

## CHAPTER 403

## LOCAL EMERGENCY TELEPHONE SERVICES

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**403.02 DEFINITIONS.**

*[For text of subd 1, see M.S.1996]*

**Subd. 2. Metropolitan area.** "Metropolitan area" means the metropolitan area as defined in section 473.121, subdivision 2.

*[For text of subs 3 to 9, see M.S.1996]*

**Subd. 10. Commissioner.** "Commissioner" means the commissioner of administration.

**History:** 1997 c 202 art 3 s 18,19

**403.08 PLANS SUBMITTED; CHANGES; WAIVERS.**

*[For text of subs 1 to 6, see M.S.1996]*

**Subd. 7. Cellular and other nonwire providers.** (a) Each cellular and other wireless access service provider shall cooperate in planning and implementing integration with enhanced 911 systems operating in their service territories to meet Federal Communications Commission-enhanced 911 standards. By August 1, 1997, each 911 emergency telephone service provider operating enhanced 911 systems, in cooperation with each involved cellular or other wireless access service provider, shall develop and provide to the commissioner good-faith estimates of installation and recurring expenses to integrate cellular 911 service into the enhanced 911 networks to meet Federal Communications Commission phase one wireless enhanced 911 standards. The commissioner shall coordinate with counties and affected public safety agency representatives in developing a statewide design and plan for implementation.

(b) Planning shall be completed by October 1, 1997, for the metropolitan area and shall be completed by December 1, 1997, for the areas outside of the metropolitan area.

(c) Planning considerations must include cost, degree of integration into existing 911 systems, the retention of existing 911 infrastructure, and the potential implications of phase 2 of the Federal Communications Commission wireless enhanced 911 standards.

(d) Counties shall incorporate the statewide design when modifying county 911 plans to provide for integrating wireless 911 service into existing county 911 systems. The commissioner shall contract with the involved wireless service providers and 911 service providers to integrate cellular and other wireless services into existing 911 systems where feasible.

**History:** 1997 c 202 art 3 s 20

**403.11 SYSTEM COSTS; FEE; ACCOUNT.**

*[For text of subd 1, see M.S.1996]*

**Subd. 2. Modification costs.** (a) The costs of a public utility incurred in the modification of central office switching equipment for minimum 911 service shall be paid from the general fund of the state treasury by appropriations for that purpose.

(b) The installation and recurring charges for integrating cellular and other wireless access services 911 calls into enhanced 911 systems must be paid by the commissioner if the 911 service provider is included in the statewide design plan and the charges have been certi-

fied and approved under subdivision 3, or the wireless access service provider has completed a contract for service with the commissioner, and charges are considered reasonable and accurate by the commissioner. Charges payable to wireless access service providers are not subject to the provisions of subdivision 3.

*[For text of subs 3 and 4, see M.S.1996]*

**History:** 1997 c 202 art 3 s 21

#### **403.113 ENHANCED 911 SERVICE COSTS; FEE.**

**Subdivision 1. Fee.** (a) In addition to the actual fee assessed under section 403.11, each customer receiving local telephone service, including cellular or other nonwire service, is assessed a fee to fund implementation and maintenance of enhanced 911 service, including acquisition of necessary equipment and the costs of the commissioner to administer the program. The enhanced fee collected from cellular or other nonwire service customers must be collected effective in July 1997 billings. The actual fee assessed under section 403.11 and the enhanced 911 service fee must be collected as one amount and may not exceed the amount specified in section 403.11, subdivision 1, paragraph (b).

(b) The enhanced 911 service fee must be collected and deposited in the same manner as the fee in section 403.11 and used solely for the purposes of paragraph (a) and subdivision 3.

(c) The commissioner of the department of administration, in consultation with counties and 911 system users, shall determine the amount of the enhanced 911 service fee and inform telephone companies or communications carriers that provide service capable of originating a 911 emergency telephone call of the total amount of the 911 service fees in the same manner as provided in section 403.11.

**Subd. 2. Distribution of money.** (a) After payment of the costs of the department of administration to administer the program, the commissioner shall distribute the money collected under this section as follows:

(1) one-half of the amount equally to all qualified counties, and after October 1, 1997, to all qualified counties, existing ten public safety answering points operated by the Minnesota state patrol, and each governmental entity operating the individual public safety answering points serving the metropolitan airports commission, the Red Lake Indian Reservation, and the University of Minnesota police department; and

(2) the remaining one-half to qualified counties and cities with existing 911 systems based on each county's or city's percentage of the total population of qualified counties and cities. The population of a qualified city with an existing system must be deducted from its county's population when calculating the county's share under this clause if the city seeks direct distribution of its share.

(b) A county's share under subdivision 1 must be shared pro rata between the county and existing city systems in the county. A county or city or other governmental entity as described in paragraph (a), clause (1), shall deposit money received under this subdivision in an interest-bearing fund or account separate from the governmental entity's general fund and may use money in the fund or account only for the purposes specified in subdivision 3.

(c) A county or city or other governmental entity as described in paragraph (a), clause (1), is not qualified to share in the distribution of money for enhanced 911 service if it has not implemented enhanced 911 service before December 31, 1998.

(d) For the purposes of this subdivision, "existing city system" means a city 911 system that provides at least basic 911 service and that was implemented on or before April 1, 1993.

**Subd. 3. Local expenditures.** (a) Money distributed under subdivision 2 for enhanced 911 service may be spent on enhanced 911 system costs for the purposes stated in subdivision 1, paragraph (a). In addition, money may be spent to lease, purchase, lease-purchase, or maintain enhanced 911 equipment, including telephone equipment; recording equipment; computer hardware; computer software for database provisioning, addressing, mapping, and any other software necessary for automatic location identification or local location identification; trunk lines; selective routing equipment; the master street address guide; dispatcher public safety answering point equipment proficiency and operational skills; pay for long-

distance charges incurred due to transferring 911 calls to other jurisdictions; and the equipment necessary within the public safety answering point for community alert systems and to notify and communicate with the emergency services requested by the 911 caller.

(b) Money distributed for enhanced 911 service may not be spent on:

(1) purchasing or leasing of real estate or cosmetic additions to or remodeling of communications centers;

(2) mobile communications vehicles, fire engines, ambulances, law enforcement vehicles, or other emergency vehicles;

(3) signs, posts, or other markers related to addressing or any costs associated with the installation or maintenance of signs, posts, or markers.

Subd. 4. **Audits.** Each county and city or other governmental entity as described in subdivision 2, paragraph (a), clause (1), shall conduct an annual audit on the use of funds distributed to it for enhanced 911 service. A copy of each audit report must be submitted to the commissioner of administration.

*[For text of subd 5, see M.S.1996]*

**History:** 1997 c 202 art 3 s 22–25

#### **403.13 CELLULAR TELEPHONE USE.**

Subdivision 1. **Cellular 911 calls.** (a) Those governmental entities that are responsible for the design, planning, and coordination of the 911 emergency telephone system under the requirements of this chapter shall ensure that a 911 emergency call made with a cellular or other wireless access device is automatically connected to and answered by the appropriate public safety answering point.

(b) In order to comply with paragraph (a), representatives of each county's 911 planning committee shall consult with representatives of the relevant district office of the state patrol to allocate responsibility for answering emergency 911 calls in each county, and shall notify the commissioner of the agreed upon allocation. By April 1, 1998, for the metropolitan area and June 1, 1998, for the area outside the metropolitan area, the county 911 planning committees and the district offices of the state patrol shall notify the commissioner of any unresolved issues regarding the allocation of responsibility for answering cellular 911 emergency calls.

(c) Unresolved issues in the metropolitan area must be resolved by:

(1) the executive director of the metropolitan 911 board;

(2) the 911 product manager appointed by the commissioner;

(3) a representative appointed by the Minnesota state sheriffs association from the metropolitan area;

(4) the commissioner of public safety or the commissioner's designee; and

(5) a representative appointed by the Minnesota chiefs of police association from the metropolitan area.

(d) Unresolved issues in the area outside the metropolitan area must be resolved by:

(1) a representative appointed by the association of Minnesota counties from the area outside the metropolitan area;

(2) the 911 product manager appointed by the commissioner;

(3) a representative appointed by the Minnesota state sheriffs association from the area outside the metropolitan area;

(4) the commissioner of public safety or the commissioner's designee; and

(5) a representative appointed by the Minnesota league of cities from the area outside the metropolitan area.

(e) These committees shall resolve outstanding issues by December 31, 1998. The decision of the committee is final.

Subd. 2. **Notification of subscribers.** A provider of cellular or other wireless telephone services in Minnesota shall notify its subscribers at the time of initial subscription and four times per year thereafter that a 911 emergency call made with a wireless telephone is not al-

ways answered by a local public safety answering point but may be routed to a state patrol dispatcher and that, accordingly, the caller must provide specific information regarding the caller's location.

**History:** 1997 c 202 art 3 s 26

#### **403.14 WIRELESS ENHANCED 911 SERVICE PROVIDER; LIABILITY.**

No wireless enhanced 911 emergency communication service provider, its employees, or its agents is liable to any person for civil damages resulting from or caused by any act or omission in the development, design, installation, operation, maintenance, performance, or provision of enhanced 911 wireless service, except for willful or wanton misconduct. No wireless carrier, its employees, or its agents is liable to any person who uses enhanced 911 wireless service for release of subscriber information required under this chapter to any public safety answering point.

**History:** 1997 c 202 art 3 s 27