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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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wireless Communica-
5 tions and Public Safety Act of 1999”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds that—

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

1 fire service, and law enforcement officials, emergency
2 dispatch providers, and hospital emergency and
3 trauma care facilities will reduce response times for
4 the delivery of emergency care, assist in delivering
5 appropriate care, and thereby prevent fatalities, sub-
6 stantially reduce the severity and extent of injuries,
7 reduce time lost from work, and save thousands of
8 lives and billions of dollars in health care costs;

9 (2) the rapid, efficient deployment of emergency
10 telecommunications service requires statewide coordi-
11 nation of the efforts of local public safety, fire serv-
12 ice, and law enforcement officials, and emergency
13 dispatch providers, and the designation of 911 as
14 the number to call in emergencies throughout the
15 Nation;

16 (3) improved public safety remains an impor-
17 tant public health objective of Federal, State, and
18 local governments and substantially facilitates inter-
19 state and foreign commerce;

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

1 ical service providers on end-to-end emergency com-
2 munications infrastructures; and

3 (5) the construction and operation of seamless,
4 ubiquitous, and reliable wireless telecommunications
5 systems promote public safety and provide imme-
6 diate and critical communications links among mem-
7 bers of the public, emergency medical service provid-
8 ers and emergency dispatch providers, public safety,
9 fire service and law enforcement officials, and hos-
10 pital emergency and trauma care facilities.

11 (b) PURPOSE.—The purpose of this Act is to encour-
12 age and facilitate the prompt deployment throughout the
13 United States of a seamless, ubiquitous, and reliable end-
14 to-end infrastructure for communications, including wire-
15 less communications, to meet the Nation’s public safety
16 and other communications needs.

17 **SEC. 3. UNIVERSAL EMERGENCY TELEPHONE NUMBER.**

18 (a) ESTABLISHMENT OF UNIVERSAL SERVICE EMER-
19 GENCY TELEPHONE NUMBER.—Section 251(e) of the
20 Communications Act of 1934 (47 U.S.C. 251(e)) is
21 amended by adding at the end the following new para-
22 graph:

23 “(3) UNIVERSAL EMERGENCY TELEPHONE
24 NUMBER.—The Commission and any agency or en-
25 tity to which the Commission has delegated author-

1 ity under this subsection shall designate 911 as the
2 universal emergency telephone number within the
3 United States for reporting an emergency to appro-
4 priate authorities and requesting assistance. Such
5 designation shall apply to both wireline and wireless
6 telephone service. In making such designation, the
7 Commission (and any such agency or entity) shall
8 provide appropriate transition periods for areas in
9 which 911 is not in use as an emergency telephone
10 number on the date of enactment of the Wireless
11 Communications and Public Safety Act of 1999.”.

12 (b) TECHNICAL SUPPORT.—The Federal Commu-
13 nications Commission shall provide technical support to
14 States to support and encourage the development of state-
15 wide plans for the deployment and functioning of a com-
16 prehensive end-to-end emergency communications infra-
17 structure, including enhanced wireless 911 service, on a
18 coordinated statewide basis. In supporting and encourag-
19 ing such deployment and functioning, the Commission
20 shall consult and cooperate with State and local officials
21 responsible for emergency services and public safety, the
22 telecommunications industry (specifically including the
23 cellular and other wireless telecommunications service pro-
24 viders), the motor vehicle manufacturing industry, emer-
25 gency medical service providers and emergency dispatch

1 providers, special 911 districts, public safety, fire service
2 and law enforcement officials, consumer groups, and hos-
3 pital emergency and trauma care personnel (including
4 emergency physicians, trauma surgeons, and nurses).

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

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

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

20 (2) transmission errors, failures, network out-
21 ages, or other technical difficulties that may arise in
22 the course of transmitting or handling emergency
23 calls or providing emergency services (including
24 wireless 911 service); and

1 (3) release to a PSAP, emergency medical serv-
2 ice provider or emergency dispatch provider, public
3 safety, fire service or law enforcement official, or
4 hospital emergency or trauma care facility of sub-
5 scriber information related to emergency calls or
6 emergency services involving use of wireless services.

7 (b) USER PARITY.—A person using wireless 911
8 service shall have immunity or other protection from liabil-
9 ity in a particular jurisdiction of a scope and extent that
10 is not less than the scope and extent of immunity or other
11 protection from liability under Federal or State law appli-
12 cable in such jurisdiction in similar circumstances of a
13 person using 911 service that is not wireless.

14 (c) EXCEPTION FOR STATE LEGISLATIVE ACTION.—
15 The immunity or other protection from liability required
16 by subsection (a)(1) shall not apply in any State that,
17 prior to the expiration of 2 years after the date of enact-
18 ment of this Act, enacts a statute that specifically refers
19 to this section and establishes a different standard of im-
20 munity or other protection from liability with respect to
21 an act or omission involving development, design, installa-
22 tion, operation, maintenance, performance, or provision of
23 wireless service (other than wireless 911 service). The en-
24 actment of such a State statute shall not affect the immu-
25 nity or other protection from liability required by such

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

3 **SEC. 5. AUTHORITY TO PROVIDE LOCATION INFORMATION.**

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

6 (1) in subsection (d)—

7 (A) by striking “or” at the end of para-
8 graph (2);

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

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

13 “(4) to provide call location information con-
14 cerning the user of a commercial mobile service (as
15 such term is defined in section 332(d)) to a public
16 safety answering point, emergency medical service
17 provider or emergency dispatch provider, public safe-
18 ty, fire service or law enforcement official, or hos-
19 pital emergency or trauma care facility, in order to
20 respond to the user’s call for emergency services; or
21 to inform the user’s legal guardian or members of
22 the user’s immediate family of the user’s location in
23 an emergency situation that involves the risk of
24 death or serious physical harm; and

1 “(5) to transmit automatic crash notification
2 information as part of the operation of an automatic
3 crash notification system.”;

4 (2) by redesignating subsection (f) as sub-
5 section (g) and by inserting before such subsection
6 the following new subsection:

7 “(f) AUTHORITY TO USE WIRELESS LOCATION IN-
8 FORMATION.—For purposes of subsection (c)(1), without
9 the express prior authorization of the customer, a cus-
10 tomer shall not be considered to have approved the use,
11 disclosure, or access to—

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

16 “(A) to a public safety answering point,
17 emergency medical service provider or emer-
18 gency dispatch provider, public safety, fire serv-
19 ice or law enforcement official, or hospital
20 emergency or trauma care facility, in order to
21 respond to the user’s call for emergency serv-
22 ices; or

23 “(B) to inform the user’s legal guardian or
24 members of the user’s immediate family of the
25 user’s location in an emergency situation that

1 involves the risk of death or serious physical
2 harm; or

3 “(2) automatic crash notification information to
4 any person other than for use in the operation of an
5 automatic crash notification system.”; and

6 (3) in subsection (g) (as redesignated by para-
7 graph (2)), by inserting “location,” after “destina-
8 tion,”.

9 **SEC. 6. DEFINITIONS.**

10 As used in this Act:

11 (1) The term “State” means any of the several
12 States, the District of Columbia, or any territory or
13 possession of the United States.

14 (2) The term “public safety answering point”
15 or “PSAP” means a facility that has been des-
16 ignated to receive emergency calls and route them to
17 emergency service personnel.

18 (3) The term “wireless carrier” means a pro-
19 vider of commercial mobile services or any other
20 radio communications service that the Federal Com-
21 munications Commission requires to provide wireless
22 emergency service.

23 (4) The term “enhanced wireless 911 service”
24 means any enhanced 911 service so designated by
25 the Federal Communications Commission in the pro-

1 ceeding entitled “Revision of the Commission’s Rules
2 to Ensure Compatibility with Enhanced 911 Emer-
3 gency Calling Systems” (CC Docket No. 94–102;
4 RM–8143), or any successor proceeding.

5 (5) The term “wireless 911 service” means any
6 911 service provided by a wireless carrier, including
7 enhanced wireless 911 service.

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