

CHAPTER 403

911 EMERGENCY TELEPHONE SERVICES

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403.01 911 EMERGENCY TELEPHONE SYSTEM REQUIRED.

Subdivision 1. **General requirement.** Each county in the metropolitan area shall establish a 911 emergency telephone system on or before December 15, 1982 and each remaining county shall establish a 911 emergency telephone system on or before December 15, 1986.

Subd. 2. **Multijurisdictional system.** The 911 systems may be multijurisdictional and regional in character provided that design and implementation are preceded by cooperative planning on a county-by-county basis with local public safety agencies.

History: 1977 c 311 s 1

403.02 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. **Metropolitan area.** "Metropolitan area" means the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Subd. 3. **Public agency.** "Public agency" means any unit of local government or special purpose district located in whole or in part within this state which provides or has authority to provide fire fighting, police, ambulance, medical, or other emergency services.

Subd. 4. **Public safety agency.** "Public safety agency" means a functional division of a public agency which provides fire fighting, police, medical, or other emergency services, or a private entity which provides emergency medical or ambulance services.

Subd. 5. **Public safety answering point.** "Public safety answering point" means a communications facility operated on a 24 hour basis which first receives 911 calls from persons in a 911 service area and which may, as appropriate, directly dispatch public safety services or extend, transfer, or relay 911 calls to appropriate public safety agencies.

Subd. 6. **Minimum 911 service.** "Minimum 911 service" means a telephone service meeting the design standards established pursuant to section 403.07, which automatically connects a person dialing the digits 911 to an established public safety answering point. Minimum 911 service includes (1) equipment for connecting and outswitching 911 calls within a telephone central office, trunking facilities from the central office to a public safety answering point; (2) equipment, as appropriate, for automatically selectively routing 911 calls in situations where one telephone central office serves more than one public safety answering point; and (3) provision of automatic location identification if the public safety answering point has the capability of providing that service.

Subd. 7. **Automatic location identification.** "Automatic location identification" means the process of electronically identifying and displaying on a special viewing screen the name of the subscriber and the address of the calling telephone number to a person answering a 911 emergency call.

Subd. 8. **Local location identification.** "Local location identification" means the process of locating the origin of calls to a 911 system by means of a periodically updated database located and maintained at the public safety answering point.

Subd. 9. **Enhanced 911 service.** "Enhanced 911 service" means the use of selective routing, automatic location identification, or local location identification as part of local 911 service.

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

History: 1977 c 311 s 2; 1987 c 56 s 1,2; 1990 c 543 s 1; 1994 c 616 s 6; 1995 c 149 s 1; 1997 c 202 art 3 s 18,19; 3Sp1997 c 3 s 1

403.03 911 SERVICES TO BE PROVIDED.

Services available through a 911 system shall include police, fire fighting and emergency medical and ambulance services. Other emergency and civil defense services may be incorporated into the 911 system at the discretion of the public agency operating the public safety answering point.

History: 1977 c 311 s 3

403.04 EMERGENCY TELEPHONE NUMBER 911; PAY TELEPHONE.

Subdivision 1. **911 system.** The digits 911 shall be the primary emergency telephone number within the system, but a public safety agency whose services are available on the 911 system may maintain a separate secondary backup number for emergency calls and shall maintain a separate number for nonemergency telephone calls.

Subd. 2. **Pay telephone.** By December 15, 1986, each public utility providing telephone service within a 911 service area shall convert every pay station telephone to permit dialing of the 911 number without coin or other charge to the caller.

History: 1977 c 311 s 4

403.05 DESIGN OF 911 SYSTEM, GENERALLY.

Each county shall design its 911 system to meet the requirements of agencies whose services are available through the 911 system and to permit future expansion of the system.

History: 1977 c 311 s 5

403.06 911 SYSTEM PLANNING AND COORDINATION.

The department of administration shall coordinate the implementation of 911 systems on or before the deadlines established in section 403.01. The department shall aid counties in the formulation of concepts, methods and procedures which will improve the operation of 911 systems.

History: 1977 c 311 s 6

403.07 STANDARDS ESTABLISHED; DATA PRIVACY.

Subdivision 1. **Rules.** The department of administration shall establish and adopt in accordance with chapter 14, rules for the administration of this chapter and for the development of 911 systems in the state including:

- (a) design standards for 911 systems incorporating the standards adopted pursuant to subdivision 2 for the seven-county metropolitan area; and
- (b) a procedure for determining and evaluating requests for variations from the established design standards.

Subd. 2. **Design standards.** The metropolitan council shall establish and adopt design standards for the metropolitan area 911 system and transmit them to the department of administration for incorporation into the rules adopted pursuant to this section.

Subd. 3. **Database.** In 911 systems that have been approved by the department of administration for a local location identification base, each public utility providing telephone service shall provide current customer names, service addresses, and telephone numbers to each public safety answering point within the 911 system and shall update the information according to a schedule prescribed by the county 911 plan. Information provided under this subdivision must be provided in accordance with the transactional record disclosure requirements of the federal Electronic Communications Privacy Act of 1986, United States Code, title 18, section 2703, subsection (c), paragraph (1), clause (B)(iv).

Subd. 4. **Use of furnished information.** Names, addresses, and telephone numbers provided to a 911 system under subdivision 3 are private data and may be used only for identifying the location or identity, or both, of a person calling a 911 public safety answering point. The information furnished under subdivision 3 may not be used or disclosed by 911 system agencies; their agents, or their employees for any other purpose except under a court order. A telephone company or telecommunications provider is not liable to any person for the good faith release to emergency communications personnel of information not in the public record, including, but not limited to, nonpublished or nonlisted telephone numbers.

History: 1977 c 311 s 7; 1982 c 424 s 130; 1990 c 543 s 2,3; 1991 c 319 s 21; 1994 c 618 art 1 s 38; 1995 c 149 s 2

403.08 911 SYSTEM PLANS SUBMITTED; CHANGE; WAIVER.

Subdivision 1. **Tentative plan.** (a) Before December 15, 1978, each county shall submit tentative plans for the establishment of a 911 system to the public utility or utilities providing public telephone service within the county, to the department of administration and to the public utilities' commission.

(b) The department of administration shall review the plan for consistency with the standards adopted pursuant to section 403.07 and report its findings to the county within six months of receipt of the plan.

(c) The public utilities commission shall review the plan and comment to the county within six months of the receipt of the plan.

(d) Each public utility providing telephone service within the county shall review the plan and transmit to the county good faith estimates of local system implementation expenses within six months of the receipt of the plan.

Subd. 2. **Final plan.** (a) Before December 15, 1979, each county shall submit final plans for the establishment of a 911 system to the public utility or utilities providing public telephone service within the county, to the department of administration and to the public utilities commission. The final plan shall include a description of all capital and recurring costs for the proposed 911 system.

(b) The department of administration shall review the final plan for consistency with the standards adopted pursuant to section 403.07 and approve or disapprove the plan within six months of receipt.

(c) The public utilities commission shall review the final plan and determine that portion of plan implementation capital costs which may be applied to the utility company rate base and report findings to the county within six months of receipt of the plan.

Subd. 3. **Implementation contract.** After department of administration approval of design and public utilities commission report of findings, each county, together with the department of administration and the local governmental units or public agencies operating public safety answering points, shall contract with the appropriate public utility or utilities for the implementation of the approved 911 system plan.

Subd. 4. **Exception.** Each county implementing a 911 system before December 15, 1978, shall submit to the department of administration and the public utilities commission in lieu of the required plan a report describing the system and stating its operational date.

Subd. 5. **System change after December 14, 1978.** Any subsequent changes to 911 systems described in subdivision 4 shall conform to standards established by the department of administration pursuant to section 403.07.

Subd. 6. **Waiver.** After adoption of final 911 system plans, any county or utility may petition the department of administration for a waiver of all or portions of the requirements or time limits of sections 403.01 to 403.08. Waivers shall be granted upon a demonstration by petitioner that the requirement is economically infeasible in the sense that federal or state funding for the initial capital investment required of the county to implement a 911 system is not available.

Subd. 7. **Cellular or other nonwire provider.** (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: 1977 c 311 s 8; 1980 c 614 s 123; 1997 c 202 art 3 s 20

403.09 ENFORCEMENT.

At the request of the department of administration, the attorney general may commence proceedings in the district court against any person or public or private body to enforce the provisions of this chapter.

At the request of the public utilities commission, the attorney general may commence proceedings before the district court pursuant to section 237.27, against any public utility providing telephone service which refuses to comply with this chapter.

History: 1977 c 311 s 9; 1980 c 614 s 123; 1995 c 149 s 3

403.10 COOPERATIVE AGREEMENT.

Subdivision 1. **Authority.** In counties implementing 911 systems pursuant to sections 403.01 to 403.08, all public agencies and counties which are part of different 911 systems but share common boundary lines may enter into cooperative agreements which shall provide that once an emergency unit is dispatched in response to a request through the system, the unit shall render its services to the requesting party without regard to jurisdictional boundaries.

Subd. 2. **Notice to public safety agency.** Public safety agencies with jurisdictional responsibilities shall in all cases be notified by the public safety answering point of a request for service in their jurisdiction.

Subd. 3. **Allocating costs.** Counties, public agencies, operating public safety answering points, and other local governmental units may enter into cooperative agreements under section 471.59 for the allocation of operational and capital costs attributable to the 911 system.

History: 1977 c 311 s 10

403.11 911 SYSTEM COSTS; FEE; ACCOUNT.

Subdivision 1. **Emergency telephone service fee.** (a) Each customer of a telephone company or communications carrier that provides service capable of originating a 911 emergency telephone call is assessed a fee to cover the costs of ongoing maintenance and related improvements for trunking and central office switching equipment for minimum 911 emergency telephone service, plus administrative and staffing costs of the department of administration related to managing the 911 emergency telephone service program. Recurring charges by a public utility providing telephone service for updating the information required by section 403.07, subdivision 3, must be paid by the commissioner of administration if the utility is included in an approved 911 plan and the charges have been certified and approved under subdivision 3. The commissioner of administration shall transfer an amount equal to two cents a month from the fee assessed under this section on cellular and other nonwire ac-

cess services to the commissioner of public safety for the purpose of offsetting the costs, including administrative and staffing costs, incurred by the state patrol division of the department of public safety in handling 911 emergency calls made from cellular phones. Money remaining in the 911 emergency telephone service account after all other obligations are paid must not cancel and is carried forward to subsequent years and may be appropriated from time to time to the commissioner of administration to provide financial assistance to counties for the improvement of local emergency telephone services. The improvements may include providing access to minimum 911 service for telephone service subscribers currently without access and upgrading existing 911 service to include automatic number identification, local location identification, automatic location identification, and other improvements specified in revised county 911 plans approved by the department.

(b) The fee may not be less than eight cents nor more than 30 cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the public utilities commission for access charge purposes and including cellular and other nonwire access services. The fee must be the same for all customers.

(c) The fee must be collected by each company or carrier providing service subject to the fee. Fees are payable to and must be submitted to the commissioner of administration monthly before the 25th of each month following the month of collection, except that fees may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a month is due. Receipts must be deposited in the state treasury and credited to a 911 emergency telephone service account in the special revenue fund. The money in the account may only be used for 911 telephone services as provided in paragraph (a).

(d) The commissioner of administration, with the approval of the commissioner of finance, shall establish the amount of the fee within the limits specified and inform the companies and carriers of the amount to be collected. Companies and carriers must be given a minimum of 45 days' notice of fee changes.

(e) This subdivision does not apply to customers of a telecommunications carrier as defined in section 237.01, subdivision 6.

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 certified 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.

Subd. 3. Method of payment; certification. A public utility incurring reimbursable costs under subdivision 1 or 2 shall certify those costs to the commissioner of administration. The certification shall be in a form as prescribed by the commissioner after consultation with the public utilities commission. If the commissioner and the commission approve the certified costs as appropriate and accurate, the commissioner shall pay the certified costs from money appropriated for that purpose within 90 days following receipt by the commissioner of the certified costs. The commissioner of administration shall estimate the amount required to reimburse public utilities for the state's obligations under subdivisions 1 and 2 and the governor shall include the estimated amount in the biennial budget request.

Subd. 4. Local recurring costs. Recurring costs of telephone communications equipment and services at public safety answering points shall be borne by the local governmental unit operating the public safety answering point or allocated pursuant to section 403.10; subdivision 3. Costs attributable to local government electives for services beyond minimum 911 service not otherwise addressed under section 403.113 shall be borne by the governmental unit requesting the elective service.

History: 1977 c 311 s 11; 1978 c 680 s 1; 1980 c 614 s 123, 147; 1Sp1985 c 13 s 330; 1987 c 404 s 174; 1989 c 335 art 4 s 85; 1990 c 543 s 4; 1994 c 616 s 7, 8; 1994 c 634 art 1 s 22; 1995 c 265 art 2 s 29; 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.

Subd. 5. **Fee review.** By January 1, 1999, the commissioner of administration, in consultation with counties and 911 service users, shall review funding requirements for enhanced 911 system costs.

History: 1994 c 616 s 9; 1997 c 202 art 3 s 22-25

403.12 REPORT TO LEGISLATURE.

Subdivision 1. **Annual report.** By January 1 of each year, the department of administration shall report to the legislature the progress that has been made in the implementation of sections 403.01 to 403.12.

Subd. 2. [Repealed, 1Sp1986 c 3 art 1 s 51]

Subd. 3. [Repealed, 1Sp1986 c 3 art 1 s 51]

History: 1977 c 311 s 12; 1Sp1986 c 3 art 1 s 52

403.13 CELLULAR TELEPHONE USE.

Subdivision 1. **Cellular 911 call.** (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 subscriber.** 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 always 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: 1995 c 149 s 4; 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