

**FIRST ENGROSSMENT  
with Senate Amendments  
ENGROSSED HOUSE BILL NO. 1045**

Introduced by

Legislative Management

(Public Safety and Transportation Committee)

1 A BILL for an Act to amend and reenact sections 57-40.6-01 and 57-40.6-10 of the North  
2 Dakota Century Code, relating to definitions and standards and guidelines for emergency  
3 services communication systems.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 57-40.6-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **57-40.6-01. Definitions.**

8 In this chapter, unless the context or ~~subject matter~~ otherwise requires:

- 9 1. "Active prepaid wireless service" means a prepaid wireless service that has been used  
10 by the customer during the month to complete a telephone call for which the  
11 customer's card or balance was decremented.
- 12 2. "Assessed communications service" means a software service, communication  
13 connection, cable or broadband transport facilities, or a combination of these facilities,  
14 between a billed retail end user and a service provider's network that provides the end  
15 user, upon dialing 911, access to a public safety answering point through a permissible  
16 interconnection to the dedicated 911 network. The term includes telephone exchange  
17 access service, wireless service, active prepaid wireless service, and voice over  
18 internet protocol service.
- 19 3. "Automated notification system" means that portion of a telecommunications system  
20 that provides rapid notice of emergency situations to the public.
- 21 4. "Communication connection" means a telephone access line, wireless access line,  
22 unique voice over internet protocol service connection, or functional equivalent  
23 uniquely identifiable by a number, internet address, or other designation.

- 1           5. "Emergency services communication system" means a statewide, countywide, or  
2           citywide radio system, land lines communication network, wireless service network, or  
3           enhanced 911 (E911) telephone system, which provides rapid public access for  
4           coordinated dispatching of services, personnel, equipment, and facilities for law  
5           enforcement, fire, medical, or other emergency services.
- 6           6. "FCC order" means federal communications commission order 94-102 [961 Federal  
7           Register 40348] and any other FCC order that affects the provision of wireless  
8           enhanced 911 service.
- 9           7. "Prepaid wireless service" means wireless service that is activated in advance by  
10          payment for a finite dollar amount of service or for a finite set of minutes that  
11          terminates either upon use by a customer and delivery by the wireless provider of an  
12          agreed-upon amount of service corresponding to the total dollar amount paid in  
13          advance or within a certain period of time following the initial purchase or activation,  
14          unless the customer makes additional payments.
- 15          8. "Public safety answering point" or "PSAP" means a communications facility or  
16          combination of facilities operated on a twenty-four-hour basis which first receives 911  
17          calls from persons in a 911 service area and which, as appropriate, may directly  
18          dispatch public safety services or extend, transfer, or relay 911 calls to appropriate  
19          public safety agencies.
- 20          9. "Public safety answering point service area" means the geographic area for which a  
21          public safety answering point has dispatch and emergency communications  
22          responsibility.
- 23          10. "Public safety telecommunicator" means an individual whose primary full-time or  
24          part-time duties are receiving, processing, and transmitting public safety information  
25          received through an emergency services communication system.
- 26          11. "Subscriber service address" means, for purposes of wire line subscribers, the  
27          address where the telephone subscriber's wire line telephone device is used and, for  
28          purposes of wireless subscribers, the place of primary use, as that term is defined in  
29          section 57-34.1-02.
- 30          ~~10-12.~~ "Telephone access line" means the principal access to the telephone company's  
31          switched network, including an outward dialed trunk or access register.

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- 1 ~~41.13.~~ "Telephone exchange access service" means service to any wire line telephone  
2 access line identified by a unique telephone number that provides local wire line  
3 access to the telecommunications network to a service subscriber and which enables  
4 the subscriber to access the emergency services communications system by dialing  
5 the digits 9-1-1 on the subscriber's telephone device.
- 6 ~~42.14.~~ "Unpublished" means information that is not published or available from directory  
7 assistance.
- 8 ~~43.15.~~ "Voice over internet protocol service" means a service that enables real-time two-way  
9 voice communications; requires a broadband connection from the user's location;  
10 requires internet protocol-compatible customer premises equipment; and permits  
11 users generally to receive calls that originate on the public switched telephone network  
12 and to terminate calls to the public switched telephone network.
- 13 ~~44.16.~~ "Wireless access line" means each active wireless and prepaid wireless telephone  
14 number assigned to a commercial mobile radio service subscriber, including end users  
15 of resellers.
- 16 ~~45.17.~~ "Wireless enhanced 911 service" means the service required to be provided by  
17 wireless service providers pursuant to the FCC order.
- 18 ~~46.18.~~ "Wireless service" means commercial mobile radio service as defined in 47 U.S.C.  
19 332(d)(1) and includes:  
20 a. Services commonly referred to as wireless; and  
21 b. Services provided by any wireless real-time two-way voice communication  
22 device, including radio-telephone communications used in:  
23 (1) Cellular telephone service;  
24 (2) Personal communications service; or  
25 (3) The functional or competitive equivalent of a radio-telephone  
26 communications line used in cellular telephone service, personal  
27 communications service, or a network radio access line.
- 28 ~~47.19.~~ "Wireless service provider" means any entity authorized by the federal  
29 communications commission to provide wireless service within ~~the~~this state of ~~North-~~  
30 ~~Dakota.~~

1       **SECTION 2. AMENDMENT.** Section 57-40.6-10 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **57-40.6-10. Standards and guidelines.**

- 4       1. The governing body of the local governmental unit with jurisdiction over an emergency  
5       911 ~~telephone~~services communication system ~~shall be~~ or shall designate a  
6       governing committee ~~of the emergency 911 telephone system which that~~ shall:
- 7       a. Designate a ~~911~~an emergency services communication system coordinator.
  - 8       b. Enter written agreements with participating organizations and agencies.
  - 9       c. Designate lines of authority.
  - 10      d. Provide for a written plan for rural addressing, if applicable, which has been  
11      coordinated with the local postal authorities. After January 1, 1993, a rural plan  
12      must conform to the modified burkle addressing plan. A plan in use before this  
13      date does not have to conform with the modified burkle addressing plan. If  
14      implemented, all rural addressing signs must comply with the manual on uniform  
15      traffic control devices standards.
  - 16      e. ~~Provide for an update of the emergency 911 telephone system's data base~~  
17      ~~annually by obtaining current records from the appropriate telecommunications~~  
18      ~~company.~~
  - 19      f. Define a records retention plan for all printed, electronic, and recorded records in  
20      accordance with state law and jurisdictional requirements.
  - 21      g.f. Encourage that ~~coin-free dialing~~cost-free connection is available for  
22      911emergency calls.
  - 23      h. ~~Define a mechanism to differentiate between emergency 911 telephone calls~~  
24      ~~from other calls.~~
  - 25      i. ~~Provide for written operating procedures.~~
  - 26      j. Require the public safety answering point that initially receives an emergency call  
27      to be responsible for handling that call. If a transfer of an emergency call is made  
28      to a secondary public safety answering point, the initial public safety answering  
29      point may not disconnect from the three-way call unless mutually agreed upon by  
30      the two public safety answering point dispatchers. Upon this agreement, the  
31      secondary public safety answering point becomes responsible for the call.

- 1           k. ~~Beginning June 1, 2002, ensure that the closest available emergency medical-~~  
2           ~~service is dispatched to the scene of medical emergencies regardless of city,~~  
3           ~~county, or district boundaries. The state department of health shall provide-~~  
4           ~~emergency 911 telephone systems with necessary geographical information to-~~  
5           ~~assist in the implementation of this subdivision.~~
- 6           l.g. Operate or contract for the operation of at least one public safety answering point  
7           to manage emergency services communications.
- 8           h. Ensure that fee proceeds collected under this chapter are expended in  
9           accordance with guidelines developed pursuant to section 57-40.6-12 and  
10          implement an accounting system sufficient to meet the requirements of section  
11          57-40.6-05.
- 12          2. The governing committee may:
- 13           a. Require appropriate liability protection.
- 14           b. Create a user advisory board.
- 15           c. Conduct an annual statistical evaluation of services.
- 16           d. Publish an annual financial report in the official county newspaper.
- 17          3. ~~An emergency 911 telephone system must access and dispatch the following services~~  
18          communication system coordinator shall:
- 19           a. ~~Law enforcement.~~
- 20           b. ~~Fire service.~~
- 21           c. ~~Emergency medical service.~~
- 22          4. ~~An emergency 911 telephone system may access and dispatch the following services:~~
- 23           a. ~~Poison control.~~
- 24           b. ~~Suicide prevention.~~
- 25           c. ~~Emergency management.~~
- 26           d. ~~Any other related service in subsection 3 or this subsection.~~
- 27          5. ~~The governing committee of an emergency 911 telephone system shall provide that~~  
28          ~~that system:~~
- 29           a. ~~Provides twenty-four hour, seven-day-a-week coverage.~~
- 30           b. ~~Dispatches and communicates with service identified in subsection 3.~~
- 31           c. ~~Records all incoming 911 calls and related radio and telephone communications.~~

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- 1           d. ~~Provides alternate measures in the event of an emergency 911 telephone system~~  
2           ~~failure, including an alternate public safety answering point seven-digit number.~~
- 3           e. ~~Ensures an adequate grade of service that is statistically based by population to~~  
4           ~~assure access to an emergency 911 telephone system.~~
- 5           f. ~~Does not accept one-way call-in alarms or devices.~~
- 6           g. ~~Provides access to an emergency 911 telephone system through specialized~~  
7           ~~telecommunications equipment as defined under section 54-44.8-01.~~
- 8       6. ~~An emergency 911 telephone system may:~~
- 9           a. ~~Locate the emergency caller utilizing electronic equipment.~~
- 10          b. ~~Provide a mechanism for investigating false or prank calls.~~
- 11       7. ~~An emergency 911 telephone system must include at least one public safety~~  
12       ~~answering point.~~
- 13       8. ~~A cellular 911 call must be routed to the appropriate 911 public safety answering point.~~
- 14       9. ~~An emergency 911 telephone call must be answered by a dispatcher who has~~  
15       ~~completed training through an association of public safety communications officials~~  
16       ~~course or equivalent course. An emergency 911 dispatch center is required to offer~~  
17       ~~emergency medical dispatch instructions on all emergency medical calls. Prearrival~~  
18       ~~instructions must be offered by a dispatcher who has completed an emergency~~  
19       ~~medical dispatch course approved by the division of emergency health services.~~  
20       ~~Prearrival medical instructions may be given through a mutual aid agreement.~~
- 21           a. Ensure that address and mapping data is updated in the emergency services  
22           communication system database and mapping system within thirty days of  
23           receipt of notice or request for change;
- 24           b. Provide for a complete annual review of the emergency services communication  
25           system land line database by obtaining current records from the appropriate  
26           telecommunications companies;
- 27           c. Maintain the law enforcement, fire, and emergency medical service response  
28           boundaries for the public safety answering point service area; and
- 29           d. Ensure that the dispatch protocols for emergency service notifications are  
30           documented and communicated with all law enforcement, fire, and emergency  
31           medical services.

- 1       4. A public safety answering point must:
- 2           a. Be operational twenty-four hours a day seven days a week or be capable of
- 3                 transferring emergency calls to another public safety answering point meeting the
- 4                 requirements of this section during times of nonoperation.
- 5           b. No later than July 1, 2013, be staffed continuously with at least one public safety
- 6                 telecommunicator who is on duty at all times of operation and who has primary
- 7                 responsibility for handling the communications of the public safety answering
- 8                 point.
- 9           c. Have the capability to dispatch law enforcement, fire, and medical responders to
- 10                calls for service in the public safety answering point's service area.
- 11           d. Have two-way communication with all law enforcement, fire, and medical
- 12                responder units and operational incident or unified commands in the public safety
- 13                answering point's service area.
- 14           e. As authorized by the governing committee, access and dispatch poison control,
- 15                suicide prevention, emergency management, and other public or private services
- 16                but may not accept one-way private call-in alarms or devices as 911 calls.
- 17           f. Dispatch the emergency medical service that has been determined to be the
- 18                quickest to arrive to the scene of medical emergencies regardless of city, county,
- 19                or district boundaries. The state department of health shall provide public safety
- 20                answering points with the physical locations of the emergency medical services
- 21                necessary for the implementation of this subdivision.
- 22           g. Be capable of providing emergency medical dispatch prearrival instructions on
- 23                all emergency medical calls. Prearrival instructions must be offered by a public
- 24                safety telecommunicator who has completed an emergency medical dispatch
- 25                course approved by the division of emergency health services. Prearrival medical
- 26                instructions may be given through a mutual aid agreement.
- 27           h. Have security measures in place to prevent direct physical public access to
- 28                on-duty public safety telecommunicators and to prevent direct physical public
- 29                access to any room or location where public safety answering point equipment
- 30                and systems are located.

- 1           i. Have an alternative source of electrical power that is sufficient to ensure at least  
2           six hours of continued operation of emergency communication equipment in the  
3           event of a commercial power failure. A public safety answering point also must  
4           have equipment to protect critical equipment and systems from irregular power  
5           conditions, such as power spikes, lightning, and brownouts. Documented testing  
6           of backup equipment must be performed each quarter under load.
- 7           j. Maintain a written policy for computer system security and preservation of data.
- 8           k. Have the capability of recording and immediate playback of recorded emergency  
9           calls and radio traffic.
- 10          l. Employ a mechanism to differentiate emergency calls from other calls.
- 11          m. Provide assistance for investigating false or prank calls.
- 12          n. Have an alternative method of answering inbound emergency calls at the public  
13          safety answering point when its primary emergency services communication  
14          system equipment is inoperable.
- 15          o. No later than July 1, 2013, have a written policy, appropriate agreements, and the  
16          capability to directly answer emergency calls and dispatch responders from a  
17          separate, independent location other than the main public safety answering point  
18          or another public safety answering point meeting the requirements of this section,  
19          within sixty minutes of an event that renders the main public safety answering  
20          point inoperative. This alternative location must have independent access to the  
21          public safety answering point's land line database. The capability of transferring  
22          emergency calls to this alternative location must be tested and documented  
23          annually.
- 24          p. Remain responsible for all emergency calls received, even if a transfer of the call  
25          is made to a second public safety answering point. The initial public safety  
26          answering point may not disconnect from the three-way call unless mutually  
27          agreed by the two public safety telecommunicators. Upon this agreement, the  
28          secondary public safety answering point becomes responsible for the call.
- 29          q. Employ the necessary telecommunications network and electronic equipment  
30          consistent with the minimum technical standards recommended by the national



- 1           emergency number association to securely receive and respond to emergency  
2           communications.
- 3           r. After July 1, 2013, maintain current, up-to-date mapping of its service area and  
4           have the ability to use longitude and latitude to direct responders.
- 5           s. Secure two sets of fingerprints from a law enforcement agency or any other  
6           agency authorized to take fingerprints and all other information necessary to  
7           obtain state criminal history record information and a nationwide background  
8           check under federal law for all public safety telecommunicators.
- 9           t. Have policies to ensure that all public safety telecommunicators:
- 10           (1) Do not have felony convictions;  
11           (2) Complete preemployment screening for illegal substance use and hearing;  
12           (3) Complete training through an association of public safety communications  
13           officials course or equivalent course;  
14           (4) Can prioritize appropriately all calls for service; and  
15           (5) Can determine the appropriate resources to be used in response to all calls  
16           for public safety services.
- 17           u. Have written policies establishing procedures for recording and documenting  
18           relevant information of every request for service, including:
- 19           (1) Date and time of request for service;  
20           (2) Name and address of requester, if available;  
21           (3) Type of incident reported;  
22           (4) Location of incident reported;  
23           (5) Description of resources assigned, if any;  
24           (6) Time of dispatch;  
25           (7) Time of resource arrival; and  
26           (8) Time of incident conclusion.
- 27           v. Have written policies establishing dispatch procedures and provide periodic  
28           training of public safety telecommunicators on those procedures, including  
29           procedures for:
- 30           (1) Standardized call taking and dispatch procedures;

- 1                   (2) The prompt handling and appropriate routing of misdirected emergency
- 2                   calls;
- 3                   (3) The handling of hang-up emergency calls;
- 4                   (4) The handling of calls from non-English speaking callers; and
- 5                   (5) The handling of calls from callers with hearing or speech impairments.