

BILL ANALYSIS

Senate Research Center

H.B. 1324
By: Carter (Cain)
Economic Development
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Engrossed

DIGEST

Currently, the Advisory Commission on State Emergency Communications administers the "9-1-1" system of the automatic identification of emergency calls. The system is comprised of 24 emergency communication districts that operate through 75 separate entities. Since the creation of the system in 1987, technological changes have occurred within the industry. This bill would amend Chapter 771, Health and Safety Code, relating to the state administration of emergency communications, to ensure that the regulations of the "9-1-1" system correspond to the technological advances of the equipment and services within the industry.

PURPOSE

As proposed, H.B. 1324, amends Chapter 771, Health and Safety Code, relating to the state administration of emergency communications, to ensure that the regulations of the "9-1-1" system correspond to the technological advances of the equipment and services within the industry.

RULEMAKING AUTHORITY

Rulemaking authority is granted to an emergency communication district in SECTION 3 (Section 771.062(a), Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 771.051, Health and Safety Code, by adding Subsection (c), to authorize the Advisory Commission on State Emergency Communications (advisory commission) to obtain a commercial license or sublicense to sell 9-1-1 or poison control public education and training materials in this state or in other states. Authorizes the advisory commission to use all profits from sales for purposes of the commission.

SECTION 2. Amends Section 771.053, Health and Safety Code, to provide that a service provider of an addressing system or address database used in providing 9-1-1 service; a developer or provider of software used in providing 9-1-1 service for a regional planning commission or an emergency communication district; or an officer or employee of a service provider, manufacturer, or software developer or provider described by this subsection, among others, is not liable for any claim, damage, or loss arising from the provision of 9-1-1 service unless the act or omission proximately causing the claim, damage, or loss constitutes gross negligence, recklessness, or intentional misconduct. Provides that a member of the General Services Commission (GSC), among others, is not liable for any claim, damage, or loss arising from the provision of 9-1-1 service unless the act or omission causing the claim, damage, or loss violates a statute or ordinance applicable to the action. Makes conforming changes.

SECTION 3. Amends Chapter 771C, Health and Safety Code, by adding Sections 771.061 and 771.062, as follows:

Sec. 771.061. CONFIDENTIALITY OF INFORMATION. Provides that information that a service provider of telecommunications service is required to furnish to a governmental entity in providing computerized 9-1-1 service is confidential and is not available for public inspection. Provides that information that is contained in an address database maintained by a governmental entity or a third party used in providing computerized 9-1-1 service is

confidential and is not available for public inspection. Provides that the service provider or third party is not liable to any person who uses a computerized 9-1-1 service for the release of information furnished by the service provider or third party in providing computerized 9-1-1 service. Provides that information that a service provider of telecommunications service furnishes to the advisory commission, a regional planning commission, or an emergency communication district to verify or audit emergency service fees or surcharge remittances and that includes access line or market share information of an individual service provider is confidential and not available for public inspection.

Sec. 771.062. LOCAL ADOPTION OF STATE RULE. Authorizes an emergency communication district to adopt any provision of this chapter or any advisory commission rule. Authorizes the advisory commission to enforce a provision or rule adopted by an emergency communication district under this section. Requires the advisory commission to maintain and update at least annually a list of provisions or rules that have been adopted by emergency communication districts under this section.

SECTION 4. Amends Section 771.073, Health and Safety Code, by adding Subsection (g), to provide that a 9-1-1 service provider is responsible for correctly billing and remitting applicable 9-1-1 fees, charges, and equalization surcharges. Prohibits any fees, charges, or equalization surcharges erroneously billed to a subscriber by a 9-1-1 service provider and erroneously remitted to the advisory commission, a regional planning commission, or an emergency communication district from being recovered from the advisory commission, regional planning commission, or emergency communication district, unless the fees or charges were adjusted due to a refund to the subscriber by the local exchange carrier or interexchange carrier.

SECTION 5. Amends Section 771.074, Health and Safety Code, by prohibiting fee or surcharge authorized by Chapter 772 or a home-rule municipality, among other fees or surcharges, from being imposed on or collected from the state.

SECTION 6. Effective date: September 1, 1997.

SECTION 7. Emergency clause.