

SENATE BILL NO. 487—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF ATTORNEY GENERAL)

MARCH 18, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to provision of telecommunication services.
(BDR 58-300)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to telecommunications; requiring the department of human resources to provide certain providers of telecommunication services with information concerning customers who are eligible to receive lifeline and link up services; regulating the provision of such services to eligible customers; providing for the establishment of a statewide emergency enhanced 911 system; creating the section for emergency telecommunication services within the bureau of consumer protection in the office of the attorney general and prescribing its duties; creating an account for the emergency enhanced 911 system; providing civil penalties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 707 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 36, inclusive, of this act.

3 **Sec. 2.** *As used in sections 2 to 10, inclusive, of this act, the words*
4 *and terms defined in sections 3 to 7, inclusive, of this act, have the*
5 *meanings ascribed to them in those sections.*

6 **Sec. 3.** *“Department” means the department of human resources.*

7 **Sec. 4.** *“Eligible customer” means a customer who is eligible to*
8 *receive lifeline or link up services.*

9 **Sec. 5.** *“Eligible provider” means a provider of telecommunication*
10 *services that has been designated as an eligible telecommunications*
11 *carrier by the public utilities commission of Nevada to receive universal*

1 service support pursuant to 47 U.S.C. § 214, as that section existed on
2 January 1, 1999.

3 **Sec. 6.** "Lifeline" has the meaning ascribed to it in 47 C.F.R. §
4 54.401(a), as that section existed on January 1, 1999.

5 **Sec. 7.** "Link up" has the meaning ascribed to it in 47 C.F.R. §
6 54.411(a), as that section existed on January 1, 1999.

7 **Sec. 8. 1.** The department shall provide to each eligible provider a
8 list of eligible customers, as determined by criteria adopted by the public
9 utilities commission of Nevada or the Federal Communications
10 Commission, as appropriate, who are located within the service area of
11 the eligible provider. The list must include:

12 (a) The name and address of each eligible customer; and

13 (b) If applicable, the telephone number of each eligible customer.

14 **2.** Every 6 months the department shall provide to each eligible
15 provider an updated list of the eligible customers in this state.

16 **3.** The department may adopt such regulations as are necessary to
17 coordinate the acquisition and provision of the information required to
18 be provided pursuant to this section.

19 **Sec. 9. 1.** An eligible provider, within 7 days after determining that
20 a person located in its service area is an eligible customer, shall notify
21 the eligible customer that he will receive lifeline or link up services, or
22 both, unless he specifically declines to receive the services. The
23 notification must include:

24 (a) Information about the lifeline and link up services, including,
25 without limitation, the date on which the services will begin and any
26 options or responsibilities that the eligible customer may have related to
27 the receipt of those services;

28 (b) A self-addressed, postage paid response card which the eligible
29 customer must return to the eligible provider to decline the services; and

30 (c) A statement that the eligible provider will automatically provide
31 lifeline or link up services, or both, to the eligible customer unless the
32 eligible customer declines the services by timely returning to the eligible
33 provider the response card included with the notification.

34 **2.** To decline lifeline or link up services, an eligible customer must
35 return the response card included in the notification provided pursuant
36 to subsection 1 to the eligible provider not later than 10 days before the
37 date on which the services are scheduled to begin.

38 **3.** An eligible provider shall begin billing an eligible customer for
39 lifeline or link up services, or both, not later than 60 days after the date
40 on which the eligible provider receives the list of eligible customers from
41 the department which includes the eligible customer, if the eligible
42 customer has not declined the services.

1 **4.** *An eligible provider shall continue providing lifeline services to an*
2 *eligible customer for as long as he continues to receive*
3 *telecommunication services from the eligible provider until the customer*
4 *or the department notifies the provider that the customer is no longer*
5 *eligible for the program. The eligible provider shall discontinue*
6 *providing lifeline services to an eligible customer if the eligible customer*
7 *notifies the eligible provider in writing that he wishes to discontinue*
8 *receiving those services.*

9 **Sec. 10.** *1. The reduction in the telephone rates provided by lifeline*
10 *or link up services applies only to:*

11 *(a) Residential flat rate basic local exchange service;*

12 *(b) Residential local exchange access service;*

13 *(c) Residential local calling area service; and*

14 *(d) Residential service connection charges.*

15 **2.** *The reduced rate for residential local exchange access service,*
16 *when combined with the reduced rate for residential local calling area*
17 *service, must not exceed the comparable reduced rate for residential flat*
18 *rate basic local exchange service.*

19 **Sec. 11.** *As used in sections 11 to 36, inclusive, of this act, the words*
20 *and terms defined in sections 12 to 25, inclusive, of this act, have the*
21 *meanings ascribed to them in those sections.*

22 **Sec. 12.** *“Automatic location identification” means an enhanced*
23 *911 feature that enables the automatic display of information defining*
24 *the geographical location of the telephone used to place a 911 telephone*
25 *call.*

26 **Sec. 13.** *“Automatic number identification” means an enhanced 911*
27 *feature that enables the automatic display of the seven-digit number of*
28 *the telephone used to place a 911 telephone call.*

29 **Sec. 14.** *“County 911 coordinator” means the county 911*
30 *coordinator appointed pursuant to section 28 of this act.*

31 **Sec. 15.** *“Emergency enhanced 911 system” means the enhanced*
32 *911 network developed in accordance with sections 11 to 36, inclusive, of*
33 *this act.*

34 **Sec. 16.** *“Enhanced 911 network” means the switching equipment,*
35 *trunk system, operation of databases and connections that allow a 911*
36 *telephone call to be routed to the appropriate public safety answering*
37 *point.*

38 **Sec. 17.** *“Enhanced 911 network feature” means a feature of*
39 *selective routing that has the capability of automatic number*
40 *identification and automatic location identification.*

41 **Sec. 18.** *“Enhanced 911 service” means a service consisting of*
42 *telephone network features and public safety answering points provided*
43 *for persons using the public telephone system to reach the appropriate*

1 *public service answering point by dialing the digits 9-1-1, by using*
2 *selective routing based on the location from which the call originated,*
3 *automatic number identification and automatic location identification.*

4 **Sec. 19.** *“Master street address guide database” means a database of*
5 *street names and addresses or names of locations within and associated*
6 *with a county or municipality that defines the zones for emergency*
7 *services and their associated emergency services numbers to enable*
8 *proper routing of 911 telephone calls.*

9 **Sec. 20.** *“Public safety agency” means a division of a municipality,*
10 *a county or this state that dispatches or provides law enforcement, fire*
11 *fighting, emergency medical services or any other emergency services.*

12 **Sec. 21.** *“Public safety answering point” means a facility, operated*
13 *24 hours a day, 7 days a week, that is responsible for receiving 911*
14 *telephone calls and directly dispatching emergency response services, or*
15 *transferring or relaying 911 telephone calls to other public safety*
16 *agencies. A public safety answering point is the first point of reception by*
17 *a public safety agency of 911 telephone calls and serves the jurisdiction*
18 *in which it is located and other participating jurisdictions.*

19 **Sec. 22.** *“Section for emergency telecommunication services” means*
20 *the section for emergency telecommunication services established*
21 *pursuant to section 26 of this act.*

22 **Sec. 23.** *“Selective routing” means the method by which 911*
23 *emergency telephone calls are directed to the appropriate public safety*
24 *answering point based on the geographical location from which the call*
25 *originated.*

26 **Sec. 24.** *“State plan” means the state plan for the emergency*
27 *enhanced 911 system in this state established by the section for*
28 *emergency telecommunication services pursuant to section 26 of this act.*

29 **Sec. 25.** *“Telephone company” means the organization that provides*
30 *switched access service to a local telephone exchange in this state.*

31 **Sec. 26.** 1. *There is hereby established a section for emergency*
32 *telecommunication services within the bureau of consumer protection in*
33 *the office of the attorney general.*

34 2. *The attorney general shall appoint an administrator of the section*
35 *for emergency telecommunication services. The administrator must be*
36 *qualified by training and experience to direct the work of the section for*
37 *emergency telecommunication services. The administrator shall*
38 *administer the provisions of sections 11 to 36, inclusive, of this act, and*
39 *shall perform such other duties as may be provided by law.*

40 3. *The section for emergency telecommunication services shall, in*
41 *consultation with the telephone companies operating in this state and the*
42 *public utilities commission of Nevada, and with the assistance of the*
43 *department of information technology and the department of motor*

1 vehicles and public safety plan, develop, carry out and coordinate a
2 statewide emergency enhanced 911 system. The section for emergency
3 telecommunication services shall establish a state plan for the emergency
4 enhanced 911 system in this state. The state plan must include:

5 (a) The configuration of, and requirements for, any network
6 required to support management services needed for databases relating
7 to an enhanced 911 network. The section for emergency
8 telecommunication services may enter into contracts for the provision of
9 this network.

10 (b) A description of the roles and responsibilities of the counties and
11 municipalities of this state in the design and implementation of the
12 system, which must be consistent with sections 11 to 36, inclusive, of this
13 act, and a timetable for the implementation of the system.

14 (c) Technical and operational standards for the establishment of
15 public safety answering points which use enhanced 911 network features
16 for both wire line and wireless service in accordance with sections 11 to
17 36, inclusive, of this act. Each entity which is responsible for the creation
18 and management of a public safety answering point shall conform to the
19 technical and operational standards adopted pursuant to this paragraph
20 when designing, carrying out and operating the public safety answering
21 point. The standards must include the provision of training and
22 certification of persons taking emergency 911 telephone calls and public
23 safety dispatchers, or for the adoption of a program to provide that
24 training.

25 4. The section for emergency telecommunication services may
26 inspect a public safety answering point to determine if it meets the
27 requirements of sections 11 to 36, inclusive, of this act and the technical
28 and operational standards established pursuant to this section. The
29 section for emergency telecommunication services shall explore ways to
30 maximize the reliability of the system.

31 5. The section for emergency telecommunication services may adopt
32 any regulations necessary to carry out the state plan.

33 6. Not later than February 15 of each year, the section for
34 emergency telecommunication services shall submit to the director of the
35 legislative counsel bureau for transmittal to the senate standing
36 committee on finance and the assembly standing committee on ways and
37 means, or the interim finance committee if the legislature is not in
38 session, a report concerning the progress of the section for emergency
39 telecommunication services in carrying out the provisions of sections 11
40 to 36, inclusive, of this act, and the expenditure of money appropriated
41 thereto and of money appropriated to install a statewide emergency
42 enhanced 911 network.

1 **Sec. 27.** *Except as otherwise provided in this section, each telephone*
2 *company shall, not later than October 1, 2001, provide enhanced 911*
3 *service, including, selective routing, automatic number identification and*
4 *automatic location identification features, as a tariffed service package to*
5 *its customers in this state. The attorney general may, upon application by*
6 *the telephone company, extend this deadline upon good cause shown.*

7 **Sec. 28. 1.** *To ensure that an emergency enhanced 911 system is*
8 *established throughout this state as expeditiously and effectively as*
9 *practicable and that each county in this state participates in the*
10 *emergency enhanced 911 system, the governing body of each county*
11 *shall appoint a county 911 coordinator to coordinate the activities*
12 *relating to the establishment and operation of the emergency enhanced*
13 *911 system within that county in accordance with sections 11 to 36,*
14 *inclusive, of this act and the standards developed by the section for*
15 *emergency telecommunication services pursuant thereto. The governing*
16 *body of the county shall ensure that all necessary steps are taken and*
17 *that schedules are met in connection with the responsibilities of the*
18 *county established pursuant to the state plan.*

19 **2.** *The duties of the county 911 coordinator include:*

20 **(a)** *Acting as a central point of contact for providers of*
21 *telecommunication services, and as a liaison between those providers and*
22 *the public safety answering points which operate within the county;*

23 **(b)** *Providing for the design and implementation of an emergency*
24 *enhanced 911 system within the county in accordance with the state plan*
25 *and the technical and operational standards developed by the section for*
26 *emergency telecommunication services; and*

27 **(c)** *Preparing and maintaining all required databases associated with*
28 *the implementation and operation of the emergency enhanced 911*
29 *system within the county.*

30 **Sec. 29.** *The governing body of each municipality shall:*

31 **1.** *Provide, or cause to be provided, the database, software, hardware*
32 *and networking required for the establishment of the automatic location*
33 *identification capability of an emergency enhanced 911 system to the*
34 *person hired or otherwise designated to manage a master street address*
35 *guide database for the area that includes the municipality.*

36 **2.** *Not later than October 1, 2001, establish individually, in*
37 *conjunction with other municipalities, or on a regional or countywide*
38 *basis, a public safety answering point that utilizes enhanced 911 network*
39 *features. The attorney general may extend this deadline upon application*
40 *of the governing body for good cause shown.*

41 **Sec. 30.** *Nothing in sections 11 to 36, inclusive, of this act shall be*
42 *construed to prohibit or require in any manner the formation of a multi-*
43 *agency, multi-jursidictional, regional or countywide public safety*

1 *answering point, except that the formation of public safety answering*
2 *points which serve more than one municipality is encouraged in the*
3 *interest of reducing costs and increasing the efficiency of administration.*

4 **Sec. 31. 1.** *A public safety answering point must be capable of*
5 *dispatching, forwarding or relaying requests for emergency services*
6 *relating to law enforcement, fire fighting, emergency medical services, or*
7 *other emergency services to a public safety agency or private safety*
8 *agency that provides the requested services.*

9 **2.** *A public safety answering point must be equipped with a system*
10 *approved by the section for emergency telecommunication services to*
11 *process requests for emergency services for persons who are physically*
12 *disabled.*

13 **3.** *A person shall not connect to the network of a telephone company*
14 *any automatic alarm or other automatic alerting device which causes the*
15 *number "9-1-1" to be automatically dialed and which provides a*
16 *prerecorded message in order to access emergency services directly,*
17 *unless the device has been approved for such use by the section for*
18 *emergency telecommunication services. An approved device must be*
19 *registered with the section for emergency telecommunication services on*
20 *forms provided by the section.*

21 **4.** *A person or governmental entity operating a public safety*
22 *answering point shall obtain, operate and maintain enhanced 911*
23 *termination equipment, which must be operated and maintained in*
24 *accordance with the standards for its operation and maintenance adopted*
25 *by regulation by the section for emergency telecommunication services.*

26 **5.** *As used in this section:*

27 (a) *"Enhanced 911 termination equipment" means the equipment*
28 *located at a public safety answering point which is needed to receive or*
29 *record voice and data communications from the enhanced 911 network.*

30 (b) *"Private safety agency" means any entity, other than a*
31 *municipality or a public safety agency, that provides emergency medical*
32 *services, fire fighting services or other emergency services.*

33 **Sec. 32. 1.** *A public safety agency that receives a request for*
34 *emergency service to be provided at a location that is outside of its*
35 *jurisdiction shall immediately forward the request to the public safety*
36 *answering point or public safety agency responsible for providing the*
37 *emergency service in the geographical location from which the*
38 *emergency call originated. Any emergency unit which is dispatched to a*
39 *location that is outside of its jurisdiction in response to such a request*
40 *shall render the requested emergency service until the emergency unit is*
41 *relieved by the public safety agency that is responsible for providing that*
42 *emergency service in that geographical location.*

1 2. When required by a governing body of a county or municipality,
2 the enhanced 911 network for the county or municipality must include
3 an enhanced 911 service that provides selective routing so that 911
4 telephone calls are directly routed to the proper public safety answering
5 point based upon the location from which the 911 telephone call
6 originated. The selective routing must be controlled by the emergency
7 services number which is derived from the location of the telephone from
8 which the 911 telephone call originated, as determined in accordance
9 with the master street address guide database.

10 3. Municipalities may enter into written cooperative agreements to
11 carry out the provisions of subsection 1.

12 **Sec. 33.** 1. When a 911 telephone call is made, the telephone
13 company that is providing the telecommunication services through which
14 the call was placed shall immediately forward to the appropriate public
15 safety answering point, either manually or automatically through
16 enhanced 911 network features, the telephone number and street address
17 of the telephone used to place the 911 telephone call. Information about
18 a person provided in accordance with this section must be used only to
19 respond to an emergency call or to investigate a false or intentionally
20 misleading report of an incident requiring emergency service.

21 2. A telephone company, person providing wireless or commercial
22 mobile radio service, public safety answering point, or manufacturer
23 supplying equipment to a telephone company or public safety answering
24 point, or any agent thereof, is not liable to any person who uses an
25 enhanced 911 service established in accordance with sections 11 to 36,
26 inclusive, of this act, for:

27 (a) The release of the information specified in this section, including
28 telephone numbers which are not published, if the release was made in
29 good faith;

30 (b) The failure of any equipment or procedure in connection with the
31 emergency enhanced 911 system; or

32 (c) Any act, or the omission of any act, committed in good faith,
33 while providing, or while in training to provide, services through a public
34 safety answering point in accordance with sections 11 to 36, inclusive, of
35 this act.

36 **Sec. 34.** There is hereby established in the state general fund an
37 account for the emergency enhanced 911 system. The administrator of
38 the section for emergency telecommunication services shall administer
39 the account. To the extent of legislative appropriations, the money in the
40 account must be expended to pay for the costs incurred in the
41 development and operation of the statewide enhanced 911 network
42 pursuant to sections 11 to 36, inclusive, of this act, including any costs
43 incurred to update and manage any databases, and to help defray the

1 *costs incurred by a county for the employment of a county 911*
2 *coordinator in an amount not to exceed \$25,000 for each such*
3 *coordinator.*

4 **Sec. 35.** *The attorney general may institute civil proceedings against*
5 *any person to enforce the provisions of sections 11 to 36, inclusive, of*
6 *this act.*

7 **Sec. 36.** *A person who violates any provision of sections 11 to 36,*
8 *inclusive, of this act is subject to a civil penalty of \$200 for the first*
9 *offense and \$500 for each subsequent offense. If the violation is of a*
10 *continuing nature, each day on which the act continues shall be deemed*
11 *to constitute a separate offense for the purpose of this section.*

12 **Sec. 37.** The technical and operational standards specified in
13 paragraph (c) of subsection 3 of section 26 of this act must be established
14 not later than March 28, 2000. The remaining provisions of the state plan
15 required pursuant to section 26 of this act must be established not later than
16 June 24, 2000.

17 **Sec. 38.** Not later than October 1, 2000, the governing body of each
18 county in this state shall submit to the section for emergency
19 telecommunication services within the bureau of consumer protection in the
20 office of the attorney general for its approval a utilization plan for enhanced
21 911 services. The section for emergency telecommunication services shall
22 review each plan to ensure that the plan meets the requirements of sections
23 11 to 36, inclusive, of this act, including the technical and operational
24 standards established pursuant to section 26 of this act.

25 **Sec. 39.** Not later than October 1, 2000, the county 911 coordinator
26 for each county in this state, other than those in which a county-wide
27 emergency enhanced 911 system is in existence on October 1, 2000, shall
28 notify the section for emergency telecommunication services within the
29 bureau of consumer protection in the office of the attorney general of the
30 proposed nature of the county's participation in the emergency enhanced
31 911 system to be established pursuant to sections 11 to 36, inclusive, of this
32 act.

33 **Sec. 40.** The provisions of subsection 1 of NRS 354.599 do not apply
34 to any additional expenses of a local government that are related to the
35 provisions of this act.