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106TH CONGRESS  
1ST SESSION

# S. 800

To promote and enhance public safety through use of 9-1-1 as the universal emergency assistance number, further deployment of wireless 9-1-1 service, support of States in upgrading 9-1-1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 14, 1999

Mr. BURNS (for himself, Mr. MCCAIN, Mr. DORGAN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To promote and enhance public safety through use of 9-1-1 as the universal emergency assistance number, further deployment of wireless 9-1-1 service, support of States in upgrading 9-1-1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, 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 communications infrastructure among  
8 members of the public, emergency safety, fire service  
9 and law enforcement officials, emergency dispatch  
10 providers, transportation officials, and hospital  
11 emergency and trauma care facilities will reduce re-  
12 sponse times for the delivery of emergency care, as-  
13 sist in delivering appropriate care, and thereby pre-  
14 vent fatalities, substantially reduce the severity and  
15 extent of injuries, reduce time lost from work, and  
16 save thousands of lives and billions of dollars in  
17 health care costs;

18 (2) the rapid, efficient deployment of emergency  
19 telecommunications service requires statewide coordi-  
20 nation of the efforts of local public safety, fire serv-  
21 ice and law enforcement officials, emergency dis-  
22 patch providers, and transportation officials; the es-  
23 tablishment of sources of adequate funding for car-  
24 rier and public safety, fire service and law enforce-  
25 ment agency technology development and deploy-  
26 ment; the coordination and integration of emergency

1       communications with traffic control and manage-  
2       ment systems and the designation of 9-1-1 as the  
3       number to call in emergencies throughout the Na-  
4       tion;

5               (3) emerging technologies can be a critical com-  
6       ponent of the end-to-end communications infrastruc-  
7       ture connecting the public with emergency medical  
8       service providers and emergency dispatch providers,  
9       public safety, fire service and law enforcement offi-  
10      cials, and hospital emergency and trauma care facili-  
11      ties, to reduce emergency response times and provide  
12      appropriate care;

13              (4) improved public safety remains an impor-  
14      tant public health objective of Federal, State, and  
15      local governments and substantially facilitates inter-  
16      state and foreign commerce;

17              (5) emergency care systems, particularly in  
18      rural areas of the Nation, will improve with the ena-  
19      bling of prompt notification of emergency services  
20      when motor vehicle crashes occur; and

21              (6) the construction and operation of seamless.  
22      ubiquitous, and reliable wireless telecommunications  
23      systems promote public safety and provide imme-  
24      diate and critical communications links among mem-  
25      bers of the public; emergency medical service pro-

1       viders and emergency dispatch providers; public  
2       safety, fire service and law enforcement officials;  
3       transportation officials, and hospital emergency and  
4       trauma care facilities.

5       (b) PURPOSE.—The purpose of this Act is to encour-  
6       age and facilitate the prompt deployment throughout the  
7       United States of a seamless, ubiquitous, and reliable end-  
8       to-end infrastructure for communications, including wire-  
9       less communications, to meet the Nation’s public safety  
10      and other communications needs.

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

12      (a) ESTABLISHMENT OF UNIVERSAL EMERGENCY  
13      TELEPHONE NUMBER.—Section 251(e) of the Commu-  
14      nications Act of 1934 (47 U.S.C. 251(e)) is amended by  
15      adding at the end the following new paragraph:

16               “(3) UNIVERSAL EMERGENCY TELEPHONE  
17      NUMBER.—The Commission and any agency or enti-  
18      ty to which the Commission has delegated authority  
19      under this subsection shall designate 9-1-1 as the  
20      universal emergency telephone number within the  
21      United States for reporting an emergency to appro-  
22      priate authorities and requesting assistance. The  
23      designation shall apply to both wireline and wireless  
24      telephone service. In making the designation, the  
25      Commission (and any such agency or entity) shall

1 provide appropriate transition periods for areas in  
2 which 9-1-1 is not in use as an emergency telephone  
3 number on the date of enactment of the Wireless  
4 Communications and Public Safety Act of 1999.”.

5 (b) SUPPORT.—The Federal Communications Com-  
6 mission shall encourage and support efforts by States to  
7 deploy comprehensive end-to-end emergency communica-  
8 tions infrastructure and programs, based on coordinated  
9 statewide plans, including seamless, ubiquitous, reliable  
10 wireless telecommunications networks and enhanced wire-  
11 less 9-1-1 service. In encouraging and supporting that de-  
12 ployment, the Commission shall consult and cooperate  
13 with State and local officials responsible for emergency  
14 services and public safety, the telecommunications indus-  
15 try (specifically including the cellular and other wireless  
16 telecommunications service providers), the motor vehicle  
17 manufacturing industry, emergency medical service pro-  
18 viders and emergency dispatch providers, transportation  
19 officials, special 9-1-1 districts, public safety, fire service  
20 and law enforcement officials, consumer groups, and hos-  
21 pital emergency and trauma care personnel (including  
22 emergency physicians, trauma surgeons, and nurses). The  
23 Commission shall encourage each State to develop and im-  
24 plement coordinated statewide deployment plans, through  
25 an entity designated by the governor, and to include rep-

1 representatives of the foregoing organizations and entities in  
2 development and implementation of such plans. Nothing  
3 in this subsection shall be construed to authorize or re-  
4 quire the Commission to impose obligations or costs on  
5 any person.

6 **SEC. 4. PARITY OF PROTECTION FOR PROVISION OR USE**  
7 **OF WIRELESS 9-1-1 SERVICE.**

8 (a) PROVIDER PARITY.—A wireless carrier, and its  
9 officers, directors, employees, vendors, and agents, shall  
10 have immunity or other protection from liability in a State  
11 of a scope and extent that is not less than the scope and  
12 extent of immunity or other protection from liability that  
13 any local exchange company, and its officers, directors,  
14 employees, vendors, or agents, have under Federal and  
15 State law (whether through statute, judicial decision, tar-  
16iffs filed by such local exchange company, or otherwise)  
17 applicable in such State, including in connection with an  
18 act or omission involving—

19 (1) development, design, installation, operation,  
20 maintenance, performance, or provision of tele-  
21 communications service (including 9-1-1 service);

22 (2) transmission errors, failures, network out-  
23 ages, or other technical difficulties that may arise in  
24 the course of handling emergency calls or providing

1 telecommunications services (including 9-1-1 serv-  
2 ice); or

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

9 (b) USER PARITY.—A person using wireless 9-1-1  
10 service shall have immunity or other protection from liabil-  
11 ity of a scope and extent that is not less than the scope  
12 and extent of immunity or other protection from liability  
13 under applicable law in similar circumstances of a person  
14 using 9-1-1 service that is not wireless.

15 (c) PSAP PARITY.—In matters related to wireless 9-  
16 1-1 communications, a PSAP, and its employees, vendors,  
17 agents, and authorizing government entity (if any) shall  
18 have immunity or other protection from liability of a scope  
19 and extent that is not less than the scope and extent of  
20 immunity or other protection from liability under applica-  
21 ble law accorded to such PSAP, employees, vendors,  
22 agents, and authorizing government entity, respectively, in  
23 matters related to 9-1-1 communications that are not  
24 wireless.



1 (d) BASIS FOR ENACTMENT.—This section is enacted  
 2 as an exercise of the enforcement power of the Congress  
 3 under section 5 of the Fourteenth Amendment to the Con-  
 4 stitution and the power of the Congress to regulate com-  
 5 merce with foreign nations, among the several States, and  
 6 with Indian tribes.

7 **SEC. 5. AUTHORITY TO PROVIDE CUSTOMER INFORMA-**  
 8 **TION.**

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

11 (1) in subsection (d)—

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

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

16 (C) by adding at the end the following:

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

20 “(A) to a public safety answering point,  
 21 emergency medical service provider or emer-  
 22 gency dispatch provider, public safety, fire serv-  
 23 ice, or law enforcement official, or hospital  
 24 emergency or trauma care facility, in order to

1           respond to the user's call for emergency serv-  
2           ices;

3           “(B) to inform the user's legal guardian or  
4           members of the user's immediate family of the  
5           user's location in an emergency situation that  
6           involves the risk of death or serious physical  
7           harm; or

8           “(C) to providers of information or data-  
9           base management services solely for purposes of  
10          assisting in the delivery of emergency services  
11          in response to an emergency.”.

12          (2) by redesignating subsection (f) as sub-  
13          section (h) and by inserting the following after sub-  
14          section (e):

15          “(f) AUTHORITY TO USE WIRELESS LOCATION IN-  
16          FORMATION.—For purposes of subsection (e)(1), without  
17          the express prior authorization of the customer, a cus-  
18          tomer shall not be considered to have approved the use  
19          or disclosure of or access to—

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

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

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

17           (3) by inserting “location,” after “destination,”  
18          in subsection (h)(1)(A) (as redesignated by para-  
19          graph (2)); and

20           (4) by adding at the end of subsection (h) (as  
21          redesignated), the following:

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

1           “(5) EMERGENCY SERVICES.—The term ‘emer-  
2           gency services’ means 9-1-1 emergency services and  
3           emergency notification services.

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

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

11 **SEC. 6. DEFINITIONS.**

12          As used in this Act:

13           (1) SECRETARY.—The term “Secretary” means  
14          the Secretary of Transportation.

15           (2) STATE.—The term “State” means any of  
16          the several States, the District of Columbia, or any  
17          territory or possession of the United States.

18           (3) PUBLIC SAFETY ANSWERING POINT;  
19          PSAP.—The term “public safety answering point” or  
20          “PSAP” means a facility that has been designated  
21          to receive 9-1-1 calls and route them to emergency  
22          service personnel.

23           (4) WIRELESS CARRIER.—The term “wireless  
24          carrier” means a provider of commercial mobile  
25          services or any other radio communications service

1 that the Federal Communications Commission re-  
2 quires to provide wireless 9-1-1 service.

3 (5) ENHANCED WIRELESS 9-1-1 SERVICE.—The  
4 term “enhanced wireless 9-1-1 service” means any  
5 enhanced 9-1-1 service so designated by the Federal  
6 Communications Commission in the proceeding enti-  
7 tled “Revision of the Commission’s Rules to Ensure  
8 Compatibility with Enhanced 9-1-1 Emergency Call-  
9 ing Systems” (CC Docket No. 94–102; RM–8143),  
10 or any successor proceeding.

11 (6) WIRELESS 9-1-1 SERVICE.—The term “wire-  
12 less 9-1-1 service” means any 9-1-1 service provided  
13 by a wireless carrier, including enhanced wireless 9-  
14 1-1 service.

15 (7) EMERGENCY DISPATCH PROVIDERS.—The  
16 term “emergency dispatch providers” shall include  
17 governmental and non-governmental providers of  
18 emergency dispatch services.

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