

1 HB414
2 217281-2
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

8 SYNOPSIS: This bill would authorize the statewide 911
9 Board to certify public safety telecommunicators
10 and dispatchers and would require individuals to
11 receive the certification prior to providing public
12 safety telecommunication services.

13 Existing law provides for the methods of
14 response to emergency calls when a person dials
15 911.

16 This bill would require the 911 operator at
17 a Public Safety Answering Point (PSAP) who answers
18 an emergency call to remain on the call with the
19 person until the PSAP has connected the person with
20 the appropriate provider of emergency services, and
21 would specify that emergency calls requests include
22 any request for public safety assistance,
23 regardless of the media used to make the request.

24 This bill would also require the board of
25 commissioners of each communications district to
26 select a reasonable alternative method for use in
27 the district in the event the primary method of

1 responding to emergency calls fails or is otherwise
2 rendered temporarily unavailable.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT

7
8 Relating to the statewide 911 Board; to amend
9 Sections 11-98-1, 11-98-4.1, and 11-98-11, Code of Alabama
10 1975, to authorize the board to provide for the certification
11 of public safety telecommunicators; to require a public safety
12 telecommunicator at a Public Safety Answering Point (PSAP) to
13 remain on an emergency call until the person is connected with
14 the appropriate provider of emergency services; to require a
15 communications district to provide a reasonable alternative
16 method for responding to emergency calls; and to provide
17 certification requirements for public safety
18 telecommunicators.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Sections 11-98-1, 11-98-4.1, and
21 11-98-11, Code of Alabama 1975, are amended to read as
22 follows:

23 "§11-98-1.

24 "(a) As used in this chapter, the following words
25 and terms have the following meanings, unless the context
26 clearly indicates otherwise:

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

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

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

25 (2) Submit a certificate of completion of the
26 approved training program to the board.

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

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

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

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