

AMENDMENTS TO EMERGENCY TELEPHONE SERVICE LAW

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill amends the emergency telephone service law.

Highlighted Provisions:

This bill:

- ▶ defines a term;
 - ▶ addresses duties and liabilities of a voice over Internet protocol service provider;
- and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

69-2-2, as last amended by Laws of Utah 2012, Chapter 369

69-2-7, as last amended by Laws of Utah 1996, Chapter 86

69-2-8, as last amended by Laws of Utah 1996, Chapter 86

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **69-2-2** is amended to read:



28 **69-2-2. Definitions.**

29 As used in this chapter:

30 (1) "911 emergency telephone service" means a communication system which provides
31 citizens with rapid direct access to public emergency operation centers by dialing the telephone
32 number "911" with the objective of reducing the response time to situations requiring law
33 enforcement, fire, medical, rescue, and other emergency services.

34 (2) "Local exchange service" means the provision of public telecommunications
35 services by a wireline common carrier to customers within a geographic area encompassing one
36 or more local communities as described in the carrier's service territory maps, tariffs, price
37 lists, or rate schedules filed with and approved by the Public Service Commission.

38 (3) "Local exchange service switched access line" means the transmission facility and
39 local switching equipment used by a wireline common carrier to connect a customer location to
40 a carrier's local exchange switching network for providing two-way interactive voice, or voice
41 capable, services.

42 (4) "Mobile telecommunications service" is as defined in Section [54-8b-2](#).

43 (5) "Public agency" means any county, city, town, special service district, or public
44 authority located within the state which provides or has authority to provide fire fighting, law
45 enforcement, ambulance, medical, or other emergency services.

46 (6) "Public safety agency" means a functional division of a public agency which
47 provides fire fighting, law enforcement, medical, or other emergency services.

48 (7) "Public safety answering point" means a facility that:

- 49 (a) is equipped and staffed under the authority of a political subdivision; and
50 (b) receives 911 calls, other calls for emergency services, and asynchronous event
51 notifications for a defined geographic area.

52 (8) "Radio communications access line" means the radio equipment and assigned
53 customer identification number used to connect a mobile or fixed radio customer in Utah to a
54 radio communication service provider's network for two-way interactive voice, or voice
55 capable, services.

56 (9) "Radio communications service" means a public telecommunications service
57 providing the capability of two-way interactive telecommunications between mobile and fixed
58 radio customers, and between mobile or fixed radio customers and the local exchange service

59 network customers of a wireline common carrier. Radio communications service providers
60 include corporations, persons or entities offering cellular telephone service, enhanced
61 specialized mobile radio service, rural radio service, radio common carrier services, personal
62 communications services, and any equivalent wireless public telecommunications service, as
63 defined in 47 CFR, parts 20, 22, 24, and 90.

64 (10) "Voice over Internet protocol service" is as defined in Section 54-19-102.

65 [~~(10)~~] (11) "Wireline common carrier" means a public telecommunications service
66 provider that primarily uses metallic or nonmetallic cables and wires for connecting customers
67 to its local exchange service networks.

68 Section 2. Section **69-2-7** is amended to read:

69 **69-2-7. Limitation of duties and liabilities.**

70 Except as provided in Section **69-2-8**, nothing contained in this chapter imposes any
71 duties or liabilities beyond those otherwise specified by law upon any provider of local
72 exchange service, radio communications service, voice over Internet protocol service, or
73 terminal equipment needed to implement 911 emergency telephone service.

74 Section 3. Section **69-2-8** is amended to read:

75 **69-2-8. Liabilities of providers.**

76 (1) A provider of local exchange service [~~or~~], radio communications service, or voice
77 over Internet protocol service may by tariff or agreement with a customer provide for the
78 customer's release of any claim, suit, or demand against the provider based upon a disclosure or
79 a nondisclosure of an unlisted or nonpublished telephone number and address, and the related
80 address, if a call for any 911 emergency telephone service is made from the customer's
81 telephone.

82 (2) A provider of local exchange service, radio communications service, voice over
83 Internet protocol service, or telephone terminal equipment needed to implement or enhance 911
84 emergency telephone service, and their employees and agents, are not liable for any damages in
85 a civil action for injuries, death, or loss to person or property incurred as a result of any act or
86 omission of the provider, employee, or agent, in connection with developing, adopting,
87 implementing, maintaining, enhancing, or operating a 911 emergency telephone service, except
88 for damages or injury intentionally caused by or resulting from gross negligence of the provider
89 or person.

Legislative Review Note
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Office of Legislative Research and General Counsel