

1 HB414  
2 217281-3  
3 By Representatives Oliver, Hurst, Lipscomb, Sorrells, Smith,  
4 Robertson, Wood (D), Fincher, Isbell, Dismukes, Marques and  
5 Stringer  
6 RFD: Public Safety and Homeland Security  
7 First Read: 24-FEB-22



1           "(1) AUTOMATIC NUMBER IDENTIFICATION. An enhanced  
2 911 service capability that enables the automatic display of  
3 the 10-digit telephone number used to place a 911 call. The  
4 term includes pseudo-automatic number identification, which  
5 means an enhanced 911 service capability that enables  
6 identification of the subscriber.

7           "(2) CALL or 911 CALL. Any request for public safety  
8 assistance, without regard to the media used to make that  
9 request; provided, however, that the term may appear in  
10 conjunction with specific media, including voice call, video  
11 call, text call, or data-only call, when the specific media is  
12 of importance.

13           "~~(2)~~ (3) CMRS. Commercial mobile radio service under  
14 Sections 3(27) and 332(d) of the Federal Telecommunications  
15 Act of 1996, 47 U.S.C. § 151 et seq., and Omnibus Budget  
16 Reconciliation Act of 1993, Pub. L. 103-66, Aug. 10, 1993, 107  
17 Stat. 312. The term includes the term wireless and service  
18 provider by any wireless real time two-way voice communication  
19 device, including radio-telephone communications used in  
20 cellular telephone service, personal communication service, or  
21 the functional or competitive equivalent of a radio-telephone  
22 communications line used in cellular telephone service, a  
23 personal communication service, or a network radio access  
24 line. The term does not include service whose customers do not  
25 have access to 911 or to an enhanced 911-like service, to a  
26 communications channel suitable only for data transmission, to

1 a wireless roaming service or other non-local radio access  
2 line service, or to a private telecommunications system.

3 ~~"(3)~~ (4) CMRS CONNECTION. Each mobile telephone  
4 number assigned to a CMRS subscriber with a place of primary  
5 use in Alabama.

6 ~~"(4)~~ (5) CMRS PROVIDER. A person or entity that  
7 provides CMRS.

8 ~~"(5)~~ (6) CREATING AUTHORITY. The municipal governing  
9 body of any municipality or the governing body of any county  
10 that, by passage of a resolution or ordinance, creates a  
11 district within its respective jurisdiction in accordance with  
12 this chapter.

13 ~~"(6)~~ (7) DISTRIBUTION FORMULA. The percentage of the  
14 total state population residing in a district, compared to the  
15 total state population residing in all districts statewide,  
16 based upon the latest census data or estimates compiled by or  
17 for the Alabama Department of Economic and Community Affairs.

18 ~~"(7)~~ (8) DISTRICT. A communication district created  
19 pursuant to this chapter.

20 ~~"(13) PUBLIC SAFETY AGENCY~~ (9) EMERGENCY SERVICE  
21 PROVIDER. An agency of the State of Alabama, or a ~~functional~~  
22 ~~division of a~~ political subdivision thereof, that provides  
23 fire fighting, rescue, natural or man-caused disaster, or  
24 major emergency response, public safety telecommunication and  
25 dispatch, law enforcement, ambulance, or emergency medical  
26 services. The term also includes private ambulance services.

1           "~~(8)~~ (10) ENHANCED 911, E-911, or E-911 SYSTEM. An  
2 emergency telephone system that directs 911 calls to  
3 appropriate public safety answering points by selective  
4 routing based on the geographical location from which the call  
5 originated, that provides the capability for automatic number  
6 identification, and the features that the Federal  
7 Communications Commission may require in the future. Such  
8 system may include lines, facilities, and equipment necessary  
9 for answering, transferring, and dispatching public emergency  
10 telephone calls originated by persons within the service area  
11 who dial 911, but does not include dial tone first which may  
12 be made available by the service provider based on the ability  
13 to recover the costs associated with its implementation and,  
14 to the extent required by law, consistent with tariffs with  
15 and approved by the Alabama Public Service Commission.

16           "~~(9)~~ (11) FCC ORDER. The order of the Federal  
17 Communications Commission, FCC Docket No. 94-102, adopted on  
18 June 12, 1996, and released on July 26, 1996.

19           "(12) FIRST RESPONDER. An individual who rapidly  
20 receives and responds to emergency situations to protect life  
21 and property. The term includes law enforcement officers, fire  
22 fighters, rescue squads, emergency medical service providers,  
23 public safety telecommunicators, and any other emergency  
24 management providers responding to an emergency situation.

25           "~~(10)~~ (13) OTHER ORIGINATING SERVICE PROVIDER. An  
26 entity other than a voice communication service provider that

1 delivers real-time communication between a person needing  
2 assistance and an E-911 system.

3 ~~"(11)~~ (14) PHASE II ENHANCED 911. An enhanced 911  
4 system that identifies the location of all 911 calls by  
5 longitude and latitude in conformance with accuracy  
6 requirements established by the Federal Communications  
7 Commission.

8 ~~"(12)~~ (15) PLACE OF PRIMARY USE. The street address  
9 representative of where the customer's use of the mobile  
10 telecommunications service primarily occurs, which must be:

11 "a. The residential street address or the primary  
12 business street address of the customer.

13 "b. Within the licensed service areas of the CMRS  
14 provider.

15 "(16) PUBLIC SAFETY ANSWERING POINT or PSAP. An  
16 entity responsible for receiving 911 calls and processing  
17 those calls according to a specific operational policy.

18 "(17) PUBLIC SAFETY TELECOMMUNICATOR. A person  
19 employed by a public safety answering point or emergency  
20 service provider as a public safety dispatcher or 911 operator  
21 whose duties and responsibilities include both of the  
22 following:

23 "a. Answering, receiving, transferring, and  
24 dispatching functions related to 911 calls and texts.

25 "b. Dispatching first responders to the scene of an  
26 emergency.

1           "~~(14)~~ (18) STATEWIDE 911 BOARD or 911 BOARD. The  
2 statewide 911 Board established pursuant to Section 11-98-4.1.

3           "~~(15)~~ (19) STATEWIDE 911 CHARGE. The statewide 911  
4 charge created pursuant to Section 11-98-5.

5           "~~(16)~~ (20) SUBSCRIBER. A person who purchases or  
6 subscribes to a voice communications service and is able to  
7 receive it or use it periodically over time; provided,  
8 however, that for purposes of the imposition and collection of  
9 the statewide 911 charge the term subscriber shall not include  
10 the State of Alabama, the counties within the state,  
11 incorporated municipalities of the State of Alabama, county  
12 and city school boards, independent school boards, and all  
13 educational institutions and agencies of the State of Alabama,  
14 the counties within the state, or any incorporated  
15 municipalities of the State of Alabama.

16           "~~(17)~~ (21) TECHNICAL PROPRIETARY INFORMATION.  
17 Technology descriptions, technical information, or trade  
18 secrets, including the term trade secrets as defined by the  
19 Alabama Trade Secrets Act of 1987, Chapter 27 of Title 8, and  
20 the actual or developmental costs thereof which are developed,  
21 produced, or received internally by a voice communications  
22 service provider or by its employees, directors, officers, or  
23 agents.

24           "~~(18)~~ (22) VOICE COMMUNICATIONS SERVICE. Any of the  
25 following:

26           "a. The transmission, conveyance, or routing of  
27 real-time, two-way voice communications to a point or between

1 or among points by or through any electronic, radio,  
2 satellite, cable, optical, microwave, wireline, wireless, or  
3 other medium or method, regardless of the protocol used.

4 "b. The ability to receive and terminate voice calls  
5 to and from the public switched telephone network.

6 "c. Interconnected VoIP service, as that term is  
7 defined by 47 C.F.R. § 9.3.

8 "d. Such other services to which the statewide 911  
9 charge is applied pursuant to Section 11-98-4.1(e) (8).

10 "~~(19)~~ (23) VOICE COMMUNICATIONS SERVICE PROVIDER. An  
11 entity that provides voice communications service to a  
12 subscriber in the State of Alabama.

13 "(b) The terms department, prepaid retail,  
14 transaction, prepaid wireless telephone service, and prepaid  
15 wireless consumer shall have those meanings ascribed to them  
16 in Section 11-98-5.3.

17 "§11-98-4.1.

18 "(a) There is created a statewide 911 Board. The  
19 board shall be comprised of 13 members ~~that shall reflect the~~  
20 ~~racial, gender, geographic, urban/rural, and economic~~  
21 ~~diversity of the state.~~ All appointing authorities shall  
22 coordinate their appointments ~~so that diversity of gender,~~  
23 ~~race, and geographical areas is reflective of the makeup of~~  
24 ~~this state~~ to assure the board membership is inclusive and  
25 reflects the racial, gender, geographic, urban, rural, and  
26 economic diversity of the state. The 911 Board shall be  
27 created effective July 1, 2012, and until the effective date



1 of the statewide 911 charge pursuant to Section 11-98-5, with  
2 cooperation of the CMRS Board, shall plan for the  
3 implementation of the statewide 911 charge and the  
4 distribution of the revenues as provided herein. The  
5 reasonable administrative expenses incurred by the 911 Board  
6 prior to the implementation of the statewide 911 charge may be  
7 deducted from the existing CMRS Fund. Upon the effective date  
8 of the new statewide 911 charge, the 911 Board shall replace  
9 and supersede the CMRS Board formerly created pursuant to this  
10 chapter, and the CMRS Fund shall be incorporated into, and  
11 considered part of, the 911 Fund.

12 "(b) The 13 members of the 911 Board, each of whom  
13 shall serve for a term of four years, shall be appointed by  
14 the Governor as follows:

15 "(1) Seven members recommended by the Alabama  
16 Association of 911 Districts, one from each of the seven  
17 congressional districts, with each district representative  
18 recommended selected by vote of the Alabama Association of 911  
19 Districts members from that congressional district. The  
20 initial appointments shall include the three district  
21 representatives on the CMRS Board who shall serve through  
22 March 31, 2014, and a member from the first, third, fifth, and  
23 seventh congressional districts as provided herein. Following  
24 the March 31, 2014, expiration of the terms of the district  
25 representatives drawn from the CMRS Board, the Governor shall  
26 appoint a member recommended by the Association of 911  
27 Districts from each of the second, fourth, and sixth

1 congressional districts, it being the intent of this section  
2 that each of the seven district representatives on the board  
3 be from a different congressional district, as such districts  
4 exist on May 8, 2012.

5 "(2) Two members recommended by CMRS providers  
6 licensed to do business in Alabama.

7 "(3) Two members recommended by incumbent local  
8 exchange carriers operating in Alabama, who shall not be from  
9 the same local exchange carrier.

10 "(4) Two members recommended by cable companies that  
11 provide interconnected VoIP services in Alabama, who shall not  
12 be from the same cable company.

13 "(c) For purposes of the initial board appointments,  
14 (1) five members of the board shall be appointed for a  
15 four-year term; (2) four members for a three-year term; (3)  
16 the three members of the CMRS Board who are appointed pursuant  
17 to subdivision (1) of subsection (b) to terms ending on March  
18 31, 2014; and (4) the remaining member for a two-year term.  
19 Thereafter, board members shall serve staggered terms of four  
20 years. In the event of a vacancy, the vacancy shall be filled  
21 for the balance of the unexpired term in the same manner as  
22 the original appointment. Any vacancy occurring on the 911  
23 Board, whether for an expired or unexpired term, shall be  
24 filled by appointment as soon as practicable after the vacancy  
25 occurs, whether for an expired or unexpired term.

26 "(d) For all terms expiring after June 1, 2014, the  
27 governmental entities or industry groups identified in

1 subsection (b) shall recommend at least two different persons  
2 for each board position for which they are charged with making  
3 a recommendation, with the Governor appointing a member from  
4 among such recommended candidates. For all terms expiring  
5 after July 1, 2015, appointments made by the Governor shall be  
6 subject to confirmation by the Senate as provided in this  
7 subsection. Appointments made at times when the Senate is not  
8 in session shall be effective immediately ad interim and shall  
9 serve until the Senate acts on the appointment as provided  
10 herein. Any appointment made while the Senate is not in  
11 session shall be submitted to the Senate not later than the  
12 third legislative day following the reconvening of the  
13 Legislature. In the event the Senate fails or refuses to act  
14 on the appointment, the person whose name was submitted shall  
15 continue to serve until action is taken on the appointment by  
16 the Senate.

17 "(e) The statewide 911 Board shall have the  
18 following powers and duties:

19 "(1) To develop and publish a 911 Annual Report. In  
20 fulfilling this duty, the 911 Board shall monitor trends in  
21 voice communications service technology and in enhanced 911  
22 service technology, investigate, and incorporate Geographical  
23 Information Systems (GIS) mapping and other resources into the  
24 report, and include recommended strategies for the efficient  
25 and effective delivery of enhanced 911 service. In addition,  
26 the board shall study the rates charged for 911 services and  
27 make adjustments to the rates as provided in this chapter;

1 recommend any statutory changes necessary to ensure the most  
2 efficient and effective delivery of 911 services in Alabama  
3 over both the long- and short-term; and provide a copy of its  
4 911 Annual Report to members of the boards of the districts in  
5 the state through the Alabama Association of 911 Districts.

6 "(2) To administer the 911 Fund and the monthly  
7 statewide 911 charge authorized by Section 11-98-5.

8 "(3) To distribute revenue in the 911 Fund in  
9 accordance with this chapter.

10 "(4) To establish policies and procedures, adopted  
11 in accordance with the Alabama Administrative Procedure Act,  
12 to fund advisory services, grants, and training for districts  
13 and to provide funds in accordance with these policies and  
14 procedures to the extent funds are available.

15 "(5) To make and enter into contracts and agreements  
16 necessary or incidental to the performance of its powers and  
17 duties under this chapter and to use revenue available to the  
18 911 Board under Section 11-98-5 for administrative expenses to  
19 pay its obligations under the contracts and agreements.

20 "(6) To accept gifts, grants, or other money for the  
21 911 Fund.

22 "(7) To undertake its duties in a manner that is  
23 competitively and technologically neutral as to all voice  
24 communications service providers.

25 "(8) To administer the deployment and operation of a  
26 statewide 911 voice and data system that utilizes emerging  
27 communication technologies that are capable of connecting to a

1 911 system and delivering 911 and emergency information to  
2 districts. The board shall use its available revenue to pay  
3 obligations under the contracts and agreements for a statewide  
4 911 voice and data system.

5 "(9) To establish a certification program to train  
6 and certify public safety telecommunicators, including  
7 establishing minimum core competency topics and minimum number  
8 of training hours, deciding whether a written examination is  
9 required, and any necessary certification requirements.

10 "(10) To establish penalties, including suspension  
11 or revocation of certification, for violations of board rules.

12 ~~"(9)~~ (11) To adopt rules in accordance with the  
13 Administrative Procedure Act to implement this chapter; to  
14 establish the statewide 911 charge; and, in response to  
15 technological changes, apply, collect, and remit the statewide  
16 911 charge, without duplication, to the active service  
17 connections of other originating service providers that are  
18 technically capable of accessing a 911 system, subject to the  
19 provisions applicable to voice communications service  
20 providers under this chapter.

21 ~~"(10)~~ (12) To take other necessary and proper action  
22 to implement this chapter.

23 "§11-98-11.

24 "(a) The ~~emergency telephone~~ enhanced 911 system  
25 shall be designed to have the capability of utilizing at least  
26 one of the following ~~four~~ methods in response to emergency  
27 calls:

1           "(1) Direct dispatch method, which is a ~~telephone~~  
2 service to a centralized dispatch center providing for the  
3 dispatch of an appropriate emergency service unit upon receipt  
4 of a ~~telephone~~ request for ~~such~~ services and a decision as to  
5 the proper action to be taken.

6           "(2) Relay method, which is a ~~telephone~~ service  
7 whereby pertinent information is noted by the recipient of a  
8 ~~telephone~~ request for emergency services, and is relayed to  
9 the appropriate public safety agencies emergency service  
10 providers or other providers of emergency services for  
11 dispatch of an emergency service unit.

12           "(3) Transfer method, which is a ~~telephone~~ service  
13 which receives ~~telephone~~ requests for emergency services and  
14 directly transfers ~~such~~ the requests to an appropriate ~~public~~  
15 ~~safety agency~~ emergency service provider or other provider of  
16 emergency services.

17           "(4) Referral method, which is a ~~telephone~~ service  
18 which, upon the receipt of a ~~telephone~~ request for emergency  
19 services, provides the requesting party with the telephone  
20 number or other contact information of the appropriate ~~public~~  
21 ~~safety agency~~ emergency service provider or other provider of  
22 emergency services.

23           "(b) (1) The board of commissioners of ~~the~~ each  
24 district shall select the method which it determines to be the  
25 most feasible for the county or municipality.

26           "(2) In addition to the method selected under  
27 subdivision (1), the board of commissioners of each district

1 shall select one or more reasonable alternative methods to  
2 respond to emergency calls in the district in the event the  
3 primary method under subdivision (1) fails or is otherwise  
4 rendered temporarily unavailable. The reasonable alternative  
5 method authorized under this subdivision may include a method  
6 not specifically enumerated under subsection (a).

7 "(c) Notwithstanding any other law to the contrary,  
8 regardless of the method of response selected by the board of  
9 commissioners pursuant to subsection (b), the 911 operator at  
10 a Public Safety Answering Point (PSAP) who answers an  
11 emergency call of 911 shall remain on the call with the person  
12 until the PSAP has connected the person with the appropriate  
13 provider of emergency services."

14 "(d) Nothing in this chapter shall expand the  
15 obligations of any CMRS, voice communications, or other  
16 originating service provider to transmit, convey, or route a  
17 voice call, video call, text call, data-only call, or any  
18 other request for assistance to an emergency service provider  
19 beyond the requirements set forth under federal law and valid  
20 regulations of the Federal Communications Commission."

21 Section 2. (a) Beginning on the effective date of  
22 this act, a person may not perform the duties of a public  
23 safety telecommunicator, as defined in Section 11-98-1, Code  
24 of Alabama 1975, unless the person is certified by the  
25 statewide 911 Board.

1           (b) In order for an individual to be certified as a  
2 public safety telecommunicator, the individual shall do all of  
3 the following:

4           (1) Complete the minimum basic training requirements  
5 established by the board pursuant to Section 11-98-4.1, Code  
6 of Alabama 1975.

7           (2) Submit a certificate of completion of the  
8 approved training program to the board.

9           (3) On an annual basis, complete a minimum number of  
10 hours of continuing education, and submit of proof thereof to  
11 the board.

12           (4) Any other requirement set by the board by rule.

13           (c) The requirements of subdivisions (b)(1) and  
14 (b)(2) do not apply to a person who performs the duties of a  
15 public safety telecommunicator as of June 30, 2022.

16           Section 3. This act shall become effective on the  
17 first day of the third month following its passage and  
18 approval by the Governor, or its otherwise becoming law.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Public Safety  
and Homeland Security..... 24-FEB-22

Read for the second time and placed  
on the calendar..... 02-MAR-22

Read for the third time and passed  
as amended..... 15-MAR-22

Yeas 101, Nays 0, Abstains 0

Jeff Woodard  
Clerk