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Senate Bill 1267 (as enrolled)
Sponsor: Senator Jud Gilbert, II
Senate Committee: Technology and Energy
House Committee: Energy and Technology

Date Completed: 12-22-04

RATIONALE

The public depends on local officials to give warning of emergencies and provide information about safety measures that should be taken. Although announcements often are made via television or radio, people who are not watching television or listening to the radio at that particular moment might not be informed. During an emergency, people often call 9-1-1 to get timely medical treatment, be transported to a hospital, or obtain other assistance. It has been suggested that a "reverse 9-1-1" system should be established to allow 9-1-1 service districts to obtain customers' telephone numbers from telephone service providers, in order to notify residents of an impending emergency and instruct them in taking further action.

CONTENT

The bill would amend the Emergency Telephone Service Enabling Act to allow a 9-1-1 service district to implement an emergency notification system that would allow emergency service responders to contact service users within a specific geographic area regarding an imminent danger or emergency that could affect the users' health, safety, or welfare.

Upon request, a telephone service supplier would have to provide each 9-1-1 service district within the provider's service area with the telephone number and address data, including all listed, unlisted, and unpublished numbers, for each service user within the district. A service supplier could charge a reasonable rate to provide the data. A 9-1-1 service district could not request the data more than once per month.

The data could be used only for the purposes provided in the bill.

Currently, a 9-1-1 system agency, its agents, or its employees may not use or disclose a caller's name, address, or telephone number information for any purpose except to identify the caller's telephone location or identity, unless the information is used or disclosed pursuant to a court order. Under the bill, personal information also could be used or disclosed as otherwise required under the Act, to a member of a public safety agency if necessary to respond to events or situations that were dangerous or threatened individual and public safety.

A person who violated the bill's provisions would be guilty of a misdemeanor. (Under the Michigan Penal Code, if a person is convicted of a misdemeanor for which no punishment is specified in statute, the person may be punished by imprisonment for up to 90 days and/or a maximum fine of \$500.)

The bill would not apply to a wireless carrier, which the bill would define as "a provider of 2-way cellular, broadband PCS (personal communications service), geographic area 800 MHz [megahertz] and 900 MHz commercial mobile radio service, wireless communications service, or other commercial mobile radio service as defined in 47 CFR 20.3, that offers radio communications that may provide fixed, mobile, radio location, or satellite communication services to individuals or businesses within its assigned spectrum block and geographical area or that offers real-time, 2-way voice or data service that is

interconnected with the public switched network, including a reseller of the service”.

(Under the code of Federal Regulations, 47 CFR 20.3, a “commercial mobile radio service” is a mobile service that is an interconnected service, provided for profit, and available to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public; or the functional equivalent of such a mobile service.)

MCL 484.1317 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would provide an efficient way to contact residents during an emergency and provide the information they need to keep themselves safe. In addition to the public safety threats posed by the tornados and winter storms that occur in Michigan every year, the State’s shared border with Canada presents numerous opportunities for manmade disasters about which the public must be notified. One of the largest chemical complexes in North America is located in Canada, just 300 yards from St. Clair County. Every day, 46 million pounds of hazardous material are transported through the county. Furthermore, various pipelines carrying gas, oil, and other potential toxins run between the two countries. The bill would facilitate public notice of spills and contamination. Additionally, the bill would allow emergency response personnel to obtain a customer’s address, enabling them to intervene in crises on a smaller scale, such as a situation in which an individual was threatening to commit suicide.

In any emergency, particularly in rural areas, time is critical. The proposed “reverse 9-1-1” system would be automated and could place outgoing calls to hundreds of households at once. This concept is the basis for the AMBER Alert system, in which residents are contacted for assistance in locating missing children. The bill could save lives by enabling public officials to notify residents quickly, and instruct them to

take action, such as finding cover or evacuating the area.

Opposing Argument

Although the concept behind the bill is worthwhile, there are some concerns that should be addressed. First, many people do not have land lines and use only cellular phones, which would be exempt under the bill. Second, the bill would allow a telephone company to charge 9-1-1 service districts a reasonable fee for access to their customers’ information, but does not specify what “reasonable” would mean. Third, the bill would prohibit a 9-1-1 service district from requesting the information more than once per month. It is conceivable, however, that emergencies could arise more frequently, particularly during tornado season. The ability of a local 9-1-1 communications center to handle a large volume of outgoing calls also is a concern. Furthermore, appropriate safeguards should be put in place to protect the privacy of customers’ personal information. Perhaps the situations in which the system could be used should be limited to those that are life-threatening, or the violation should be increased from a misdemeanor to a felony to deter improper use of the information.

Response: Wireless companies would be exempt from the bill’s provisions because they currently do not have the technology to participate. The bill does not specify what a “reasonable” fee is, because that would be determined by the market through negotiations between 9-1-1 service districts and telephone companies. A 9-1-1 communications center typically would not be overloaded by the number of outgoing calls necessary in an emergency that was limited to a few miles in scope. If the emergency affected a larger area, the 9-1-1 service district could pay an outside provider to make the calls. Also, although the potential for misuse is present in any situation involving the storage of personal information, it would unlikely be a significant concern in the context of the bill. Public servants should be extended the same level of trust in using the information appropriately as granted to the telephone company employees who already have access to thousands of names and addresses.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. The bill would allow a service provider to charge a reasonable rate for providing telephone and address data upon request. Whether a service provider would charge a 9-1-1 service district for this information, and at what cost if it chose to do so, cannot be determined at this time.

There are no data to indicate how many offenders would be convicted of the proposed misdemeanor. Local units of government would incur any additional criminal justice costs. Public libraries would benefit from any additional penal fine revenue.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.