

## CHAPTER 125

AN ACT concerning the Statewide emergency, enhanced 9-1-1 telephone system, constituting the 9-1-1 Commission and amending and supplementing P.L.1989, c.3.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

1. Section 1 of P.L.1989, c.3 (C.52:17C-1) is amended to read as follows:

### C.52:17C-1 Definitions.

1. As used in this act:
  - a. "Automatic number identification (ANI)" means an enhanced 9-1-1 service capability that enables the automatic display of the callback number used to place a 9-1-1 call;
  - b. "Automatic location identification (ALI)" means an enhanced 9-1-1 service capability that enables the automatic display of information defining the geographical location of the telephone used to place a 9-1-1 call;
  - c. "Commission" means the 9-1-1 Commission;
  - d. "County 9-1-1 Coordinator" means the County 9-1-1 Coordinator appointed pursuant to section 5 of this act;
  - e. "Enhanced 9-1-1 network" means the switching equipment, trunk system, database operation and connections to the public safety answering point;
  - f. "Enhanced 9-1-1 network features" means those features of selective routing which have the capability of automatic number and location identification;
  - g. "Enhanced 9-1-1 service" means a service consisting of telephone network features and public safety answering points provided for users of the public telephone system enabling the users to reach a public service answering point by dialing the digits "9-1-1." The service directs 9-1-1 calls to appropriate public safety answering points by selective routing based on the location from which the call originated and provides for automatic number identification and automatic location identification features;
  - h. "Enhanced 9-1-1 termination equipment" means the equipment located at the public safety answering point which is needed to receive or record voice and data communications from the enhanced 9-1-1 network;
  - i. "Office" means the Office of Emergency Telecommunications Services established by section 3 of this act;
  - j. "Public safety agency" means a functional division of a municipality, a county, or the State which dispatches or provides law enforcement, fire fighting, emergency medical services, or other emergency services;
  - k. "Private safety agency" means any entity, except a municipality or a public safety agency, providing emergency medical services, fire fighting, or other emergency services;
  - l. "Public safety answering point (PSAP)" means a facility, operated on a 24-hour basis, assigned the responsibility of receiving 9-1-1 calls and, as appropriate, directly dispatching emergency response services or transferring or relaying emergency 9-1-1 calls to other public safety agencies. A public safety answering point is the first point of reception by a public safety agency of 9-1-1 calls and serves the jurisdictions in which it is located or other participating jurisdictions;
  - m. "Selective routing" means the method employed to direct 9-1-1 calls to the appropriate public safety answering point based on the location from which the call originated;
  - n. "Emergency enhanced 9-1-1 system" or "system" means the emergency enhanced 9-1-1 telephone system to be established pursuant to this act, including wireless enhanced 9-1-1 service;
  - o. "Telephone company" means the organization that provides switched local telephone exchange access service;
  - p. "Wireless telephone company" means any person providing commercial mobile radio service as defined in 47 U.S.C.s. 332 (d);
  - q. "FCC wireless E9-1-1 requirements" means the order adopted in the Federal Communications Commission proceeding entitled "Revision of the Commission's Rules to Ensure Comparability with Enhanced 9-1-1 Emergency Calling Systems," (CC Docket No. 94-102: RM-8143), or any successor proceeding, and the rules adopted by the Federal Communications Commission in any such proceeding, as these rules may be amended from time to time;

- r. "Wireless 9-1-1 service" means the service which enables wireless telephone company customers to dial the digits 9-1-1 and be connected to a public safety agency;
- s. "Wireless enhanced 9-1-1 service" means the service required to be provided by a wireless telephone company pursuant to FCC wireless E9-1-1 requirements;
- t. "Chief Technology Officer" means the person appointed by and serving at the pleasure of the Governing Board who is responsible for the day-to-day operations of the Office of Information Technology;
- u. "Governing Board" means the seven-member board established by Executive Order 87 of 1998 to oversee the Office of Information Technology; and
- v. "Office of Information Technology" means the Office of Information Technology established by Executive Order 87 of 1998.

2. Section 2 of P.L.1989, c.3 (C.52:17C-2) is amended to read as follows:

C.52:17C-2 9-1-1 Commission.

2. a. There is created in the Office of Information Technology a commission to be known as the 9-1-1 Commission which shall oversee the office in the planning, design, and implementation of the Statewide emergency enhanced 9-1-1 telephone system to be established pursuant to this act. The commission shall consist of 30 members as follows: two members appointed by the Governor upon the recommendation of the President of the Senate, who shall not be both of the same political party; two members appointed by the Governor upon the recommendation of the Speaker of the General Assembly, who shall not be both of the same political party; the following members ex officio: Chief Technology Officer of the Office of Information Technology; President of the Board of Public Utilities; Superintendent of State Police; Deputy Director of the State Office of Emergency Management in the Department of Law and Public Safety; Director of the Bureau of Fire Safety in the Department of Community Affairs; Director of Emergency Medical Services in the Department of Health and Senior Services; one member of the Governing Board of the Office of Information Technology in but not of the Department of the Treasury; the following public members appointed by the Governor with the advice and consent of the Senate: a representative of the New Jersey State League of Municipalities; a representative of the New Jersey State Association of Chiefs of Police; a representative of the Fire Fighters' Association of New Jersey; a representative of the New Jersey First Aid Council; a representative of the Associated Public Safety Communications Officers (APCO); a representative of Bell Atlantic-New Jersey; a representative of the independent telephone companies; two representatives of the wireless telephone companies; one representative of the National Emergency Number Association; two members representing county-wide dispatch centers; one representative of the Sheriffs Association of New Jersey; one representative of the New Jersey Fire Chiefs Association; one representative from the Certified Local Exchange Carriers; two members representing multi-municipal public safety dispatch centers who serve more than one, but less than five municipalities; and two members representing municipal public safety dispatch centers.

Of the public members first appointed by the Governor with the advice and consent of the Senate and of the members first appointed by the Governor upon recommendation of the President of the Senate and the Speaker of the General Assembly, eight shall be appointed for terms of three years, eight shall be appointed for terms of two years, and seven shall be appointed for terms of one year. Thereafter, the public members of the commission and members appointed by the Governor upon recommendation of the President of the Senate and the Speaker of the General Assembly shall be appointed for terms of three years. Vacancies on the commission shall be filled in the same manner as the original appointment but for the unexpired term. Members may be removed by the appointing authority for cause. The initial members shall be appointed within 30 days of the effective date of P.L.1999, c.125 (C.52:17C-3.1 et al.). The commission shall have the authority to establish subcommittees as it deems appropriate to carry out the purposes of this act.

b. Members of the commission shall serve without compensation but the members, other than the ex officio members, shall be entitled to reimbursement for expenses incurred in

performance of their duties, within the limits of any funds appropriated or otherwise made available for that purpose.

c. Each ex officio member may designate an employee of the member's department or agency to represent the member at meetings or hearings of the commission. All designees may lawfully vote and otherwise act on behalf of the members for whom they constitute the designees.

d. The 9-1-1 Commission shall be constituted upon the appointment of the majority of its authorized membership and shall have no expiration date. Until the commission is constituted: (1) the Advisory Commission appointed by the Chief Technology Officer before the effective date of P.L.1999, c.125 (C.52:17C-3.1 et al.) shall be continued and shall exercise the advisory functions granted to it by the Chief Technology Officer and (2) the Chief Technology Officer shall be responsible for the review and approval of any function of the office which is the responsibility of the 9-1-1 Commission. Membership on the advisory commission shall not disqualify a person from membership on the 9-1-1 Commission.

3. Section 3 of P.L.1989, c.3 (C.52:17C-3) is amended to read as follows:

C.52:17C-3 Office of Emergency Telecommunications Services.

3. a. There is established in the Office of Information Technology an Office of Emergency Telecommunications Services.

b. The office shall be under the immediate supervision of a director, who shall be a person qualified by training and experience to direct the work of the office. The director shall administer the provisions of this act subject to review by the Chief Technology Officer and shall perform other duties as may be provided by law. The director shall be appointed by the Chief Technology Officer, but the commission shall advise the Chief Technology Officer on the qualifications of the director. The Chief Technology Officer is authorized to appoint, in accordance with Title 11A of the New Jersey Statutes, clerical, technical, and professional assistants, and also may designate any available personnel as shall be necessary to effectuate the purposes of this act.

The office shall, subject to review by the commission and the Chief Technology Officer, only as provided in subsection c. of this section, and in consultation with the telephone companies, the Board of Public Utilities and the wireless telephone companies, and with the assistance of the Office of Information Technology in but not of the Department of the Treasury, continue to plan, design, implement, and coordinate the Statewide emergency enhanced 9-1-1 telephone system to be established pursuant to this act as well as any changes to that system needed to provide wireless enhanced 9-1-1 service.

To this end the office shall establish, after review and approval by the commission, a State plan for the emergency enhanced 9-1-1 system in this State, which plan shall include:

(1) The configuration of, and requirements for, the enhanced 9-1-1 network. The office with the approval of the commission and the Chief Technology Officer, only as provided herein, and assistance and advice of the Office of Information Technology in but not of the Department of the Treasury is empowered to enter into contracts with the telephone companies and the wireless telephone companies for the provision of this network.

(2) The role and responsibilities of the counties and municipalities of the State in the implementation of the system, consistent with the provisions of this act, including a timetable for implementation.

(3) Technical and operational standards for the establishment of public safety answering points (PSAPs) which utilize enhanced 9-1-1 network features in accordance with the provisions of this act. Those entities having responsibility for the creation and management of PSAPs shall conform to these standards in the design, implementation and operation of the PSAPs. These standards shall include provision for the training and certification of call-takers and public safety dispatchers or for the adoption of such a program.

The State plan shall be established within 270 days of the operative date of this act except that the technical and operational standards specified in paragraph (3) of this subsection shall be established within 180 days of the operative date of this act.

The office, after review and approval by the commission and the Chief Technology Officer, only as provided herein, may update and revise the State plan from time to time.

The office may inspect each PSAP to determine if it meets the requirements of this act and the technical and operational standards established pursuant to this section. The office shall explore ways to maximize the reliability of the system.

The plan or any portion of it may be implemented by the adoption of regulations pursuant to subsection b. of section 15 of this act.

The office shall plan, implement and coordinate a Statewide public education program designed to generate public awareness at all levels of the emergency enhanced 9-1-1 system. Advertising and display of 9-1-1 shall be in accordance with standards established by the office. Advertising expenses may be defrayed from the moneys appropriated to the office.

The office, after review and approval by the commission and the Chief Technology Officer, only as provided herein, shall submit a report to the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations Committee, or their successors, not later than February 15 of each year, concerning its progress in carrying out this act and the expenditure of moneys appropriated thereto and appropriated for the purposes of installation of the Statewide enhanced 9-1-1 network.

c. (Deleted by amendment, P.L.1999, c.125).

4. Section 4 of P.L.1989, c.3 (C.52:17C-4) is amended to read as follows:

C.52:17C-4 Enhanced 9-1-1 service.

4. Each telephone company providing service within the State shall provide within three years of the operative date of this act enhanced 9-1-1 service to include selective routing, automatic number identification and automatic location identification features as a tariffed service package in compliance with a timetable issued by the office with the approval of the commission. The office with the approval of the commission may extend the three-year limit if necessary.

Each wireless telephone company providing service within the State shall provide wireless enhanced 9-1-1 service pursuant to FCC wireless E9-1-1 requirements and P.L.1999, c.125 (C.52:17C-3.1 et al.).

5. Section 10 of P.L.1989, c.3 (C.52:17C-10) is amended to read as follows:

C.52:17C-10 Forwarding subscriber information.

10. a. Whenever possible and practicable, telephone companies shall forward to jurisdictional public safety answering points via enhanced 9-1-1 network features, the telephone number and street address of any telephone used to place a 9-1-1 call. Subscriber information provided in accordance with this section shall be used only for the purpose of responding to emergency calls or for the investigation of false or intentionally misleading reports of incidents requiring emergency service.

b. (Deleted by amendment, P.L.1999, c.125).

c. No telephone company, person providing commercial mobile radio service as defined in 47 U.S.C.s. 332(d), public safety answering point, or manufacturer supplying equipment to a telephone company, wireless telephone company, or PSAP, or any employee, director, officer, or agent of any such entity, shall be liable for damages to any person who uses or attempts to use the enhanced 9-1-1 service, wireless 9-1-1 service or wireless enhanced 9-1-1 service established under this act for release of the information specified in this section, including non-published telephone numbers. This limitation of liability is inapplicable if such failure resulted from a malicious purpose or a wanton and willful disregard for the safety of persons or property.

d. No telephone company, person providing commercial mobile radio service as defined in 47 U.S.C.s. 332(d), public safety answering point, or manufacturer supplying equipment to a telephone company, wireless telephone company, or PSAP, or any employee, director, officer, or agent of any such entity, shall be liable to any person for civil damages, or subject to criminal prosecution resulting from or caused by any act, failure or omission in the development, design,

installation, operation, maintenance, performance or provisioning of any hardware, software, or any other aspect of delivering enhanced 9-1-1 service, wireless 9-1-1 service or wireless enhanced 9-1-1 service. This limitation of liability is inapplicable if such failure resulted from a malicious purpose or a wanton and willful disregard for the safety of persons or property.

e. No telephone company, person providing commercial mobile radio service as defined in 47 U.S.C.s. 332(d), public safety answering point, or manufacturer supplying equipment to a telephone company, wireless telephone company, or PSAP, or any employee, director, officer, or agent of any such entity, shall be liable to any person for damages resulting from or in connection with such entity's provision of any lawful assistance to any investigative or law enforcement officer of this State or a political subdivision of this State, of the United States, or of any other state or a political subdivision of such state in connection with any lawful investigation by or other law enforcement activity of the law enforcement officer unless the entity, in providing such assistance, acted in a manner exhibiting wanton and willful disregard for the safety of persons or property.

6. Section 14 of P.L.1989, c.3 (C.52:17C-14) is amended to read as follows:

C.52:17C-14 Annual appropriation.

14. a. The Legislature shall annually appropriate such sums as are necessary to pay for the operation and maintenance of the enhanced 9-1-1 service and for county 9-1-1 coordinators pursuant to section 13 of P.L.1989,c.3 (C.52:17C-13). A telephone company incurring operation and maintenance costs of the system shall submit the costs thereof, after review and approval by the Board of Public Utilities, to the State Treasurer. The operation and maintenance charges for the enhanced 9-1-1 service shall accrue coincident with the availability of the enhanced 9-1-1 service and shall be submitted to the State upon that availability. The State Treasurer, upon warrant of the Director of the Division of Budget and Accounting in the Department of the Treasury, shall pay such costs from moneys appropriated pursuant to this section.

b. The Legislature shall annually appropriate such sums as are necessary to pay for the installation, operation and maintenance costs required to provide wireless enhanced 9-1-1 service upon request by the office pursuant to 47 CFR 20.18(f). A wireless telephone company incurring installation, operation and maintenance costs required to provide wireless enhanced 9-1-1 service shall submit the costs thereof, after review and approval by the office and the commission, to the State Treasurer. The installation, operation and maintenance costs for wireless enhanced 9-1-1 service shall accrue coincident with the availability of such service and shall be submitted to the State upon that availability. The State Treasurer, upon warrant of the Director of the Division of Budget and Accounting in the Department of the Treasury, shall pay such costs from moneys appropriated pursuant to this section.

7. Section 15 of P.L.1989, c.3 (C.52:17C-15) is amended to read as follows:

C.52:17C-15 Civil proceedings; rules, regulations.

15. a. The Attorney General may, at the request of the commission, or on his own initiative, institute civil proceedings against any appropriate party to enforce the provisions of this act.

b. The Chief Technology Officer may, after consulting with the director of the office, and subject to the review of the commission, promulgate such rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as he deems necessary to effectuate the purposes of this act.

C.52:17C-3.1 Transfer of Office of Emergency Telecommunications Services.

8. The transfer of the Office of Emergency Telecommunications Services shall be accomplished in conformity with the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.), and shall be effectuated as determined by the Attorney General and the Chief Technology Officer.

9. This act shall take effect immediately.

Approved June 24, 1999.