 service provided by a particular service supplier. Tariff does not include a rate of a commercial mobile radio service by a particular supplier.

(ee) "Tentative 9-1-1 service plan" means a plan prepared by 1 or more counties for implementing a 9-1-1 system in a specified 9-1-1 service district.

(ff) "Transfer method" means that a PSAP transfers the 9-1-1 call directly to the appropriate public safety agency or other provider of emergency service that has an available emergency service unit located closest to the request for emergency service for dispatch of an emergency service unit.

(gg) "Universal emergency number service" or "9-1-1 service" means public telephone service that provides service users with the ability to reach a public safety answering point by dialing the digits "9-1-1".

(hh) "Universal emergency number service system" or "9-1-1 system" means a system for providing 9-1-1 service under this act.

(ii) "Wireless emergency service order" means the order of the federal communications commission, FCC docket No. 94-102, adopted June 12, 1996 with an effective date of October 1, 1996.

Sec. 303. (1) To establish an emergency telephone district and to cause 9-1-1 service to be implemented within that emergency telephone district, the board of commissioners of a county shall first adopt a tentative 9-1-1 service plan by resolution.

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

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

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

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

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

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

Sec. 316. (1) Except for a CMRS supplier, a service supplier shall provide to a 9-1-1 database service provider accurate database information, including the name, service address, and telephone number of each user, in a format

established and distributed by that database service provider. The information shall be provided to the 9-1-1 database service provider within the following time periods:

- (a) Within 1 business day after the initiation of service or the processing of a service order change.
- (b) Within 1 business day after receiving database information from a service supplier or service district.

(2) Except for a CMRS supplier, if an ALI is not offered by the service supplier with the 9-1-1 system and the 9-1-1 system requires that information, a service supplier shall provide current customer telephone numbers and service addresses to each PSAP and secondary PSAP within the 9-1-1 system and shall periodically update customer telephone numbers and service addresses and provide such information to each PSAP and secondary PSAP within the 9-1-1 system. The 9-1-1 service district shall determine the period within which the service supplier shall update customer telephone numbers and service addresses. Expenses incurred in providing this information shall be included in the price of the system. Private listing service customers in a 9-1-1 service district shall waive the privacy afforded by nonlisted and nonpublished numbers to the extent that the name and address associated with the telephone number may be furnished to the 9-1-1 system.

(3) A service district shall notify the service supplier or the database provider within 1 business day of any address that comes to the service district's attention that does not match the master street address guide.

(4) A CMRS supplier shall provide accurate database information for the ANI and the ALI to the 9-1-1 database service provider that complies with the wireless emergency service order.

Sec. 601. (1) Except for a commercial mobile radio service, the public service commission, and the emergency telephone service committee created in section 712, upon request by a service supplier, county, public agency, or public service agency, shall provide, to the extent possible, technical assistance regarding the formulation or implementation, or both, of a 9-1-1 service plan and assistance in resolving a dispute between or among a service supplier, county, public agency, or public safety agency regarding their respective rights and duties under this act.

(2) Except for a commercial mobile radio service supplier, a service supplier, county, public agency, public service agency, or a combination of those entities that has a dispute with another arising from the formulation or implementation, or both, of a 9-1-1 service plan shall request assistance from the public service commission and the emergency telephone service committee in resolving the dispute.

(3) Upon the request of a CMRS supplier, county, public agency, or public service agency, the emergency telephone service committee shall, to the extent possible, provide technical assistance in formulating and implementing a 9-1-1 service plan. The emergency telephone service committee shall also provide assistance in resolving a dispute between or among a CMRS supplier, county, public agency, or public service agency regarding their respective rights and duties under this act.

(4) A CMRS supplier, county, public agency, or public service agency or a combination of those entities that has a dispute with another of those entities, arising from the formulation or implementation, or both, of a 9-1-1 service plan, shall request assistance from the emergency telephone service committee appointed pursuant to section 410 in resolving the dispute.

Sec. 602. Except for commercial mobile radio service, a dispute between or among 1 or more service suppliers, counties, public agencies, public service agencies, or any combination of those entities regarding their respective rights and duties under this act shall be heard as a contested case before the public service commission as provided in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

Sec. 604. Except for pro rata charges for the service during a period when the service may be fully or partially inoperative, a service supplier, public agency, PSAP, or an officer, agent, or employee of any service supplier, public agency, or PSAP, or an owner or lessee of a pay station telephone shall not be liable for civil damages to any person as a result of an act or omission on the part of the service supplier, public agency, PSAP, or an officer, agent, or employee of any service supplier, public agency, or PSAP, or an owner or lessee in complying with any provision of this act, unless the act or omission amounts to a criminal act or to gross negligence or willful and wanton misconduct.

Sec. 605. (1) A person shall not use an emergency telephone service or an emergency CMRS authorized by this act for any reason other than to call for an emergency response service from a primary public safety answering point.

(2) A person who knowingly uses or attempts to use an emergency telephone service for a purpose other than authorized in subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both.

(3) A person who violates subsection (2) and has 1 or more prior convictions under this section is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(4) This section does not apply to a person who calls a public safety answering point to report a crime or seek assistance that is not an emergency unless the call is repeated after the person is told to call a different number.

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

- (a) House Bill No. 4658.
- (b) House Bill No. 4659.
- (c) Senate Bill No. 493.

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

Enacting section 3. This amendatory act shall not be construed to affect any cause of action pending in any court of this state before the effective date of this enacting section.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Sam E. Randall

Clerk of the House of Representatives.

Approved _____

Governor.