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106TH CONGRESS
1ST SESSION

H. R. 438

To promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 1999

Mr. SHIMKUS (for himself and Mr. TAUZIN) introduced the following bill; which was referred to the Committee on Commerce

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A BILL

To promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Communications and Public Safety Act of 1999".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the establishment and maintenance of an end-to-end emergency communications infrastructure among members of the public, local public safety,

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fire service, and law enforcement officials, emergency dispatch providers, and hospital emergency and trauma care facilities will reduce response times for the delivery of emergency care, assist in delivering appropriate care, and thereby prevent fatalities, substantially reduce the severity and extent of injuries, reduce time lost from work, and save thousands of lives and billions of dollars in health care costs;

(2) the rapid, efficient deployment of emergency telecommunications service requires statewide coordination of the efforts of local public safety, fire service, and law enforcement officials, and emergency dispatch providers, and the designation of 911 as the number to call in emergencies throughout the Nation;

(3) improved public safety remains an important public health objective of Federal, State, and local governments and substantially facilitates interstate and foreign commerce;

(4) the benefits of wireless communications in emergencies will be enhanced by the development of state-wide plans to coordinate the efforts of local public safety, fire service, and law enforcement officials, emergency dispatch providers, emergency med-

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ical service providers on end-to-end emergency communications infrastructures; and

(5) the construction and operation of seamless, ubiquitous, and reliable wireless telecommunications systems promote public safety and provide immediate and critical communications links among members of the public, emergency medical service providers and emergency dispatch providers, public safety, fire service and law enforcement officials, and hospital emergency and trauma care facilities.

(b) PURPOSE.—The purpose of this Act is to encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs.

SEC. 3. UNIVERSAL EMERGENCY TELEPHONE NUMBER.

(a) ESTABLISHMENT OF UNIVERSAL SERVICE EMERGENCY TELEPHONE NUMBER.—Section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)) is amended by adding at the end the following new paragraph:

"(3) UNIVERSAL EMERGENCY TELEPHONE NUMBER.—The Commission and any agency or entity to which the Commission has delegated author-

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ity under this subsection shall designate 911 as the universal emergency telephone number within the United States for reporting an emergency to appropriate authorities and requesting assistance. Such designation shall apply to both wireline and wireless telephone service. In making such designation, the Commission (and any such agency or entity) shall provide appropriate transition periods for areas in which 911 is not in use as an emergency telephone number on the date of enactment of the Wireless Communications and Public Safety Act of 1999.".

(b) TECHNICAL SUPPORT.—The Federal Communications Commission shall provide technical support to States to support and encourage the development of statewide plans for the deployment and functioning of a comprehensive end-to-end emergency communications infrastructure, including enhanced wireless 911 service, on a coordinated statewide basis. In supporting and encouraging such deployment and functioning, the Commission shall consult and cooperate with State and local officials responsible for emergency services and public safety, the telecommunications industry (specifically including the cellular and other wireless telecommunications service providers), the motor vehicle manufacturing industry, emergency medical service providers and emergency dispatch

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providers, special 911 districts, public safety, fire service and law enforcement officials, consumer groups, and hospital emergency and trauma care personnel (including emergency physicians, trauma surgeons, and nurses).

SEC. 4. PARITY OF PROTECTION FOR PROVISION OR USE OF WIRELESS SERVICE.

(a) PROVIDER PARITY.—A wireless carrier, and its officers, directors, employees, vendors, and agents, shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability in a particular jurisdiction that a local exchange company, and its officers, directors, employees, vendors, or agents, have under Federal and State law applicable in such jurisdiction with respect to wireline services, including in connection with an act or omission involving—

(1) development, design, installation, operation, maintenance, performance, or provision of wireless service;

(2) transmission errors, failures, network outages, or other technical difficulties that may arise in the course of transmitting or handling emergency calls or providing emergency services (including wireless 911 service); and

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(3) release to a PSAP, emergency medical service provider or emergency dispatch provider, public safety, fire service or law enforcement official, or hospital emergency or trauma care facility of subscriber information related to emergency calls or emergency services involving use of wireless services.

(b) USER PARITY.—A person using wireless 911 service shall have immunity or other protection from liability in a particular jurisdiction of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under Federal or State law applicable in such jurisdiction in similar circumstances of a person using 911 service that is not wireless.

(c) EXCEPTION FOR STATE LEGISLATIVE ACTION.—The immunity or other protection from liability required by subsection (a)(1) shall not apply in any State that, prior to the expiration of 2 years after the date of enactment of this Act, enacts a statute that specifically refers to this section and establishes a different standard of immunity or other protection from liability with respect to an act or omission involving development, design, installation, operation, maintenance, performance, or provision of wireless service (other than wireless 911 service). The enactment of such a State statute shall not affect the immunity or other protection from liability required by such

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subsection (a)(1) with respect to acts or omissions occurring before the date of enactment of such State statute.

SEC. 5. AUTHORITY TO PROVIDE LOCATION INFORMATION.

Section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) in subsection (d)—

(A) by striking "or" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting a semicolon;

(C) by adding at the end the following new paragraph:

"(4) to provide call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d)) to a public safety answering point, emergency medical service provider or emergency dispatch provider, public safety, fire service or law enforcement official, or hospital emergency or trauma care facility, in order to respond to the user's call for emergency services; or to inform the user's legal guardian or members of the user's immediate family of the user's location in an emergency situation that involves the risk of death or serious physical harm; and

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"(5) to transmit automatic crash notification information as part of the operation of an automatic crash notification system.";

(2) by redesignating subsection (f) as subsection (g) and by inserting before such subsection the following new subsection:

"(f) AUTHORITY TO USE WIRELESS LOCATION INFORMATION.—For purposes of subsection (c)(1), without the express prior authorization of the customer, a customer shall not be considered to have approved the use, disclosure, or access to—

"(1) call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d)) to any person other than—

"(A) to a public safety answering point, emergency medical service provider or emergency dispatch provider, public safety, fire service or law enforcement official, or hospital emergency or trauma care facility, in order to respond to the user's call for emergency services; or

"(B) to inform the user's legal guardian or members of the user's immediate family of the user's location in an emergency situation that

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involves the risk of death or serious physical harm; or

"(2) automatic crash notification information to any person other than for use in the operation of an automatic crash notification system."; and

(3) in subsection (g) (as redesignated by paragraph (2)), by inserting "location," after "destination,".

SEC. 6. DEFINITIONS.

As used in this Act:

(1) The term "State" means any of the several States, the District of Columbia, or any territory or possession of the United States.

(2) The term "public safety answering point" or "PSAP" means a facility that has been designated to receive emergency calls and route them to emergency service personnel.

(3) The term "wireless carrier" means a provider of commercial mobile services or any other radio communications service that the Federal Communications Commission requires to provide wireless emergency service.

(4) The term "enhanced wireless 911 service" means any enhanced 911 service so designated by the Federal Communications Commission in the pro-

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ceeding entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems" (CC Docket No. 94–102; RM–8143), or any successor proceeding.

(5) The term "wireless 911 service" means any 911 service provided by a wireless carrier, including enhanced wireless 911 service.

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