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106TH CONGRESS  
1ST SESSION

# H. R. 438

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 1999

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS AND PURPOSE.**

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

6 (1) the establishment and maintenance of an  
7 end-to-end emergency communications infrastructure  
8 among members of the public, local public safety,  
9 fire service, and law enforcement officials, emergency  
10 dispatch providers, and hospital emergency and  
11 trauma care facilities will reduce response times for  
12 the delivery of emergency care, assist in delivering  
13 appropriate care, and thereby prevent fatalities, sub-  
14 stantially reduce the severity and extent of injuries,  
15 reduce time lost from work, and save thousands of  
16 lives and billions of dollars in health care costs;

17 (2) the rapid, efficient deployment of emergency  
18 telecommunications service requires statewide coordi-  
19 nation of the efforts of local public safety, fire serv-  
20 ice, and law enforcement officials, and emergency  
21 dispatch providers, and the designation of 911 as  
22 the number to call in emergencies throughout the  
23 Nation;

24 (3) improved public safety remains an impor-  
25 tant public health objective of Federal, State, and

1 local governments and substantially facilitates inter-  
2 state and foreign commerce;

3 (4) the benefits of wireless communications in  
4 emergencies will be enhanced by the development of  
5 state-wide plans to coordinate the efforts of local  
6 public safety, fire service, and law enforcement offi-  
7 cials, emergency dispatch providers, emergency med-  
8 ical service providers on end-to-end emergency com-  
9 munications infrastructures; and

10 (5) the construction and operation of seamless,  
11 ubiquitous, and reliable wireless telecommunications  
12 systems promote public safety and provide imme-  
13 diate and critical communications links among mem-  
14 bers of the public, emergency medical service provid-  
15 ers and emergency dispatch providers, public safety,  
16 fire service and law enforcement officials, and hos-  
17 pital emergency and trauma care facilities.

18 (b) PURPOSE.—The purpose of this Act is to encour-  
19 age and facilitate the prompt deployment throughout the  
20 United States of a seamless, ubiquitous, and reliable end-  
21 to-end infrastructure for communications, including wire-  
22 less communications, to meet the Nation's public safety  
23 and other communications needs.

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

2 (a) ESTABLISHMENT OF UNIVERSAL SERVICE EMER-  
3 GENCY TELEPHONE NUMBER.—Section 251(e) of the  
4 Communications Act of 1934 (47 U.S.C. 251(e)) is  
5 amended by adding at the end the following new para-  
6 graph:

7 “(3) UNIVERSAL EMERGENCY TELEPHONE  
8 NUMBER.—The Commission and any agency or en-  
9 tity to which the Commission has delegated author-  
10 ity under this subsection shall designate 911 as the  
11 universal emergency telephone number within the  
12 United States for reporting an emergency to appro-  
13 priate authorities and requesting assistance. Such  
14 designation shall apply to both wireline and wireless  
15 telephone service. In making such designation, the  
16 Commission (and any such agency or entity) shall  
17 provide appropriate transition periods for areas in  
18 which 911 is not in use as an emergency telephone  
19 number on the date of the enactment of the Wireless  
20 Communications and Public Safety Act of 1999.”.

21 (b) TECHNICAL SUPPORT.—The Federal Commu-  
22 nications Commission shall provide technical support to  
23 States to support and encourage the development of state-  
24 wide plans for the deployment and functioning of a com-  
25 prehensive end-to-end emergency communications infra-  
26 structure, including enhanced wireless 911 service, on a

1 coordinated statewide basis. In supporting and encourag-  
2 ing such deployment and functioning, the Commission  
3 shall consult and cooperate with State and local officials  
4 responsible for emergency services and public safety, the  
5 telecommunications industry (specifically including the  
6 cellular and other wireless telecommunications service pro-  
7 viders), the motor vehicle manufacturing industry, emer-  
8 gency medical service providers and emergency dispatch  
9 providers, special 911 districts, public safety, fire service  
10 and law enforcement officials, consumer groups, and hos-  
11 pital emergency and trauma care personnel (including  
12 emergency physicians, trauma surgeons, and nurses).

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

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

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

4           (2) transmission errors, failures, network out-  
5 ages, or other technical difficulties that may arise in  
6 the course of transmitting or handling emergency  
7 calls or providing emergency services (including  
8 wireless 911 service); and

9           (3) release to a PSAP, emergency medical serv-  
10 ice provider or emergency dispatch provider, public  
11 safety, fire service or law enforcement official, or  
12 hospital emergency or trauma care facility of sub-  
13 scriber information related to emergency calls or  
14 emergency services involving use of wireless services.

15       (b) USER PARITY.—A person using wireless 911  
16 service shall have immunity or other protection from liabil-  
17 ity in a particular jurisdiction of a scope and extent that  
18 is not less than the scope and extent of immunity or other  
19 protection from liability under Federal or State law appli-  
20 cable in such jurisdiction in similar circumstances of a  
21 person using 911 service that is not wireless.

22       (c) EXCEPTION FOR STATE LEGISLATIVE ACTION.—  
23 The immunity or other protection from liability required  
24 by subsection (a)(1) shall not apply in any State that,  
25 prior to the expiration of 2 years after the date of the

1 enactment of this Act, enacts a statute that specifically  
2 refers to this section and establishes a different standard  
3 of immunity or other protection from liability with respect  
4 to an act or omission involving development, design, instal-  
5 lation, operation, maintenance, performance, or provision  
6 of wireless service (other than wireless 911 service). The  
7 enactment of such a State statute shall not affect the im-  
8 munity or other protection from liability required by such  
9 subsection (a)(1) with respect to acts or omissions occur-  
10 ring before the date of the enactment of such State stat-  
11 ute.

12 **SEC. 5. AUTHORITY TO PROVIDE CUSTOMER INFORMA-**  
13 **TION.**

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

16 (1) in subsection (d)—

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

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

21 (C) by adding at the end the following new  
22 paragraphs:

23 “(4) to provide call location information con-  
24 cerning the user of a commercial mobile service (as  
25 such term is defined in section 332(d))—

1           “(A) to a public safety answering point,  
2           emergency medical service provider or emer-  
3           gency dispatch provider, public safety, fire serv-  
4           ice, or law enforcement official, or hospital  
5           emergency or trauma care facility, in order to  
6           respond to the user’s call for emergency serv-  
7           ices;

8           “(B) to inform the user’s legal guardian or  
9           members of the user’s immediate family of the  
10          user’s location in an emergency situation that  
11          involves the risk of death or serious physical  
12          harm; or

13          “(C) to providers of information or data-  
14          base management services solely for purposes of  
15          assisting in the delivery of emergency services  
16          in response to an emergency; or

17          “(5) to transmit automatic crash notification  
18          information as part of the operation of an automatic  
19          crash notification system.”;

20          (2) by redesignating subsection (f) as sub-  
21          section (h) and by inserting before such subsection  
22          the following new subsections:

23          “(f) **AUTHORITY TO USE WIRELESS LOCATION IN-**  
24          **FORMATION.**—For purposes of subsection (c)(1), without  
25          the express prior authorization of the customer, a cus-

1 tomer shall not be considered to have approved the use  
2 or disclosure of or access to—

3 “(1) call location information concerning the  
4 user of a commercial mobile service (as such term is  
5 defined in section 332(d)), other than in accordance  
6 with subsection (d)(4); or

7 “(2) automatic crash notification information to  
8 any person other than for use in the operation of an  
9 automatic crash notification system.

10 “(g) SUBSCRIBER LISTED AND UNLISTED INFORMA-  
11 TION FOR EMERGENCY SERVICES.—Notwithstanding sub-  
12 sections (b), (c), and (d), a telecommunications carrier  
13 that provides telephone exchange service shall provide in-  
14 formation described in subsection (h)(3)(A) (including in-  
15 formation pertaining to subscribers whose information is  
16 unlisted or unpublished) that is in its possession or control  
17 (including information pertaining to subscribers of other  
18 carriers) on a timely and unbundled basis, under non-  
19 discriminatory and reasonable rates, terms, and conditions  
20 to providers of emergency services, and providers of emer-  
21 gency support services, solely for purposes of delivering  
22 or assisting in the delivery of emergency services.”;

23 (3) in subsection (h)(1)(A) (as redesignated by  
24 paragraph (2)), by inserting “location,” after “des-  
25 tination,”; and

1           (4) in such subsection (h), by adding at the end  
2 the following new paragraphs:

3           “(4) PUBLIC SAFETY ANSWERING POINT.—The  
4 term ‘public safety answering point’ means a facility  
5 that has been designated to receive emergency calls  
6 and route them to emergency service personnel.

7           “(5) EMERGENCY SERVICES.—The term ‘emer-  
8 gency services’ means 911 emergency services and  
9 emergency notification services.

10           “(6) EMERGENCY NOTIFICATION SERVICES.—  
11 The term ‘emergency notification services’ means  
12 services that notify the public of an emergency.

13           “(7) EMERGENCY SUPPORT SERVICES.—The  
14 term ‘emergency support services’ means informa-  
15 tion or data base management services used in sup-  
16 port of emergency services.”.

17 **SEC. 6. DEFINITIONS.**

18 As used in this Act:

19           (1) The term “State” means any of the several  
20 States, the District of Columbia, or any territory or  
21 possession of the United States.

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

1           (3) The term “wireless carrier” means a pro-  
2 vider of commercial mobile services or any other  
3 radio communications service that the Federal Com-  
4 munications Commission requires to provide wireless  
5 emergency service.

6           (4) The term “enhanced wireless 911 service”  
7 means any enhanced 911 service so designated by  
8 the Federal Communications Commission in the pro-  
9 ceeding entitled “Revision of the Commission’s Rules  
10 to Ensure Compatibility with Enhanced 911 Emer-  
11 gency Calling Systems” (CC Docket No. 94-102;  
12 RM-8143), or any successor proceeding.

13           (5) The term “wireless 911 service” means any  
14 911 service provided by a wireless carrier, including  
15 enhanced wireless 911 service.

Passed the House of Representatives February 24,  
1999.

Attest:

JEFF TRANDAHL,

*Clerk.*

